

2003 No. 655

**METROPOLITAN AND CITY POLICE DISTRICTS
PRIVATE HIRE VEHICLES**

**The Private Hire Vehicles (London) (Transitional and
Saving Provisions) Regulations 2003**

Made - - - - - *10th March 2003*

Laid before Parliament *11th March 2003*

Coming into force - - *1st April 2003*

The Secretary of State for Transport, in exercise of the powers conferred by section 37 of the Private Hire Vehicles (London) Act 1998(a) and of all other powers enabling him in that behalf, and after consultation with Transport for London in accordance with section 37(3) of that Act, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Private Hire Vehicles (London) (Transitional and Saving Provisions) Regulations 2003 and shall come into force on 1st April 2003.

Interpretation

2. In these Regulations—
- “the 1998 Act” means the Private Hire Vehicles (London) Act 1998;
 - “application deadline” in relation to an existing driver means the date specified under regulation 4(1) as the application deadline for that driver;
 - “existing driver” means an individual who is registered with Transport for London as an existing driver in accordance with article 3(1);
 - “the first appointed day” means 1st April 2003;
 - “the second appointed day” means 1st June 2003; and
 - “temporary permit” means a temporary permit issued under regulation 5(1).

Registration of existing drivers

3.—(1) Subject to the provisions of this regulation, an individual who has been the driver of a vehicle used as a private hire vehicle on roads in London under a booking which was—

- (a) made through a London PHV operator (“the relevant operator”); and
- (b) accepted at an operating centre specified in the relevant operator’s London PHV operator’s licence,

may apply to be registered with Transport for London as an existing driver by delivering to Transport for London the form provided by it for the purpose completed to show such particulars as Transport for London may reasonably require.

(2) The form shall be signed by the applicant and countersigned by the relevant operator.

(a) 1998 c. 34; sections 13(2), 14(1), 16 and 17 were amended, and section 37(3) was inserted, by the Greater London Authority Act 1999 (c. 29), Schedule 21, paragraphs 2, 7(2), 8(2), 10 and 18.

(3) The form shall be treated as validly delivered to Transport for London if, and only if, it is received by Transport for London on the second appointed day or at any time before that day, whether before or after the making of these Regulations.

Application deadlines

4.—(1) Transport for London shall by notice given to each existing driver specify an application deadline by which that driver is invited to submit an application for a London PHV driver's licence.

(2) Transport for London shall not be required to consider any application for a London PHV driver's licence from an existing driver until after the application deadline.

Issue of temporary permits

5.—(1) Transport for London may issue a temporary permit to any existing driver.

(2) Subject to regulation 6 and, except for the purposes of section 14(1) (driver's badges) of the 1998 Act, a temporary permit shall have effect as if it were London PHV driver's licence and may in particular be suspended or revoked under section 16 of that Act accordingly.

Duration of temporary permits

6.—(1) A temporary permit shall cease to have effect on whichever of the following dates falls first—

- (a) if a London PHV driver's licence is granted to the holder of the temporary permit, the date on which the licence was granted;
- (b) if an application for a London PHV driver's licence by the holder of the temporary permit is refused, the date on which the time for appealing against the refusal of the application expires or (where an appeal is brought) the date on which the appeal is disposed of or withdrawn;
- (c) if the temporary permit is revoked, the date on which the revocation takes effect in accordance with section 17(1) or (2) of the 1998 Act; or
- (d) if the temporary permit ceases to have effect in accordance with paragraph (3), the date specified or agreed as mentioned in paragraph (2).

(2) If an application for a London PHV driver's licence is not received from the holder of a temporary permit by the application deadline, Transport for London may give notice to the holder that, if an application is not received by Transport for London from him by the date specified in the notice or such later date as Transport for London may agree, the temporary permit is to cease to have effect.

(3) If no such application is received by the date so specified or agreed, the temporary permit shall thereupon cease to have effect.

Modification of section 13 of the 1998 Act

7.—(1) In relation to an application for a London PHV driver's licence who is an existing driver and the holder of a temporary permit or London PHV driver's licence, section 13 of the 1998 Act shall have effect subject to the following modifications.

(2) In subsection (2) for the words "the requirement mentioned in subsection (3), and any further" there shall be substituted "any".

(3) Subsection (3) shall be omitted.

Saving for private hire vehicles licensed in Plymouth

8. In relation to private hire vehicles licensed under the Plymouth City Council Act 1975(a), the 1998 Act shall have effect as if—

- (a) in section 5(1), at end of paragraph (c), there were inserted—
"or;
- (d) the other operator is licensed under the 1975 Act.";

(a) 1975 c. xx.

- (b) in section 6(6)—
 - (i) the word “and” at the end of paragraph (b) were omitted;
 - (ii) at the end of paragraph (c) there were inserted—
“and
 - (d) if the vehicle is in use for the purposes of a hiring the booking for which was accepted in the City of Plymouth, a licence issued under the 1975 Act,”;
- (c) for “paragraph (b) or (c)” (in both places) there were substituted “paragraph (b), (c) or (d)”;
- (d) in section 12(6)—
 - (i) in paragraph (b) the word “and” were omitted; and
 - (ii) after paragraph (c) there were inserted—
“and
 - (d) if the vehicle is in use for the purposes of a hiring the booking for which was accepted in the City of Plymouth, a licence under the 1975 Act.”; and
- (e) in section 36, after the definition of “road” there were inserted the following definition—
““the 1975 Act” means the Plymouth City Council Act 1975;”.

Signed by authority of the Secretary of State

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

10th March 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain transitional provisions in connection with the introduction of private hire vehicle driver licensing under the Private Hire Vehicles (London) Act 1998 (“the 1998 Act”), the relevant provisions of which are brought into force by the Private Hire Vehicles (London) Act 1998 (Commencement No. 2) Order 2003 (S.I.) 2003/580 C.30).

Regulation 3 enables an individual to be registered by Transport for London as an “existing driver”, if he has at any time before 1st April 2003 driven a private hire vehicle under a booking made through an operator licensed under the 1998 Act.

In accordance with regulation 4 Transport for London must specify an application deadline for each existing driver and is not required to consider an application for a London PHV driver’s licence from an existing driver until after that driver’s application deadline. However, regulation 5 enables Transport for London to issue temporary permits to such drivers. Such a permit has effect under the 1998 Act as if it were a London PHV driver’s licence and may be revoked or suspended accordingly, but the holder is not entitled to be issued with a driver’s badge under section 14(1). A temporary permit ceases to have effect in the circumstances specified in regulation 6.

Regulation 7 modifies section 13 of the 1998 Act (requirements for the grant of a London PHV driver’s licence) in relation to a licence application from an existing driver who is the holder of a temporary permit or is renewing a licence. Such an applicant need not meet the requirement imposed by section 13(3) (topographical knowledge).

Regulation 8 saves rights in relation to private hire vehicles, in respect of which licences have been granted under the Plymouth City Council Act 1975, to carry passengers in certain circumstances within London.

£1.75

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E0290 3/2003 130290 19585

ISBN 0-11-045278-X



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