



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 3

CIVIC LICENSING

Taxis and private hire cars

63 Refusal to grant private hire car licences on grounds of overprovision

In section 10 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) (taxi and private hire car licences), after subsection (3) insert—

“(3A) Without prejudice to paragraph 5 of Schedule 1, the grant of a private hire car licence may be refused by a licensing authority if, but only if, they are satisfied that there is (or, as a result of granting the licence, would be) overprovision of private hire car services in the locality (or localities) in their area in which the private hire car is to operate.

(3B) It is for the licensing authority to determine the localities within their area for the purposes of subsection (3A) and in doing so the authority may determine that the whole of their area is a locality.

(3C) In satisfying themselves as to whether there is or would be overprovision for the purposes of subsection (3A) in any locality, the licensing authority must have regard to—

- (a) the number of private hire cars operating in the locality, and
- (b) the demand for private hire car services in the locality.”.

64 Testing of private hire car drivers

In section 13 of the 1982 Act (taxi and private hire car driving licences), in subsection (5)—

- (a) after “licence” where first occurring insert “or a private hire car driver’s licence”;

- (b) after “taxi” where second occurring insert “or, as the case may be, private hire car”.

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

- (1) Section 22 of the 1982 Act (saving for certain vehicles etc.) is amended as follows.
- (2) The existing provision becomes subsection (1).
- (3) Paragraph (c) of that subsection is repealed.
- (4) After that subsection, insert—
 - “(2) The Scottish Ministers may by regulations specify further circumstances in which sections 10 to 21 (with the exception of subsection (7) of section 21) are not to apply.
 - (3) Regulations under subsection (2)—
 - (a) may make transitional, transitory and saving provision,
 - (b) are subject to the negative procedure.”.
- (5) The title to section 22 becomes “**Exemptions**”.