

TAXI VEHICLE LICENSING CONDITIONS

1. The holder of a taxi vehicle licence shall ensure that the taxi vehicle, 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 taxi vehicle licence shall require the taxi vehicle 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 taxi vehicle 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 taxi vehicle or, for the purpose of testing its fitness or accuracy, any taximeter and if he is not satisfied as to the safety of the taxi vehicle 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 taxi vehicle licence to make the taxi vehicle, 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 taxi vehicle licence, when the taxi vehicle 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 taxi vehicle 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 taxi vehicle have been completed, the taxi vehicle shall again be presented for inspection. Unless the inspecting garage confirms otherwise, the vehicle shall not be used as a taxi vehicle 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 taxi vehicle.
4. The holder of a taxi vehicle licence shall not ask a driver of a taxi vehicle 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 taxi vehicle licence shall keep an up-to-date list of the names and addresses of all taxi vehicle drivers employed by him, and shall notify the licensing authority forthwith of any change in his own address.
6. The holder of a taxi vehicle licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his taxi vehicle which he has accepted, unless prevented by sufficient cause.
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7. The holder of a taxi vehicle licence shall hold in his name the requisite vehicle registration document and the certificate of insurance in relation to the taxi vehicle required by Part VI of the Road Traffic Act 1972; where more than one name appears on the taxi vehicle 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 taxi vehicle licence. The holder of a taxi vehicle licence shall ensure that the Certificate of Insurance relating to the taxi vehicle, or a photocopy of that Certificate, is carried in the taxi vehicle 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 taxi vehicle licence shall ensure that while the vehicle is in use as a taxi vehicle any plates or other things which have been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi vehicle are displayed at all times in positions approved by the licensing authority.
9. The holder of a taxi vehicle 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 taxi vehicle and which is fixed to the taxi vehicle. 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 taxi vehicle 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. The holder of a taxi vehicle licence 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 taxi vehicle, and will display the notice or notices as appropriate in the passenger compartment of the taxi vehicle fitted with a taximeter in such a position that it will be readily visible to the passengers being carried, and (subject to condition 21 below) no other notice or notices or fares and charges shall be displayed.
11. The holder of a taxi vehicle 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 taxi vehicle 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 taxi vehicle licence shall not display on his vehicle any signs for the purpose of advertising its services as a taxi other than those approved by the licensing authority.
13. The holder of a taxi licence shall display upon the roof of his taxi an illuminating sign of a type approved by the licensing authority for the purpose of identifying the vehicle as a taxi, which sign shall be wired to the taximeter so as to be illuminated when the taxi is available for hire but unlit at all other times; and when the taxi is available for shared hire he shall display in such position as approved by the licensing authority a sign of a type approved by the licensing authority for the purpose of indicating that the taxi is available for shared hire.
14. The holder of a taxi vehicle licence shall, at any time when the taxi vehicle is being used as a taxi-bus, cause to be displayed on the taxi vehicle, in such a position and in such a form as may be prescribed by the licensing authority, a notice which indicates that the taxi is being used as a taxi-bus, but shall not display such a notice at any other times.
15. The holder of a taxi vehicle licence shall have affixed to the taxi vehicle only a taximeter which has been approved by the licensing authority as appropriate to the type of hire (whether exclusive or shared) for which the taxi is available or on which it is engaged, and shall comply with the conditions of construction, fitting and use detailed in Schedule B to these conditions. This condition shall not apply to any taxi vehicle while it is in use as a taxi-bus.
16. The holder of a taxi vehicle licence shall not use, or cause or permit to be used, on a taxi vehicle a road wheel or tyre of different circumference from that for which any taximeter affixed to the taxi vehicle was designed, geared and has been tested by the licensing authority or their authorised agent.
17. The holder of a taxi vehicle licence shall use only 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 taxi fares and charges. Once a taximeter is fitted to his taxi vehicle 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.
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18. The holder of a taxi vehicle licence shall ensure that the taximeter fitted to his taxi is in a position approved by the licensing authority.
19. The holder of a taxi vehicle licence shall not knowingly operate the taxi, or cause or permit it to be operated, other than as a taxi-bus, while the seals affixed to any taximeter and where so affixed to the vehicle, are broken or detached.
20. The holder of a taxi licence shall not knowingly use, or cause or permit to be used, a taximeter which is in any way defective.
21. The holder of a taxi licence shall, at any time when the taxi is being used as a taxi-bus, take steps to ensure that each passenger who requests such information is advised of the cost of his intended journey before the journey commences, and that a fare table containing sufficient information to enable a passenger to ascertain the fare for his journey or the manner in which that fare is calculated is available on the vehicle for a passenger to peruse on request.
22. The notices referred to in conditions 10 and 21 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.
23. The holder of a taxi licence must carry, in a suitable fastener in his taxi, a fire extinguisher of a type and in a position approved by the licensing authority.
24. The conviction of the holder of a taxi licence or of a driver employed by him or 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 taxi licence to the licensing authority as soon as practicable after the conviction or endorsement becomes known to him.
25. The holder of a taxi 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 taxi licence shall give such information as 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. When a taxi is presented for any inspection which may be required in terms of these conditions, the holder of the taxi 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.
28. The holder of a taxi shall take steps to ensure that each potential hirer of his taxi consents, at the time of the arrangement of the hire, to an exclusive hire or a shared hire as the case may be.
29. The holder of a taxi licence shall not cause or permit such taxi to stand or ply for hire during any period that it does not conform to condition 1 hereof.
30. When a taxi 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 taxi so that it is readily visible to intending passengers. Such a label shall have the effect of suspending the taxi 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 taxi licence shall not obstruct an authorised officer or agent of the licensing authority in the performance of any duties under these conditions.
33. If the holder of a taxi 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 taxi 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 taxi 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 taxi 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 taxi 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 taxi; and
 - (b) within 7 days of the expiry, termination, suspension or surrender of the taxi licence.
36. 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.
37. The holder of a taxi licence shall operate his taxi and his taxi business with due care and consideration for third parties. He shall not cause, or permit any other person to cause, nuisance to third parties in connection with the operation of his taxi and/or taxi business.
38. The holder of a taxi 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.
39. 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.
40. In these conditions:

“exclusive”, as applied to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi, whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly;

“shared” as applied to the hire of a taxi, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly;

“taxi-bus” means a taxi which is being used, under a special licence granted under section 12 of the Transport Act 1985, to provide a local service which is or requires to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers; and the singular includes the plural and the masculine includes the feminine.