

**2004 No. 242**

**METROPOLITAN AND CITY POLICE DISTRICTS**

**PRIVATE HIRE VEHICLES**

**The Private Hire Vehicles (London) (Transitional Provisions)  
Regulations 2004**

<i>Made</i> - - - -	<i>12th February 2004</i>
<i>Laid before Parliament</i>	<i>13th February 2004</i>
<i>Coming into force</i> - -	<i>8th March 2004</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 37 of the Private Hire Vehicles (London) Act 1998(a), and after consultation with Transport for London in accordance with section 37(3) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Private Hire Vehicles (London) (Transitional Provisions) Regulations 2004 and shall come into force on 8th March 2004.

**Interpretation**

2. In these Regulations—

“the 1998 Act” means the Private Hire Vehicles (London) Act 1998;

“existing private hire vehicle” means a vehicle which is for the time being registered by Transport for London as an existing private hire vehicle in accordance with article 3;

“temporary permit” means a temporary permit issued under regulation 5; and

“test certificate” has the meaning given by section 45(2)(b) of the Road Traffic Act 1988(b).

**Registration of existing private hire vehicles**

3.—(1) Subject to the provisions of this regulation, the holder of a London PHV Operator’s licence may apply to Transport for London for a vehicle to be registered as an existing private hire vehicle.

(2) An application under paragraph (1) shall include a declaration by the applicant that—

(a) the vehicle is constructed or adapted to seat fewer than nine passengers;

---

(a) 1998 c. 34; sections 13(2), 14(1), 16 and 17 were amended, and section 37(3) was inserted, by the Greater London Authority Act 1999 (c. 29), Schedule 21, paragraphs 2, 7(2), 8(2), 10 and 18.

(b) 1988 c. 52.

- (b) if the vehicle is one to which section 47 of the Road Traffic Act 1988(a) (obligatory test certificates) applies, a test certificate has been issued for it within the period of twelve months ending with the date on which the application is sent to Transport for London;
- (c) there is in force in relation to the use of the vehicle a policy of insurance or such security in respect of third party risks as complies with the requirements of Part VI (third-party insurance) of the Road Traffic Act 1988;
- (d) the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994(b) raises no objection to the disclosure by the Secretary of State to Transport for London of any particulars relating to the vehicle contained in the register of mechanically propelled vehicles maintained by the Secretary of State under that Act; and
- (e) the vehicle has been used as a private hire vehicle on roads in London under a booking which was made through the applicant at an operating centre specified in the applicant's London PHV operator's licence.

(3) An application shall be made by sending by prepaid post or otherwise delivering to Transport for London at the Public Carriage Office, 15 Penton Street, London N1 9PU the form provided by it for the purpose—

- (a) completed to include the declaration required by paragraph (2) and such other particulars as Transport for London may reasonably require; and
- (b) signed by the applicant.

(4) The form shall be treated as validly delivered to Transport for London if, and only if, it is received by Transport for London before 8th June 2004, whether before or after the making of these Regulations.

(5) Transport for London shall register a vehicle as an existing private hire vehicle if it is satisfied that the form submitted by the applicant meets the requirements of paragraphs (2) and (3) and has been validly delivered.

(6) Transport for London shall, for the purposes of this regulation, maintain a register of existing private hire vehicles containing the following particulars with respect to each vehicle—

- (a) the registration mark;
- (b) the make, model and colour; and
- (c) the name and address of the owner.

(7) Transport for London shall remove particulars of an existing private hire vehicle from the register if any temporary permit issued with respect to it ceases to have effect in accordance with regulation 6.

(8) Section 23(2) of the 1998 Act applies to the register maintained under this regulation as it applies to the register maintained under section 23(1).

#### **Deemed applications for London PHV licences**

4.—(1) The owner of an existing private hire vehicle shall be treated for the purposes of the 1998 Act as if he had made an application for a London PHV licence, unless and until he notifies Transport for London that he does not wish to proceed with the application, in which case any temporary permit issued in respect of the vehicle shall be treated as having been surrendered.

(2) Transport for London shall, at such time as it thinks fit having regard to the need to spread the grant of licences for existing private hire vehicles, notify each owner of an existing private hire vehicle who, by virtue of paragraph (1), is treated as having applied for a London PHV licence of the time and place at which the owner is asked to produce the vehicle for an inspection to determine whether it meets the requirements of section 7(2) of the 1998 Act.

---

(a) Section 47 was amended by the Finance Act 1994 (c. 9), Schedule 2, paragraph 29 and by the Vehicle Excise and Registration Act 1994 (c. 22) Schedule 3, paragraph 24(2).

(b) 1994 c. 22.

(3) Transport for London shall not be required to consider any other application for a London PHV licence for an existing private hire vehicle until after the time notified with respect to that vehicle in accordance with paragraph (2).

### **Issue of temporary permits**

5.—(1) Transport for London may issue to the owner a temporary permit with respect to any existing private hire vehicle.

(2) Subject to regulation 6 a temporary permit shall have effect for the purposes of the 1998 Act (other than those of section 10) as if it were a London PHV licence and may in particular be suspended or revoked under section 16 accordingly.

### **Duration of temporary permits**

6.—(1) A temporary permit shall cease to have effect with respect to an existing private hire vehicle on whichever of the following dates falls first—

- (a) if a London PHV licence is granted in respect of the vehicle, the date on which the licence is granted;
- (b) if an application for a London PHV licence for the vehicle is refused, the date specified in paragraph (2);
- (c) if the temporary permit is revoked, the date on which the revocation takes effect in accordance with section 17(1) or (2) of the 1998 Act;
- (d) if the temporary permit ceases to have effect in accordance with paragraph (4), the date specified or agreed as mentioned in paragraph (3);
- (e) if the temporary permit ceases to have effect in accordance with paragraph (5), the last day of the period of two months referred to in that paragraph;
- (f) if the temporary permit is surrendered by the holder, the date of the surrender.

(2) The date referred to in paragraph (1)(b) is the date on which the time for appealing against the refusal of the application expires or (where an appeal is brought) the date on which the appeal is disposed of or withdrawn.

(3) A temporary permit shall cease to have effect if a vehicle is not produced for inspection—

- (a) at the time and place notified under regulation 4(2); or
- (b) at an alternative time and place agreed between the owner and Transport for London being a time falling within the period of two months beginning with the time notified under regulation 4(2).

(4) For the purposes of paragraph (3) a vehicle shall not be taken to have been produced for inspection unless the fee prescribed by Transport for London for the application under section 20(1)(a) of the 1988 Act has been paid before the time fixed for the inspection.

Signed by authority of the Secretary of State

12th February 2004

*Tony McNulty*  
Parliamentary Under Secretary of State,  
Department for Transport

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations contain the transitional provisions necessary to commence those provisions of the Private Hire Vehicles (London) Act 1998 being brought into force on 8th March 2004. In particular, the regulations provide for a scheme of registering existing private hire vehicles and the issue of temporary permits pending application of the provisions for the issue of London PHV licences under that Act.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E0223 2/2004 140223T 19585

ISBN 0-11-048711-7



9 780110 487113