

STATUTORY INSTRUMENTS

1986 No. 1238 (S. 105)

LICENCES AND LICENSING

**The Licensing and Regulation of Taxis and Private Hire Cars
and their Drivers (Prohibited and Required Conditions) (Scotland)
Regulations 1986**

<i>Made</i>	- - - -	14th July 1986
<i>Laid before Parliament</i>		24th July 1986
<i>Coming into Operation</i>		14th August 1986

The Secretary of State, in exercise of the powers conferred on him by section 20(1) of the Civic Government (Scotland) Act 1982(a), and of all other powers enabling him in that behalf, hereby makes the following regulations: -

Citation and commencement

1. These regulations may be cited as the Licensing and Regulation of Taxis and Private Hire Cars and their Drivers (Prohibited and Required Conditions) (Scotland) Regulations 1986 and shall come into operation on 14th August 1986.

Interpretation

2. In these regulations -

“the 1982 Act” means the Civic Government (Scotland) Act 1982;

“the 1985 Act” means the Transport Act 1985(b);

“local service” has the meaning ascribed to it by section 2 of the 1985 Act;

“special licence” means a restricted PSV operator’s licence granted by virtue of section 12 of the 1985 Act.

Prohibited licensing conditions

3. No licensing authority shall impose conditions under the 1982 Act on any taxi licence, private hire car licence, taxi driver’s licence or private hire car driver’s licence which would have the effect of -

- (a) limiting the operation of a taxi or private hire car to any of the following modes of operation, namely exclusive hire, carriage at separate fares or, in the case of a taxi only, provision of a local service; or
- (b) limiting the number of vehicles for which the holder of a taxi licence or private hire car licence may hold licences; or

(a) 1982 c.45; section 20(1) was amended by paragraph 23(3) of Schedule 7 to the Transport Act 1985 (c.67).

(b) 1985 c.67.

- (c) requiring the holder of a taxi licence or private hire car licence or a taxi driver's licence or a private hire car driver's licence to reside within the area of the licensing authority; or
- (d) prohibiting or restricting the use of radios or other means of external communication in private hire cars or imposing additional licensing conditions on the operation of private hire cars solely because they have radios or other means of external communication; or
- (e) preventing the holder of a taxi licence or private hire car licence or a taxi driver's licence or a private hire car driver's licence from engaging in an employment or business other than that for which he is licensed.

Required licensing conditions

4. Every licensing authority shall impose conditions under the 1982 Act on any taxi licence issued by them to the effect that at any time when a taxi is being used under a special licence to provide a local service which is or requires to be registered under Part I of the 1985 Act, has been previously advertised and has a destination and route which are not entirely at the discretion of the passengers, the holder of the taxi licence shall -

- (a) cause to be displayed on the vehicle a notice in such form as may be prescribed by the licensing authority to indicate the nature of the service being provided; and
- (b) cause to be displayed in the vehicle in such a manner that it is clearly legible to passengers a fare table containing sufficient information to enable a passenger to ascertain the fare for his journey or the manner in which that fare is computed.

Revocation

5. The Local Authorities (Prohibited Conditions for Licensing of Taxis and Private Hire Cars and their Drivers) (Scotland) Regulations 1983(a) are hereby revoked.

Michael Ancram,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
14th July 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Under section 20(1) of the Civil Government (Scotland) Act 1982 the Secretary of State is empowered to make regulations prescribing conditions which licensing authorities shall or shall not impose in granting licences in respect of taxis and private hire cars and their drivers. These regulations -

- (a) revoke and re-enact the Local Authorities (Prohibited Conditions for Licensing of Taxis and Private Hire Cars and their Drivers) (Scotland) Regulations 1983 (S.I. 1983/1029) with -
 - (i) an amendment to the former regulation 2(a) (new regulation 3(b)) which makes it clear that a licensing authority may not impose any condition which would have the effect of limiting a taxi or private hire car operator to any specified number of vehicles, rather than to one vehicle;
 - (ii) a new provision which prohibits the imposition of any condition which would have the effect of restricting a taxi or private hire car to any particular mode of operation; and
- (b) require the imposition of conditions which would have the effect of requiring a taxi operator, at any time when his vehicle is being used as a taxi-bus under a restricted PSV operator's licence, to display a notice indicating the nature of the service being provided and to display a fare table.

The provisions which have been re-enacted without modification are those which prohibit a licensing authority from imposing conditions which would have the effect of -

- (a) requiring the licence holder to reside within the area of the licensing authority;
- (b) prohibiting or restricting the use of radios or other means of communication in private hire cars or imposing additional conditions solely because they have radios; and
- (c) preventing licence holders from engaging in other employment or business.

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