
STATUTORY INSTRUMENTS

2009 No. 2863

PUBLIC PASSENGER TRANSPORT

**The Local Services (Operation by
Licensed Hire Cars) Regulations 2009**

Made - - - - 26th October 2009
Laid before Parliament 29th October 2009
Coming into force - - 27th November 2009

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 12(9), (10) and (10A) and 13(3) of the Transport Act 1985(1) and section 60(1A) of the Public Passenger Vehicles Act 1981(2).

In accordance with section 61(2) of the Public Passenger Vehicles Act 1981(3) the Secretary of State has consulted with such representative organisations as he thought fit.

Citation and commencement

1. These Regulations may be cited as the Local Services (Operation by Licensed Hire Cars) Regulations 2009 and come into force on 27th November 2009.

Interpretation

2.—(1) In these Regulations—

- (a) “the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976(4);
- (b) “the 1982 Act” means the Civic Government (Scotland) Act 1982(5); and
- (c) “the 1985 Act” means the Transport Act 1985.

(1) 1985 c.67; sections 12 and 13 were amended by the Local Transport Act 2008 (c.26), section 53. See also section 60(2) of the Public Passenger Vehicles Act 1981 which defines “prescribed” to mean prescribed by regulations. Section 60(2) is applicable by virtue of section 134(1) of the 1985 Act.
(2) 1981 c.14; section 60(1A) was inserted by section 134(2) of the 1985 Act and is applicable by virtue of section 134(1) of that Act.
(3) Section 61 is applicable by virtue of section 135(1) of the 1985 Act.
(4) 1976 c.57.
(5) 1982 c.45.

Application

3. These Regulations apply in relation to a vehicle which is a licensed hire car for the purposes of section 12 of the 1985 Act(6) at any time when that vehicle is being used to provide a local service(7) under a special licence(8).

Prescribed provisions for vehicles licensed under section 48 of the 1976 Act

4.—(1) This regulation applies in relation to a vehicle which is licensed as a private hire vehicle under section 48 of the 1976 Act.

(2) The provisions specified in column 1 of the Table are, to the extent that they are part of the hire car code(9), the prescribed provisions of the hire car code for the purposes of section 12(10) of the 1985 Act.

(3) For the purposes of these Regulations the provisions specified in column 1 are modified in accordance with column 2.

(4) The provisions prescribed apply whether or not the use of the vehicle to provide a local service is within the controlled district for that vehicle.

(5) “controlled district” has the meaning given by section 80 of the 1976 Act(10).

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions prescribed</i>	<i>Modifications</i>
Sections 45, 46, 48 to 54, 57, 58, 60, 61, 68, 70 and 72 to 80 of the 1976 Act.	Sections 46(1)(d) and (e), 75(1), 75(2A) and (2B) are omitted. Section 75(2) is omitted to the extent that it would permit the use of a vehicle in contravention of the condition attached to the special licence by section 12(5)(b) of the 1985 Act.
Any conditions attached to the grant of a licence under section 48(2) of the 1976 Act.	The conditions shall be modified to the extent necessary to require that— (a) any notice that is capable of being illuminated (including a roof sign) in order to indicate that the vehicle is available for exclusive hire or has to be pre-booked must not be illuminated; (b) any notice that is incapable of being illuminated (including a standard door sign) which indicates that the vehicle is available for exclusive hire or has to be pre-booked must be covered over so as not to be visible; and

(6) “Licensed hire car” for the purposes of section 12 is defined in section 13(3) of the 1985 Act.

(7) “Local service” is defined in section 2 of the 1985 Act; see also section 12(6) of the 1985 Act.

(8) “Special licence” is defined in section 12(2) of the 1985 Act.

(9) “Hire car code” is defined in section 13(3) of the 1985 Act.

(10) The definition of “controlled district” in section 80(1) of the 1976 Act was substituted by [SI 2000/412](#), article 7(1) and (3).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions prescribed</i>	<i>Modifications</i>
	(c) any condition which is incompatible with the requirements of regulation 6 is modified to the extent necessary to permit compliance with those requirements.
The Transport Act 1980, section 64(11).	None.
The Disability Discrimination Act 1995, sections 36, 36A, 37A and 38(12).	In section 37A(2) for “operator” substitute “driver” and in section 37A(3) for “carry out a booking accepted by the operator of the vehicle” substitute “carry a disabled person if” and omit subsection (a).

Prescribed provisions for vehicles licensed under section 10 of the 1982 Act

5.—(1) This regulation applies in relation to a vehicle which is licensed as a private hire car under section 10 of the 1982 Act.

(2) The provisions specified in the first column of the Table are, to the extent that they are part of the hire car code, the prescribed provisions of the hire car code for the purposes of section 12(10) of the 1985 Act.

(3) For the purposes of these Regulations the provisions specified in column 1 are modified in accordance with column 2.

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions prescribed</i>	<i>Modifications</i>
The 1982 Act, Part I.	The words “condition attached to a licence” in section 7(2) do not include any condition which imposes a requirement to— (a) accept a hiring; or (b) (i) display signage; or (ii) do anything else which would be incompatible with the operation of a local service under a special licence.
The 1982 Act, Part II, sections 10 to 14, 20, 21(4) and 23.	None.
The Disability Discrimination Act 1995, sections 36, 36A and 38.	None.

(11) 1980 c.34; section 64 was amended by the Transport Act 1985, Schedule 7.

(12) 1995 c.50; section 36 was amended by section 55 of the Local Transport Act 2008 (“the 2008 Act”); section 36A was inserted by section 56 of the 2008 Act; section 37A was inserted by section 1(1) of the Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002 (c.37) (“the 2002 Act”); section 38 was amended by section 56 of the 2008 Act and section 3 of the 2002 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions prescribed</i>	<i>Modifications</i>
The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004(13).	None.

Prescribed documents, plates and marks

6.—(1) The holder of a special licence must ensure that the vehicle is not used to provide a local service unless the requirements set out in paragraphs (2) to (4) are complied with.

(2) There must be a notice displayed on the vehicle which—

- (a) is clearly legible from the front;
- (b) includes the word “BUS” in letters at least 60 millimetres high; and
- (c) indicates—
 - (i) the destination of the vehicle;
 - (ii) its route; or
 - (iii) the nature of the service being provided.

(3) A fare table which contains sufficient information to enable a passenger to ascertain without difficulty the fare for the journey being undertaken must be—

- (a) displayed inside the vehicle in a manner clearly legible to passengers; or
- (b) available in the vehicle for passengers who request it.

(4) The following documents must be carried in the vehicle and be readily available for inspection on request—

- (a) a legible copy of the special licence; and
- (b) a timetable showing the times during the year when the service will be provided and the proposed times (on the days when the service is to run) of principal points on the route.

Signed by authority of the Secretary of State for Transport

26th October 2009

Sadiq Khan
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

By section 12 of the Transport Act 1985 provision is made for licensed hire cars (vehicles licensed as private hire vehicles under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or as private hire cars under section 10 of the Civic Government (Scotland) Act 1982) to provide local services.

Regulations 4 and 5 prescribe, with certain modifications, the provisions of the “hire car code” (defined in section 13(3) of the 1985 Act) which apply in relation to a licensed hire car when being used to provide a local service.

Regulation 6 makes provision regarding the display of a notice on the vehicle and the carrying on the vehicle of fare, licensing and timetable information.

An impact assessment of the effect that this instrument will have on the costs of the private, public and voluntary sectors is available from Paul Lawry, Department for Transport, zone 3/11 Great Minster House, 76 Marsham Street, London SW1P 4DR – email Paul.Lawry@dft.gsi.gov.uk and is annexed to the Explanatory Memorandum that is available alongside the instrument on the OPSI website (www.opsi.gov.uk). A copy of the assessment has been placed in the library of each House of Parliament.