



Private Hire Vehicles (London) Act 1998

1998 CHAPTER 34

Regulation of private hire vehicle operators in London

2 Requirement for London operator's licence.

- (1) No person shall in London make provision for the invitation or acceptance of, or accept, private hire bookings unless he is the holder of a private hire vehicle operator's licence for London (in this Act referred to as a "London PHV operator's licence").
- (2) A person who makes provision for the invitation or acceptance of private hire bookings, or who accepts such a booking, in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

3 London operator's licences.

- (1) Any person may apply to the [^{F1}licensing authority] for a London PHV operator's licence.
- (2) An application under this section shall state the address of any premises in London which the applicant proposes to use as an operating centre.
- (3) The [^{F1}licensing authority] shall grant a London PHV operator's licence to the applicant if [^{F2}the authority] is satisfied that—
 - (a) the applicant is a fit and proper person to hold a London PHV operator's licence;
 - [^{F3}(aa) if the applicant is an individual, the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle; and]
 - (b) any further requirements that may be prescribed (which may include requirements relating to operating centres) are met.

[^{F4}(3A) In determining for the purposes of subsection (3) whether an applicant is disqualified by reason of the applicant's immigration status from operating a private hire vehicle, the licensing authority must have regard to any guidance issued by the Secretary of State.]

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- (4) A London PHV operator's licence shall be granted subject to such conditions as may be prescribed and such other conditions as the [^{F1}licensing authority] may think fit.
- (5) [^{F5}Subject to section 3A, a] London PHV operator's licence shall be granted for five years or such shorter period as the [^{F1}licensing authority] may consider appropriate in the circumstances of the case.
- (6) A London PHV operator's licence shall—
- (a) specify the address of any premises in London which the holder of the licence may use as an operating centre;
 - (b) be in such form and contain such particulars as the [^{F1}licensing authority] may think fit.
- (7) An applicant for a London PHV operator's licence may appeal to a magistrates' court against—
- (a) a decision not to grant such a licence;
 - (b) a decision not to specify an address proposed in the application as an operating centre; or
 - (c) any condition (other than a prescribed condition) to which the licence is subject.

Textual Amendments

- F1** Words in s. 3 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** Word in s. 3(3) substituted (22.1.2001) by 1999 c. 29, s. 254(3), **Sch. 21 para. 3** (with Sch. 12 para. 9(1)); S.I. 2000/3145, **art. 2**
- F3** S. 3(3)(aa) substituted for word (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 36(2)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)
- F4** S. 3(3A) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 36(3)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)
- F5** Words in s. 3(5) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 36(4)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)

[^{F6}3A London PHV operator's licences for persons subject to immigration control

- (1) Subsection (2) applies if—
- (a) a London PHV operator'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 operator'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 operator'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 operating 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 it 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. 3A inserted (1.12.2016) by *Immigration Act 2016* (c. 19), s. 94(1), **Sch. 5 para. 37** (with *Sch. 5 para. 54*); S.I. 2016/1037, reg. 5(i) (with reg. 6)

4 Obligations of London operators.

- (1) The holder of a London PHV operator's licence (in this Act referred to as a "London PHV operator") shall not in London accept a private hire booking other than at an operating centre specified in his licence.
- (2) A London PHV operator shall secure that any vehicle which is provided by him for carrying out a private hire booking accepted by him in London is—
- (a) a vehicle for which a London PHV licence is in force driven by a person holding a London PHV driver's licence; or
 - (b) a London cab driven by a person holding a London cab driver's licence.
- (3) A London PHV operator shall—
- (a) display a copy of his licence at each operating centre specified in the licence;
 - (b) keep at each specified operating centre a record in the prescribed form of the private hire bookings accepted by him there;
 - (c) before the commencement of each journey booked at a specified operating centre, enter in the record kept under paragraph (b) the prescribed particulars of the booking;
 - [^{F7}(d) keep at the specified operating centre or, where more than one operating centre is specified, at one of the operating centres such records as may be prescribed of particulars of the private hire vehicles and drivers which are available to

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- him for carrying out bookings accepted by him at that or, as the case may be, each centre;
- (da) where more than one operating centre is specified—
- (i) give notice to the licensing authority, and
 - (ii) display at each specified operating centre a notice, stating the address of the operating centre at which the records are kept under paragraph (d);]
- (e) at the request of a constable or authorised officer, produce for inspection any record required by this section to be kept.
- (4) If a London PHV operator ceases to use an operating centre specified in his licence he shall preserve any record he was required by this section to keep there for such period as may be prescribed.
- (5) A London PHV operator who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) It is a defence in proceedings for an offence under this section for an operator to show that he exercised all due diligence to avoid committing such an offence.

Textual Amendments

- F7** S. 4(3)(d)(da) substituted for s. 4(3)(d) (coming into force in accordance with ss. 1(2), 3 of the amending Act) by [Transport for London Act 2008 \(c. i\), s. 25](#)

Commencement Information

- I1** S. 4 partly in force; s. 4 not in force at Royal Assent see s. 40(2) ; s. 4(1)(3)(4) in force at 22.1.2001 by [S.I. 2000/3144, art. 2](#); s. 4(5)(6) in force at 22.10.2001 by [S.I. 2000/3144, art. 3](#)
- I2** S. 4(2) in force at 8.6.2004 by [S.I. 2004/241, art. 2\(2\)](#)

5 Hirings accepted on behalf of another operator.

- (1) A London PHV operator (“the first operator”) who has in London accepted a private hire booking may not arrange for another operator to provide a vehicle to carry out that booking as sub-contractor unless—
- (a) the other operator is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London;
 - (b) the other operator is licensed under section 55 of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976 (in this Act referred to as “the 1976 Act”) by the council of a district and the sub-contracted booking is accepted in that district; or
 - (c) the other operator accepts the sub-contracted booking in Scotland.
- (2) A London PHV operator who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) It is a defence in proceedings for an offence under this section for an operator to show that he exercised all due diligence to avoid committing such an offence.

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- (4) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the first operator and the person who made the booking.
- (5) For the avoidance of doubt (and subject to any relevant contract terms), a contract of hire between a person who made a private hire booking at an operating centre in London and the London PHV operator who accepted the booking remains in force despite the making of arrangements by that operator for another contractor to provide a vehicle to carry out that booking as sub-contractor.

Commencement Information

I3 S. 5 wholly in force at 22.10.2001; s. 5 not in force at Royal Assent see s. 40(2); s. 5(5) in force at 22.1.2001 by [S.I. 2000/3144, art. 2](#); s. 5(1)-(4) in force at 22.10.2001 by [S.I. 2000/3144, art. 3](#)

Marginal Citations

M1 1976 c. 57.

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