



Private Hire Vehicles (London) Act 1998

1998 CHAPTER 34

Regulation of private hire vehicle operators in London

2 Requirement for London operator's licence

- (1) No person shall in London make provision for the invitation or acceptance of, or accept, private hire bookings unless he is the holder of a private hire vehicle operator's licence for London (in this Act referred to as a "London PHV operator's licence").
- (2) A person who makes provision for the invitation or acceptance of private hire bookings, or who accepts such a booking, in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

3 London operator's licences

- (1) Any person may apply to the Secretary of State for a London PHV operator's licence.
- (2) An application under this section shall state the address of any premises in London which the applicant proposes to use as an operating centre.
- (3) The Secretary of State shall grant a London PHV operator's licence to the applicant if he is satisfied that—
 - (a) the applicant is a fit and proper person to hold a London PHV operator's licence; and
 - (b) any further requirements that may be prescribed (which may include requirements relating to operating centres) are met.
- (4) A London PHV operator's licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Secretary of State may think fit.
- (5) A London PHV operator's licence shall be granted for five years or such shorter period as the Secretary of State may consider appropriate in the circumstances of the case.
- (6) A London PHV operator's licence shall—

Status: This is the original version (as it was originally enacted).

- (a) specify the address of any premises in London which the holder of the licence may use as an operating centre;
 - (b) be in such form and contain such particulars as the Secretary of State may think fit.
- (7) An applicant for a London PHV operator's licence may appeal to a magistrates' court against—
- (a) a decision not to grant such a licence;
 - (b) a decision not to specify an address proposed in the application as an operating centre; or
 - (c) any condition (other than a prescribed condition) to which the licence is subject.

4 Obligations of London operators

- (1) The holder of a London PHV operator's licence (in this Act referred to as a "London PHV operator") shall not in London accept a private hire booking other than at an operating centre specified in his licence.
- (2) A London PHV operator shall secure that any vehicle which is provided by him for carrying out a private hire booking accepted by him in London is—
- (a) a vehicle for which a London PHV licence is in force driven by a person holding a London PHV driver's licence; or
 - (b) a London cab driven by a person holding a London cab driver's licence.
- (3) A London PHV operator shall—
- (a) display a copy of his licence at each operating centre specified in the licence;
 - (b) keep at each specified operating centre a record in the prescribed form of the private hire bookings accepted by him there;
 - (c) before the commencement of each journey booked at a specified operating centre, enter in the record kept under paragraph (b) the prescribed particulars of the booking;
 - (d) keep at each specified operating centre such records as may be prescribed of particulars of the private hire vehicles and drivers which are available to him for carrying out bookings accepted by him at that centre;
 - (e) at the request of a constable or authorised officer, produce for inspection any record required by this section to be kept.
- (4) If a London PHV operator ceases to use an operating centre specified in his licence he shall preserve any record he was required by this section to keep there for such period as may be prescribed.
- (5) A London PHV operator who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) It is a defence in proceedings for an offence under this section for an operator to show that he exercised all due diligence to avoid committing such an offence.

5 Hirings accepted on behalf of another operator

- (1) A London PHV operator (“the first operator”) who has in London accepted a private hire booking may not arrange for another operator to provide a vehicle to carry out that booking as sub-contractor unless—
 - (a) the other operator is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London;
 - (b) the other operator is licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (in this Act referred to as “the 1976 Act”) by the council of a district and the sub-contracted booking is accepted in that district; or
 - (c) the other operator accepts the sub-contracted booking in Scotland.
- (2) A London PHV operator who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) It is a defence in proceedings for an offence under this section for an operator to show that he exercised all due diligence to avoid committing such an offence.
- (4) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the first operator and the person who made the booking.
- (5) For the avoidance of doubt (and subject to any relevant contract terms), a contract of hire between a person who made a private hire booking at an operating centre in London and the London PHV operator who accepted the booking remains in force despite the making of arrangements by that operator for another contractor to provide a vehicle to carry out that booking as sub-contractor.