

LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976

Under section 48 of the Local Government (Miscellaneous) Provisions Act 1976 Local Authority's with the responsibility of licensing Private Hire vehicles and Hackney Carriage/ply for hire vehicles can only licence such vehicles if they are satisfied that they meet a satisfactory standard of mechanical safety. Section 48 lays out the requirements that such vehicles have to meet, which are in addition to those things that must be tested during a standard MOT. These include examining that the vehicles are not only mechanically sound but are safe, comfortable, of suitable size and shape etc. On receipt of a satisfactory mechanical inspection the Council may issue a 'Certificate of Compliance' to Private Hire or Hackney Carriages. The Local Authority can only issue a Certificate of Compliance to those vehicles, which comply with the additional standards required under section 48.

A Local Authority may apply for an exemption in the Motor (Tests) Regulations 1981, which allows them, under certain circumstances, to exempt certain vehicles from the need to hold the MOT certificate required under section 47 of Road Traffic Act 1988, if the vehicles have been issued with a Certificate of Compliance. Specifically Regulations 6(1) (xvii) and (xix) of the above Regulations relate to Private Hire vehicles and Hackney Carriage/ply for hire vehicles, for which the Local Council has responsibility for licensing.

The Certificate of Compliance cannot be issued for longer than that of an MOT test certificate (13 months) however it can be issued for a period less than that specified on a MOT certificate in order to cater for older vehicles, for example vehicles over 6 years can be issued a Certificate of Compliance for 6 months period only.

The annual or bi-annual inspection can be carried out by Inspectors appointed by the Council at the Council's in-house inspection facilities, or at a VOSA authorised MOT station within the Borough. However it is only the Council that can issue a Certificate of Compliance. Any licensed Hackney Carriage vehicle (one year from first registration) or private hire vehicle (three years from first registration) tested at an authorised MOT station and not in-house by the Council's Authorised Officer may be issued an MOT. Before the Council issues a Private Hire or Hackney carriage license for vehicles with MOT's tested other than by the Council itself, the Local Authority will require an additional mechanical inspection in order to satisfy itself that the vehicle also meets the additional standards for Private Hire/Hackney carriage as outlined in section 48 Local Government (Miscellaneous Provisions) Act 1976 (i.e. they are safe, comfortable, suitable size, shape etc) before they issue a Certificate of Compliance. This additional inspection can be carried out by the appointed contractor, who in turn must complete documentation in relation to the additional items tested.

There are other Authorities who totally outsource their Inspection Functions from the Council. Generally the drivers pay for the services directly to the garage, however it is possible to collect the cost for the inspections within the

licence fee. Any proprietor operating or using a vehicle without current inspection is acting unlicensed and appropriate enforcement action is taken.

There is a small risk that if mechanical inspections are carried out elsewhere, other than by the Council's designated inspector than there could be an increased potential to the public of unsafe vehicles being passed due to possible abuse of the test system. The risk could be reduced by adding certain conditions to contractors before they are authorised to inspect, such as:

- all inspections must be carried out in accordance with the Council's inspection policy,
- inspections can only be carried out at MOT stations located within the Borough,
- inspection certificates for use by other MOT stations can only be obtained from the licensing section of the council,
- Inspections cannot be carried out from a garage or MOT station where the vehicle was purchased, etc, etc.

The contractor should submit evidence to the Licensing Section that the vehicle has passed such examination tests as is necessary before the Council can issue a Certificate of Compliance. See a typical declaration on these lines at the end of this information. This declaration should be used to evidence that the Council is satisfied that the vehicle meets the required standards **before** it issues a Certificate of Compliance.

Summary

In summary, before any licence for Hackney Carriage or Private Hire can be issued, the Council must be satisfied that the vehicle has been inspected and complies with the prescribed mechanical and safety standards. To evidence that the Council has fulfilled its duties under section 48 of the 1976 Act, it should issue a Certificate of Compliance. A Local Council designated by the Secretary of State can undertake these inspections itself, and as a consequence exempt the vehicle for a need for an MOT whilst licensed. However there does not seem to be the power that this exemption for MOT's can be delegated by the Council to authorised garages. As such, if a Council wishes to authorise contractors to inspect vehicles on their behalf to demonstrate they meet the standards before the Council issues a Certificate of Compliance, the vehicles will not be exempt from the requirements to have an MOT if necessary. If the Council wished to, it is possible for the Council to give the option to the proprietor of having the inspection carried out by a garage of their choice or by the Council, who will not issue an MOT.

**ROAD TRAFFIC ACT 1988 SECTION 47, MOTOR VEHICLES (TESTS)
REGULATIONS 1981. DECLARATION IN RESPECT OF HACKNEY
CARRIAGE* AND PRIVATE HIRE VEHICLES***

I hereby certify that –

- a. the licence issued by this authority in respect of Hackney Carriages*/private hire cars* is valid for a period of not more than 12 months*/6 months*;
- b. the said vehicles are submitted for an examination to mechanical conditions and evidence that they comply with the requirements of such test is produced to this authority before the said licence is issued;
- c. the test for licensing purposes covers the full requirements of such a test is produced to this authority before said licence is issued;
- d. the test is carried out by:

+*i the Police, or

+*ii an Authorised Examiner appointed as such for the purpose of conducting tests under the department of Transport vehicle testing scheme, or

+*iii an inspector appointed by a council designated by the Secretary of State for the purpose of Section 45 of The Road Traffic Act 1988.

e. a Certificate of Compliance with the requirements of such a test is issued to the licensee by this authority.

Signature

(NB - this declaration should be signed by the Chief Executive Officer or any other officer duly authorised to sign on behalf of the Council)

For and on behalf of ***** Council

Date:

Status:

*Delete as necessary

+Please give below the names of the Police force, designated council or Authorised Examiner, who will carry out the test on your Council's behalf, and the address of the premises at which testing will take place. In case of an Authorised Examiner please give the vehicle testing station number.

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