

Pedicabs (London) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport, have been ordered to be published as HL Bill 2—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Vere of Norbiton has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Pedicabs (London) Bill [HL] are compatible with the Convention rights.

Pedicabs (London) Bill [HL]

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Make provision for regulating pedicabs in public places in Greater London; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Power to regulate pedicabs

(1) Transport for London may make regulations for the purpose of regulating pedicabs in public places in Greater London.

(2) In this Act—

“pedicab” means a pedal cycle, or a pedal cycle in combination with a trailer, that is constructed or adapted for carrying one or more passengers and is made available with a driver for hire or reward;

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“pedicab regulations” means regulations under subsection (1).

(3) Before making pedicab regulations, Transport for London must consult whoever it considers appropriate.

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2 Licences, fares and other matters

(1) Pedicab regulations may make provision for the licensing by Transport for London of pedicabs, their drivers or their operators, including provision about—

(a) conditions of licences;

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(b) the duration, renewal, variation, suspension or revocation of licences;

(c) the display or production of licences.

(2) Pedicab regulations that make provision about the licensing of drivers or operators of pedicabs must include provision corresponding to the provision made by the Private Hire Vehicles (London) Act 1998 in relation to immigration status.

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(3) Pedicab regulations may provide for a fee to be payable—

(a) by an applicant for a licence or an applicant for variation or renewal of a licence;

- (b) by a person who is granted a licence or whose licence is varied or renewed.
- (4) The fees may be set at a level that enables the recovery of any costs incurred by Transport for London by virtue of the regulations.
- (5) Pedicab regulations may make provision about fares for pedicabs, including provision about— 5
- (a) what fares may be charged;
 - (b) when and how passengers are to be made aware of fares;
 - (c) methods of payment.
- (6) Pedicab regulations may make provision about— 10
- (a) eligibility requirements for drivers or operators of pedicabs;
 - (b) the quality, roadworthiness or cleanliness of pedicabs;
 - (c) safety requirements or insurance requirements;
 - (d) equipment that may or must be carried on pedicabs;
 - (e) the appearance or marking of pedicabs; 15
 - (f) the testing of pedicabs;
 - (g) speed restrictions;
 - (h) the working conditions of drivers;
 - (i) the conduct of drivers.
- (7) Pedicab regulations may — 20
- (a) prohibit drivers from using pedicabs for standing or plying for hire—
 - (i) in specified places,
 - (ii) at specified times, or
 - (iii) in other specified circumstances;
 - (b) make provision to prevent pedicabs from operating in specified places, at specified times or in other specified circumstances; 25
 - (c) make provision to restrict the number of pedicabs operating in specified places or at specified times.
- (8) Pedicab regulations may make provision for Transport for London to make publicly available information about licences or the pedicabs, operators or drivers to which they relate. 30
- (9) Pedicab regulations may impose requirements on drivers or operators of pedicabs.
- (10) Pedicab regulations may — 35
- (a) confer a discretion on Transport for London;
 - (b) confer power on Transport for London to authorise others to carry out functions under the regulations on their behalf.

3 Enforcement

- (1) Pedicab regulations may create offences relating to—

- (a) the provision of false or misleading information in connection with applications for licences, or the renewal or variation of licences, or decisions about licences;
 - (b) failure to comply with requirements, prohibitions or restrictions imposed by the regulations. 5
- (2) The regulations—
 - (a) must provide for any offences to be triable summarily only, and
 - (b) may only provide for offences to be punishable with a fine not exceeding a level on the standard scale specified in the regulations, which may not exceed level 4 (but this limitation does not apply to provision made for the purpose of complying with section 2(2)). 10
- (3) The regulations may make provision for or in connection with the giving of fixed penalty notices in respect of offences under subsection (1).
- (4) In subsection (3) “fixed penalty notice” means a notice giving a person accused of an offence an opportunity to discharge any liability to conviction for that offence by payment of a fixed penalty. 15
- (5) The regulations may—
 - (a) make provision authorising Transport for London to impose civil penalties in respect of conduct described in subsection (1) (as well as, or instead of, provision for the conduct to be an offence); 20
 - (b) make provision for the enforcement of such penalties.
- (6) Pedicab regulations may authorise the immobilisation, seizure, retention and disposal of pedicabs that contravene, or are used in contravention of, the regulations.
- (7) Pedicab regulations may confer functions on a constable in connection with the enforcement of the regulations. 25

4 Appeals

- (1) Pedicab regulations must provide for a person to whom any relevant decision relates to have the right—
 - (a) to request that the decision is reconsidered, and 30
 - (b) to appeal to a magistrates’ court.
- (2) Pedicab regulations may confer further rights to request that decisions are reconsidered, or to appeal.
- (3) A “relevant decision” means—
 - (a) a decision to refuse to grant, renew or vary a licence; 35
 - (b) a decision to vary, suspend or revoke a licence;
 - (c) a decision to impose a licence condition when granting or renewing a licence;
 - (d) a decision to impose a civil penalty;
 - (e) a decision to take action under provision made by virtue of section 3(6). 40

- (4) The regulations may make further provision about reconsideration or appeals, including—
- (a) procedural provision (including time limits);
 - (b) provision for a licence to remain in force until—
 - (i) the period allowed for making a request for the reconsideration of a decision has expired and, if a request is made, the decision has been reconsidered, and 5
 - (ii) the period allowed for appealing has expired and, if an appeal is made, the appeal has been finally disposed of;
 - (c) provision prohibiting Transport for London or another person from taking specified action during any such period. 10

5 Exclusion from private hire vehicles legislation

In section 36 of the Private Hire Vehicles (London) Act 1998 (interpretation)—

- (a) in the definition of “vehicle”, for “(other than a tramcar)” substitute “, other than a power-assisted pedicab or a tramcar;” 15
- (b) at the appropriate place insert—

““power-assisted pedicab” means a power-assisted pedal cycle, or a power-assisted pedal cycle in combination with a trailer, that is constructed or adapted for carrying one or more passengers;”.

6 Procedure for pedicab regulations 20

- (1) The power to make pedicab regulations is exercisable by statutory instrument.
- (2) A statutory instrument containing pedicab regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The Statutory Instruments Act 1946 applies to an instrument containing regulations under this Act as if they had been made by a Minister of the Crown. 25
- (4) Pedicab regulations—
 - (a) may make different provision for different purposes;
 - (b) may contain incidental, supplemental, consequential, transitional or saving provision. 30

7 Interpretation

- (1) In this Act—
 - “civil penalty” means a civil penalty under pedicab regulations;
 - “licence” means a licence under pedicab regulations;
 - “pedal cycle” includes a power-assisted pedal cycle; 35
 - “pedicab” has the meaning given by section 1(2);
 - “pedicab regulations” has the meaning given by section 1(2);
 - “public place” means a place to which the public have access (whether or not on payment);

“specified” means specified in, or determined in accordance with, pedicab regulations.

- (2) In section 2(2) “provision made by the Private Hire Vehicles (London) Act 1998 in relation to immigration status” means the following provisions of that Act—

section 3(3)(aa) and (3A),

section 3A(1) to (7),

section 13(2)(aa) and (2A),

section 13A(1) to (7),

section 16(2)(aa), (2A), (4)(aa) and (5),

section 25(8),

section 35A, and

section 35B.

8 Commencement

This Act comes into force at the end of the period of two months beginning with the day on which it is passed.

9 Extent

This Act extends to England and Wales.

10 Short title

This Act may be cited as the Pedicabs (London) Act 2024.

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Make provision for regulating pedicabs in public places in Greater London; and for connected purposes.

Baroness Vere of Norbiton

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