



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART II

LICENSING AND REGULATION—PARTICULAR ACTIVITIES

Licensing and regulation of taxis and private hire cars

10 Taxi and private hire car licences.

- (1) A licence, to be known as a “taxi licence” or, as the case may be, a “private hire car licence”, shall be required for the operation of a vehicle as—
 - (a) a taxi; or
 - (b) a private hire car.
- (2) A licensing authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be, and is safe for that use, and that there is in force in relation to the vehicle such a policy of insurance or such security as complies with Part VI of the ^{M1}Road Traffic Act 1972.
- ^{F1}(3) Without prejudice to paragraph 5 of Schedule 1 to this Act, the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.]
- (4) A vehicle shall, for the purposes of subsection (2) above, be treated by a licensing authority ^{F2}—
 - (a) as being suitable in type, size and design if it complies with regulations in that regard made by the Secretary of State under section 20(2) of this Act in respect of their area^{F3}; and
 - (b) as not being so suitable if it does not so comply.]
- (5) A taxi licence or private hire car licence shall extend to the operation of a vehicle substituted for the vehicle in respect of which the licence was granted or, as the

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case may be, last renewed if the licensing authority are as respects the substitute vehicle satisfied as to the matters specified in subsection (2) above, and where a taxi licence or private hire car licence extends under this subsection to a substitute vehicle, subsection (6) below shall not apply in respect of the vehicle replaced by the substitute vehicle.

- (6) Subject to subsection (5) above, the holder of a taxi or private hire car licence shall within 28 days of his selling or otherwise disposing of the vehicle to which the licence relates deliver to the licensing authority his licence and any licence plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi or, as the case may be, private hire car, and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F4}level 2 on the standard scale].

Textual Amendments

- F1** S. 10(3) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 23(5)**
- F2** Words in s. 10(4) renumbered as s. 10(4)(a) (5.2.2003) by [Disability Discrimination Act 1995 \(c. 50\)](#), **ss. 39(2)(a), 70(3)** (with [ss. 59, 64, 65](#)); [S.I. 2003/215](#), art. 2
- F3** S. 10(4)(b) and word added (5.2.2003) by [Disability Discrimination Act 1995 \(c. 50\)](#), **ss. 39(2)(b), 70(3)** (with [ss. 59, 64, 65](#)); [S.I. 2003/215](#), art. 2
- F4** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

Marginal Citations

- M1** [1972 c. 20](#).

11 Inspection and testing of vehicles.

- (1) The holder of a taxi or private hire car licence shall present the taxi or private hire car for inspection and testing by or on behalf of the licensing authority within such period and at such place as they may by notice reasonably require.
- (2) An authorised officer of a licensing authority (as respects a taxi or private hire car licensed for the area of the authority) [^{F5}, an authorised civilian employee] or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness, a licensed taxi or private hire car or, for the purpose of testing its fitness or accuracy, any taximeter and if he is not satisfied as to the safety of the taxi or private hire car for the carriage of passengers or as to the fitness or accuracy of the taximeter he may by notice in writing—
- (a) require the holder of the taxi or private hire car licence to make the taxi, private hire car or taximeter, as the case may be, available for further inspection at such reasonable time and place as may be specified in the notice;
 - (b) suspend the licence until such time as an authorised officer of the licensing authority [^{F6}, an authorised civilian employee] or a constable is so satisfied:

Provided that, if an authorised officer [^{F7}, employee] or constable is not so satisfied before the expiration of a period of 28 days from the date of the suspension of the licence, the said licence shall, by virtue of this subsection, be deemed to have been suspended by the licensing authority under paragraph 11 of Schedule 1 to this Act.

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Textual Amendments

- F5** Words in s. 11(2) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 173\(4\)\(a\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.
- F6** Words in s. 11(2)(b) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 173\(4\)\(b\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.
- F7** Word in s. 11(2) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 173\(4\)\(c\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.

12 Fees for taxi and private hire car licences.

A licensing authority shall charge such fees in respect of taxi and private hire car licences and applications for such licences as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions under sections 10 to 23 (other than section 19) of this Act in relation to such licences.

13 Taxi and private hire car driving licences.

- (1) A licence, to be known as a “taxi driver’s licence” or, as the case may be, a “private hire car driver’s licence”, shall, subject to subsection (2) below, be required for driving or otherwise having charge of a taxi or private hire car.
- (2) A private hire car driver’s licence shall not be required by the holder of a taxi driver’s licence for driving or otherwise having charge of a private hire car whilst in operation as such.
- (3) A licensing authority shall not grant a licence to any person under this section unless that person has held, [^{F8}throughout the period of 12 months immediately] prior to the date of his application, a licence authorising him to drive a motor car issued under Part III of the ^{M2}Road Traffic Act 1972 or a licence which would at the time of his application entitle him to such a licence without taking a test, not being a provisional licence.
- (4) A licensing authority may, at any time, for the purposes of satisfying themselves that he is physically fit to drive a taxi or, as the case may be, private hire car, require an applicant for or holder of a taxi driver’s licence or private hire car driver’s licence to submit to medical examination, at their expense, by a medical practitioner nominated by them.
- (5) A licensing authority may require an applicant for a taxi driver’s licence to take a test of his knowledge of the area to which the licence is to relate, of the layout of roads in that area and such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that he has adequate knowledge of any of these matters.
- (6) If a person holding a licence under this section ceases for any reason to be authorised by law to drive on a road . . . ^{F9} the vehicle to which the licence relates, the licence shall cease to have effect.

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Textual Amendments

- F8** Words in s. 13(3) substituted (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 174\(2\)](#), [206\(1\)](#); [S.S.I. 2011/354](#), art. 2, sch. (with art. 3)
- F9** Words repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

Marginal Citations

- M2** [1972 c. 20](#).

14 Signs on vehicles other than taxis.

- (1) Subject to subsection (2) below, there shall not be displayed on or in a private hire car any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.
- (2) Subsection (1) above does not apply in relation to any licence plate or other thing issued by the licensing authority for the purpose of indicating that the vehicle to which it relates is a private hire car or in relation to any sign required by virtue of section 21 of the ^{M3}Vehicles (Excise) Act 1971.
- (3) Any person who—
 - (a) drives a vehicle in respect of which subsection (1) is contravened; or
 - (b) causes or knowingly permits that subsection to be contravened in respect of any vehicle,
 shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F10}level 3 on the standard scale].

Textual Amendments

- F10** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

Marginal Citations

- M3** [1971 c. 10](#).

15 Operation of taxis outside licensing areas.

- (1) A licensing authority, with the agreement of another licensing authority, may name destinations or classes of destinations in the area of the other authority and, with the agreement aforesaid, fix scales under section 17 of this Act for journeys from their area by taxis licensed by them to such destinations or classes thereof.
- (2) The conditions to which a taxi or taxi driver's licence are subject shall continue to apply while the taxi or its driver is engaged in such a journey.
- (3) Nothing in this section or in Part I of this Act enables a condition to be imposed in a taxi driver's licence requiring him to make any journey to a destination outside the area in respect of which he is licensed.

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16 Journeys in England and Wales by vehicles and drivers licensed under this Act.

In section 75 of the ^{M4} Local Government (Miscellaneous Provisions) Act 1976 (saving for certain vehicles from requirements of Part II of that Act as to private hire vehicles), after subsection (2) there shall be inserted—

“(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”

Modifications etc. (not altering text)

- C1** The text of ss. 16, 18(11), 51(7) and 52(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M4** 1976 c. 57.

17 Taxi fares.

(1) The fares for the hire of taxis in any area and all other charges in connection with the hire of a taxi or with the arrangements for its hire shall be not greater than those fixed for that area under this section and section 18 of this Act.

[^{F11}(2) The licensing authority must fix scales for the fares and other charges mentioned in subsection (1) within 18 months beginning with the date on which the scales came into effect.

(3) In fixing scales under subsection (2), the licensing authority may—

- (a) alter fares or other charges,
- (b) fix fares or other charges at the same rates.

(4) Before fixing scales under subsection (2), the licensing authority must review the scales in accordance with subsection (4A).

(4A) In carrying out a review, the licensing authority must—

- (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area,
- (b) following such consultation—
 - (i) review the existing scales, and
 - (ii) propose new scales (whether at altered rates or the same rates),
- (c) publish those proposed scales in a newspaper circulating in its area—
 - (i) setting out the proposed scales,

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- (ii) explaining the effect of the proposed scales,
 - (iii) proposing a date on which the proposed scales are to come into effect, and
 - (iv) stating that any person may make representations in writing until the relevant date, and
 - (d) consider any such representations.
- (4B) In subsection (4A)(c)(iv) “the relevant date” is a date specified by the licensing authority falling at least one month after the first publication by the authority of the proposed scales.
- (4C) After fixing scales under subsection (2), the licensing authority must give notice in accordance with subsection (4D).
- (4D) The licensing authority must—
- (a) set out, and explain the effect of, the scales as fixed,
 - (b) notify the persons mentioned in subsection (4E) of—
 - (i) the date on which the scales as fixed are to come into effect, and
 - (ii) the rights of appeal under section 18.
- (4E) Those persons are—
- (a) all operators of taxis operating within their area, and
 - (b) the persons and organisations consulted under subsection (4A)(a).]
- (5) Notice shall be given for the purposes of subsection [F12(4D)(b)] above by—
- (a) its being sent by recorded delivery letter to the last known addresses of the persons and organisations referred to in subsection [F13(4E)] above so as to arrive there, in the normal course of post, not later than [F14seven days after the scales are fixed under subsection (2)] above; or
 - (b) personal service of the notice upon those persons within that time.

Textual Amendments

- F11** S. 17(2)-(4E) substituted for s. 17(2)-(4) (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 174(3)(a)**, 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F12** Word in s. 17(5) substituted (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 174(3)(b)(i)**, 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F13** Word in s. 17(5)(a) substituted (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **s. 174(3)(b)(ii)(A)**, 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F14** Words in s. 17(5)(a) substituted (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **s. 174(3)(b)(ii)(B)**, 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)

18 Appeals in respect of taxi fares.

[F15(1) Any person mentioned in subsection (1A) may, within 14 days of notice being given under section 17(4C), appeal against those scales to the traffic commissioner for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981.]

[F16(1A) Those persons are—

- (a) any person who operates a taxi in an area for which scales have been fixed under section 17(2), and

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- (b) any person or organisation appearing to the traffic commissioner to be representative of such taxi operators.]
- (2) The traffic [F17 commissioner] may hear an appeal under this section notwithstanding that it was not lodged with [F18 him] within the time mentioned in subsection (1) above.
- (3) On an appeal F19 ... under subsection (1) above, the traffic [F17 commissioner] may—
 - (a) confirm or alter the scales; or
 - (b) F20 ... decline to proceed—
 - (i) at any stage in the appeal, [F21 if][F22 he considers] the case for the appellant is not representative of the view of a substantial proportion of the operators of taxis operating in the area of the licensing authority;
 - (ii) if less than two years have elapsed since [F22 he decided] an appeal against a decision of the same authority in respect of the same scale, and [F22 he considers] it inappropriate that [F22 he should consider] the matter again.
- (4) An appeal under this section shall have the effect of suspending the decision referred to in subsection (1) above until the date when the appeal is abandoned or, as the case may be, when notice is given to the appellant advising him of its disposal.
- (5) Where [F23 he alters] scales under subsection (3)(a) above, the traffic [F17 commissioner] may substitute a different date for the coming into effect of these scales.
- (6) The Secretary of State may [F24 by order made by statutory instrument] make rules as to procedure in relation to appeals under this section.
- (7) The decision of the traffic [F17 commissioner] on an appeal under this section shall be final.
- (8) The traffic [F17 commissioner] shall give notice of [F25 his] decision in writing to the appellant and to the licensing authority and notice shall be given to the appellant by—
 - (a) its being sent by recorded delivery letter to his last known address or, as the case may be, to them so as to arrive, in the normal course of post, not later than five days after [F25 his] decision; or
 - (b) personal service of the notice on the appellant within that time.
- F26(9)
- (10) A licensing authority shall pay the expenses incurred under this section by the traffic commissioners in relation to appeals under this section.
- F27(11)

Textual Amendments

- F15** S. 18(1) substituted (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 174(4)(a), 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F16** S. 18(1A) inserted (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 174(4)(b), 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F17** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, Sch. 2 Pt. II para. 5(a)
- F18** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, Sch. 2 Pt. II para. 5(b)
- F19** Words in s. 18(3) repealed (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 174(4)(c)(i), 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)

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- F20** Word in s. 18(3)(b) repealed (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 174(4)(c)(ii), 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F21** Word in s. 18(3)(b)(i) substituted (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 174(4)(c)(iii), 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F22** Words substituted as provided by Transport Act 1985 (c. 67, SIF 126), s. 3, Sch. 2 para. 5(c)
- F23** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, Sch. 2 para. 5(d)
- F24** Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 23(2)
- F25** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, Sch. 2 Pt. II para. 5(e)
- F26** S. 18(9) repealed (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 174(4)(d), 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)
- F27** S. 18(11) repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch. 4 PtI.

^{F28} 18A Publication and coming into effect of taxi fares

- (1) Following the fixing of scales by a licensing authority under section 17(2), the licensing authority must—
 - (a) determine the date on which the scales are to come into effect, and
 - (b) publish the scales in accordance with subsections (3) to (5).
- (2) The scales may come into effect no earlier than seven days after the date on which they are published.
- (3) The licensing authority must—
 - (a) give notice of the scales by advertisement in a newspaper circulating in its area, and
 - (b) specify in that advertisement the date on which the scales are to come into effect.
- (4) The authority must give notice of the scales—
 - (a) where no appeal has been lodged under subsection (1) of section 18, as soon as practicable after the expiry of the period of 14 days mentioned in that subsection,
 - (b) where such an appeal has been lodged, as soon as practicable after the determination of the appeal.
- (5) For the purposes of subsection (4), an appeal is determined on the date on which the appeal is abandoned or notice is given to the appellant of its disposal.]

Textual Amendments

- F28** S. 18A inserted (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 174(5), 206(1); S.S.I. 2011/354, art. 2, sch. (with art. 3)

19 Taxi stances.

- (1) A licensing authority may, after consultation with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating in their area, appoint stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority, or, with the consent of the owner, on any land owned by him.

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- (2) A licensing authority may—
 - (a) erect and illuminate signs;
 - (b) cause lines or marks to be made on roads;indicating the limits of taxi stances.
- (3) A licensing authority may from time to time, after consultation as mentioned in subsection (1) above, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.
- (4) Before appointing any stance for taxis or varying the number of taxis permitted to be at each stance, the licensing authority shall give notice to the chief constable of the area in which the stance is situated and shall also give public notice of the proposal by advertisement in at least one newspaper circulating in their area and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within 28 days of the first publication of such notice.
- (5) Nothing in this section shall empower a licensing authority to appoint any taxi stance so as unreasonably to prevent access to any premises or, without the consent of the [^{F29}roads authority], to appoint any taxi stance on any [^{F30}road] or erect or illuminate any sign there or cause any line or mark to be made on any road . . . ^{F31}

Textual Amendments

- F29** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 87\(2\)\(a\)](#)
- F30** Word by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 87\(2\)\(b\)](#)
- F31** Words repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1)(3), [Sch. 9 para. 87\(2\)\(c\)](#), Sch. 11

20 Regulations relating to taxis and private hire cars and their drivers.

- (1) Notwithstanding paragraph 5(2) of Schedule 1 to this Act, the Secretary of State may by regulations provide that licensing authorities shall, in relation to taxi, private hire car, taxi drivers' or private hire car drivers' licences, impose such conditions or classes of conditions as may be prescribed in the regulations and shall not impose such other conditions or classes of conditions as may be so prescribed [^{F32}and may provide that such conditions shall be imposed or, as the case may be, shall not be imposed for different areas or classes of areas; and different conditions or classes of conditions may be prescribed in relation to different categories of taxi or private hire car.]
 - (2) The Secretary of State may by regulations ^{F33}... prescribe types, sizes and designs of vehicles for the purposes of section 10(4) of this Act and, in doing so, may prescribe different types, sizes or designs of vehicles in respect of different areas.
- ^{F34}(2A) Without prejudice to the generality of subsections (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of [^{F35}section 6 of the Equality Act 2010]) and such provision may in particular prescribe—
- (a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;
 - (b) a date from which any such provision is to apply and the extent to which it is to apply; and

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- (c) the circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,
and in this subsection—
- “guide dog” means a dog which has been trained to guide a blind person;
 - “hearing dog” means a dog which has been trained to assist a deaf person;
 - and
 - “other categories of dog” means such other categories of dog as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe.]

[^{F36}(2AA) The Scottish Ministers may by regulations make such provision as appears to them to be necessary or expedient in relation to the carrying in private hire cars of disabled persons (within the meaning of [^{F37}section 6 of the Equality Act 2010]) and such provision may in particular prescribe—

- (a) requirements as to the carriage of guide dogs, hearing dogs and other categories of dogs;
- (b) a date from which any such provision is to apply and the extent to which it is to apply; and
- (c) the circumstances in which an exemption from such provision may be granted in respect of any private hire car or private hire car driver,

and in this subsection “guide dog”, “hearing dog” and “other categories of dog” have the same meaning as in subsection (2A) above.

(2AB) Regulations under subsection (2AA) above may provide for the creation of offences and for making offenders liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2AC) Regulations under subsection (2AA) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.]

- (3) Regulations under [^{F38}subsection (1) or (2) above] shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F32** Words added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 23\(3\)](#)
- F33** Words in s. 20(2) repealed (1.4.2003) by [Local Government in Scotland Act 2003 \(asp 1\)](#), [ss. 49\(a\), 62\(2\)](#); [S.S.I. 2003/134](#), art. 2(1), sch.
- F34** S. 20(2A) inserted (5.2.2003) by [Disability Discrimination Act 1995 \(c. 50\)](#), [ss. 39\(3\), 70\(3\)](#) (with [ss. 59, 64, 65](#)); [S.I. 2003/215](#), art. 2
- F35** Words in s. 20(2A) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 7(2) (as inserted) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 1 para. 2](#) (see [S.I. 2010/2317](#), art. 2)
- F36** S. 20(2AA)-(2AC) inserted (31.3.2004) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), [ss. 2, 6\(2\)](#); [S.S.I. 2004/57](#), art. 2
- F37** Words in s. 20(2AA) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 7(3) (as inserted) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 1 para. 2](#) (see [S.I. 2010/2317](#), art. 2)
- F38** Words in s. 20(3) substituted (1.4.2003) by [Local Government in Scotland Act 2003 \(asp 1\)](#), [ss. 49\(b\), 62\(2\)](#); [S.S.I. 2003/134](#), art. 2(1), sch.

Status: Point in time view as at 01/12/2015.

Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Licensing and regulation of taxis and private hire cars is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

C2 S. 20: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

21 Offences.

(1) If any person—

- (a) operates, or permits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, or
- (b) picks up passengers in, or permits passengers to be picked up by, a private hire car within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed,

that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F39}level 4 on the standard scale].

(2) Subsection (1) above does not apply to the operation of a taxi or private hire car within an area in respect of which its operation or its driver is not licensed if the request for its hiring was received by its driver [^{F40}(otherwise than in a public place from the person to be conveyed in it, or a person acting on his behalf, for a journey beginning there and then)] whilst—

- (a) in the area or in that part thereof in respect of which its operation and its driver are licensed;
- (b) engaged on hire on a journey which began in that area or part or will end there; or
- (c) returning to that area or part immediately following completion of a journey on hire.

(3) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force—

- (i) in respect of the vehicle, a licence under section 37 of the ^{M5}Town Police Clauses Act 1847 (licensing of hackney carriages) or section 48 of the ^{M6}Local Government (Miscellaneous Provisions) Act 1976 (licensing of private hire vehicles); and
- (ii) in respect of its driver, a licence under section 46 of the said Act of 1847 (licensing of hackney carriage drivers) or, as the case may be, section 51 of the said Act of 1976 (licensing of drivers of private hire vehicles).

[^{F41}(3A) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force—

- (a) in respect of the vehicle, a licence under section 7 of the Private Hire Vehicles (London) Act 1998; and
- (b) in respect of its driver, a licence under section 13 of that Act.]

(4) If any person, being the holder of a taxi licence or private hire car licence in respect of a vehicle, permits another person who does not have a current taxi driver's licence or private hire car driver's licence, as the case may be, to operate the vehicle as a taxi or, as the case may be, a private hire car he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F39}level 4 on the standard scale].

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- (5) If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding [^{F39}level 4 on the standard scale].
- (6) If any person without good cause breaks the seal on a taximeter or operates or drives a taxi or private hire car knowing that the seal on its meter has been broken, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F39}level 4 on the standard scale] or to imprisonment for a period not exceeding 60 days or to both.
- (7) If any person, without reasonable excuse, causes or permits any vehicle other than a taxi to wait on any stance for taxis during any period for which that stance has been appointed by a licensing authority under section 19 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [^{F39}level 2 on the standard scale].
- (8) Notice of the effect of subsection (7) above shall be indicated by such traffic signs as may be prescribed as authorised for the purpose by the Secretary of State in pursuance of his powers under section 54 of the ^{M7}Road Traffic Regulation Act 1967.

Textual Amendments

- F39** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F40** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 23(4)**
- F41** S. 21(3A) inserted (8.6.2004) by [Private Hire Vehicles \(London\) Act 1998 \(c. 34\)](#), s. 40(2), **Sch. 1 para. 3** (with s. 29); [S.I. 2004/241](#), art. 2(2)

Marginal Citations

- M5** 1847 c. 89.
- M6** 1976 c. 57.
- M7** 1967 c. 76.

22 [^{F42}Exemptions]

[^{F43}(1)] Nothing in sections 10 to 21 (with the exception of subsection (7) of section 21) of this Act shall—

- (a) apply to a vehicle used for bringing passengers or goods within and taking them out of an area in respect of which the vehicle is not licensed as a taxi or a private hire car in pursuance of a contract for the hire of the vehicle made outside the area if the vehicle is not made available for hire within the area;
- (b) apply to a vehicle while it is being used in connection with a funeral or wedding;
- (c) apply to any vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours.

[^{F44}(2)] The Scottish Ministers may by regulations specify further circumstances in which sections 10 to 21 (with the exception of subsection (7) of section 21) are not to apply.

(3) Regulations under subsection (2)—

- (a) may make transitional, transitory and saving provision,
- (b) are subject to the negative procedure.]

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Textual Amendments

- F42** S. 22 title substituted (1.12.2015) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 65(5)**, 88(2); S.S.I. 2015/382, art. 2, sch.
- F43** S. 22(1): s. 22 renumbered as s. 22(1) (1.12.2015) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 65(2)**, 88(2); S.S.I. 2015/382, art. 2, sch.
- F44** S. 22(2)(3) inserted (1.12.2015) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 65(4)**, 88(2); S.S.I. 2015/382, art. 2, sch.

23 Interpretation of sections 10 to 22.

- (1) In sections 10 to 22 of this Act—
- “taxi” means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then; and
- “private hire car” means a hire car other than a taxi within the meaning of this subsection.
- (2) In subsection (1) above, “hire car” means a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the ^{M8}Public Passenger Vehicles Act 1981) which is, with a view to profit, available for hire by the public for personal conveyance.
- (3) Notwithstanding that a vehicle in respect of which there is a licence for its operation as a taxi is, on any occasion, engaged as a hire car otherwise than in the manner referred to in subsection (1) above, the enactments relating to its operation as a taxi, and to the driving of it as such (including any such enactments in this Act) shall nonetheless apply in relation to it; and that other manner of engagement on that occasion shall not of itself cause the operation or driving of the licensed taxi to be regarded for the purposes of this Act as the operation or driving of a private hire car within the meaning of subsection (1) above.

Marginal Citations

- M8** 1981 c. 14.

Status:

Point in time view as at 01/12/2015.

Changes to legislation:

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