



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

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;

[^{F1}(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;]or

- (b) any other reasonable cause.

[^{F2}(1A) Subsection (1)(aa) does not apply if—

- (a) in a case where the driver has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the driver has been required to pay an immigration penalty—
 - (i) more than three years have elapsed since the date on which the penalty was imposed, and
 - (ii) the amount of the penalty has been paid in full.]

(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

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 61. (See end of Document for details)

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 [^{F3}level 1 on the standard scale].

[^{F4}(2ZA) The requirement in subsection (2)(a) to return a driver's badge does not apply in a case where section 62A applies (but see subsection (2) of that section).]

[^{F5}(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 [^{F6}subsection (1) of] this section may appeal to a magistrates' court.

Textual Amendments

- F1** S. 61(1)(aa) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 5 para. 24(2)** (with [Sch. 5 para. 55](#)); [S.I. 2016/1037](#), reg. 5(i) (with reg. 6)
- F2** S. 61(1A) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 5 para. 24(3)** (with [Sch. 5 para. 55](#)); [S.I. 2016/1037](#), reg. 5(i) (with reg. 6)
- F3** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F4** S. 61(2ZA) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 5 para. 24(4)** (with [Sch. 5 para. 55](#)); [S.I. 2016/1037](#), reg. 5(i) (with reg. 6)
- F5** 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**
- F6** 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)

- C1** 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**
- C2** 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)
- C3** S. 61(1) modified (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 5 para. 56(5)**; [S.I. 2016/1037](#), reg. 5(i)

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 61.