

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

The Private Hire Vehicles (London PHV Driver's Licences)  
(Amendment) Regulations 2021

*Made*

*30 September 2021*

*Coming into force*

*1 October 2021*

Transport for London, in exercise of the powers conferred on it by sections 13(2), 20(1) and (2) and 32(1), (2) and (4) of the Private Hire Vehicles (London) Act 1998<sup>1</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations: —

**1. Citation and commencement**

These Regulations may be cited as the Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2021 and come into force on 1 October 2021.

**2 Preliminary**

The Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003<sup>2</sup> are amended in accordance with the following provisions of these Regulations.

**3. The English language requirement: amendments**

The following regulations are substituted for regulations 3A-3B:

**“The English language requirement**

3A. — (1) The English language requirement is hereby prescribed as a section 13(2)(b) requirement.

(2) The English language requirement is that the applicant must be able to communicate in English at or above level B1 on the Common European Framework of Reference for Languages (“CEFR”).

(3) The ability to communicate in English for the purposes of this requirement includes speaking, listening, reading and writing.

(4) Applicants must satisfy Transport for London of their ability to meet the requirement in regulation 3A(2) by satisfactorily completing:

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<sup>1</sup> 1998 c. 34; the Private Hire Vehicles (London) Act 1998 was extensively amended by Schedule 21 to the Greater London Authority Act 1999 (c. 29).

<sup>2</sup> Made by Transport for London on 6 March 2003 and in force on 1 April 2003; as amended.

(a) an English language test conducted by or on behalf of Transport for London which confirms that the applicant's level of proficiency in speaking and listening is at level B1 on the CEFR or above; and

(b) a test conducted by or on behalf of Transport for London concerning the matters set out in the Handbook which will demonstrate that the applicant's level of proficiency in reading and writing is at level B1 on the CEFR or above.

### **Transitional provisions and exemptions**

3B. — (1) The English language requirement applies to all applications determined by Transport for London on or after 1 October 2021.

(2) In the case of applications received by Transport for London before 1 October 2021 but not determined on or before 30 September 2021:

(a) an applicant satisfies the English language requirement if the applicant submitted to Transport for London on or before 30 September 2021:

(i) a certificate falling within regulation 3A(4)(i) as it had effect before 1 October 2021; or

(ii) documentary evidence of a qualification (whether or not the qualification was obtained in the United Kingdom) on the basis of which Transport for London is satisfied that the applicant's level of proficiency in the English language is equivalent to level B1 on the CEFR or above;

(b) an applicant does not satisfy the requirement if they submitted to Transport for London on or before 30 September 2021 documentary evidence of a qualification (whether or not the qualification was obtained in the United Kingdom) for the purpose of satisfying Transport for London that the applicant's level of proficiency in the English language is equivalent to level B1 on the CEFR or above, but Transport for London is not satisfied. Such an applicant must satisfy Transport for London that they have met the requirement in regulation 3A(2), via the mechanism set out in regulation 3A(4), by no later than 31 March 2023;

(c) an applicant who did not submit to Transport for London on or before 30 September 2021 either:—

(i) a certificate falling within regulation 3A(4)(i) as it had effect before 1 October 2021; or

(ii) documentary evidence of a qualification (whether or not the qualification was obtained in the United Kingdom) for the purpose of satisfying Transport for London that the applicant's level of proficiency in the English language is equivalent to level B1 on the CEFR or above,

must satisfy Transport for London that they have met the requirement in regulation 3A(2), via the mechanism set out in regulation 3A(4), by no later than 30 September 2022.

(3) Subject to paragraphs (4)-(5) below, in the case of applications received by Transport for London on or after 1 October 2021 but before 1 April 2023, an applicant must satisfy Transport for London that they have met the requirement in regulation 3A(2), via the mechanism in regulation 3A(4), by no later than 31 March 2023.

(4) This paragraph applies where Transport for London receives an application on or after 1 October 2021 but before 1 April 2023 from an applicant for the renewal of a licence where that applicant did not submit to Transport for London on or before 30 September 2021 either a certificate or documentary evidence falling within paragraph (2)(c)(i) or (ii) above.

(5) Where paragraph (4) applies:

(a) an applicant must satisfy Transport for London that they have met the requirement in regulation 3A(2), via the mechanism in regulation 3A(4), by no later than 30 September 2022 in the case of any application submitted on or before that date;

(b) in the case of all other applications, paragraph (1) shall apply.

(6) An applicant who has previously satisfied the English language requirement (including under regulations 3A-3B as they had effect before 1 October 2021 or by virtue of paragraph (2)(a) above) shall be exempt from regulation 3A(4). For the

purposes of this paragraph, paragraph (2)(a) above shall be read with the omission of the words before “an applicant satisfies the English language requirement”.

(7) In this regulation, references to a person who submitted to Transport for London on or before 30 September 2021 a certificate falling within regulation 3A(4)(i) as it had effect before 1 October 2021 shall be treated as including persons who submitted such a certificate to Transport for London by no later than 28 October 2021 provided that certificate is in respect of a test taken by the applicant on or before 30 September 2021.

(8) An applicant shall be exempt from the English language requirement, insofar as it concerns proficiency in speaking and listening, and accordingly shall be exempt from regulation 3A(4)(a), where Transport for London is satisfied on the basis of documentary evidence that the applicant has a disability (within the meaning of section 6 of the Equality Act 2010<sup>3</sup>) which prevents them from complying with regulation 3A(4)(a).”

#### 4. **Safety, equality and regulatory understanding requirement**

The following regulation is inserted after regulation 3B (as substituted by regulation 3 above):

##### **“The safety, equality and regulatory understanding requirement**

3C. — (1) The safety, equality and regulatory understanding requirement is hereby prescribed as a section 13(2)(b) requirement.

(2) The safety, equality and regulatory understanding requirement is that the applicant has an understanding of the following matters:-

(a) obligations under:—

(i) the 1998 Act;

(ii) regulations made under the 1998 Act; and

(iii) any other enactment, including the Equality Act 2010,

that are relevant to persons granted a London PHV driver’s licence;

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<sup>3</sup> 2010 c. 15.

(b) policies and guidance issued by Transport for London or other persons or entities that are relevant to persons granted a London PHV driver's licence;

(c) the particular needs of passengers that arise because a passenger has (or may have) a protected characteristic within the meaning of Chapter 1 of Part 2 of the Equality Act 2010;

(d) protecting children and adults at risk from harm and abuse;

(e) passenger and driver safety; and

(f) road and vehicle safety,

as set out in the Handbook.

(3) Applicants must satisfy Transport for London of their ability to meet the requirement in regulation 3C(2) by satisfactorily completing a test conducted by or on behalf of Transport for London concerning the matters set out in the Handbook prior to the grant of any licence.

(4) In these Regulations, "the Handbook" means the London PHV Driver's Handbook, version 1.0, dated 30 September 2021, published online by Transport for London.

### **Transitional provisions and exemptions**

3D. — (1) The safety, equality and regulatory understanding requirement applies to all applications received by Transport for London on or after 1 October 2021.

(2) In the case of applications received on or after 1 October 2021 and before 1 April 2023, the applicant must satisfy the safety, equality and regulatory understanding requirement on or before 31 March 2023, via the mechanism in regulation 3C(3).

(3) An applicant who has previously satisfied Transport for London of their ability to meet the requirement in regulation 3C(2), by satisfactorily completing a test conducted by or on behalf of Transport for London concerning the matters set out in the Handbook, shall be exempt from regulation 3C(3)."

## **5. Fees**

The following regulations are substituted for regulation 5:

### **"Fees**

5. — (1) The fee payable, on the making of an application, by an applicant for a London PHV driver's licence, ("the application fee"), shall consist of:—

(a) a basic amount of £124;

(b) an additional amount, of either £0, £36, £72 or £108, consisting of £36 in respect of each relevant assessment which the applicant must undertake and pass in order to be granted a licence; and

(c) a further amount, of either £0, £16, £32 or £48, consisting of £16 in respect of each relevant assessment which the applicant must undertake and pass in order to be granted a licence.

(2) The application fee shall be paid in two instalments with:—

(a) the first instalment, consisting of the basic amount and the additional amount (if any), paid on making the application;

(b) the second instalment, consisting of the further amount (if any), paid after the applicant has undertaken for the first time each relevant assessment which he is required to undertake and pass in order to be granted a licence.

(3) The further amount (if any) shall be automatically remitted to the applicant, in whole or in part, to the extent the applicant passes the relevant assessments whose undertaking rendered the applicant liable to pay the further amount. To the extent the further amount is remitted under this paragraph, the second instalment shall not be payable by the applicant.

(4) The fee payable by a person granted a London PHV driver's licence ("the licence fee") shall consist of:—

(a) a basic amount of £186;

(b) an additional amount, of either £36 or £72, consisting of £36 in respect of each relevant assessment which the licensee must undertake and pass while their licence is in force; and

(c) a further amount of either £0, £16 or £32, consisting of £16 in respect of each relevant assessment which the licensee must undertake and pass while his licence is in force, where the licensee has not passed the relevant assessment on the first occasion on which it was undertaken.

(5) The licence fee shall, unless already paid, be payable in accordance with the following provisions of this paragraph:

(a) the basic amount shall be payable on the grant of the licence;

(b) the additional amount shall be payable before the licensee undertakes each relevant assessment giving rise to a liability to pay the additional amount; and

(c) the further amount (if any) shall be payable before the licensee undertakes each relevant assessment giving rise to a liability to pay the further amount.

(6) Paragraphs (1) and (4) apply to the renewal of a licence as they apply to the grant of a licence.

(7) Where a London PHV driver's licence ceases to have effect (whether by revocation or otherwise) on the ground that—

(a) the holder of the licence is no longer physically fit to hold such a licence;

(b) the licence is surrendered by the holder; or

(c) the holder dies,

a refund of a proportion of the basic amount of the licence fee shall be payable, in accordance with the following provisions of this regulation, to the holder, or in a case falling within subparagraph (c) the holder's personal representatives.

(8) A refund under paragraph (7) shall be payable upon receipt of a written request by the holder of the licence accompanied by the licence and the driver's badge issued to the holder.

(9) The amount refundable under paragraph (7) shall be equal to that proportion of the basic amount of the licence fee which the number of whole months remaining unexpired of the period for which the licence was granted bears to the whole of that period, rounded up to the nearest pound.

(10) In this regulation, a "relevant assessment" means:

(a) any test, provided by or on behalf of Transport for London, which Transport for London requires an applicant for a licence to undertake under section 13(3) of the Act;

(b) the English language test conducted by or on behalf of Transport for London for the purpose of confirming that the applicant's level of proficiency in speaking and listening is at level B1 on the CEFR or above; and

(c) the test conducted by or on behalf of Transport for London concerning the matters set out in the Handbook.

(11) References in this regulation to a relevant assessment which the licensee must undertake while their licence is in force are to a relevant assessment, other than a relevant assessment falling within paragraph (10)(a), which the licensee is required to undertake while their licence is in force:

(a) by virtue of any provision of these Regulations, including regulation 3B(2)(b), (2)(c) and (5)(a) and regulation 3D(2); and

(b) by Transport for London, in circumstances where, if the licensee did not undertake the relevant assessment, Transport for London would exercise its powers under s.16(1) of the Act to suspend or revoke their licence.

#### **Fees: transitional provisions**

5A.— (1) The application fee prescribed by regulation 5(1) shall apply to applications received by Transport for London on or after 1 October 2021.

(2) The licence fee prescribed by regulation 5(4) shall apply to all licences granted by Transport for London whenever granted (including licences that were granted before 1 October 2021).

(3) Where the additional or further amount of an application or licence fee is referable, in whole or in part, to a relevant assessment and that assessment is undertaken on or before 31 October 2021, the amount of the application or licence fee which is referable to that assessment shall be refunded by Transport for London to the applicant or licensee (as the case may be).

(4) Regulation 5(4)(b)-(c), (5)(b)-(c) and (11) shall cease to have effect on 1 April 2023.”

Signed by authority of Transport for London



Helen Chapman  
Director of Licensing, Regulation and Charging

30 September 2021