



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 ^{M1}Road Traffic Act 1972.
- [^{F1}(3) Without prejudice to paragraph 5 of Schedule 1 to this Act, the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.]
- [^{F2}(3A) Without prejudice to paragraph 5 of Schedule 1, the grant of a private hire car licence may be refused by a licensing authority if, but only if, they are satisfied that there is (or, as a result of granting the licence, would be) overprovision of private hire car services in the locality (or localities) in their area in which the private hire car is to operate.
- (3B) It is for the licensing authority to determine the localities within their area for the purposes of subsection (3A) and in doing so the authority may determine that the whole of their area is a locality.

Changes to legislation: Civic Government (Scotland) Act 1982, Section 10 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3C) In satisfying themselves as to whether there is or would be overprovision for the purposes of subsection (3A) in any locality, the licensing authority must have regard to—
- (a) the number of private hire cars operating in the locality, and
 - (b) the demand for private hire car services in the locality.]
- (4) A vehicle shall, for the purposes of subsection (2) above, be treated by a licensing authority [^{F3}—
- (a)] 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^{F4}; and
 - (b) as not being so suitable if it does not so comply.]
- (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, 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 [^{F5}level 2 on the standard scale].

Textual Amendments

- F1** S. 10(3) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 23(5)**
- F2** S. 10(3A)-(3C) inserted (1.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 63, 88(2)**; [S.S.I. 2016/307](#), art. 2, sch.
- F3** Words in s. 10(4) renumbered as s. 10(4)(a) (5.2.2003) by [Disability Discrimination Act 1995 \(c. 50\)](#), **ss. 39(2)(a), 70(3)** (with [ss. 59, 64, 65](#)); [S.I. 2003/215](#), art. 2
- F4** S. 10(4)(b) and word added (5.2.2003) by [Disability Discrimination Act 1995 \(c. 50\)](#), **ss. 39(2)(b), 70(3)** (with [ss. 59, 64, 65](#)); [S.I. 2003/215](#), art. 2
- F5** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

Marginal Citations

- M1** 1972 c. 20.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)