EXECUTIVE NOTE

THE LICENSING AND REGULATION OF TAXIS (APPEALS IN RESPECT OF TAXI FARES) (SCOTLAND) AMENDMENT ORDER 2011

SSI 2011/401

The above instrument was made in exercise of the powers conferred by section 18(6) of the Civic Government (Scotland) 1982 and is laid in accordance with section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010. This order amends the Licensing and Regulation of Taxis (Appeals in Respect of Taxi Fares) (Scotland) Order 1985.

Policy Objectives

The purpose of this amendment Order is to reflect changes made to section 18 of the Civic Government (Scotland) Act 1982 (the 1982 Act) by section 174(4) of the Criminal Justice and Licensing (Scotland) Act 2010 (the 2010 Act).

The amended section 18 of the 1982 Act provides that taxi fares appeals under section 18 may be brought by any person or organisation appearing to the Traffic Commissioner to be representative of taxi operators in the relevant licensing area as well as to individual taxi operators.

Consultation

The 2010 Act provisions with regard to taxis are largely procedural and seek to modernise the taxi and private hire car licensing regime. The content of the 2010 Act was subject to widespread consultation at Bill stage and the taxi licensing provisions have been largely welcomed by respondents. Following the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 9, Transitional and Savings Provisions) Order 2011, the taxi provisions contained in the 2010 Act commenced on 1st November 2011.

Financial Effects

The legislative amendments relating to the licensing of taxis and private hire cars provide clarification of existing legislation and effect a few procedural changes in relation to the determination of taxi fares scales and the appeal process thereon. These amendments will have no significant impact on business, charities or the voluntary section.

Business and Regulatory Impact Assessment

A Business and Regulatory Impact Assessment has been prepared in relation to this Order and has been placed in the Scottish Parliament Information Centre. Copies can also be obtained free of charge from Transport Scotland, Area 2-D (North), Victoria Quay, Edinburgh, EH6 6QQ.

November 2011