



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Taxis and hire cars*

#### **10 Immediate hiring of taxis at separate fares**

- (1) In the circumstances mentioned in subsection (2) below, a licensed taxi may be hired for use for the carriage of passengers for hire or reward at separate fares without thereby—
  - (a) becoming a public service vehicle for the purposes of the 1981 Act or any related enactment; or
  - (b) ceasing (otherwise than by virtue of any provision made under section 13 of this Act) to be subject to the taxi code.
- (2) The circumstances are that—
  - (a) the taxi is hired in an area where a scheme made under this section is in operation ;
  - (b) the taxi is licensed by the licensing authority for that area; and
  - (c) the hiring falls within the terms of the scheme.
- (3) In this section "licensing authority " means—
  - (a) in relation to the London taxi area, the Secretary of State or the holder for the time being of any office designated by the Secretary of State for the purposes of this section; and
  - (b) in relation to any other area in England and Wales, the authority having responsibility for licensing taxis in that area.
- (4) For the purposes of this section, a licensing authority may make a scheme for their area and shall make such a scheme if the holders of at least ten per cent, of the current taxi licences issued by the authority request the authority in writing to do so.

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- (5) Any scheme made under this section shall—
- (a) designate the places in the area from which taxis may be hired under the scheme (" authorised places ");
  - (b) specify the requirements to be met for the purposes of the scheme in relation to the hiring of taxis at separate fares; and
  - (c) if made otherwise than by the Secretary of State—
    - (i) include such provision, or provision of such description, as may be prescribed for the purposes of this sub-paragraph;
    - (ii) not include provision of any such description as may be prescribed for the purposes of this subparagraph.
- (6) Subject to subsection (5) above, any scheme made under this section may, in particular, make provision with respect to—
- (a) fares;
  - (b) the display of any document, plate, mark or sign for indicating an authorised place or that a taxi standing at an authorised place is available for the carriage of passengers at separate fares ;
  - (c) the manner in which arrangements are to be made for the carriage of passengers on any such hiring as is mentioned in subsection (1) above ; and
  - (d) the conditions to apply to the use of a taxi on any such hiring.
- (7) A licensing authority may, subject to subsection (5) above, vary any scheme made by them under this section.
- (8) Except in the case of a scheme made by the Secretary of State, any scheme under this section, and any variation of such a scheme, shall be made in accordance with the prescribed procedure.
- (9) For the purposes of this section—
- (a) the hiring of a taxi falls within the terms of a scheme if—
    - (i) it is hired from an authorised place; and
    - (ii) the hiring meets the requirements specified by the licensing authority as those to be met for the purposes of the scheme ; and
  - (b) a taxi is hired from an authorised place if it is standing at that place when it is hired and the persons hiring it are all present there.
- (10) The power of the Secretary of State to make a scheme for the purpose of this section shall be exercisable by order.

## **11 Advance booking of taxis and hire cars at separate fares**

- (1) Where the conditions mentioned in subsection (2) below are met, a licensed taxi or licensed hire car may be used for the carriage of passengers for hire or reward at separate fares without thereby—
- (a) becoming a public service vehicle for the purposes of the 1981 Act or any related enactment; or
  - (b) ceasing (otherwise than by virtue of any provision made under section 13 of this Act) to be subject to the taxi code or (as the case may be) the hire car code.
- (2) The conditions are that—

- (a) all the passengers carried on the occasion in question booked their journeys in advance ; and
- (b) each of them consented, when booking his journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion.

## **12 Use of taxis in providing local services**

- (1) Where the holder of a taxi licence—
  - (a) applies to the appropriate traffic commissioner for a restricted PSV operator's licence to be granted to him under Part II of the 1981 Act; and
  - (b) states in his application that he proposes to use one or more licensed taxis to provide a local service;section 14 of the 1981 Act (conditions to be met before grant of PSV operator's licence) shall not apply and the commissioner shall grant the application.
- (2) In this section " special licence " means a restricted PSV operator's licence granted by virtue of this section.
- (3) Section 15 of the 1981 Act (duration of licences) shall apply in relation to any special licence as if it required the duration of the licence to be—
  - (a) five years ; or
  - (b) where the application for the licence specifies a shorter period, that shorter period.
- (4) Without prejudice to his powers to attach other conditions under section 16 of the 1981 Act, any traffic commissioner granting a special licence shall attach to it, under that section, the conditions mentioned in subsection (5) below.
- (5) The conditions are—
  - (a) that every vehicle used under the licence shall be one for which the holder of the licence has a taxi licence; and
  - (b) that no vehicle shall be used under the licence otherwise than for the purpose of providing a local service with one or more stopping places within the area of the authority which granted the taxi licence of the vehicle in question.
- (6) In subsection (5)(b) above " local service " does not include an excursion or tour.
- (7) The maximum number of vehicles which the holder of a special licence may at any one time use under the licence shall be the number of vehicles for which (for the time being) he holds taxi licences; and a condition to that effect shall be attached to every special licence under section 16(1) of the 1981 Act.
- (8) Section 1(2) of the 1981 Act (vehicle used as public service vehicle to be treated as such until that use is permanently discontinued) shall not apply to any use of a licensed taxi for the provision of a local service under a special licence.
- (9) At any time when a licensed taxi is being so used it shall carry such documents, plates and marks, in such manner, as may be prescribed.
- (10) Such provisions in the taxi code as may be prescribed shall apply in relation to a licensed taxi at any time when it is being so used; and any such provision may be so applied subject to such modifications as may be prescribed.

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- (11) For the purposes of section 12(3) of the 1981 Act (which provides that where two or more PSV operators' licences are held they must be granted by traffic commissioners for different traffic areas), special licences shall be disregarded.
- (12) A person may hold more than one special licence but shall not at the same time hold more than one such licence granted by the traffic commissioner for a particular traffic area.
- (13) The following provisions shall not apply in relation to special licences or (as the case may be) the use of vehicles under such licences—
- (a) sections 16(1A) and (2), 17(3)(d), 18 to 20, 22 and 26 of the 1981 Act; and
  - (b) section 26(5) and (6) of this Act;
- and for the purposes of section 12 of that Act this section shall be treated as if it were in Part II of that Act.

### **13 Provisions supplementary to sections 10 to 12**

- (1) The Secretary of State may by order make such modifications of the taxi code and the hire car code as he sees fit for the purpose of supplementing the provisions of sections 10 to 12 of this Act.
- (2) Any order made under subsection (1) above may, in particular, modify any provision—
- (a) relating to fares payable by the hirer of a vehicle ;
  - (b) requiring the driver of any vehicle to accept any hiring, or to drive at the direction of a hirer, or (as the case may be) of a prospective hirer, to any place within or not exceeding any specified distance or for any period of time not exceeding a specified period from the time of hiring;
  - (c) making the carriage of additional passengers in any vehicle which is currently subject to a hiring dependent on the consent of the hirer.
- (3) In this section, and in sections 10 to 12 of this Act—
- " licensed taxi" means—
    - (a) in England and Wales, a vehicle licensed under—
      - (i) section 37 of the Town Police Clauses Act 1847; or
      - (ii) section 6 of the Metropolitan Public Carriage Act 1869; or under any similar enactment; and
    - (b) in Scotland, a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982;
  - " London taxi area " means the area to which the Metropolitan Public Carriage Act 1869 applies ;
  - " licensed hire car " means a vehicle which is licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
  - " hire car code ", in relation to a licensed hire car used as mentioned in section 11 of this Act, means those provisions made by or under any enactment which would apply if it were hired by a single passenger for his exclusive use;
  - "related enactment", in relation to the 1981 Act, means any statutory provision (whenever passed or made) relating to public service vehicles in which " public service vehicle " is defined directly or indirectly by reference to the provisions of the 1981 Act;
  - " taxi code", in relation to any licensed taxi used as mentioned in section 10,11 or 12 of this Act, means—

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- (a) in England and Wales, those provisions made by or under any enactment which would apply if the vehicle were plying for hire and were hired by a single passenger for his exclusive use; and
- (b) in Scotland, the provisions of sections 10 to 23 of the Civic Government (Scotland) Act 1982, and Part I of that Act as it applies to these provisions ; and

" taxi licence" means a licence under section 6 of the Metropolitan Public Carriage Act 1869, section 37 of the Town Police Clauses Act 1847 or any similar enactment, or a taxi licence under section 10 of the Civic Government (Scotland) Act 1982.

- (4) Any order made under subsection (1) above may contain such supplementary, incidental, consequential and transitional provisions (including provisions modifying any enactment contained in any Act other than this Act) as appear to the Secretary of State to be necessary or expedient in consequence of any modification of the taxi code or the private hire car code made by the order.

#### **14 Operation of taxis and private hire cars in Scotland for the carriage of passengers at separate fares**

- (1) As respects Scotland, a taxi (other than a taxi which is for the time being operating a local service which is or requires to be registered under this Part of this Act, has been previously advertised and has a destination and route which are not entirely at the discretion of the passengers) or private hire car which is used for the carriage of passengers for hire or reward at separate fares shall not by reason of such use become a public service vehicle for the purposes of the 1981 Act or any related enactment.
- (2) In this section "taxi" and "private hire car" have the meanings given in section 23 of the Civic Government (Scotland) Act 1982 and "related enactment" has the meaning given in section 13(3) of this Act.

#### **15 Extension of taxi licensing in England and Wales**

- (1) Where, immediately before the commencement of this section, the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages and of the Town Police Clauses Act 1889 (as incorporated in each case in the Public Health Act 1875) were not in force throughout the whole of the area of a district council in England and Wales whose area lies outside the area to which the Metropolitan Public Carriage Act 1869 applies, those provisions (as so incorporated) shall—
  - (a) if not then in force in any part of the council's area, apply throughout that area ; and
  - (b) if in force in part only of its area, apply also in the remainder of that area.
- (2) Where part only of a district council's area lies outside the area to which the Act of 1869 applies, that part shall, for the purposes of subsection (1) above, be treated as being the area of the council.
- (3) So much of any local Act as enables a district council to bring to an end the application of the provisions mentioned in subsection (1) above to the whole or any part of their area shall cease to have effect.

## **16 Taxi licensing: control of numbers**

The provisions of the Town Police Clauses Act 1847 with respect to hackney carriages, as incorporated in any enactment (whenever passed), shall have effect

- (a) as if in section 37, the words " such number of " and " as they think fit" were omitted ; and
- (b) as if they provided that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.

## **17 London taxi and taxi driver licensing: appeals**

(1) In this section—

" licence " means a licence under section 6 of the Metropolitan Public Carriage Act 1869 (taxi licences) or under section 8 of that Act (taxi driver licences); and

" licensing authority" means the person empowered to grant a licence.

- (2) Where the licensing authority has refused to grant, or has suspended or revoked, a licence the applicant, for, or (as the case may be) holder of, the licence may, before the expiry of the prescribed period—
  - (a) require the authority to reconsider his decision; or
  - (b) appeal to the appropriate court.
- (3) Any call for a reconsideration under subsection (2) above must be made to the licensing authority in writing.
- (4) On any reconsideration under this section the person calling for the decision to be reconsidered shall be entitled to be heard either in person or by his representative.
- (5) If the person calling for a decision to be reconsidered under this section is dissatisfied with the decision of the licensing authority on reconsideration, he may, before the expiry of the prescribed period, appeal to the appropriate court.
- (6) On any appeal to it under this section, the court may make such order as it thinks fit; and any order which it makes shall be binding on the licensing authority.
- (7) Where a person holds a licence which is in force when he applies for a new licence in substitution for it, the existing licence shall continue in force until the application for the new licence, or any appeal under this section in relation to that application, is disposed of, but without prejudice to the exercise in the meantime of any power of the licensing authority to revoke the existing licence.
- (8) For the purposes of subsection (7) above, where the licensing authority refuses to grant the new licence the application shall not be treated as disposed of—
  - (a) where no call for a reconsideration of the authority's decision is made under subsection (2) above, until the expiry of the prescribed period ;
  - (b) where such a reconsideration is called for, until the expiry of the prescribed period which begins by reference to the decision of the authority on reconsideration.

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- (9) Where the licensing authority suspends or revokes a licence, or confirms a decision to do so, he may, if the holder of the licence so requests, direct that his decision shall not have effect until the expiry of the prescribed period.
- (10) In this section " the appropriate court" means the magistrates' court for the petty sessions area in which the licensing authority has his office or, if he has more than one office, his principal office.