Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

Modifications etc. (not altering text)

C1 Pt. II(ss. 45–80) modified by Transport Act 1978 (c. 55, SIF 126), **s. 7(3)**

C2 Pt. II(ss. 45–80) amended by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), **s. 79**

C3 Pt. II(ss. 45–80) applied with modifications by S.I. 1986/567, **regs. 3**, 4

C4 Pt. II (ss. 45-80) extended (1.4.2000) by 1999 c. 29, **s. 255(1)(4)**; S.I. 2000/801, art. 2(2)(a), **Sch. Pt. 1**
Pt. II (ss. 45-80) excluded (1.7.2001) by 1981 c. 14, **s. 79A(1)(a)** (as inserted (1.7.2001) by 2000 c. 38, **s. 265(2)**; S.I. 2001/1498, **art. 3**)

45 Application of Part II.

(1) The provisions of this Part of this Act, except this section, shall come into force in accordance with the following provisions of this section.

(2) If the Act of 1847 is in force in the area of a district council, the council may resolve that the provisions of this Part of this Act, other than this section, are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

In this subsection "the relevant area", in relation to a council, means—

(a) if the Act of 1847 is in force throughout the area of the council, that area; and

(b) if the Act of 1847 is in force for part only of the area of the council, that part of that area.

(3) A council shall not pass a resolution in pursuance of the foregoing subsection unless they have—

(a) published in two consecutive weeks, in a local newspaper circulating in their area, notice of their intention to pass the resolution; and

(b) served a copy of the notice, not later than the date on which it is first published in pursuance of the foregoing paragraph, on the council of each parish or community which would be affected by the resolution or, in the case of such a parish which has no parish council, on the chairman of the parish meeting.

(4) If after a council has passed a resolution in pursuance of subsection (2) of this section the Act of 1847 comes into force for any part of the area of the council for which it was not in force when the council passed the resolution, the council may pass a resolution in accordance with the foregoing provisions of this section in respect of that part as if that part were included in the relevant area for the purposes of subsection (2) of this section.

Modifications etc. (not altering text)

C5 S. 45 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

46 Vehicle, drivers' and operators' licences.

(1) Except as authorised by this Part of this Act—

(a) no person being the proprietor of any vehicle, not being a hackney carriage **[**[F1]or London cab**]** in respect of which a vehicle licence is in force, shall use or permit the same to be used in a controlled district as a private hire vehicle without having for such a vehicle a current licence under section 48 of this Act;

(b) no person shall in a controlled district act as driver of any private hire vehicle without having a current licence under section 51 of this Act;

(c) no person being the proprietor of a private hire vehicle licensed under this Part of this Act shall employ as the driver thereof for the purpose of any hiring any person who does not have a current licence under the said section 51;

(d) no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current licence under section 55 of this Act;

(e) no person licensed under the said section 55 shall in a controlled district operate any vehicle as a private hire vehicle—

(i) if for the vehicle a current licence under the said section 48 is not in force; or

(ii) if the driver does not have a current licence under the said section 51.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

Textual Amendments

F1 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 17(1)**

Modifications etc. (not altering text)

C6 S. 46 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

47 Licensing of hackney carriages.

(1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

(2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

Modifications etc. (not altering text)

C7 S. 47: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B3

48 Licensing of private hire vehicles.

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a private hire vehicle;

(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of **[**[F2]Part VI of the Road Traffic Act 1988**]**,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

(3) In every vehicle licence granted under this section there shall be specified—

(a) the name and address of—

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(i) the applicant; and

(ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;

(b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;

(c) the conditions attached to the grant of the licence; and

(d) such other particulars as the district council consider reasonably necessary.

(4) Every licence granted under this section shall—

(a) be signed by an authorised officer of the council which granted it;

(b) relate to not more than one private hire vehicle; and

(c) remain in force for such period not being longer than one year as the district council may specify in the licence.

(5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.

(6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.

(b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.

(7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

Textual Amendments

F2 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 16(1)**

Modifications etc. (not altering text)

C8 S. 48: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B3
S. 48 extended (13.3.2000) by S.I. 2000/412, **art. 4(3)**

C9 Ss. 48-54 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

49 Transfer of hackney carriages and private hire vehicles.

(1) If the proprietor of a hackney carriage or of a private hire vehicle in respect of which a vehicle licence has been granted by a district council transfers his interest in the hackney carriage or private hire vehicle to a person other than the proprietor whose name is specified in the licence, he shall within fourteen days after such transfer give

notice in writing thereof to the district council specifying the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred.

(2) If a proprietor without reasonable excuse fails to give notice to a district council as provided by subsection (1) of this section he shall be guilty of an offence.

Modifications etc. (not altering text)

C9 Ss. 48-54 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

50 Provisions as to proprietors.

(1) Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require:

Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

(2) The proprietor of any hackney carriage or private hire vehicle—

(a) licensed by a district council under the Act of 1847 or under this Part of this Act; or

(b) in respect of which an application for a licence has been made to a district council under the Act of 1847 or under this Part of this Act;

shall, within such period as the district council may by notice reasonably require, state in writing the address of every place where such hackney carriage or private hire vehicle is kept when not in use, and shall if the district council so require afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage or private hire vehicle to be inspected and tested there.

(3) Without prejudice to the provisions of **[**[F3]section 170 of the Road Traffic Act 1988**]**, the proprietor of a hackney carriage or of a private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.

(4) The proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council produce for inspection the vehicle licence for such hackney carriage or private hire vehicle and the certificate of the policy of insurance or security required by **[**[F4]Part VI of the Road Traffic Act 1988**]**in respect of such hackney carriage or private hire vehicle.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

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Textual Amendments

F3 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 16(2)(a)**

F4 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 16(2)(b)**

Modifications etc. (not altering text)

C9 Ss. 48-54 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

51 Licensing of drivers of private hire vehicles.

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

(b) **[**[F5]to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.**]**

[F6](1A) . . . . . .

[[F7](1) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

(b) he is authorised by virtue of section 99A(1) **[**[F8]or section 109(1)**]** of that Act to drive in Great Britain a motor car.**]**

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(3) It shall be the duty of a council by which licences are granted in pursuance of this section to enter, in a register maintained by the council for the purpose, the following particulars of each such licence, namely—

(a) the name of the person to whom it is granted;

(b) the date on which and the period for which it is granted; and

(c) if the licence has a serial number, that number,

and to keep the register available at its principal offices for inspection by members of the public during office hours free of charge.

Textual Amendments

F5 S. 51(1)(b) substituted (1.1.1997) by S.I. 1996/1974, reg. 5, **Sch. 4 para. 2(2)**

F6 S. 51(1A) repealed (1.4.1998) by 1997 c. 50, s. 134(1)(2), Sch. 9 para. 34, **Sch. 10**; S.I. 1998/354, **art. 2(2)(ay)**

F7 By S.I. 1996/1974, reg. 5, **Sch. 4 para. 3**, it is provided that in s. 51 after subsection (1A) there shall be inserted (1.1.1997) subsection (1)

F8 Words in s. 51(1)(b) inserted (5.9.1998) by S.I. 1998/1946, **art.2**

Modifications etc. (not altering text)

C9 Ss. 48-54 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

C10 S. 51: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B3
S. 51 extended (13.3.2000) by S.I. 2000/412, **art. 4(5)**

52 Appeals in respect of drivers' licences.

Any person aggrieved by—

(1) the refusal of the district council to grant a driver's licence under section 51 of this Act; or

(2) any conditions attached to the grant of a driver's licence;

may appeal to a magistrates' court.

Modifications etc. (not altering text)

C9 Ss. 48-54 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

53 Drivers' licences for hackney carriages and private hire vehicles.

(1) (a) Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence.

(b) Notwithstanding the provisions of the [M1]Public Health Act 1875 and the [M2]Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period as they may specify in such licence.

(2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

(3) The driver of any hackney carriage or of any private hire vehicle licensed by a district council shall at the request of any authorised officer of the council or of any constable produce for inspection his driver's licence either forthwith or—

(a) in the case of a request by an authorised officer, at the principal offices of the council before the expiration of the period of five days beginning with the day following that on which the request is made;

(b) in the case of a request by a constable, before the expiration of the period aforesaid at any police station which is within the area of the council and is nominated by the driver when the request is made.

(4) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

Modifications etc. (not altering text)

C9 Ss. 48-54 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

C11 S. 53: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B4

Marginal Citations

M1 1875 c. 55.

M2 1889 c. 14.

54 Issue of drivers' badges.

(1) When granting a driver's licence under section 51 of this Act a district council shall issue a driver's badge in such a form as may from time to time be prescribed by them.

(2) (a) A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.

(b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.

Modifications etc. (not altering text)

C9 Ss. 48-54 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

C12 S. 54: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B4

55 Licensing of operators of private hire vehicles.

(1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

(2) Every licence granted under this section shall remain in force for such period, not being longer than five years, as a district council may specify in the licence.

(3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

Modifications etc. (not altering text)

C13 S. 55: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B5
S. 55 extended (13.3.2000) by S.I. 2000/412, **art. 4(4)**

56 Operators of private hire vehicles.

(1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

(2) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe and shall produce such record on request to any authorised officer of the council or to any constable for inspection.

(3) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or to any constable for inspection.

(4) A person to whom a licence in force under section 55 of this Act has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

Modifications etc. (not altering text)

C14 S. 56: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B5

57 Power to require applicants to submit information.

(1) A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.

(2) Without prejudice to the generality of the foregoing subsection—

(a) a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle—

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(i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and

(ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle;

(b) a district council may require an applicant for an operator's licence to submit to them such information as to—

(i) the name and address of the applicant;

(ii) the address or addresses whether within the area of the council or not from which he intends to carry on business in connection with private hire vehicles licensed under this Part of this Act;

(iii) any trade or business activities he has carried on before making the application;

(iv) any previous application he has made for an operator's licence;

(v) the revocation or suspension of any operator's licence previously held by him;

(vi) any convictions recorded against the applicant;

as they may reasonably consider necessary to enable them to determine whether to grant such licence;

(c) in addition to the information specified in paragraph (*b*) of this subsection, a district council may require an applicant for an operator's licence to submit to them—

(i) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time; any trade or business activities carried on by that company; any previous application made by that company for an operator's licence; and any revocation or suspension of an operator's licence previously held by that company;

(ii) if the applicant is a company, information as to any convictions recorded against a director or secretary of that company; any trade or business activities carried on by any such director or secretary; any previous application made by any such director or secretary for an operator's licence; and any revocation or suspension of an operator's licence previously held by such director or secretary;

(iii) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person; any trade or business activities carried on by that person; any previous application made by that person for an operator's licence; and any revocation or suspension of an operator's licence previously held by him.

(3) If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.

Modifications etc. (not altering text)

C15 S. 57: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B3,5

C16 S. 57 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

58 Return of identification plate or disc on revocation or expiry of licence etc.

(1) On—

(a) the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle; or

(b) the suspension of a licence under section 68 of this Act;

a district council may by notice require the proprietor of that hackney carriage or private hire vehicle licensed by them to return to them within seven days after the service on him of that notice the plate or disc which—

(a) in the case of a hackney carriage, is required to be affixed to the carriage as mentioned in section 38 of the Act of 1847; and

(b) in the case of a private hire vehicle, was issued for the vehicle under section 48(5) of this Act.

(2) If any proprietor fails without reasonable excuse to comply with the terms of a notice under subsection (1) of this section—

(a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F9]level 3 on the standard scale**]** and to a daily fine not exceeding ten pounds; and

(b) any authorised officer of the council or constable shall be entitled to remove and retain the said plate or disc from the said hackney carriage or private hire vehicle.

Textual Amendments

F9 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

Modifications etc. (not altering text)

C17 S. 58: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B3,5

C18 S. 58 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

59 Qualifications for drivers of hackney carriages.

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

[[F10](b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.**]**

[[F11](1A) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

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(b) he is authorised by virtue of section 99A(1) **[**[F12]or section 109(1)**]**of that Act to drive in Great Britain a motor car.**]**

[F13](1A) . . . . . .

(2) Any applicant aggrieved by the refusal of a district council to grant a driver's licence on the ground that he is not a fit and proper person to hold such licence may appeal to a magistrate's court.

Textual Amendments

F10 S. 59(1)(b) substituted (1.1.1997) by S.I. 1996/1974, reg. 5, **Sch. 4 para. 2(4)**

F11 By S.I. 1996/1974, **reg. 5 Sch. 4 para. 2(5)** it is provided that in s. 59 subsection (1A) shall be inserted after subsection (1)

F12 Words in s. 59(1A)(b) inserted (5.9.1988) by S.I. 1998/1946, **art. 3**

F13 S. 59(1A) repealed (1.4.1998) by 1997 c. 50, s. 134(1)(2), Sch. 9 para. 34, **Sch. 10**

Modifications etc. (not altering text)

C19 S. 59: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B4

60 Suspension and revocation of vehicle licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or

(c) any other reasonable cause.

(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

Modifications etc. (not altering text)

C20 S. 60: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B3

C21 S. 60 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

61 Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F14]level 1 on the standard scale**]**.

[[F15](2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.**]**

(3) Any driver aggrieved by a decision of a district council under **[**[F16]subsection (1) of**]** this section may appeal to a magistrates' court.

Textual Amendments

F14 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

F15 S. 61(2A)(2B) inserted (16.3.2007) by Road Safety Act 2006 (c. 49), **ss. 52(2)**, 61; S.I. 2007/466, **art. 2**

F16 Words in s. 61(3) inserted (16.3.2007) by Road Safety Act 2006 (c. 49), **ss. 52(3)**, 61; S.I. 2007/466, **art. 2**

Modifications etc. (not altering text)

C22 S. 61: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B4

C23 S. 61 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

62 Suspension and revocation of operators' licences.

(1) Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:—

(a) any offence under, or non-compliance with, the provisions of this Part of this Act;

(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;

(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

(d) any other reasonable cause.

(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.

(3) Any operator aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

Modifications etc. (not altering text)

C24 S. 62: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B5

63 Stands for hackney carriages.

(1) For the purposes of their functions under the Act of 1847, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.

(2) Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing in this section shall empower a district council to appoint any such stand—

(a) so as unreasonably to prevent access to any premises;

(b) so as to impede the use of any points authorised to be used in connection with a **[**[F17]local service within the meaning of the Transport Act 1985**][**[F18]or PSV operator's licence granted under **[**[F19]the Public Passenger Vehicles Act 1981**]]**, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;

(c) on any highway except with the consent of the highway authority;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

(4) Any hackney carriage byelaws for fixing stands for hackney carriages which were made by a district council before the date when this section comes into force in the area of the council and are in force immediately before that date shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

(5) The power to appoint stands for hackney carriages under subsection (1) of this section shall include power to revoke such appointment and to alter any stand so appointed and the expressions "appointing" and "appoint" in subsections (2) and (3) of this section shall be construed accordingly.

Textual Amendments

F17 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1, **Sch. 1**

F18 Words substituted by Transport Act 1980 (c. 34, SIF 107:1), s. 43(1), **Sch. 5**

F19 Words substituted by virtue of Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88(2), **Sch. 7 para. 19**

Modifications etc. (not altering text)

C25 S. 63 extended (13.3.2000) by S.I. 2000/412, **art. 6(1)(2)**

64 Prohibition of other vehicles on hackney carriage stands.

(1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed, or is deemed to have been appointed, by a district council under the provisions of section 63 of this Act.

(2) Notice of the prohibition in this section shall be indicated by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of his powers under **[**[F20]section 64 of the [M3]Road Traffic Regulation Act 1984**]**.

(3) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

(4) In any proceedings under this section against the driver of a public service vehicle it shall be a defence to show that, by reason of obstruction to traffic or for other compelling reason, he caused his vehicle to wait on a stand or part thereof and that he caused or permitted his vehicle so to wait only for so long as was reasonably necessary for the taking up or setting down of passengers.

Textual Amendments

F20 Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 36**

Marginal Citations

M3 1984 c. 27.

Status: *Point in time view as at 31/03/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Part II. (See end of Document for details)*

65 Fixing of fares for hackney carriages.

(1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.

(2) (a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (*a*) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.

(6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.

(7) Section 236(8) (except the words "when confirmed") and section 238 of the [M4]Local Government Act 1972 (except paragraphs (*c*) and (*d*) of that section) shall extend and apply to a table of fares made or varied under this section **[**[F21]by a district council in England**]** as they apply to byelaws made by a district council **[**[F22]in England**]** .

[[F23](7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales.**]**

Textual Amendments

F21 Words in s. 65(7) inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 10(2)(a)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F22 Words in s. 65(7) inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 10(2)(b)**; S.I. 2015/1025, art. 2(r) (with art. 3)

F23 S. 65(7A) inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 10(3)**; S.I. 2015/1025, art. 2(r) (with art. 3)

Marginal Citations

M4 1972 c. 70.

66 Fares for long journeys.

(1) No person, being the driver of a hackney carriage licensed by a district council, and undertaking for any hirer a journey ending outside the district and in respect of which no fare and no rate of fare was agreed before the hiring was effected, shall require for such journey a fare greater than that indicated on the taximeter with which the hackney carriage is equipped or, if it is not equipped with a taximeter, greater than that which, if the current byelaws fixing rates or fares and in force in the district in pursuance of section 68 of the Act of 1847 or, as the case may be, the current table of fares in force within the district in pursuance of section 65 of this Act had applied to the journey, would have been authorised for the journey by the bylaws or table.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

67 Hackney carriages used for private hire.

(1) No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the byelaws or tables mentioned in section 66 of this Act, and, when any such hackney carriage is so used, the fare or charge shall be calculated from the point in the district at which the hirer commences his journey.

(2) Any person who knowingly contravenes this section shall be guilty of an offence.

(3) In subsection (1) of this section "contract" means—

(a) a contract made otherwise than while the relevant hackney carriage is plying for hire in the district or waiting at a place in the district which, when the contract is made, is a stand for hackney carriages appointed by the district council under section 63 of this Act; and

(b) a contract made, otherwise than with or through the driver of the relevant hackney carriage, while it is so plying or waiting.

68 Fitness of hackney carriages and private hire vehicles.

Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:

Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section,

Status: *Point in time view as at 31/03/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Part II. (See end of Document for details)*

be deemed to have been revoked and subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.

Modifications etc. (not altering text)

C26 S. 68 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

69 Prolongation of journeys.

(1) No person being the driver of a hackney carriage or of a private hire vehicle licensed by a district council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private vehicle has been hired.

(2) If any person contravenes the provisions of this section, he shall be guilty of an offence.

70 Fees for vehicle and operators' licences.

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (*b*) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (*a*) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

Modifications etc. (not altering text)

C27 S. 70 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

71 Taximeters.

(1) Nothing in this Act shall require any private hire vehicle to be equipped with any form of taximeter but no private hire vehicle so equipped shall be used for hire in a controlled district unless such taximeter has been tested and approved by or on behalf of the district council for the district or any other district council by which a vehicle licence in force for the vehicle was issued.

(2) Any person who—

(a) tampers with any seal on any taximeter without lawful excuse; or

(b) alters any taximeter with intent to mislead; or

(c) knowingly causes or permits a vehicle of which he is the proprietor to be used in contravention of subsection (1) of this section,

shall be guilty of an offence.

72 Offences due to fault of other person etc.

(1) Where an offence by any person under this Part of this Act is due to the act or default of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of that offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of the offence.

(2) Section 44(3) of this Act shall apply to an offence under this Part of this Act as it applies to an offence under Part I of this Act.

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

Status: *Point in time view as at 31/03/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Part II. (See end of Document for details)*

73 Obstruction of authorised officers.

(1) Any person who—

(a) wilfully obstructs an authorised officer or constable acting in pursuance of this Part of this Act or the Act of 1847; or

(b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable under this Part of this Act; or

(c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this Part of this Act or the Act of 1847;

shall be guilty of an offence.

(2) If any person, in giving any such information as is mentioned in the preceding subsection, makes any statement which he knows to be false, he shall be guilty of an offence.

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

74 Saving for certain businesses.

Where any provision of this Part of this Act coming into operation on **[**[F24]the relevant day**]** requires the licensing of a person carrying on any business, or of any vehicle used by a person in connection with any business, it shall be lawful for any person who—

(a) immediately before that day was carrying on that business; and

(b) had before that day duly applied for the licence required by that provision;

to continue to carry on that business until he is informed of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 77 of this Act.

[[F25]In this section "the relevant day" means—

(a) in relation to a district the whole or part of which ceased to be within the metropolitan police district by virtue of the coming into force of section 323 of the Greater London Authority Act 1999 (alteration of the metropolitan police district), 1st April 2000;

(b) in any other case, a day fixed by resolution under section 45 of this Act.**]**

Textual Amendments

F24 Words in s. 74 substituted (13.3.2000) by S.I. 2000/412, **art. 7(2)(a)**

F25 Words in s. 74 inserted (13.3.2000) by S.I. 2000/412, **art. 7(2)(b)**

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

75 Saving for certain vehicles etc.

(1) Nothing in this Part of this Act shall—

(a) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;

(b) [F26] . . . . . .

(c) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;

[[F27](cc) apply to a vehicle while it is being used in connection with a wedding;**]**

(d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a council under this Part of this Act during such period that such vehicle is used for carrying passengers for hire or reward—

[F28](i) . . . . . .

(ii) under a contract for the hire of the vehicle for a period of not less than 24 hours.

(2) Paragraphs (*a*), (*b*) and (*c*) of section 46(1) of this Act shall not apply to the use or driving of a vehicle or to the employment of a driver of a vehicle while the vehicle is used as a private hire vehicle in a controlled district if a licence issued under section 48 of this Act by the council whose area consists of or includes another controlled district is then in force for the vehicle and a driver's licence issued by such a council is then in force for the driver of the vehicle.

[[F29](2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if—

(a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force, and

(b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.

In this subsection, "private hire car" and "taxi" have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.**]**

[[F30](2B) Paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of a vehicle, or to the employment of a driver of a vehicle, if—

(a) a London PHV licence issued under section 7 of the Private Hire Vehicles (London) Act 1998 is in force in relation to that vehicle; and

(b) the driver of the vehicle holds a London PHV driver's licence issued under section 13 of that Act.**]**

(3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (*a*) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(*a*) of this Act shall not apply to the driver of the vehicle.

Status: *Point in time view as at 31/03/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Part II. (See end of Document for details)*

Textual Amendments

F26 S. 75(1)(b) omitted (28.1.2008) by virtue of Road Safety Act 2006 (c. 49), **ss. 53**, 61; S.I. 2007/3492, **art. 2** and repealed (prosp.) by Road Safety Act 2006 (c. 49), s. 59, **Sch. 7(17)**

F27 S. 75(1)(cc) inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 17(2)**

F28 S. 75(1)(d)(i) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 17(2)**

F29 S. 75(2A) inserted after subsection (2) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **ss. 16**, 22, 23

F30 S. 75(2B) inserted (8.6.2004) by 1998 c. 34, ss. 39(1), 40(2), Sch. 1 para. 1 (with s. 29); S.I. 2004/241, **art. 2(2)**

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

76 Penalties.

Any person who commits an offence against any of the provisions of this Part of this Act in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding **[**[F31]level 3 on the standard scale**]**.

Textual Amendments

F31 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

77 Appeals.

(1) Sections 300 to 302 of the Act of 1936, which relate to appeals, shall have effect as if this Part of this Act were part of that Act.

(2) If any requirement, refusal or other decision of a district council against which a right of appeal is conferred by this Act—

(a) involves the execution of any work or the taking of any action; or

(b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision;

then, until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action; and

(ii) that person may carry on that business.

[[F32](3) Subsection (2) of this section does not apply in relation to a decision under subsection (1) of section 61 of this Act which has immediate effect in accordance with subsection (2B) of that section.**]**

Textual Amendments

F32 S. 77(3) inserted (16.3.2007) by Road Safety Act 2006 (c. 49), **ss. 52(4)**, 61; S.I. 2007/466, **art. 2**

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

78 Application of provisions of Act of 1936.

Subsection (1) of section 283 and section 304 of the Act of 1936 shall have effect as if references therein to that Act included a reference to this Part of this Act.

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

79 Authentication of licences.

Notwithstanding anything in section 43 of the Act of 1847, any vehicle licence or driver's licence granted by a district council under that Act, or any licence granted by a district council under this Part of this Act, shall not be required to be under the common seal of the district council, but if not so sealed shall be signed by an authorised officer of the council.

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

C29 S. 79: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B3-5

80 Interpretation of Part II.

(1) In this Part of this Act, unless the subject or context otherwise requires—

"the Act of 1847" means the provisions of the [M5]Town Police Clauses Act 1847 with respect to hackney carriages;

"the Act of 1936" means the [M6]Public Health Act 1936;

[F33] . . . . . .

"authorised officer" means any officer of a district council authorised in writing by the council for the purposes of this Part of this Act;

"contravene" includes fail to comply;

[[F34]"controlled district" means any area for which this Part of this Act is in force by virtue of—

(a) a resolution passed by a district council under section 45 of this Act; or

(b) section 255(4) of the Greater London Authority Act 1999;**]**

Status: *Point in time view as at 31/03/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Part II. (See end of Document for details)*

"daily fine" means a fine for each day during which an offence continues after conviction thereof;

"the district", in relation to a district council in whose area the provisions of this Part of this Act are in force, means—

(a) if those provisions are in force throughout the area of the council, that area; and

(b) if those provisions are in force for part only of the area of the council, that part of that area;

"driver's badge" means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of this Act;

"driver's licence" means, in relation to the driver of a hackney carriage, a licence under section 46 of the Act of 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of this Act;

"hackney carriage" has the same meaning as in the Act of 1847;

"hackney carriage byelaws" means the byelaws for the time being in force in the controlled district in question relating to hackney carriages;

[[F35]"London cab" means a vehicle which is a hackney carriage within the meaning of the Metropolitan Public Carriage Act [M7]1869;**]**

"operate" means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;

"operator's licence" means a licence under section 55 of this Act;

"private hire vehicle" means a motor vehicle constructed or adapted to seat **[**[F36]fewer than nine passengers**]**, other than a hackney carriage or public service vehicle **[**[F37]or a London cab**][**[F38]or tramcar**]**, which is provided for hire with the services of a driver for the purpose of carrying passengers;

"proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

"public service vehicle" has the same meaning as in **[**[F39]the [M8] Public Passenger Vehicles Act 1981**]**;

"taximeter" means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both; and

"vehicle licence" means in relation to a hackney carriage a licence under sections 37 to 45 of the Act of 1847 **[**[F40]in relation to a London cab a licence under section 6 of the Metropolitan Public Carriage Act 1869**]**and in relation to a private hire vehicle means a licence under section 48 of this Act.

(2) In this Part of this Act references to a licence, in connection with a controlled district, are references to a licence issued by the council whose area consists of or includes that district, and "licensed" shall be construed accordingly.

(3) Except where the context otherwise requires, any reference in this Part of this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

[[F41](4) In this Part of this Act, except where the context otherwise requires, references to a district council shall, in relation to Wales, be construed as references to a county council or county borough council.**]**

Textual Amendments

F33 Definition repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3(1)(2), 5, Sch. 1 Pt. I, Sch. 4 paras. 1, **2**

F34 S. 80(1): Definition of "controlled district" substituted (13.3.2000) by S.I. 2000/412, **art. 7(3)**

F35 Definition inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 173**(*a*)

F36 Words substituted by Transport Act 1980 (c. 34, SIF 107:1), s. 43(1), **Sch. 5**

F37 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 17(3)**(*b*)

F38 Words in s. 80(1) inserted (8.7.1996) by Transport and Works Act 1992 (c. 42), **s. 62(3)**; S.I. 1996/1609, art. 2, **Sch.**

F39 Words substituted by virtue of Transport Act 1980 (c. 34, SIF 107:1), s. 43(1), **Sch. 5** and Public Passenger Vehicles Act 1981 (c.14, SIF 107:1), s. 88(2), **Sch. 7 para. 20**

F40 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 17(3)**(*c*)

F41 S. 80(4) substituted (7.1.1997) by S.I. 1996/3071, art. 2, **Sch. 1(8)**

Modifications etc. (not altering text)

C28 Ss. 72-80 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, **4** Table (with reg. 3)

Marginal Citations

M5 1847 c. 89.

M6 1936 c. 49.

M7 1869 c.115 (**107:1**)

M8 1981 c. 14

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Changes to legislation:
There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Part II.