



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

48 Licensing of private hire vehicles.

- (1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

- (a) that the vehicle is—
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [^{F1}Part VI of the Road Traffic Act 1988],

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 48. (See end of Document for details)

- (3) In every vehicle licence granted under this section there shall be specified—
- (a) the name and address of—
 - (i) the applicant; and
 - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
 - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
 - (c) the conditions attached to the grant of the licence; and
 - (d) such other particulars as the district council consider reasonably necessary.
- (4) Every licence granted under this section shall—
- (a) be signed by an authorised officer of the council which granted it;
 - (b) relate to not more than one private hire vehicle; and
 - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.
- (b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

Textual Amendments

- F1** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 16(1)**
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Modifications etc. (not altering text)

- C1** S. 48: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1** Table B3
S. 48 extended (13.3.2000) by [S.I. 2000/412](#), **art. 4(3)**
- C2** Ss. 48-54 modified (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. 1, 4 Table (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 48.



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

75 Saving for certain vehicles etc.

- (1) Nothing in this Part of this Act shall—
- (a) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
 - (b) ^{F1}
 - (c) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
 - [^{F2}(cc) apply to a vehicle while it is being used in connection with a wedding;]
 - (d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a council under this Part of this Act during such period that such vehicle is used for carrying passengers for hire or reward—
 - ^{F3}(i)
 - (ii) under a contract for the hire of the vehicle for a period of not less than 24 hours.
- (2) Paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of a vehicle or to the employment of a driver of a vehicle while the vehicle is used as a private hire vehicle in a controlled district if a licence issued under section 48 of this Act by the council whose area consists of or includes another controlled district is then in force for the vehicle and a driver's licence issued by such a council is then in force for the driver of the vehicle.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 75. (See end of Document for details)

[^{F4}(2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if—

- (a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force, and
- (b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.

In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.]

[^{F5}(2B) Paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of a vehicle, or to the employment of a driver of a vehicle, if—

- (a) a London PHV licence issued under section 7 of the Private Hire Vehicles (London) Act 1998 is in force in relation to that vehicle; and
- (b) the driver of the vehicle holds a London PHV driver’s licence issued under section 13 of that Act.]

- (3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.

Textual Amendments

- F1** S. 75(1)(b) omitted (28.1.2008) by virtue of [Road Safety Act 2006 \(c. 49\)](#), **ss. 53**, 61; S.I. 2007/3492, **art. 2** and repealed (prosp.) by [Road Safety Act 2006 \(c. 49\)](#), s. 59, **Sch. 7(17)**
- F2** S. 75(1)(cc) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 17(2)**
- F3** S. 75(1)(d)(i) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 17(2)**
- F4** S. 75(2A) inserted after subsection (2) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **ss. 16**, 22, 23
- F5** S. 75(2B) inserted (8.6.2004) by [1998 c. 34](#), **ss. 39(1)**, 40(2), **Sch. 1 para. 1** (with s. 29); S.I. 2004/241, **art. 2(2)**

Modifications etc. (not altering text)

- C1** Ss. 72-80 modified (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), **regs. 1**, 4 Table (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 75.