



Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

2022 CHAPTER 14

Licensing information database

2 Duty to record information about licensing decisions in database

- (1) This section applies where, relying wholly or in part on relevant information relating to a person, a licensing authority decides—
 - (a) to refuse the person's application for a driver's licence,
 - (b) to refuse the person's application for the renewal of a driver's licence,
 - (c) to suspend the person's driver's licence, or
 - (d) to revoke the person's driver's licence.
- (2) The licensing authority must—
 - (a) make an entry recording the decision, and the information listed in [subsection \(4\)](#), in the licensing information database,
 - (b) ensure (whether by amending, removing or reinstating it) that the entry is kept up-to-date so as to reflect any subsequent change made to the decision—
 - (i) by the authority,
 - (ii) on appeal against the authority's decision, or
 - (iii) on any subsequent appeal,during the period of 11 years beginning with the day on which the entry is first made, and
 - (c) keep a record of the relevant information and the decision until the end of the period referred to in [paragraph \(b\)](#).
- (3) The reference in [subsection \(2\)\(b\)](#) to a subsequent change made to the decision includes a reference to a subsequent decision by the authority to grant a driver's licence to the person.
- (4) The information is—

- (a) the person’s full name, date of birth, home address and national insurance number;
 - (b) if the person holds a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988, the driver number shown on the licence;
 - (c) if the person holds a Northern Ireland driving licence, the driver number shown on the licence;
 - (d) if the person holds a Community licence, the number of the licence;
 - (e) the name of the licensing authority and details of how further information about the decision can be obtained from the authority;
 - (f) the date on which the decision was made and (if different) the date on which it takes effect;
 - (g) the date on which any subsequent change to the decision was made and (if different) the date on which it takes effect;
 - (h) if the decision is to suspend the person’s driver’s licence for a period, the date on which the suspension is to end;
 - (i) such other information as the Secretary of State may by regulations made by statutory instrument prescribe.
- (5) The licensing authority must—
- (a) comply with [subsection \(2\)\(a\)](#) within the period of 5 working days beginning with the day on which the licensing authority notifies the person of its decision, and
 - (b) comply with [subsection \(2\)\(b\)](#) as soon as practicable after becoming aware of the change in question.
- (6) Regulations under this section may make different provision for different purposes.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “Community licence” and “Northern Ireland driving licence” have the meaning given by section 108(1) of the Road Traffic Act 1988.

3 Duty to search database and have regard to relevant information

- (1) Before making a decision on a person’s application for, or for the renewal of, a driver’s licence, a licensing authority (“the decision-making authority”) must search the licensing information database for entries relating to the person.
- (2) Where any such entry was made by another licensing authority (“the recording authority”)—
- (a) the decision-making authority must make a request in writing to the recording authority for the relevant information on which the recording authority relied when making the decision recorded in the entry, and
 - (b) the recording authority must provide the information within the period of 20 working days beginning with the day on which it receives the request.
- (3) The decision-making authority must have regard to the information when making the decision referred to in [subsection \(1\)](#).
- (4) Where, after complying with [subsection \(2\)\(b\)](#), the recording authority makes a change to the entry in order to comply with [section 2\(2\)\(b\)](#) (duty to keep entry up-to-date)—
- (a) the recording authority must inform the decision-making authority of—

- (i) the change, and
- (ii) the reason for the change, and
- (b) the decision-making authority must have regard to the information received under [paragraph \(a\)](#) when making the decision referred to in [subsection \(1\)](#) (if the decision still falls to be made).

4 The database

- (1) In this Act “licensing information database” means the database operated for the purposes of this Act—
 - (a) by a person designated by the Secretary of State, or
 - (b) where no such person is designated, by, or on behalf of, the Secretary of State.
- (2) A designation under [subsection \(1\)\(a\)](#)—
 - (a) may contain conditions to which it is subject, and
 - (b) may be varied or withdrawn by the Secretary of State.
- (3) The person operating the database must ensure that—
 - (a) every licensing authority, relevant authority and the Department for Infrastructure in Northern Ireland are, subject to [subsection \(4\)](#), able to search the database, make entries in it and amend, remove and reinstate entries that it has made,
 - (b) every entry made in the database in accordance with section 2 is removed from the database at the end of the period of 11 years beginning with the day on which it is first made, and
 - (c) the information contained in the database is disclosed only for the purposes of ensuring—
 - (i) the safeguarding of passengers, and
 - (ii) road safety.
- (4) The person operating the database may charge a fee to a person specified in [subsection \(3\)\(a\)](#) in respect of the costs of the database.
- (5) A fee under [subsection \(4\)](#) may in particular be a periodic fee calculated in such manner as the person operating the database considers appropriate.
- (6) But a person designated under [subsection \(1\)\(a\)](#) may only charge fees under [subsection \(4\)](#) if the Secretary of State has agreed the level of the fees to be charged.