

## PRIVATE HIRE CAR LICENSING CONDITIONS

1. The holder of a private hire car licence shall ensure that the private hire car, including all bodywork, upholstery and fittings, is in a safe and serviceable condition, complies with Schedule A to these Conditions and, subject to prevailing road conditions, is in a clean condition.
  2. (i) The holder of a private hire car licence shall require the private hire car to undergo and pass an annual inspection by the licensing authority. On receiving the requisite notice, in writing, from the licensing authority, he shall produce his private hire car for examination at such time and place as may be reasonably required by the licensing authority.  
  
(ii) An authorised officer of the licensing authority or a constable shall have power at any reasonable time to inspect and test, for the purposes of ascertaining its fitness, a private hire car or, for the purpose of testing its fitness or accuracy, any taximeter and if he is not satisfied as to the safety of the private hire car for the carriage of passengers or as to the fitness or accuracy of the taximeter he may, by notice in writing:
    - (a) require the holder of the private hire car licence to make the private hire car, or taximeter, as the case may be, available for further inspection at such reasonable time and place as may be specified in the notice;
    - (b) suspend the licence until such time as an authorised officer of the licensing authority or a constable is so satisfied.
- Provided that, if an authorised officer or constable is not so satisfied before the expiration of a period of 28 days from the date of the suspension of the licence, the said licence shall, by virtue of this subsection, be deemed to have been suspended by the licensing authority under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.
3. The holder of a private hire car licence, when the private hire car is damaged in a vehicular accident or by any other means, shall report the damage to the licensing authority as soon as practicable and, if the private hire car is roadworthy, he shall present it for inspection within the following two working days (being days on which the garage nominated by the licensing authority to carry out such inspections operates) after the occurrence. As soon as repairs to the private hire car have been completed, the private hire car shall again be presented for inspection. Unless the inspecting garage confirms otherwise, the vehicle shall not be used as a private hire car from the date of first presentation for examination until it has been re-examined by the inspecting garage after the repairs have been completed and passed by them as being fit for use again as a private hire car.
  4. The holder of a private hire car licence shall not ask a driver of a private hire car to do anything which would result in the driver committing a breach of the conditions attaching to the grant of the driver's licence.
  5. The holder of a private hire car licence shall keep an up-to-date list of the names and addresses of all private hire car drivers employed by him, and shall notify the licensing authority forthwith of any change in his own address.
  6. The holder of a private hire car licence shall be bound to fulfill, or cause to be fulfilled, at the time and location specified, an engagement to hire his private hire car which he has accepted, unless prevented by sufficient cause.

7. The holder of a private hire car licence shall hold in his name the requisite vehicle registration document and the certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1972; where more than one name appears on the private hire car licence, the vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose names appear on the private hire car licence. The holder of a private hire car licence shall ensure that the Certificate of Insurance relating to the private hire car, or a photocopy of that Certificate, is carried in the private hire car at all times during which it is being operated as such, so as to be readily available for examination by a constable or an authorised officer of the licensing authority.
8. The holder of a private hire car licence shall ensure that while the vehicle is in use as a private hire car any plates or other things which have been issued by the licensing authority for the purpose of indicating that the vehicle is a private hire car are displayed at all times in positions approved by the licensing authority.
9. The holder of a private hire car licence shall not obliterate or deface any plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a private hire car and which is fixed to the private hire car. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost, the holder of the private hire car licence shall report this to the licensing authority as soon as practicable in order to obtain from the licensing authority a replacement plate or other thing.
10. (i) the holder of a private hire car licence whose private hire car is fitted with a taximeter shall obtain from the licensing authority a notice or notices detailing the approved maximum fares and charges appropriate for exclusive and shared use of a private hire car, and will display the notice or notices as appropriate in the passenger compartment of the private hire car fitted with a taximeter in such a position that it will be readily visible to the passengers being carried, and no other notice or notices or fares and charges shall be displayed.  
  
(ii) These notice or notices referred to in Condition 10(i) hereof shall indicate that a copy of these conditions may be inspected at the licensing department offices of the licensing authority in Duns, Galashiels, Hawick and Peebles.
11. The holder of a private hire car licence shall, if the cost of the journey is not regulated by a licensing authority fare structure, take steps to ensure that any potential hirer of his private hire car is informed, prior to acceptance of the hire (a) that the fare is not so regulated; and (b) the cost, or method of calculating the cost, of the proposed journey.
12. The holder of a private hire car licence shall take steps to ensure that each potential hirer of his private hire car consents, at the time of the arrangement of the hire, to an exclusive hire or a shared hire as the case may be.
13. The holder of a private hire car licence shall not display on his private hire car any signs for the purpose of advertising its services as a private hire car other than those approved by the licensing authority.
14. The holder of a private hire car licence shall not display a roof sign of any kind on his private hire car.
15. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall not use or cause or permit to be used on the private hire car a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed, geared and has been tested by the licensing authority.
16. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall have affixed to and used on the private hire car only a taximeter which has been approved by the licensing authority, and shall comply with the conditions of construction, fitting and use detailed in Schedule C to these conditions.
17. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall only use a taximeter which has been stamped or sealed by the licensing authority or their authorised agent after testing and approval as respects distance and time in accordance with the approved fares and charges. Once a taximeter is fitted to his private hire car he shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or licensing authority or their authorised agent, except to remove the taximeter for repair or replacement. Should the seal be broken the taximeter shall be re-tested and passed by the licensing authority or their authorised agent before being used again.

18. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall ensure that the taximeter fitted to his private hire car is in a position approved by the licensing authority.
19. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall not knowingly operate the vehicle, or cause or permit it to be operated while the seals affixed to any taximeter and, where so affixed to the vehicle, are broken or detached.
20. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall not knowingly use, or cause or permit to be used, a taximeter which is in any way defective.
21. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall, within two working days, inform the licensing authority of the removal of the taximeter from his private hire car. He shall not re-fit a taximeter on a second or subsequent occasion without prior permission from the licensing authority, except when the private hire car is due to be annually tested by the licensing authority.
22. The holder of a private hire car licence must carry, in a suitable fastener in his private hire car, a fire extinguisher of a type and in a position approved by the licensing authority.
23. The holder of a private hire car licence shall return to the licensing authority the licence, vehicle licence plates, discs or other things issued by them:
  - (a) within 28 days of his selling or otherwise disposing of the private hire car; and
  - (b) within 7 days of the expiry, termination, suspension or surrender of the private hire car licence.
24. The conviction of the holder of a private hire car licence or of a driver employed by him for any crime or offence and the endorsement of the driving licence of all such persons with an offence or penalty, shall be reported by the holder of the private hire car licence to the licensing authority as soon as practicable after the conviction or endorsement becomes known to him.
25. The holder of a private hire car licence shall comply with all instructions or directions given to him by any constable, authorised officer of the licensing authority or authorised agent acting on their behalf.
26. The holder of a private hire car licence shall give such information as he may be required to give by the licensing authority or their authorised agent for the purpose of ascertaining the identity of any driver employed by him or for any other purposes relating to these conditions.
27. The holder of a private hire car licence shall not display or cause or permit to be displayed on or in his private hire car (other than any taximeter fare dial) the word "cab", "taxi", "for hire", or "sharing" or any other word or words which might give the impression that the vehicle is plying for hire.
28. When a private hire car is presented for any inspection which may be required in terms of these conditions, the holder of the private hire car licence shall ensure that the bodywork and passenger accommodation of the vehicle are clean and that the underside of the vehicle is free from road dirt, excess oil and grease.
29. The holder of a private hire car licence shall not cause or permit his private hire car to be let out for hire or reward with a driver during any period that it does not conform to condition 1 hereof.
30. When a private hire car is withdrawn from service by the licensing authority in accordance with Section 11 of the Civic Government (Scotland) Act 1982, an authorised officer of the licensing authority shall affix a label bearing the words "This hire car is meantime certified unfit for public use" and the date of withdrawal in a position within the passenger compartment of the vehicle so that it is readily visible to tending passengers. Such a label shall have the effect of suspending the private hire car licence pertaining to the vehicle so labelled.
31. Only an authorised officer of the licensing authority is authorised to remove the label referred to in Condition 30 hereof after the defects have been rectified to his satisfaction.
32. The holder of a private hire car licence shall not obstruct any authorised officer or agent of the licensing authority in the performance of any duties under these conditions.
33. If the holder of a private hire car licence loses his licence or any other document or thing issued to him by the licensing authority he shall notify such loss immediately to the licensing authority and shall obtain a duplicate of each lost item from the licensing authority on payment of the appropriate fee.

34. (i) Where a private hire car licence has been paid for by instalments, and any cheque issued in payment of an instalment by or on behalf of the holder of a private hire car licence is subsequently dishonoured, the licence shall be void as from the date when the instalment fell due to be paid.
- (ii) The holder of a private hire car licence to whom such licence was granted shall return it to the licensing authority, together with all ancillary items issued to him within 48 hours of receiving notice to that effect.
35. The holder of a private hire car licence shall operate his private hire car and his private hire car business with due care and consideration for this parties. He shall not cause, or permit any other person to cause, nuisance to third parties in connection with the operation of his private hire car and/or private hire car business.
36. The holder of a private hire car licence shall not make any alteration in respect of his business including matters such as change of business name, without the prior written consent of the licensing authority.
37. In the event of the licensing authority entering into an arrangement with a particular licensee regarding his compliance with a licence condition or setting a timescale for such compliance, it is confirmed, for the avoidance of doubt, that this shall not be deemed a general waiver or relaxation applicable to all licensees nor shall it fetter the discretion of the licensing authority regarding enforcement of these conditions, at any other time or in any other case.
38. As from 1 January 2002, Taxi and Private Hire Vehicles shall not at time of grant or renewal exceed a seven year age limit subject to an exemption for classic cars used for events such as weddings and funerals.
39. In these conditions:  
"exclusive", as applied to the hire of a private hire car, means that a single fare is payable by any one passenger whether or not more than one passenger is carried; and  
"exclusive hire" shall be constructed accordingly;  
"shared", as applied to the hire of a private hire car, means that each passenger is carried at a separate fare, payable to the driver; and  
"share hire" shall be construed accordingly; and  
the singular includes the plural and the masculine includes the feminine.