AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015

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EXPLANATORY NOTES

STRUCTURE AND SUMMARY OF THE ACT

Part 3 – Civic Licensing

Taxis and private hire cars

Section 65 – Exemptions from requirements of sections 10 to 21 of 1982 Act

212.   Section 65 amends section 22 of the 1982 Act to remove the exemption at subsection (c) which applies to 'any vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours'. This brings vehicles that are being used on contract in this manner into the licensing regime for taxis and private hire cars. Examples of the type of service that could potentially be brought within the licensing regime for taxi and private hire cars are: executive hire work – where a car is hired to transport an individual between meetings over the course of a day; airport transfers – where a car is hired to transport customers on longer journeys (meaning the car can only do one job in the 24 hour period) e.g. collecting from Glasgow Airport and taking a group to Iona.

213.   Subsection (4) gives the Scottish Ministers the power to specify by order further exemptions from taxi and private hire car licensing. It is assumed the definition of a hire car within the 1982 Act makes clear the type of operation that should covered: '…"hire car" means a motor vehicle with a driver…which is, with a view to profit, available for hire by the public for personal conveyance.' However, if it becomes clear types of service not intended to be covered are being swept up in taxi and private hire car licensing, this power could be used e.g. where a service is providing some kind of transport as an ancillary part of the wider service, not the main focus. An example could be if child-minders are being expected to be licensed as private hire car drivers and their vehicles licensed for collecting children in their care from school by car. The power could be used to make explicit that this type of operation is not intended to be covered.