

PEDICABS (LONDON) BILL

Memorandum concerning the Delegated Powers in the Bill for the Delegated Powers and Regulatory Reform Committee

A. INTRODUCTION

1. This memorandum has been prepared for the Delegated Powers and Regulatory Reform Committee to assist with its scrutiny of the Pedicabs (London) Bill (“the Bill”) and is supplemental to the memorandum shared with the Committee on 9 November 2023.
2. This memorandum covers an amendment to existing delegated powers made by Government amendments, tabled on 23 January 2024, for consideration at Report stage in the Lords.

B. AMENDMENTS TO EXISTING DELEGATED POWERS

Clause 1: Power to regulate pedicabs

Power conferred on: Transport for London

Power exercised by: Regulations made by Statutory Instrument

Parliamentary Procedure: None

3. An amendment has been tabled to remove clause 6(2) from the Pedicabs (London) Bill. This amendment means that pedicab regulations made by Transport for London (TfL) will no longer be subject to any form of parliamentary procedure. Instead, responsibility for pedicab regulations will rest with TfL, in a similar manner to taxi and private hire vehicle (PHV) licensing.
4. This amendment has been made in response to feedback during parliamentary debates in the House of Lords, where the Government has heard arguments from across the House that these powers should rest solely with TfL.
5. The approach recognises TfL’s existing powers and experience in licensing taxis and PHVs. Furthermore, given the Bill is focused on regulating London’s pedicabs, and the relative size of the industry in comparison to the much larger taxi and PHV industries, this is considered proportionate.

Clause 2: Licences, fares and other matters

Power conferred on: Transport for London

Power exercised by: Regulations made by Statutory Instrument

Parliamentary Procedure: None

6. For the reasons set out in paragraphs 4 and 5 above, it is considered appropriate that pedicabs regulations which make provision to the effect stated in clause 2 should not be subject to parliamentary procedure.

Clause 3: Enforcement

Power conferred on: Transport for London

Power exercised by: Regulations made by Statutory Instrument

Parliamentary Procedure: None

7. For the reasons set out in paragraphs 4 and 5 above, it is considered appropriate that regulations which make provision to the effect stated in clause 3 should not be subject to parliamentary procedure.

Clause 4: Appeals

Power conferred on: Transport for London

Power exercised by: Regulations made by Statutory Instrument

Parliamentary Procedure: None

8. For the reasons set out in paragraphs 4 and 5 above, it is considered appropriate that regulations which make provision to the effect stated in clause 4 should not be subject to parliamentary procedure.

C. NEW DELEGATED POWERS

Clause 6A: Guidance

Power conferred on: Secretary of State

Power exercised by: Statutory guidance

Parliamentary Procedure: None

9. An amendment has been tabled to give the Secretary of State the option of issuing statutory guidance to TfL about the exercise of their functions under

pedicab regulations. TfL, and those authorised by TfL to exercise functions under pedicab regulations, will be required to have regard to the guidance when exercising functions under pedicab regulations.

10. This amendment has been made alongside the decision to remove clause 6(2) from the Bill, as set out in paragraph 3. The intention is to provide the Secretary of State with the option to influence the shape of the regulatory regime and to provide another level of oversight. This is considered to strike a balance between conferring powers onto TfL, consistent with taxi and PHV licensing, while retaining the possibility of issuing statutory guidance to which TfL, and those authorised by TfL, must have regard to.