

ROAD SAFETY ACT 2006

EXPLANATORY NOTES

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

Section 52: Immediate suspension and revocation of drivers' licences

192. This section affects taxi and private hire vehicle (PHV - minicab) drivers in England and Wales (outside London, and not in Plymouth).
193. Taxi and PHV drivers must be licensed by the relevant local authority in order to carry out taxi or PHV work. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 gives the licensing authority the power to suspend or revoke a taxi or PHV driver's licence, but, by virtue of section 77 of that Act, the driver may continue to drive a taxi or PHV (as the case may be) until the time period for appealing to the courts against the authority's decision has expired, or, if an appeal is lodged, until the appeal has been determined.
194. This section amends sections 61 and 77 of the 1976 Act to provide licensing authorities with a power to suspend or revoke a taxi or PHV driver's licence with immediate effect in cases where it appears to them that the interests of public safety require such a course of action. If a driver's licence is suspended or revoked with immediate effect, the driver may no longer drive a taxi or PHV from the time when he is given notice of the suspension or revocation.

Section 53: Abolition of "contract exemption"

195. This section affects vehicles which provide a private hire service in England and Wales (outside London, and not in Plymouth) and which are currently exempt from licensing by virtue of section 75(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.
196. [Section 75\(1\)\(b\)](#) exempts from licensing any vehicle which is used only for carrying passengers for hire and reward under a contract for the hire of the vehicle for a period of not less than seven days. Accordingly, the driver of the vehicle and the operator (who arranges the hirings) are also exempt.
197. This section repeals section 75(1)(b) of the 1976 Act. Unless other exemptions apply, vehicles which fall within the definition of "private hire vehicle" in section 80 of the 1976 Act will have to be licensed regardless of whether they are used for one-off hirings or hired on a 'longer-term' contract basis.

Section 54: Private hire vehicles in London

198. This clause amends the definition of "private hire vehicles" in section 1(1)(a) of the Private Hire Vehicles (London) Act 1998 by removing the words "to the public" from that definition. The effect is to bring within the private hire vehicle licensing regime in London those operators and drivers who are currently providing a private hire service to an identified group or organisation (but not the public at large) and who at present do not require licences.