

CONSOLIDATED VERSION, October 2022

This is an informal consolidation of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003 incorporating amendments up to and including those made by the Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2022. This document has been prepared for information purposes only and has no legal effect in or of itself.

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

The Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003

Made

6th March 2003

Coming into force

1st April 2003

Transport for London, in exercise of the powers conferred on it by sections 13(2), 14(2), 15(4)(a)(ii), 20(1) and (2), 23(1)(b) and 32(1) and (2) of the Private Hire Vehicles (London) Act 1998^(a) and 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 Driver's Licences) Regulations 2003 and shall come into force on 1st April 2003.

Interpretation

2. In these Regulations—

“the 1998 Act” means the Private Hire Vehicles (London) Act 1998;

“licence” except in regulations 3 and 5 means a London PHV driver's licence or a driver's temporary permit;

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

“section 13(2)(b) requirement” means a requirement which, in accordance with section 13(2)(b) of the 1998 Act, the licensing authority must be satisfied has been met, before granting a London PHV driver's licence to an applicant; and

“driver's temporary permit” means a temporary permit issued under regulation 5 of the Private Hire Vehicles (London) (Transitional and Saving Provisions) Regulations 2003^(b).

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

^(b) S.I. 2003/655

The physical fitness requirement

3.— (1) The physical fitness requirement is hereby prescribed as a section 13(2) (b) requirement.

(2) The physical fitness requirement is that the applicant—

- (a) is the holder of a Group 2 licence; or
- (b) satisfies Transport for London that he [is medically fit to hold a London PHV driver's licence.]

(3) A “Group 2 licence” means a licence to driver a motor vehicle granted under Part III of the Road Traffic Act 1998 which is a Group 2 Licence as defined by regulation 70 of the Motor Vehicles (Driving Licences) Regulations 1999^(c).

(4) [In assessing whether an applicant is medically fit to hold a London PHV driver's licence under paragraph 2(b), Transport for London shall have regard to the medical standards that would apply in relation to a Group 2 licence.]

NOTES

Amendment

Para (2): para (b) words in square brackets substituted by The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2009, regs 2, 3(1).

Date in force: 1 May 2009: see The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2009, reg 1.

Para (4): words in square brackets substituted by The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2009, regs 2, 3(2).

Date in force: 1 May 2009: see The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2009, reg 1.

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.

(c) S.I. 1999/2864.

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

(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 30 September 2024;

(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 2023.

(3) This paragraph applies to applications for a new licence received by Transport for London on or after 1 October 2021.

(4) In the case of applications to which paragraph (3) applies received 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 30 September 2024.

(5) Paragraph (1) applies without modification to all applications to which paragraph (3) applies received on or after 1 April 2023.

(5A) This paragraph applies to applications for the renewal of a licence received by Transport for London on or after 1 October 2021, other than applications to which paragraph (5D) applies.

(5B) In the case of applications to which paragraph (5A) applies received before 1 October 2024, 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 2024.

(5C) Paragraph (1) applies without modification to all applications to which paragraph (5A) applies received on or after 1 October 2024.

(5D) This paragraph applies where Transport for London receives an application on or after 1 October 2021 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.

(5E) In the case of applications to which paragraph (5D) applies received before 1 October 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 30 September 2023.

(5F) Paragraph (1) applies without modification to all applications to which paragraph (5D) applies received on or after 1 October 2023.

(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) which prevents them from complying with regulation 3A(4)(a).]

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;

(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) This paragraph applies to applications for a new licence received on or after 1 October 2021.

(2A) In the case of applications to which paragraph (2) applies received before 1 April 2023, the applicant must satisfy the safety, equality and regulatory understanding requirement, via the mechanism in regulation 3C(3), by no later than 30 September 2024.

(2B) Paragraph (1) applies without modification to applications to which paragraph (2) applies received on or after 1 April 2023.

(2C) This paragraph applies to applications for the renewal of a licence received on or after 1 October 2021, other than applications to which paragraph (2F) applies.

(2D) In the case of applications to which paragraph (2C) applies received before 1 October 2024, the applicant must satisfy the safety, equality and regulatory understanding requirement, via the mechanism in regulation 3C(3), by no later than 30 September 2024.

(2E) Paragraph (1) applies without modification to applications to which paragraph (2C) applies received on or after 1 October 2024.

(2F) This paragraph applies to applications for the renewal of a licence received on or after 1 October 2021 by applicants who have satisfied the English language requirement either:

(a) by virtue of regulations 3A-3B as they had effect before 1 October 2021; or

(b) by virtue of paragraph (2)(a).

(2G) In the case of applications to which paragraph (2F) applies received before 1 April 2025, the applicant must satisfy the safety, equality and regulatory understanding requirement, via the mechanism in regulation 3C(3), by no later than 31 March 2025.

(2H) Paragraph (1) applies without modification to applications to which paragraph (2F) applies which are received on or after 1 April 2025.

(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).]

NOTES

Amendment

Para (3A) and (3B) substituted by The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2021, regs 2, 3.

Date in force: 1 October 2021: see The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2021, reg 1.

Para (3B) substituted by The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2022, regs 2, 3.

Date in force: 21 September 2022: see The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2022, reg 1.

Para (3C) inserted by The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2021, regs 2, 3.

Date in force: 1 October 2021: see The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2021, reg 1.

Para (3D) substituted by The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2022, regs 2, 3.

Date in force: 21 September 2022: see The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2022, reg 1.

Form of driver's badge

4. — (1) The driver's badge shall be in a form which meets the requirements specified in paragraph (2).

(2) The requirements are that the badge—

- (a) states the name of the licence holder ("the holder") to whom it has been issued;
- (b) states the number and expiry date of the holder's licence;
- (c) includes a photographic image of the holder; and
- (d) states on the reverse that it is the property of Transport for London and is to be returned to a specified address in the event of its being found.

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 with 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), (4), (5B) and (5E) and regulation 3D(2A), (2D) and (2G); 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 2025.

NOTES

Amendment

Para (5) and (5A) substituted by The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2022, regs 2, 3.

Date in force: 21 September 2022: see The Private Hire Vehicles (London PHV Driver's Licences) (Amendment) Regulations 2022, reg 1.

Register of licences

6.— The register shall contain, in addition to the particulars specified in section 23(1)(a) of the 1998 Act, an indication in relation to each licence as to whether—

- (a) it is a London PHV driver's licence or a driver's temporary permit; and
- (b) it is current, suspended or revoked.

Signed by authority of Transport for London

Robert Kiley

6th March 2003

Commissioner of Transport