



Private Hire Vehicles (London) Act 1998

1998 CHAPTER 34

Regulation of private hire vehicles in London

6 Requirement for private hire vehicle licence

- (1) A vehicle shall not be used as a private hire vehicle on a road in London unless a private hire vehicle licence is in force for that vehicle.
- (2) The driver and operator of a vehicle used in contravention of this section are each guilty of an offence.
- (3) The owner of a vehicle who permits it to be used in contravention of this section is guilty of an offence.
- (4) It is a defence in proceedings for an offence under subsection (2) for the driver or operator to show that he exercised all due diligence to prevent the vehicle being used in contravention of this section.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) In this section “private hire vehicle licence” means—
 - (a) except where paragraph (b) or (c) applies, a London PHV licence;
 - (b) if the vehicle is in use for the purposes of a hiring the booking for which was accepted outside London in a controlled district, a licence under section 48 of the 1976 Act issued by the council for that district; and
 - (c) if the vehicle is in use for the purposes of a hiring the booking for which was accepted in Scotland, a licence under section 10 of the Civic Government (Scotland) Act 1982 (in this Act referred to as “the 1982 Act”),and for the purposes of paragraph (b) or (c) it is immaterial that the booking in question is a sub-contracted booking.
- (7) This section does not apply to a vehicle used for the purposes of a hiring for a journey beginning outside London in an area of England and Wales which is not a controlled district.

7 London PHV licences

- (1) The owner of any vehicle constructed or adapted to seat fewer than nine passengers may apply to the Secretary of State for a private hire vehicle licence for London (in this Act referred to as a “London PHV licence”) for that vehicle.
- (2) The Secretary of State shall grant a London PHV licence for a vehicle if he is satisfied—
 - (a) that the vehicle—
 - (i) is suitable in type, size and design for use as a private hire vehicle;
 - (ii) is safe, comfortable and in a suitable mechanical condition for that use; and
 - (iii) is not of such design and appearance as would lead any person to believe that the vehicle is a London cab;
 - (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 Part VI of the Road Traffic Act 1988; and
 - (c) that any further requirements that may be prescribed are met.
- (3) A London PHV licence may not be granted in respect of more than one vehicle.
- (4) A London PHV licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Secretary of State may think fit.
- (5) A London PHV licence shall be in such form and shall contain such particulars as the Secretary of State may think fit.
- (6) A London PHV licence shall be granted for one year or for such shorter period as the Secretary of State may consider appropriate in the circumstances of the case.
- (7) An applicant for a London PHV licence may appeal to a magistrates' court against a decision not to grant such a licence or against any condition (other than a prescribed condition) to which the licence is subject.

8 Obligations of owners of licensed vehicles

- (1) This section applies to the owner of any vehicle to which a London PHV licence relates.
- (2) The owner shall present the vehicle for inspection and testing by or on behalf of the Secretary of State within such period and at such place as he may by notice reasonably require.

The vehicle shall not be required to be presented under this subsection on more than three separate occasions during any one period of 12 months.
- (3) The owner shall (without prejudice to section 170 of the Road Traffic Act 1988) report any accident to the vehicle materially affecting—
 - (a) the safety, performance or appearance of the vehicle, or
 - (b) the comfort or convenience of persons carried in the vehicle,to the Secretary of State as soon as reasonably practical and in any case within 72 hours of the accident occurring.

- (4) If the ownership of the vehicle changes, the person who was previously the owner shall within 14 days of the change give notice to the Secretary of State of that fact and the name and address of the new owner.
- (5) A person who, without reasonable excuse, contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

9 Fitness of licensed vehicles

- (1) A constable or authorised officer has power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any vehicle to which a London PHV licence relates.
- (2) If a constable or authorised officer is not satisfied as to the fitness of such a vehicle he may by notice to the owner of the vehicle—
 - (a) require the owner to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified in the notice; and
 - (b) if he thinks fit, suspend the London PHV licence relating to that vehicle until such time as a constable or authorised officer is satisfied as to the fitness of the vehicle.
- (3) A notice under subsection (2)(b) shall state the grounds on which the licence is being suspended and the suspension shall take effect on the day on which it is served on the owner.
- (4) A licence suspended under subsection (2)(b) shall remain suspended until such time as a constable or authorised officer by notice to the owner directs that the licence is again in force.
- (5) If a licence remains suspended at the end of the period of two months beginning with the day on which a notice under subsection (2)(b) was served on the owner of the vehicle—
 - (a) a constable or authorised officer may by notice to the owner direct that the licence is revoked; and
 - (b) the revocation shall take effect at the end of the period of 21 days beginning with the day on which the owner is served with that notice.
- (6) An owner may appeal against a notice under subsection (2)(b) or (5) to a magistrates' court.

10 Identification of licensed vehicles

- (1) The Secretary of State shall issue a disc or plate for each vehicle to which a London PHV licence relates which identifies that vehicle as a vehicle for which such a licence is in force.
- (2) No vehicle to which a London PHV licence relates shall be used as a private hire vehicle on a road in London unless the disc or plate issued under this section is exhibited on the vehicle in such manner as may be prescribed.
- (3) The Secretary of State may by notice exempt a vehicle from the requirement under subsection (2) when it is being used to provide a service specified in the notice if he

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considers it inappropriate (having regard to that service) to require the disc or plate in question to be exhibited.

- (4) The driver and operator of a vehicle used in contravention of subsection (2) are each guilty of an offence.
- (5) The owner of a vehicle who permits it to be used in contravention of subsection (2) is guilty of an offence.
- (6) It is a defence in proceedings for an offence under subsection (4) for the driver or operator to show that he exercised all due diligence to prevent the vehicle being used in contravention of subsection (2).
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

11 Prohibition of taximeters

- (1) No vehicle to which a London PHV licence relates shall be equipped with a taximeter.
- (2) If such a vehicle is equipped with a taximeter, the owner of that vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this section “taximeter” means a device for calculating the fare to be charged in respect of any journey by reference to the distance travelled or time elapsed since the start of the journey (or a combination of both).