



# Private Hire Vehicles (London) Act 1998

## 1998 CHAPTER 34

### *Licences: general provisions*

#### **15 Applications for licences**

- (1) An application for the grant of a licence under this Act shall be made in such form, and include such declarations and information, as the Secretary of State may require.
- (2) The Secretary of State may require an applicant to furnish such further information as he may consider necessary for dealing with the application.
- (3) The information which an applicant for a London PHV operator's licence may be required to furnish includes in particular information about—
  - (a) any premises in London which he proposes to use as an operating centre;
  - (b) any convictions recorded against him;
  - (c) any business activities he has carried on before making the application;
  - (d) if the applicant is or has been a director or secretary of a company, that company;
  - (e) if the applicant is a company, information about the directors or secretary of that company;
  - (f) if the applicant proposes to act as an operator in partnership with any other person, information about that person.
- (4) An applicant for a London PHV driver's licence may be required by the Secretary of State—
  - (a) to produce a certificate signed by a registered medical practitioner to the effect that—
    - (i) he is physically fit to be the driver of a private hire vehicle; and
    - (ii) if any specific requirements of physical fitness have been prescribed for persons holding London PHV licences, that he meets those requirements; and
  - (b) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Secretary of State as to his physical fitness to be the driver of such a vehicle.

- (5) The provisions of this Act apply to the renewal of a licence as they apply to the grant of a licence.

## **16 Power to suspend or revoke licences**

- (1) The Secretary of State may suspend or revoke a licence under this Act for any reasonable cause including (without prejudice to the generality of this subsection) any ground mentioned below.
- (2) A London PHV operator's licence may be suspended or revoked where—
- (a) the Secretary of State is no longer satisfied that the licence holder is fit to hold such a licence; or
  - (b) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Act.
- (3) A London PHV licence may be suspended or revoked where—
- (a) the Secretary of State is no longer satisfied that the vehicle to which it relates is fit for use as a private hire vehicle; or
  - (b) the owner has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Act.
- (4) A London PHV driver's licence may be suspended or revoked where—
- (a) the licence holder has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence;
  - (b) the Secretary of State is for any other reason no longer satisfied that the licence holder is fit to hold such a licence; or
  - (c) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Act.

## **17 Suspension and revocation under section 16: procedure**

- (1) Where the Secretary of State has decided to suspend or revoke a licence under section 16—
- (a) he shall give notice of the decision and the grounds for the decision to the licence holder or, in the case of a London PHV licence, the owner of the vehicle to which the licence relates; and
  - (b) the suspension or revocation takes effect at the end of the period of 21 days beginning with the day on which that notice is served on the licence holder or the owner.
- (2) If the Secretary of State is of the opinion that the interests of public safety require the suspension or revocation of a licence to have immediate effect, and he includes a statement of that opinion and the reasons for it in the notice of suspension or revocation, the suspension or revocation takes effect when the notice is served on the licence holder or vehicle owner (as the case may be).
- (3) A licence suspended under this section shall remain suspended until such time as the Secretary of State by notice directs that the licence is again in force.
- (4) The holder of a London PHV operator's or driver's licence, or the owner of a vehicle to which a PHV licence relates, may appeal to a magistrates' court against a decision under section 16 to suspend or revoke that licence.

## **18 Variation of operator's licence at the request of the operator**

- (1) The Secretary of State may, on the application of a London PHV operator, vary his licence by adding a reference to a new operating centre or removing an existing reference to an operating centre.
- (2) An application for the variation of a licence under this section shall be made in such form, and include such declarations and information, as the Secretary of State may require.
- (3) The Secretary of State may require an applicant to furnish such further information as he may consider necessary for dealing with the application.
- (4) The Secretary of State shall not add a reference to a new operating centre unless he is satisfied that the premises in question meet any requirements prescribed under section 3(3)(b).
- (5) An applicant for the variation of a London PHV operator's licence under this section may appeal to a magistrates' court against a decision not to add a new operating centre to the licence.

## **19 Variation of operator's licence by Secretary of State**

- (1) The Secretary of State may—
  - (a) suspend the operation of a London PHV operator's licence so far as relating to any operating centre specified in the licence; or
  - (b) vary such a licence by removing a reference to an operating centre previously specified in the licence,if he is no longer satisfied that the operating centre in question meets any requirements prescribed under section 3(3)(b) or for any other reasonable cause.
- (2) Where the Secretary of State has decided to suspend the operation of a licence as mentioned in subsection (1)(a) or vary a licence as mentioned in subsection (1)(b)—
  - (a) he shall give notice of the decision and the grounds for it to the licence holder; and
  - (b) the decision shall take effect at the end of the period of 21 days beginning with the day on which the licence holder is served with that notice.
- (3) If the Secretary of State is of the opinion that the interests of public safety require his decision to have immediate effect, and he includes a statement of that opinion and the reasons for it in the notice, his decision shall take effect when the notice is served on the licence holder.
- (4) If a licence is suspended in relation to an operating centre, the premises in question shall not be regarded for the purposes of this Act as premises at which the licence holder is authorised to accept private hire bookings, until such time as the Secretary of State by notice states that the licence is no longer suspended in relation to those premises.
- (5) The holder of a London PHV operator's licence may appeal to a magistrates' court against a decision under subsection (1).

## **20 Fees for grant of licences, etc**

- (1) The Secretary of State may by regulations provide for prescribed fees to be payable—

- (a) by an applicant for a licence under this Act, or for the variation of a London operator's licence under section 18, on making the application;
  - (b) by a person granted a licence or variation, on the grant or variation of the licence and (if the regulations so provide) at such times while the licence is in force as may be prescribed.
- (2) Regulations under this section may provide for fees to be payable by instalments, or for fees to be remitted or refunded (in whole or part), in prescribed cases.
- (3) The Secretary of State may decline to proceed with—
- (a) an application for, or for the variation of, a licence; or
  - (b) the grant or variation of a licence,
- until any prescribed fee (or instalment) due in respect of the application or grant is paid.

## **21 Production of documents**

- (1) The holder of a London PHV operator's licence or a London PHV driver's licence shall at the request of a constable or authorised officer produce his licence for inspection.
- (2) The owner of a vehicle to which a London PHV licence relates shall at the request of a constable or authorised officer produce for inspection—
- (a) the London PHV licence for that vehicle;
  - (b) the certificate of the policy of insurance or security required in respect of the vehicle by Part VI of the Road Traffic Act 1988.
- (3) A document required to be produced under this section shall be produced either forthwith or—
- (a) if the request is made by a constable, at any police station within London nominated by the licence holder or vehicle owner when the request is made, or
  - (b) if the request is made by an authorised officer, at such place as the officer may reasonably require,
- before the end of the period of 6 days beginning with the day on which the request is made.
- (4) A person who without reasonable excuse contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **22 Return of licences, etc**

- (1) The holder of a London PHV operator's licence shall return the licence to the Secretary of State after the expiry or revocation of that licence, within the period of 7 days after the day on which the licence expires or the revocation takes effect.
- (2) The owner of a vehicle to which a London PHV licence relates shall return the licence and the plate or disc which was issued for the vehicle under section 10 to the Secretary of State after the expiry or revocation of that licence within the period of 7 days after the day on which the licence expires or the revocation takes effect.
- (3) The holder of a London PHV driver's licence shall return the licence and his driver's badge to the Secretary of State after the expiry or revocation of that licence, within the period of 7 days after the day on which the licence expires or the revocation takes effect.

- (4) On the suspension of a licence under this Act, the Secretary of State, a constable or an authorised officer may by notice direct the holder of the licence, or the owner of the vehicle, to return the licence to him within the period of 7 days after the day on which the notice is served on that person.

A direction under this subsection may also direct—

- (a) the return by the vehicle owner of the disc or plate which was issued for the vehicle under section 10 (in the case of a London PHV licence); or
  - (b) the return by the licence holder of the driver's badge (in the case of a London PHV driver's licence).
- (5) A person who without reasonable excuse fails to comply with any requirement or direction under this section to return a licence, disc, plate or badge is guilty of an offence.
- (6) A person guilty of an offence under this section is liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (7) A constable or authorised officer is entitled to remove and retain the plate or disc from a vehicle to which an expired, suspended or revoked London PHV licence relates following—
- (a) a failure to comply with subsection (2) or a direction under subsection (4);
  - (b) a suspension or revocation of the licence which has immediate effect by virtue of section 9(3) or 17(2).

## **23 Register of licences**

- (1) The Secretary of State shall maintain a register containing the following particulars for each licence issued under this Act, namely—
- (a) the number of the licence, the name and address of the person to whom it is granted, the date on which it is granted and the expiry date; and
  - (b) such other particulars as may be prescribed.
- (2) The register shall be available for inspection free of charge by members of the public at such place or places, and during such hours, as are determined by the Secretary of State.

## **24 Delegation of functions by the Secretary of State**

- (1) The functions of the Secretary of State under this Act (apart from any power to make subordinate legislation) may be exercised by any person appointed by the Secretary of State for the purpose to such extent and subject to such conditions as may be specified in the appointment.
- (2) An appointment under this section may authorise the person appointed to retain any fees received by him.
- (3) It is the duty of a person appointed under this section to comply with any directions given to him by the Secretary of State in relation to the exercise of functions under this Act.

## 25 Appeals

- (1) This section applies to any appeal which lies under this Act to a magistrates' court against a decision of the Secretary of State, a constable or an authorised officer in relation to, or to an application for, a licence under this Act.
- (2) If the Secretary of State has exercised the power to delegate functions under section 24, such an appeal shall be heard by the magistrates' court for the petty sessions area in which the person to whom the functions have been delegated has his office or principal office.
- (3) Any such appeal shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the proceedings.
- (4) The time within which a person may bring such an appeal is 21 days from the date on which notice of the decision appealed against is served on him.
- (5) In the case of a decision where an appeal lies, the notice of the decision shall state the right of appeal to a magistrates' court and the time within which an appeal may be brought.
- (6) An appeal against any decision of a magistrates' court in pursuance of an appeal to which this section applies shall lie to the Crown Court at the instance of any party to the proceedings in the magistrates' court.
- (7) Where on appeal a court varies or reverses any decision of the Secretary of State, a constable or an authorised officer, the order of the court shall be given effect to by the Secretary of State or, as the case may be, a constable or authorised officer.

## 26 Effect of appeal on decision appealed against

- (1) If any decision of the Secretary of State against which a right of appeal is conferred by this Act—
  - (a) involves the execution of any work or the taking of any action;
  - (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on at the time of the decision,the decision shall not take effect until the time for appealing has expired or (where an appeal is brought) until the appeal is disposed of or withdrawn.
- (2) This section does not apply in relation to a decision to suspend, vary or revoke a licence if the notice of suspension, variation or revocation directs that, in the interests of public safety, the decision is to have immediate effect.

## 27 Obstruction of authorised officers etc

- (1) A person who wilfully obstructs a constable or authorised officer acting in pursuance of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person who, without reasonable excuse—
  - (a) fails to comply with any requirement properly made to such person by a constable or authorised officer acting in pursuance of this Act; or
  - (b) fails to give a constable or authorised officer acting in pursuance of this Act any other assistance or information which he may reasonably require of such person for the purpose of performing his functions under this Act,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (3) A person who makes any statement which he knows to be false in giving any information to an authorised officer or constable acting in pursuance of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **28 Penalty for false statements**

A person who knowingly or recklessly makes a statement or furnishes information which is false or misleading in any material particular for the purpose of procuring the grant or renewal of a licence under this Act, or the variation of an operator's licence under section 18, is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **29 Saving for vehicles used for funerals and weddings**

Nothing in this Act applies to any vehicle whose use as a private hire vehicle is limited to use in connection with funerals or weddings.