

GREATER LONDON AUTHORITY ACT 1999
PRIVATE HIRE VEHICLES (LONDON) ACT 1998

The Private Hire Vehicles (London PHV Licences) Regulations 2004

Made

16th February 2004

Coming into force

8th March 2004

Transport for London, in exercise of the powers conferred upon it by sections 7(2)(c) and (4), 10(2), 20(1), 23(1)(b) and 32(1) and (2) of the Private Hire Vehicles (London) Act 1998(a) and, after consultation with bodies appearing to it to represent the London cab trade and the private hire vehicle trade in London, by section 30 of that Act, and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

"the 1988 Act" means the Road Traffic Act 1988(b);

"the 1998 Act" means the Private Hire Vehicles (London) Act 1998;

"construction and use requirements" has the meaning given by section 41(7) of the 1988 Act;

"EEA State" means a State which was a party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 or which, by virtue of a subsequent agreement, falls to be treated as if it were a party to that agreement;

(a) 1998 c. 34; sections 7, 10, 13, 14, 15, 20, 23 and 32 were amended by the Greater London Authority Act 1999 (c. 29), Schedule 21, paragraphs 1, 2, 4, 5, 7, 8, 9 and 16 .

(b) 1988 c. 52.

"the identification disc" means the disc or plate issued for a vehicle in accordance with section 10(1) of the 1998 Act;

"the register" means the register of licences which the licensing authority is required to maintain under section 23(1) of the 1998 Act;

"temporary permit" means a temporary permit issued under regulation 5 of the Private Hire Vehicles (London) (Transitional Provisions) Regulations 2004(a); and

"test certificate" has the meaning given by section 45(2)(b) of the 1988 Act.

(2) A reference in these Regulations to the number of passengers that a vehicle is licensed to carry is a reference to the maximum number of passengers that may be carried in the vehicle in accordance with the conditions of the licence.

Further requirements that must be met

3.—(1) In addition to the requirements specified in section 7(2)(a) and (b) of the 1998 Act the requirements specified in Schedule 1 are hereby prescribed under section 7(2)(c) as requirements that Transport for London must be satisfied are met before granting a London PHV licence in respect of a vehicle.

(2) Transport for London may exempt a vehicle from any of the requirements of this regulation and Schedule 1 if Transport for London—

- (a) is so requested by the applicant for a London PHV licence for the vehicle; and
- (b) is satisfied that, having regard to exceptional circumstances, it is reasonable to do so.

Prescribed licence conditions

4. The conditions specified in Schedule 2 are hereby prescribed as conditions subject to which a London PHV licence is to be granted in respect of a vehicle.

Exhibition of identification disc

5.—(1) The identification disc shall be exhibited in the manner specified in paragraph (2).

(2) The disc shall be affixed to the top of the inside of the front windscreen on the passenger side of the vehicle so that—

- (a) on the side which faces outwards, the following particulars are clearly legible—
 - (i) the registration mark of the vehicle;
 - (ii) the maximum number of passengers which may be carried in the vehicle in accordance with the conditions of the licence for the vehicle;
 - (iii) the number of the London PHV licence for the vehicle;

(a) S.I. 2004/241.

- (iv) the date of the expiry of the licence; and
 - (v) a statement that the licence has been issued by the Public Carriage Office of Transport for London; and
- (b) on the side which is visible from inside the vehicle, a statement that the vehicle is licensed by the Public Carriage Office of Transport for London is clearly legible.

Fees

6.—(1) The fee payable, on the making of an application, by an applicant for a London PHV licence shall be £75.

(2) The fee payable by a person granted a London PHV licence—

- (a) shall unless already paid, be payable on the grant of the licence; and
- (b) shall be £25.

(3) Paragraphs (1) and (2) apply to the renewal of a licence as they apply to the grant of a licence.

Register of licences

7. In addition to the particulars specified in section 23(1)(a) of the 1998 Act, the register shall contain the following particulars for each London PHV licence issued or having effect under that Act—

- (a) the registration mark of the vehicle to which the licence relates;
- (b) an indication as to whether the licence—
 - (i) is a London PHV licence or a temporary permit; and
 - (ii) is current, suspended or revoked.

Prohibition of certain signs, notices etc.

8. No signs or advertising material shall be displayed on a private hire vehicle, except:

- (a) badges or emblems on the radiator or windscreen which are issued by an organisation—
 - (i) providing vehicle repair or recovery services; or
 - (ii) concerned with driving skills and qualifications; or
- (b) a sign displayed temporarily on a stationary vehicle which contains, and contains only:
 - (i) the name and address of a person operating the private hire vehicle, or the name under which he carries on that business and its address; and
 - (ii) the name of a passenger for whom a private hire booking has been made.

Signed by authority of Transport for London

16th February 2004

Robert Kiley
Commissioner of Transport

REQUIREMENTS PRESCRIBED UNDER SECTION 7(2)(c) OF THE 1998 ACT

Vehicle type

1. The vehicle must be a light passenger vehicle as defined by section 85 of the Road Traffic Act 1988(a).

Test certificates

2. Unless the date on which the vehicle was first registered under the Vehicle Excise and Registration Act 1994(b) fell within the period of 12 months ending with the date on which the vehicle is produced for inspection by Transport for London, a test certificate must have been issued for the vehicle within the period of 14 days ending with the date of that inspection.

Licences

3. A vehicle licence taken out under the Vehicle Excise and Registration Act 1994 must be in force for the vehicle.

Vehicle to have right hand drive

4. The steering wheel of the vehicle must be on the right hand or off-side of the vehicle.

Wheelchair lifting equipment

5. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998(c).

Luggage space

6. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for as many passengers as it is licensed to carry.

(a) The definition of “light passenger vehicle” in section 85 of the Road Traffic Act 1988 was inserted by the Motor Vehicles (EC Type Approval) Regulations 1992, S.I. 1992/3107, Schedule 2, paragraph 5(3)(b).

(b) 1994 c. 22.

(c) S.I. 1998/2307.

Construction and type approval requirements

7.—(1) The vehicle must comply with—

- (a) all construction and use requirements applicable to it; and
- (b) all type approval requirements so applicable.

(2) For the purposes of paragraph (1) "type approval requirements" has the meaning given by section 54(1) of the 1988 Act and a vehicle shall be taken to comply with those requirements if—

- (a) an EC certificate of conformity (as defined by section 85 of that Act);
- (b) a Minister's approval certificate issued under section 58(1) of that Act; or
- (c) a Department's approval certificate issued under Article 31A(4) of the Road Traffic (Northern Ireland) Order 1981 has effect with respect to it.

Compliance with the manufacturer's specification

8. Unless it has been modified or converted as mentioned in paragraph 9, the vehicle must comply with the original manufacturer's specification with respect to the braking system, steering, engine, transmission, fuel system, suspension and lighting.

Modified or converted vehicle

9.—(1) Where a vehicle has been modified or converted since a certificate of the kind referred to in paragraph 7(2)(a), (b) or (c) was issued in respect of it, evidence must be produced to satisfy Transport for London that the vehicle as converted or modified complies with construction and use requirements.

(2) Where a vehicle has been converted or modified so as to be capable of propulsion otherwise than by petrol or diesel fuel, evidence must be produced to satisfy Transport for London that the conversion has been carried out, and subsequently tested at the recommended frequency, by a converter of vehicles who is listed as an approved supplier in relation to vehicles of the type in question—

- (a) in the PowerShift Register or the CleanUp Register maintained by the Energy Saving Trust; or
- (b) in a register maintained in an EEA State by a body equivalent to the Energy Saving Trust for purposes similar to those for which the PowerShift and CleanUp Registers are maintained.

Doors and windows

10.—(1) The number of doors must be sufficient to allow safe access and egress for the number of passengers which the vehicle is licensed to carry.

(2) If the vehicle is fitted with a single door for the passenger compartment, that door must be fitted to the left hand or near side of the vehicle.

- (3) Any devices fitted to the vehicle for operating doors and windows must be—
 - (a) fitted to each door;
 - (b) in full working order; and
 - (c) accessible to passengers.
- (4) Any child locks fitted to the vehicle must be in full working order.

SCHEDULE 2

Regulation 4

PRESCRIBED CONDITIONS OF LONDON PHV LICENCES

Use by persons other than the owner

- 1. The owner of the vehicle shall keep a record, containing the information specified in condition 2, of each occasion on which the owner—
 - (a) allocates the vehicle to a London PHV operator for use as a private hire vehicle; or
 - (b) not being London PHV operator, permits any person to use the vehicle as a private hire vehicle.

Contents of record kept under condition 1

- 2. The record kept under condition 1 shall include—
 - (a) the registration mark of the vehicle;
 - (b) the name and address of the London PHV operator to whom the vehicle is allocated or of the driver permitted to use the vehicle;
 - (c) the number of the operator's London PHV operator's licence or of the driver's London PHV driver's licence;
 - (d) the date from which the vehicle was allocated to the operator or the driver was permitted to use it; and
 - (e) the date on which the vehicle ceased to be so allocated or used.

Retention and production of record

- 3. The record kept under condition 1—
 - (a) shall be retained by the owner for a period of at least 12 months beginning with the date specified in condition 2(e); and
 - (b) shall be produced by the owner for inspection at the request of an authorised officer.

Change of ownership

4. Where the ownership of the vehicle changes and the new owner intends to use the vehicle, or permit the vehicle to be used as a private hire vehicle, the new owner shall—

- (a) notify the change to Transport for London in writing;
- (b) return the existing licence to Transport for London for alteration of the owner's name;
- (c) provide a declaration in writing to Transport for London—
 - (i) that the Secretary of State for Transport has been notified of the change in accordance with the Road Vehicles (Registration and Licensing) Regulations 2002(a);
 - (ii) that a policy of insurance, or security, such as is mentioned in section 7(2)(b) of the 1998 Act is in force for the vehicle; and
 - (iii) unless the vehicle was first registered under the Vehicle Excise and Registration Act 1994 within the period of 12 months ending with the date of the declaration, a test certificate was issued within the period of 6 months ending with the date of the declaration.

Number of passengers

5. The number of passengers carried in the vehicle must not at any time exceed—

- (a) the number of passengers that it is licensed to carry; or
- (b) the number of passenger seats fitted with seat belts.

Condition of the vehicle

6. The vehicle shall be maintained in good and efficient mechanical condition and be properly adjusted.

Vehicles exempted from requirement to display an identification disc

7. If the vehicle has been exempted by Transport for London pursuant to section 10(3) of the 1998 Act from the requirement under section 10(2) (display of identification disc), the London PHV licence in force for the vehicle, or a copy thereof, shall be carried in the vehicle while it is being used as a private hire vehicle.

Test certificates

8.—(1) Subject to paragraph (2), on any day during the currency of the licence a test certificate must have been issued for the vehicle within the period of 6 months ending with the day in question.

(a) S.I. 2002/2742.

(2) Paragraph (1) does not apply where a test certificate was not required to be produced in accordance with paragraph 2 of Schedule 1 when the current licence for the vehicle was issued.

Communication devices

9.—(1) All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with guidelines for the time being published by the Radio Communications Agency.

(2) All two-way radio equipment must be of a type for the time being approved by the Radio Communications Agency.

Compliance with the Road Vehicles (Registration and Licensing) Regulations 2002

10. The owner shall comply with all relevant requirements of the Road Vehicles (Registration and Licensing) Regulations 2002 in relation to the vehicle.

Display of additional disc

11.—(1) Without prejudice to regulation 5 and section 10 of the 1998 Act, an additional disc issued by Transport for London shall be displayed on the rear windscreen of the vehicle while it is being used as a private hire vehicle, so that—

- (a) on the side which faces outwards, the particulars specified in regulation 5(2)(a) are clearly legible; and
- (b) on the side which faces inwards, particulars of how any passenger may make a complaint about the service provided by means of the vehicle and the address to which any complaint may be sent are clearly legible.

(2) This condition does not apply while a vehicle is being used in circumstances when it is, by virtue of a notice under section 10(3) of the 1998 Act, exempted from the requirement to comply with section 10(2).

Vehicle licensed outside London

12. If a licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976^(a) (licensing of private hire vehicles in England and Wales outside Greater London) or an equivalent provision of a local Act is in force for the vehicle, the plate or disc issued in respect of the vehicle under section 48(5) of that Act (or its equivalent) shall not be displayed on the vehicle whilst it is being used as a private hire vehicle under its London PHV licence.

(a) 1976 c. 57.

Compliance with licensing requirements

13. The owner shall not use the vehicle, or permit it to be used, as a private hire vehicle at any time when the vehicle is in such a condition that it would not meet the requirements of paragraphs 2 to 11 of Schedule 1.

Insurance

14. The owner shall not use the vehicle, or permit it to be used, as a private hire vehicle at any time when there is not in force for the vehicle a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward.