STATUTORY INSTRUMENTS

2019 No. 885

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019

Made - - - -	*24th April 2019*
Coming into force - -	*1st May 2019*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 87(1), (2)(c) and (j), and (5) of the Environment Act 1995(**a**) ("the 1995 Act") and paragraph 5 of Schedule 3 to the Government of Wales Act 2006(**b**).

In accordance with section 87(7) of the 1995 Act(**c**), the Secretary of State has consulted the Environment Agency(**d**) and the Natural Resources Body for Wales(**e**), such bodies or persons appearing to the Secretary of State to be representative of the interests of local government and of industry as the Secretary of State considers appropriate, and such other bodies or persons as the Secretary of State considers appropriate.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 87(8) of the 1995 Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 and come into force on 1st May 2019.

(2) These Regulations extend to England and Wales.

Interpretation

2.—(1) In these Regulations—

"licensing authority" means a body in England or Wales which has functions under one or more of the licensing provisions;

(**a**) 1995 c.25; section 87(1) was amended by S.I. 2011/1043.

(**b**) 2006 c. 32. The functions in section 87 of the 1995 Act are exercisable by the Welsh Ministers in relation to Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006, but remains exercisable by the Secretary of State under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 for the purpose of implementing any EU obligation of the United Kingdom.

(**c**) Section 87(7) was amended by S.I. 2013/755.

(**d**) The Environment Agency was established by section 1 of the 1995 Act.

(**e**) The Natural Resources Body for Wales was established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).

the "licensing provisions" are—

(a) section 37 of the Town Police Clauses Act 1847(**a**);

(b) section 6 the Metropolitan Public Carriage Act 1869(**b**);

(c) section 5 of the Plymouth City Council Act 1975(**c**);

(d) section 48 of the Local Government (Miscellaneous Provisions) Act 1976(**d**); and

(e) section 7 of the Private Hire Vehicles (London) Act 1998(**e**);

"relevant vehicle" means a vehicle licensed under a licensing provision.

Duty to provide taxi and private hire vehicle information

3.—(1) A licensing authority must provide information to the Secretary of State in accordance with this regulation.

(2) The information to be provided is, in relation to every relevant vehicle in respect of which a licence is granted under one of the licensing provisions by that licensing authority—

(a) the vehicle registration mark of the vehicle;

(b) the date from which the licence has effect;

(c) the date on which the licence is due to expire;

(d) a statement as to whether the vehicle is a taxi or a private hire vehicle;

(e) such other information the licensing authority holds in relation to the vehicle that may be relevant for the purposes of ensuring the accurate identification of vehicles, having had regard to any guidance issued by the Secretary of State.

(3) The licensing authority must provide the information at least as frequently as once a week.

(4) For the purposes of this regulation—

"private hire vehicle" means a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or section 7 of the Private Hire Vehicles (London) Act 1998;

"taxi" means a vehicle licensed under section 6 of the Metropolitan Public Carriage Act 1869 or section 37 of the Town Police Clauses Act 1847;

"vehicle registration mark" means the mark assigned to the vehicle under section 23 of the Vehicle Excise and Registration Act 1994(**f**).

Database containing the information provided under regulation 3

4.—(1) The Secretary of State may create a database of the information received under regulation 3, in accordance with this regulation.

(2) An entry in relation to a relevant vehicle in a database under paragraph (1) must include only—

(a) the name of any licensing authorities with which the relevant vehicle is licensed; and

(b) the information provided under regulation 3 in relation to that vehicle.

(3) The Secretary of State may share the information contained within the database with a licensing authority for the purposes of enforcing measures implemented—

(a) pursuant to plans prepared under—

(**a**) 1847 c. 89 (10 & 11 Vict). Section 37 was modified by section 15 of the Transport Act 1985 (c. 67).
(**b**) 1869 c. 115 (32 & 33 Vict). Section 6 was amended by paragraph 5(3) of Schedule 20 to the Greater London Authority Act 1999 (c. 29) and S.I. 2014/560.
(**c**) 1975 c. xx.
(**d**) 1976 c. 57. Section 48 was amended by section 4 of, and paragraph 16(1) of Schedule 3 to, the Road Traffic (Consequential Provisions) Act 1988 (c. 54).
(**e**) 1998 c. 34.
(**f**) 1994 c. 22.

(i) regulation 26 of the Air Quality Standards Regulations 2010(**a**); or

(ii) regulation 20 of the Air Quality Standards (Wales) Regulations 2010(**b**);

(b) by that licensing authority for the purposes of improving air quality in its area.

(4) For the purposes of paragraph (3) a measure implemented jointly by more than one licensing authority is to be treated as having been implemented by each of the participating licensing authorities.

Thérèse Coffey
Parliamentary Under Secretary of State
24th April 2019 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales, make provision about information relating to taxis and private hire vehicles as part of the aim of securing compliance with Articles 13(1) and 23(1) of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.

Regulation 3 requires certain bodies to provide to the Secretary of State information relating to each taxi and private hire vehicle which they have licensed to operate.

Regulation 4 enables the Secretary of State to create a database containing the information received under regulation 3, and allows the sharing of that information for the purposes of enforcing measures which have been implemented pursuant to an air quality plan or for the purposes of improving air quality.

A regulatory triage assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk. Hard copies can be obtained from the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF.

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(**a**) S.I. 2010/1001.
(**b**) S.I. 2010/1433 (W.126).

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