



Metropolitan Public Carriage Act 1869

1869 CHAPTER 115 32 and 33 Vict

Licensing Drivers of Hackney and Stage Carriages

[^{F1}8A Drivers' licences for persons subject to immigration control

- (1) Subsection (2) applies if—
 - (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
 - (b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
 - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) Transport for London must grant the licence for a period which ends at or before the end of the leave period.
- (3) Subsection (4) applies if—
 - (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
 - (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) Transport for London must grant the licence for a period that does not exceed six months.
- (5) A licence under section 8 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a hackney carriage.
- (6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return to Transport for London—
 - (a) the licence,
 - (b) the person's copy of the licence (if any), and

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- (c) the person's driver's badge.
- (7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return to Transport for London—
- (a) the licence,
 - (b) the person's copy of the licence (if any), and
 - (c) the person's driver's badge.
- (8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence and liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale, and
 - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
- (10) Regulations under subsection (9) may make transitional, transitory or saving provision.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (12) For the purposes of this section a person is disqualified by reason of the person's immigration status from driving a hackney carriage if the person is subject to immigration control and—
- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
 - (b) the person's leave to enter or remain in the United Kingdom—
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing the person from driving a hackney carriage.
- (13) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—
- (a) the person is to be treated for the purposes of this section as if the person had been granted leave to enter the United Kingdom, but
 - (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
- (14) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.]

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Textual Amendments

- F1** S. 8A inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 5 para. 4** (with [Sch. 5 para. 54](#)); [S.I. 2016/1037](#), reg. 5(i) (with reg. 6)

Changes to legislation:

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