

**Relevant Sections of the Draft Regulation Bill**

**10 Private hire vehicles: circumstances in which driver's licence required**

- (1) Section 46 of the Local Government (Miscellaneous Provisions) Act 1976 (vehicle, drivers' and operators' licences) is amended as follows.
- (2) In subsection (1)(b), for "driver of any private hire vehicle" substitute "driver of any vehicle when it is in use as a private hire vehicle".
- (3) After subsection (1) insert—
  - "(1A) For the purposes of this Act, a reference to a vehicle being in use as a private hire vehicle is a reference to a private hire vehicle which—
    - (a) is in use in connection with a hiring for the purpose of carrying passengers; or
    - (b) is immediately available to an operator to carry out a booking for a private hire vehicle."
- (4) After subsection (2) insert—
  - "(3) If, in any proceedings for an offence under this section in which it is alleged that the defendant contravened subsection (1)(b), the prosecution prove that a private hire vehicle was at any time being used on a road to carry one or more passengers, it is to be presumed, unless the contrary is shown, that the vehicle was, at that time, in use in connection with a hiring as mentioned in subsection (1A)(a)."

**11 Taxis and private hire vehicles: duration of licences**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers' licences for hackney carriages and private hire vehicles)—
  - (a) in subsection (1)(a), for "for such lesser period as the district council may specify in such licence" substitute "for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case";
  - (b) in subsection (1)(b), for "for such lesser period as they may specify in such licence" substitute "for such lesser period,

specified in the licence, as the district council think appropriate in the circumstances of the case”.

- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—

“(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”

## **12 Private hire vehicles: sub-contracting**

In the Local Government (Miscellaneous Provisions) Act 1976, after section 55 insert—

### **“55A Sub-contracting by operators**

- (1) A person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle may arrange for another person to provide a vehicle to carry out the booking if—
- (a) the other person is licensed under section 55 in respect of the same controlled district and the sub-contracted booking is accepted in that district;
  - (b) the other person is licensed under section 55 in respect of another controlled district and the sub-contracted booking is accepted in that district;
  - (c) the other person is a London PHV operator and the subcontracted booking is accepted at an operating centre in London; or
  - (d) the other person accepts the sub-contracted booking in Scotland.
- (2) It is immaterial for the purposes of subsection (1) whether or not subcontracting is permitted by the contract between the person licensed under section 55 who accepted the booking and the person who made the booking.
- (3) Where a person licensed under section 55 in respect of a controlled district is also licensed under that section in respect of another controlled district, subsection (1) (so far as relating to paragraph (b) of that subsection) and section 55B(1) and (2) apply as if each licence were held by a separate person.
- (4) Where a person licensed under section 55 in respect of a controlled district is also a London PHV operator, subsection (1) (so far as relating to paragraph (c) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the London PHV operator were separate persons.

- (5) Where a person licensed under section 55 in respect of a controlled district also makes provision in the course of a business for the invitation or acceptance of bookings for a private hire car or taxi in Scotland, subsection (1) (so far as relating to paragraph (d) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the person making the provision in Scotland were separate persons.

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.

- (6) In this section, “London PHV operator” and “operating centre” have the same meaning as in the Private Hire Vehicles (London) Act 1998.

### **55B Sub-contracting by operators: criminal liability**

- (1) In this section—

“the first operator” means a person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle and then made arrangements for another person to provide a vehicle to carry out the booking in accordance with section 55A(1);

“the second operator” means the person with whom the first operator made the arrangements (and, accordingly, the person who accepted the sub-contracted booking).

- (2) The first operator is not to be treated for the purposes of section 46(1)(e) as operating a private hire vehicle by virtue of having invited or accepted the booking.
- (3) The first operator is guilty of an offence if—
- (a) the second operator is a person mentioned in section 55A(1)(a) or (b),
  - (b) the second operator contravenes section 46(1)(e) in respect of the sub-contracted booking, and
  - (c) the first operator knew that the second operator would contravene section 46(1)(e) in respect of the booking.”