



# Private Hire Vehicles (London) Act 1998

## 1998 CHAPTER 34

### *Miscellaneous and supplementary*

#### **32 Regulations**

- (1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Act or for prescribing anything which falls to be prescribed under any provision of this Act.
- (2) Regulations under this Act may—
  - (a) make different provision for different cases;
  - (b) provide for exemptions from any provision of the regulations; and
  - (c) contain incidental, consequential, transitional and supplemental provision.
- (3) Any power to make regulations conferred by this Act is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **33 Offences due to fault of other person**

- (1) Where an offence by any person under this Act is due to the act or default of another person, then (whether proceedings are taken against the first mentioned person or not) that other person is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate (or any person purporting to act in that capacity), he as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

#### **34 Service of notices**

- (1) Any notice authorised or required under this Act to be given to any person may be served by post.

- (2) For the purposes of section 7 of the Interpretation Act 1978 any such notice is properly addressed to a London PHV operator if it is addressed to him at any operating centre of his in London.
- (3) Any notice authorised or required under this Act to be given to the owner of a vehicle shall be deemed to have been effectively given if it is given to the person who is for the time being notified to the Secretary of State for the purposes of this Act as the owner of the vehicle (or, if more than one person is currently notified as the owner, if it is given to any of them).

### **35 References to the owner of a vehicle**

- (1) For the purposes of this Act the owner of a vehicle shall be taken to be the person by whom it is kept.
- (2) In determining, in the course of any proceedings for an offence under this Act, who was the owner of a vehicle at any time it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.
- (3) Notwithstanding that presumption—
  - (a) it is open to the defence to show that the person who was the registered keeper of a vehicle at any particular time was not the person by whom the vehicle was kept at that time; and
  - (b) it is open to the prosecution to prove that the vehicle was kept at that time by some person other than the registered keeper.
- (4) In this section “registered keeper”, in relation to a vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994.

### **36 Interpretation**

In this Act, unless the context otherwise requires—

“authorised officer” means an officer authorised in writing by the Secretary of State for the purposes of this Act;

“controlled district” means an area for which Part II of the 1976 Act is in force by virtue of a resolution passed by a district council under section 45 of that Act;

“driver’s badge” means the badge issued to the holder of a London PHV driver’s licence;

“hackney carriage” means a vehicle licensed under section 37 of the Town Police Clauses Act 1847 or any similar enactment;

“licensed taxi” means a hackney carriage, a London cab or a taxi licensed under Part II of the 1982 Act;

“London” means the area consisting of the metropolitan police district and the City of London (including the Temples);

“London cab” means a vehicle licensed under section 6 of the Metropolitan Public Carriage Act 1869;

“London PHV driver’s licence” means a licence under section 13;

“London PHV licence” means a licence under section 7;

“London PHV operator” has the meaning given in section 4(1);

“London PHV operator’s licence” means a licence under section 2;

“notice” means notice in writing;  
“operating centre” has the meaning given in section 1(5);  
“operator” has the meaning given in section 1(1);  
“prescribed” means prescribed in regulations under section 32(1);  
“private hire vehicle” has the meaning given in section 1(1);  
“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981;  
“road” means any length of highway or of any other road to which the public has access (including bridges over which a road passes);  
“the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976;  
“the 1982 Act” means the Civic Government (Scotland) Act 1982; and  
“vehicle” means a mechanically propelled vehicle (other than a tramcar) intended or adapted for use on roads.

### **37 Power to make transitional etc. provisions**

- (1) The Secretary of State may by regulations make such transitional provisions and such savings as he considers necessary or expedient in preparation for, in connection with, or in consequence of—
  - (a) the coming into force of any provision of this Act; or
  - (b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section may modify any enactment contained in this or in any other Act.

### **38 Financial provisions**

- (1) There shall be paid out of money provided by Parliament any expenditure incurred by the Secretary of State which is attributable to this Act.
- (2) Any fees received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

### **39 Consequential amendments and repeals**

- (1) Schedule 1 (minor and consequential amendments) shall have effect.
- (2) The enactments mentioned in Schedule 2 are repealed to the extent specified.

### **40 Short title, commencement and extent**

- (1) This Act may be cited as the Private Hire Vehicles (London) Act 1998.
- (2) This Act (apart from this section) shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint; but different dates may be appointed for different purposes.

An order under this subsection may contain any provision which could be made under section 37 in connection with any provision brought into force by the order.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Any provision of this Act which amends or repeals any other Act has the same extent as the provision being amended or repealed.
- (4) Subject to subsection (3), this Act extends only to England and Wales.