



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART II

#### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

##### *Licensing and regulation of taxis and private hire cars*

#### **10 Taxi and private hire car licences**

- (1) A licence, to be known as a " taxi licence " or, as the case may be, a " private hire car licence ", shall be required for the operation of a vehicle as—
  - (a) a taxi; or
  - (b) a private hire car.
- (2) A licensing authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be, and is safe for that use, and that there is in force in relation to the vehicle such a policy of insurance or such security as complies with Part VI of the Road Traffic Act 1972.
- (3) Without prejudice to paragraph 5 of Schedule 1 to this Act, a licensing authority shall refuse an application to grant a taxi licence if, in their opinion, granting it would have an adverse effect on the general availability to the public in their area of the services of taxis or the cost of providing these services.
- (4) A vehicle shall, for the purposes of subsection (2) above, be treated by a licensing authority as being suitable in type, size and design if it complies with regulations in that regard made by the Secretary of State under section 20(2) of this Act in respect of their area.
- (5) A taxi licence or private hire car licence shall extend to the operation of a vehicle substituted for the vehicle in respect of which the licence was granted or, as the case may be, last renewed if the licensing authority are as respects the substitute vehicle satisfied as to the matters specified in subsection (2) above, and where a taxi licence or private hire car licence extends under this subsection to a substitute vehicle,

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subsection (6) below shall not apply in respect of the vehicle replaced by the substitute vehicle.

- (6) Subject to subsection (5) above, the holder of a taxi or private hire car licence shall within 28 days of his selling or otherwise disposing of the vehicle to which the licence relates deliver to the licensing authority his licence and any licence plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi or, as the case may be, private hire car, and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50.

## **11 Inspection and testing of vehicles**

- (1) The holder of a taxi or private hire car licence shall present the taxi or private hire car for inspection and testing by or on behalf of the licensing authority within such period and at such place as they may by notice reasonably require.
- (2) An authorised officer of a licensing authority (as respects a taxi or private hire car licensed for the area of the authority) or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness, a licensed taxi or private hire car or, for the purpose of testing its fitness or accuracy, any taximeter and if he is not satisfied as to the safety of the taxi or private hire car for the carriage of passengers or as to the fitness or accuracy of the taximeter he may by notice in writing—
- (a) require the holder of the taxi or private hire car licence to make the taxi, private hire car or taximeter, as the case may be, available for further inspection at such reasonable time and place as may be specified in the notice;
  - (b) suspend the licence until such time as an authorised officer by the licensing authority or a constable is so satisfied:

Provided that, if an authorised officer or constable is not so satisfied before the expiration of a period of 28 days from the date of the suspension of the licence, the said licence shall, by virtue of this subsection, be deemed to have been suspended by the licensing authority under paragraph 11 of Schedule 1 to this Act.

## **12 Fees for taxi and private hire car licences**

A licensing authority shall charge such fees in respect of taxi and private hire car licences and applications for such licences as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions under sections 10 to 23 (other than section 19) of this Act in relation to such licences.

## **13 Taxi and private hire car driving licences**

- (1) A licence, to be known as a " taxi driver's licence " or, as the case may be, a " private hire car driver's licence ", shall, subject to subsection (2) below, be required for driving or otherwise having charge of a taxi or private hire car.
- (2) A private hire car driver's licence shall not be required by the holder of a taxi driver's licence for driving or otherwise having charge of a private hire car whilst in operation as such.

- (3) A licensing authority shall not grant a licence to any person under this section unless that person has held, during any continuous period of 12 months prior to the date of his application, a licence authorising him to drive a motor car issued under Part III of the Road Traffic Act 1972 or a licence which would at the time of his application entitle him to such a licence without taking a test, not being a provisional licence.
- (4) A licensing authority may, at any time, for the purposes of satisfying themselves that he is physically fit to drive a taxi or, as the case may be, private hire car, require an applicant for or holder of a taxi driver's licence or private hire car driver's licence to submit to medical examination, at their expense, by a medical practitioner nominated by them.
- (5) A licensing authority may require an applicant for a taxi driver's licence to take a test of his knowledge of the area to which the licence is to relate, of the layout of roads in that area and such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that he has adequate knowledge of any of these matters.
- (6) If a person holding a licence under this section ceases for any reason to be authorised by law to drive on a road (within the meaning of the Road Traffic Act 1972) the vehicle to which the licence relates, the licence shall cease to have effect.

#### **14 Signs on vehicles other than taxis**

- (1) Subject to subsection (2) below, there shall not be displayed on or in a private hire car any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.
- (2) Subsection (1) above does not apply in relation to any licence plate or other thing issued by the licensing authority for the purpose of indicating that the vehicle to which it relates is a private hire car or in relation to any sign required by virtue of section 21 of the Vehicles (Excise) Act 1971.
- (3) Any person who—
  - (a) drives a vehicle in respect of which subsection (1) is contravened; or
  - (b) causes or knowingly permits that subsection to be contravened in respect of any vehicle,shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.

#### **15 Operation of taxis outside licensing areas**

- (1) A licensing authority, with the agreement of another licensing authority, may name destinations or classes of destinations in the area of the other authority and, with the agreement aforesaid, fix scales under section 17 of this Act for journeys from their area by taxis licensed by them to such destinations or classes thereof.
- (2) The conditions to which a taxi or taxi driver's licence are subject shall continue to apply while the taxi or its driver is engaged in such a journey.
- (3) Nothing in this section or in Part I of this Act enables a condition to be imposed in a taxi driver's licence requiring him to make any journey to a destination outside the area in respect of which he is licensed.

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## 16 Journeys in England and Wales by vehicles and drivers licensed under this Act

In section 75 of the Local Government (Miscellaneous Provisions) Act 1976 (saving for certain vehicles from requirements of Part II of that Act as to private hire vehicles), after subsection (2) there shall be inserted—

“(2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if—

- (a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force, and
- (b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.

In this subsection, ' private hire car' and ' taxi' have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.”.

## 17 Taxi fares

- (1) The fares for the hire of taxis in any area and all other charges in connection with the hire of a taxi or with the arrangements for its hire shall be not greater than those fixed for that area under this section and section 18 of this Act.
- (2) It shall be the duty of the licensing authority to fix from time to time scales for the fares and other charges mentioned in subsection (1) above and to review these scales at intervals not exceeding 18 months from the date on which the scales came into effect (whether proceeding upon a review under this section or not).
- (3) Before fixing any scales or carrying out any review under this section the licensing authority shall—
  - (a) consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating within their area; and
  - (b) give notice of their intention by advertisement in a newspaper circulating in their area stating—
    - (i) the general effect of the proposals and the date when they propose that their decision will take effect; and
    - (ii) that any person may lodge representations in writing with respect to the proposals within a period of one month after the date of the first publication of the notice ; and
  - (c) consider any such representations duly lodged with them.
- (4) Where, under this section, the licensing authority fix any scale or carry out any review they shall forthwith give notice in writing of their decision (including, in the case of a review, a decision to do nothing) to such persons and organisations as they have consulted under subsection (3)(a) above and inform them of the general effect of section 18(1) of this Act.
- (5) Notice shall be given for the purposes of subsection (4) above by—
  - (a) its being sent by recorded delivery letter to the last known addresses of the persons and organisations referred to in subsection (4) above so as to arrive there, in the normal course of post, not later than five days after the decision referred to in subsection (4) above; or

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- (b) personal service of the notice upon those persons within that time.

## **18 Appeals in respect of taxi fares**

- (1) Any person who operates a taxi in an area for which scales have been fixed or in respect of which a review has been carried out under section 17 of this Act may, within 14 days after the decision upon the scales or, as the case may be, upon the review, appeal against these scales to the traffic commissioners for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981.
- (2) The traffic commissioners may hear an appeal under this section notwithstanding that it was not lodged with them within the time mentioned in subsection (1) above.
- (3) On an appeal to them under subsection (1) above, the traffic commissioners may—
  - (a) confirm or alter the scales ; or
  - (b) may decline to proceed—
    - (i) at any stage in the appeal, on the grounds that they consider the case for the appellant is not representative of the view of a substantial proportion of the operators of taxis operating in the area of the licensing authority;
    - (ii) if less than two years have elapsed since they decided an appeal against a decision of the same authority in respect of the same scale, and they consider it inappropriate that they should consider the matter again.
- (4) An appeal under this section shall have the effect of suspending the decision referred to in subsection (1) above until the date when the appeal is abandoned or, as the case may be, when notice is given to the appellant advising him of its disposal.
- (5) Where they alter scales under subsection (3) (a) above, the traffic commissioners may substitute a different date for the coming into effect of these scales.
- (6) The Secretary of State may make rules as to procedure in relation to appeals under this section.
- (7) The decision of the traffic commissioners on an appeal under this section shall be final.
- (8) The traffic commissioners shall give notice of their decision in writing to the appellant and to the licensing authority and notice shall be given to the appellant by—
  - (a) its being sent by recorded delivery letter to his last known address or, as the case may be, to them so as to arrive, in the normal course of post, not later than five days after their decision ; or
  - (b) personal service of the notice on the appellant within that time.
- (9) As soon as practicable after the expiration of the period of 14 days referred to in subsection (1) above or, where an appeal has been lodged, on the date when it is abandoned or when notice is given to the appellant of its disposal, the licensing authority shall, by advertisement in a newspaper circulating in their area, give public notice of the scales which have been determined under section 17 of this Act and this section and the date when they come into effect which shall be not earlier than seven days after the date of the advertisement.
- (10) A licensing authority shall pay the expenses incurred under this section by the traffic commissioners in relation to appeals under this section.

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- (11) In Part II of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under the supervision of the Scottish Committee of the Council on Tribunals) there shall be inserted at the end the following entry—
- “Taxi fares—48. The traffic commissioners for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981 in respect of their functions under section 18 of the Civic Government (Scotland) Act 1982.”

## **19 Taxi stances**

- (1) A licensing authority may, after consultation with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating in their area, appoint stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority, or, with the consent of the owner, on any land owned by him.
- (2) A licensing authority may—
- (a) erect and illuminate signs ;
  - (b) cause lines or marks to be made on roads ;
- indicating the limits of taxi stances.
- (3) A licensing authority may from time to time, after consultation as mentioned in subsection (1) above, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.
- (4) Before appointing any stance for taxis or varying the number of taxis permitted to be at each stance, the licensing authority shall give notice to the chief constable of the area in which the stance is situated and shall also give public notice of the proposal by advertisement in at least one newspaper circulating in their area and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within 28 days of the first publication of such notice.
- (5) Nothing in this section shall empower a licensing authority to appoint any taxi stance so as unreasonably to prevent access to any premises or, without the consent of the highway authority (within the meaning of the Roads (Scotland) Act 1970), to appoint any taxi stance on any highway or erect or illuminate any sign there or cause any line or mark to be made on any road being a highway.

## **20 Regulations relating to taxis and private hire cars and their drivers**

- (1) Notwithstanding paragraph 5(2) of Schedule 1 to this Act, the Secretary of State may by regulations provide that licensing authorities shall, in relation to taxi, private hire car, taxi drivers' or private hire car drivers' licences, impose such conditions or classes of conditions as may be prescribed in the regulations and shall not impose such other conditions or classes of conditions as may be so prescribed.
- (2) The Secretary of State may by regulations made by statutory instrument prescribe types, sizes and designs of vehicles for the purposes of section 10(4) of this Act and, in doing so, may prescribe different types, sizes or designs of vehicles in respect of different areas.
- (3) Regulations under subsection (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## 21 Offences

- (1) If any person—
  - (a) operates, or permits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, or
  - (b) picks up passengers in, or permits passengers to be picked up by, a private hire car within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed,that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.
- (2) Subsection (1) above does not apply to the operation of a taxi or private hire car within an area in respect of which its operation or its driver is not licensed if the request for its hiring was received by its driver whilst—
  - (a) in the area or in that part thereof in respect of which its operation and its driver are licensed ;
  - (b) engaged on hire on a journey which began in that area or part or will end there ; or
  - (c) returning to that area or part immediately following completion of a journey on hire.
- (3) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force—
  - (i) in respect of the vehicle, a licence under section 37 of the Town Police Clauses Act 1847 (licensing of hackney carriages) or section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of private hire vehicles); and
  - (ii) in respect of its driver, a licence under section 46 of the said Act of 1847 (licensing of hackney carriage drivers) or, as the case may be, section 51 of the said Act of 1976 (licensing of drivers of private hire vehicles).
- (4) If any person, being the holder of a taxi licence or private hire car licence in respect of a vehicle, permits another person who does not have a current taxi driver's licence or private hire car driver's licence, as the case may be, to operate the vehicle as a taxi or, as the case may be, a private hire car he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.
- (5) If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding £500.
- (6) If any person without good cause breaks the seal on a taximeter or operates or drives a taxi or private hire car knowing that the seal on its meter has been broken, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500 or to imprisonment for a period not exceeding 60 days or to both.
- (7) If any person, without reasonable excuse, causes or permits any vehicle other than a taxi to wait on any stance for taxis during any period for which that stance has been appointed by a licensing authority under section 19 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50.

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- (8) Notice of the effect of subsection (7) above shall be indicated by such traffic signs as may be prescribed as authorised for the purpose by the Secretary of State in pursuance of his powers under section 54 of the Road Traffic Regulation Act 1967.

## **22 Saving for certain vehicles etc.**

Nothing in sections 10 to 21 (with the exception of subsection (7) of section 21) of this Act shall—

- (a) apply to a vehicle used for bringing passengers or goods within and taking them out of an area in respect of which the vehicle is not licensed as a taxi or a private hire car in pursuance of a contract for the hire of the vehicle made outside the area if the vehicle is not made available for hire within the area;
- (b) apply to a vehicle while it is being used in connection with a funeral or wedding ;
- (c) apply to any vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours.

## **23 Interpretation of sections 10 to 22**

- (1) In sections 10 to 22 of this Act—

" taxi " means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then ; and

" private hire car " means a hire car other than a taxi within the meaning of this subsection.

- (2) In subsection (1) above, " hire car " means a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981) which is, with a view to profit, available for hire by the public for personal conveyance.
- (3) Notwithstanding that a vehicle in respect of which there is a licence for its operation as a taxi is, on any occasion, engaged as a hire car otherwise than in the manner referred to in subsection (1) above, the enactments relating to its operation as a taxi, and to the driving of it as such (including any such enactments in this Act) shall nonetheless apply in relation to it; and that other manner of engagement on that occasion shall not of itself cause the operation or driving of the licensed taxi to be regarded for the purposes of this Act as the operation or driving of a private hire car within the meaning of subsection (1) above.