



Private Hire Vehicles (London) Act 1998

1998 CHAPTER 34

Regulation of drivers of private hire vehicles in London

12 Requirement for private hire vehicle driver's licence.

- (1) No vehicle shall be used as a private hire vehicle on a road in London unless the driver holds a private hire vehicle driver's licence.
- (2) The driver and operator of a vehicle used in contravention of this section are each guilty of an offence.
- (3) The owner of a vehicle who permits it to be used in contravention of this section is guilty of an offence.
- (4) It is a defence in proceedings against the operator of a vehicle for an offence under subsection (2) for the operator to show that he exercised all due diligence to prevent the vehicle being used in contravention of this section.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) In this section "private hire vehicle driver's licence" means—
 - (a) except where paragraph (b) or (c) applies, a London PHV driver's licence;
 - (b) if the vehicle is in use for the purposes of a hiring the booking for which was accepted outside London in a controlled district in England and Wales, a licence under section 51 of the 1976 Act issued by the council for that district; and
 - (c) if the vehicle is in use for a hiring the booking for which was accepted in Scotland, a licence under section 13 of the 1982 Act,and for the purposes of paragraph (b) or (c) it is immaterial that the booking in question is a sub-contracted booking.
- (7) This section does not apply to the use of a vehicle for the purposes of a hiring for a journey beginning outside London in an area of England and Wales which is not a controlled district.

Changes to legislation: There are currently no known outstanding effects for the Private Hire Vehicles (London) Act 1998, Cross Heading: Regulation of drivers of private hire vehicles in London. (See end of Document for details)

Commencement Information

- I1** S. 12(1)-(6) in force at 1.6.2003 by S.I. 2003/580, arts. 1(2), 2(2)(a)
I2 S. 12(7) in force at 8.6.2004 by S.I. 2004/241, art. 2(2)

13 London PHV driver's licences.

- (1) Any person may apply to the [^{F1}licensing authority] for a private hire vehicle driver's licence for London (in this Act referred to as a "London PHV driver's licence").
- (2) The [^{F1}licensing authority] shall grant a London PHV driver's licence to an applicant if [^{F2}the authority] is satisfied that—
- (a) the applicant has attained the age of 21, is (and has for at least three years been) authorised to drive a motor car and is a fit and proper person to hold a London PHV driver's licence;
 - [^{F3}(aa) the applicant is not disqualified by reason of the applicant's immigration status from driving a private hire vehicle; and]
 - (b) the requirement mentioned in subsection (3), and any further requirements prescribed by the [^{F1}licensing authority], are met.

[^{F4}(2A) In determining for the purposes of subsection (2) whether an applicant is disqualified by reason of the applicant's immigration status from driving a private hire vehicle, the licensing authority must have regard to any guidance issued by the Secretary of State.]

- (3) The [^{F1}licensing authority] shall require applicants to show to [^{F2}the authority's] satisfaction (whether by taking a test or otherwise) that they possess a level—
- (a) of knowledge of London or parts of London; and
 - (b) of general topographical skills,
- which appears to [^{F2}the authority] to be appropriate.

The [^{F1}licensing authority] may impose different requirements in relation to different applicants.

- (4) The [^{F1}licensing authority] may send a copy of an application to the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London with a request for the Commissioner's observations; and the Commissioner shall respond to the request.
- (5) A London PHV driver's licence—
- (a) may be granted subject to such conditions as the [^{F1}licensing authority] may think fit;
 - (b) shall be in such form and shall contain such particulars as the [^{F1}licensing authority] may think fit; and
 - (c) [^{F5}subject to section 13A.] shall be granted for three years or for such shorter period as the [^{F1}licensing authority] may consider appropriate in the circumstances of the particular case.
- (6) An applicant may appeal to a magistrates' court against a decision not to grant a London PHV driver's licence or against any condition to which such a licence is subject.
- (7) For the purposes of subsection (2), a person is authorised to drive a motor car if—

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- (a) he holds a licence granted under Part III of the ^{M1}Road Traffic Act 1988 (other than a provisional licence) authorising him to drive a motor car; or
- (b) he is authorised by virtue of section 99A(1) or 109(1) of that Act (Community licences and Northern Ireland licences) to drive a motor car in Great Britain.

Textual Amendments

- F1** Words in s. 13 substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 2** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F2** Words in s. 13(2)(3) substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 7** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F3** S. 13(2)(aa) substituted for word (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 38(2)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)
- F4** S. 13(2A) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 38(3)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)
- F5** Words in s. 13(5)(c) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 38(4)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)

Modifications etc. (not altering text)

- C1** S. 13 modified (1.4.2003) by Private Hire Vehicles (London) (Transitional and Saving Provisions) Regulations 2003 (S.I. 2003/655), regs. 1, 7

Commencement Information

- I3** S. 13(1) (2)(a) (4)-(7) in force at 1.4.2003 by S.I. 2003/580, **arts. 1(2), 2(1)(a)**
- I4** S. 13(2)(b) in force at 1.4.2003 for specified purposes by S.I. 2003/580, **arts. 1(2), 2(1)(b)**
- I5** S. 13(2)(b) in force at 1.4.2006 in so far as not already in force in relation to applications for London PHV drivers' licences received by Transport for London on or after 1.4.2006 by S.I. 2003/580, **arts. 1(2), 2(3)**
- I6** S. 13(3) in force at 1.4.2006 in relation to applications for London PHV drivers' licences received by Transport for London on or after 1.4.2006 by S.I. 2003/580, **arts. 1(2), 2(3)**

Marginal Citations

- M1** 1988 c. 52.

[^{F6}13A London PHV driver's licences for persons subject to immigration control

- (1) Subsection (2) applies if—
 - (a) a London PHV driver's licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”);
 - (b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and
 - (c) apart from subsection (2), the period for which the licence would have been granted would have ended after the end of the leave period.
- (2) The licence must be granted for a period which ends at or before the end of the leave period.
- (3) Subsection (4) applies if—

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- (a) a London PHV driver's licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and
 - (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The licence must be granted for a period which does not exceed six months.
- (5) A London PHV driver's licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a private hire vehicle.
- (6) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return the licence and the person's driver's badge to the licensing authority.
- (7) A person who, without reasonable excuse, contravenes subsection (6) is guilty of an offence and 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.
- (8) The Secretary of State may by regulations amend the amount for the time being specified in subsection (7)(b).]

Textual Amendments

F6 S. 13A inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 5 para. 39](#) (with [Sch. 5 para. 54](#)); [S.I. 2016/1037](#), [reg. 5\(i\)](#) (with [reg. 6](#))

14 Issue of driver's badges.

- (1) The [^{F7}licensing authority] shall issue a badge to each person to whom [^{F8}the authority] has granted a London PHV driver's licence.
- (2) The [^{F7}licensing authority] may prescribe the form of badges issued under this section.
- (3) A person issued with such a badge shall, when he is the driver of a vehicle being used as a private hire vehicle—
 - [^{F9}(a)] wear the badge in such position and manner as to be plainly and distinctly visible, [^{F10}and
 - (b) at the request of any person, produce the badge for inspection.]
- (4) The [^{F7}licensing authority] may by notice exempt a person from the requirement under [^{F11}subsection (3)(a)] , when he is the driver of a vehicle being used to provide a service specified in the notice if [^{F8}the authority] considers it inappropriate (having regard to that service) to require the badge to be worn.
- (5) Any person who without reasonable excuse contravenes subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Changes to legislation: There are currently no known outstanding effects for the Private Hire Vehicles (London) Act 1998, Cross Heading: Regulation of drivers of private hire vehicles in London. (See end of Document for details)

Textual Amendments

- F7** Words in s. 14 substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 2** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F8** Words in s. 14(1)(4) substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 8** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F9** Word in s. 14(3) inserted (coming into force in accordance with ss. 1(2), 3 of the amendin-g Act) by **Transport for London Act 2008 (c. i), s. 23(1)**
- F10** S. 14(3)(b) and word inserted (coming into force in accordance with ss. 1(2), 3 of the amending Act) by **Transport for London Act 2008 (c. i), s. 23(1)**
- F11** Words in s. 14(4) substituted (coming into force in accordance with ss. 1(2), 3 of the amending Act) by **Transport for London Act 2008 (c. i), s. 23(2)**
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Commencement Information

- I7** S. 14(1)(2)(4) in force at 1.4.2003 by S.I. 2003/580, **arts. 1(2), 2(1)(c)**
- I8** S. 14(3)(5) in force at 1.6.2003 by S.I. 2003/580, **arts. 1(2), 2(2)(a)**

Changes to legislation:

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