



Local Transport Act 2008

2008 CHAPTER 26

PART 4

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Use of taxis and hire cars to provide local services

53 Use of private hire vehicles to provide local services

- (1) Section 12 of the TA 1985 (use of taxis in providing local services) is amended as follows.
- (2) In subsection (1) (application by holder of taxi licence for special licence to provide local service by means of licensed taxis)—
 - (a) after “a taxi licence” insert “or a private hire vehicle licence”;
 - (b) in paragraph (b) after “licensed taxis” insert “or licensed hire cars”.
- (3) In subsection (5)—
 - (a) after “a taxi licence” insert “or a private hire vehicle licence”;
 - (b) for “the taxi licence of the vehicle in question” substitute “the relevant licence for that vehicle”.
- (4) In subsection (7) for “taxi licences” substitute “relevant licences”.
- (5) In subsection (8) after “a licensed taxi” insert “or a licensed hire car”.
- (6) In subsection (9) after “a licensed taxi” insert “or a licensed hire car”.
- (7) In subsection (10) for the words from “Such provisions” to “being so used;” substitute “At any time when a licensed taxi or a licensed hire car is being so used the prescribed provisions of the taxi code or, as the case may be, the hire car code shall apply in relation to it;”.
- (8) After subsection (10) insert—

Status: This is the original version (as it was originally enacted).

“(10A) In subsections (9) and (10) “prescribed” means prescribed by the appropriate authority.”.

(9) In consequence of the amendments made by this section, in the heading to section 12 after “taxis” there is inserted “or hire cars”.

54 Application of certain provisions about taxis and hire cars to London

(1) Section 13 of the TA 1985 (provisions supplementary to sections 10 to 12) is amended as follows.

(2) In subsection (1) (power to modify codes for purposes of sections 10 to 12)—

- (a) for “The Secretary of State” substitute “The appropriate authority”;
- (b) for “he” substitute “it”.

(3) Subsection (3) (interpretation of terms used in sections 10 to 12) is amended as follows.

(4) Before the definition of “licensed taxi” insert the following definition—

““the appropriate authority” means—

(a) in relation to—

- (i) a taxi licensed under section 37 of the Town Police Clauses Act 1847 or any similar enactment which applies outside the London taxi area,
- (ii) a licensed hire car licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976, or
- (iii) a taxi or private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982,

the Secretary of State;

(b) in relation to—

- (i) a taxi licensed under section 6 of the Metropolitan Public Carriage Act 1869, or
- (ii) a licensed hire car licensed under section 7 of the Private Hire Vehicles (London) Act 1998,

Transport for London;”.

(5) For the definition of “licensed hire car” substitute—

““licensed hire car” means—

(a) in England and Wales—

- (i) for the purposes of section 11 of this Act, a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or section 7 of the Private Hire Vehicles (London) Act 1998,
- (ii) for the purposes of section 12 of this Act, a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) in Scotland, a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;”.

(6) After the definition of “taxi licence” insert—

““relevant licence” means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to a licensed taxi, a taxi licence, and
 - (b) in relation to a licensed hire car, a private hire vehicle licence;
“private hire vehicle licence” means—
 - (a) in England and Wales, a licence under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) in Scotland, a private hire car licence under section 10 of the Civic Government (Scotland) Act 1982.”.
- (7) In the definition of “hire car code”, after “used as mentioned in section 11” insert “or 12”.
- (8) After section 13 of the TA 1985 insert—

“13A Application of sections 10 to 13 to London

- (1) Transport for London may by order provide that section 12 of this Act is to apply to vehicles licensed under section 7 of the Private Hire Vehicles (London) Act 1998 as it applies to vehicles licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) An order under subsection (1) of this section may amend the definitions of “licensed hire car” and “private hire vehicle licence” in section 13 of this Act accordingly.
- (3) Transport for London must consult such representative organisations as it thinks fit before making—
 - (a) regulations under section 12(9) or (10) of this Act;
 - (b) an order under section 13(1) of this Act or subsection (1) of this section.
- (4) Any power of Transport for London to make—
 - (a) regulations under section 12(9) or (10) of this Act, or
 - (b) an order under section 13(1) of this Act,includes a power to vary or revoke any previous such regulations or order (as the case may be).
- (5) Subsection (4) applies notwithstanding that the previous regulations were made, or the previous order was made, by the Secretary of State by statutory instrument.
- (6) Transport for London must print and publish—
 - (a) any regulations made by it under section 12(9) or (10) of this Act;
 - (b) any order made by it under section 13(1) of this Act or subsection (1) of this section.
- (7) Transport for London may charge a fee for the sale of copies of any regulations, or any order, printed under subsection (6).”.

55 Carrying of passengers in wheelchairs in vehicles providing local services

- (1) Section 36 of the Disability Discrimination Act 1995 (c. 50) (carrying of passengers in wheelchairs) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1)(b) for “taxi” substitute “vehicle”.
- (3) After subsection (1) insert—
- “(1A) This section also imposes duties on the driver of a designated vehicle other than a regulated taxi if—
- (a) the designated vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
- (b) a person falling within paragraph (a) or (b) of subsection (1) has indicated to the driver that he wishes to travel on the service.”.
- (4) In each of subsections (2), (3) and (4) for “taxi” (wherever occurring) substitute “vehicle”.
- (5) In subsection (5) after “a regulated taxi” insert “or designated vehicle”.
- (6) In subsection (6)—
- (a) after “at the time of the alleged offence” insert—
- “(a) in the case of a regulated taxi,”;
- (b) after “it was required to conform,” insert—
- “(b) in the case of a designated vehicle, the vehicle conformed to the accessibility requirements which applied to it,”;
- (c) for the word “taxi” (in the last place where it appears) substitute “vehicle”.
- (7) After subsection (9) insert—
- “(10) The driver of a designated vehicle is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force; and
- (b) he is carrying the certificate on the vehicle.
- (11) The driver of a designated vehicle who is exempt under subsection (10) must show the certificate, on request, to a person falling within paragraph (a) or (b) of subsection (1).”.
- (8) After subsection (11) insert—
- “(12) In this section—
- “designated vehicle” means a vehicle which appears on a list maintained under section 36A;
- “licensing authority” has the meaning given by section 36A.”.

56 Carrying of passengers in wheelchairs: supplementary provisions

- (1) The Disability Discrimination Act 1995 (c. 50) is amended as follows.
- (2) After section 36 insert—

“36A List of wheelchair-accessible vehicles providing local services

- (1) A licensing authority may maintain a list of vehicles falling within subsection (2).

Status: This is the original version (as it was originally enacted).

- (2) A vehicle falls within this subsection if—
- (a) it is either a taxi or a private hire vehicle,
 - (b) it is being used or is to be used by the holder of a special licence under that licence, and
 - (c) it conforms to such accessibility requirements as the licensing authority thinks fit.
- (3) “Accessibility requirements” are any requirements for the purpose of securing that it is possible for disabled persons in wheelchairs—
- (a) to get into and out of vehicles in safety, or to be conveyed in safety into and out of vehicles while remaining in their wheelchairs; and
 - (b) to be carried in vehicles in safety and reasonable comfort (whether or not they wish to remain in their wheelchairs).
- (4) The Secretary of State may issue guidance to licensing authorities as to—
- (a) the accessibility requirements which they should apply for the purposes of this section;
 - (b) any other aspect of their functions under or by virtue of this section.
- (5) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (4).
- (6) In this section—
- “licensing authority”, in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area;
 - “private hire vehicle” means—
 - (a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
 - (c) a vehicle licensed under an equivalent provision of a local enactment;
 - (d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;
 - “special licence” has the meaning given by section 12 of the Transport Act 1985 (use of taxis in providing local services);
 - “taxi” includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982.”.
- (3) Section 38 (appeal against refusal of exemption certificate) is amended as follows.
- (4) In subsection (1) after “a magistrates' court” insert “or, in Scotland, the sheriff court”.
- (5) In subsection (2) for “this section” substitute “subsection (1)”.
- (6) At the end of the section insert—
- “(4) Any person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 36A may appeal to a magistrates' court or, in Scotland, the sheriff court before the end of the period of 28 days beginning with the date of the inclusion.

Status: This is the original version (as it was originally enacted).

- (5) In this section “licensing authority” has the meaning given by section 36A.”.
- (7) In consequence of the amendments made by subsections (4) to (6), the heading to section 38 becomes “Appeals”.
- (8) In section 68(1) (interpretation), in the definition of “licensing authority”, for “section 37A” substitute “sections 36, 36A, 37A and 38”.
- (9) In section 70 (commencement etc) after subsection (2) insert—
- “(2A) The following provisions of this Act—
- (a) section 36 so far as it applies to designated vehicles,
 - (b) section 36A, and
 - (c) section 38 (which has already been brought in force in England and Wales by an order under subsection (3)) so far as it extends to Scotland,
- come into force 2 months after the passing of the Local Transport Act 2008.”.