SCOTTISH STATUTORY INSTRUMENTS

2004 No. 88

LICENCES AND LICENSING

The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004

Made - - - -	*4th March 2004*
Laid before the Scottish Parliament - - - -	*9th March 2004*
Coming into force - -	*31st March 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 20(2AA) of the Civic Government (Scotland) Act 1982(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004 and shall come into force on 31st March 2004.

Prescribed condition

2. The condition specified in regulation 3 below is hereby prescribed as a condition which a licensing authority shall impose in relation to private hire drivers' licences, but only in relation to those licences for which an application is made to a licensing authority on or after 31st March 2004.

3. The condition referred to in regulation 2 above is that where the private hire car which the private hire car driver is driving or otherwise has charge of has been hired–

(a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog(**2**) of that person; or

(b) by a person who wishes such a disabled person to accompany that person in the private hire car,

(**1**) 1982 c. 45; subsection (2AA) of section 20 was inserted by the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 (c. 37), section 2.

(**2**) "Assistance dog" is prescribed as an other category of dog for the purposes of section 20(2A) of the 1982 Act by virtue of the Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 (S.S.I. 2003/73). That meaning applies for the purposes of these Regulations by virtue of section 20(2AA) of the 1982 Act as read with section 20(2A) of that Act.

and the circumstances specified in regulation 4 below do not apply, the driver of the private hire car shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

4. The circumstances referred to in regulation 3 above are that–

(a) a notice of exemption in the form set out in the Schedule to these Regulations has been issued to the private hire car driver in accordance with the procedure set out in regulation 5 below and is in force; and

(b) that notice is exhibited either by–

(i) affixing it in a prominent position on the dashboard of the private hire car facing upwards; or

(ii) affixing it to the windscreen of the private hire car, facing outwards.

Notices of exemption

5.—(1) The licensing authority shall issue to a person such a notice of exemption as is referred to in regulation 4(a) above (with such deletions as it considers appropriate) if the authority is satisfied that it is appropriate on medical grounds to exempt that person from the condition specified in regulation 3 above.

(2) In determining whether to issue such a notice of exemption to a person, the licensing authority shall, in particular, have regard to the physical characteristics of the private hire car which that person drives.

(3) A notice of exemption shall be issued for such period as may be specified in it.

(4) If a licensing authority requires a person to undergo a medical examination for the purpose of enabling that licensing authority to be satisfied as mentioned in paragraph (1) above, that licensing authority shall meet the cost of that medical examination.

(5) For the purpose of the discharge of their functions under this regulation, every licensing authority shall reach a final decision within 3 months of receipt of an application for a notice of exemption.

Notification of decisions and giving of reasons

6.—(1) A licensing authority shall, within the period of 7 days beginning with the day on which the decision was made under regulation 5(5) above, send written notice of their decision to the person seeking a notice of exemption.

(2) Reasons for a decision referred to in paragraph (1) above shall be given by the licensing authority on a request being made to the authority by the person seeking a notice of exemption within the period of 28 days beginning with the day on which that decision was made.

(3) A licensing authority shall, within the period of 10 days beginning with the day on which a request is received by them under paragraph (2) above, give reasons in writing for that decision.

(4) Nothing in this regulation affects the power of the sheriff under regulation 7 below to require a licensing authority to give reasons for a decision of the authority–

(a) which is being appealed to the sheriff under that regulation; and

(b) for which reasons have not been given under this regulation.

(5) For the purposes of this regulation any reference to anything done in writing shall include communication by electronic means.