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Statutory guidance

# Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

Published 23 May 2022

**Applies to England**

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The [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](https://www.legislation.gov.uk/ukpga/2022/14/contents/enacted) (<https://www.legislation.gov.uk/ukpga/2022/14/contents/enacted>) (the act) received Royal Assent on 31 March 2022.

This guidance is issued to licensing authorities in England under [section 7](https://www.legislation.gov.uk/ukpga/2022/14/section/7/enacted) (<https://www.legislation.gov.uk/ukpga/2022/14/section/7/enacted>) of the act. Licensing authorities in England must have regard to it.

It intends to support taxi and private hire vehicle (PHV) licensing authorities in England in complying with the act. The guidance does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

## **The 2 main aspects of the act**

1. From 31 May 2022, if any licensing authority in England has information about a taxi or PHV driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence.

Any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

2. The act will require licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.

Before a licensing authority in England decides whether to grant or renew a driver licence, it must search the database for any entry relating to the applicant.

If there is a relevant entry, the authority must contact the recording authority to request the relevant information. The decision-making licensing authority must then have regard to the information provided when making their decision.

The act gives the Secretary of State for Transport the power to provide or designate the database. The requirement that licensing authorities use the database will commence following regulations made by the Secretary of State for Transport.

This guidance is focused on supporting compliance with the first aspect, the new duties coming into effect from 31 May 2022.

Guidance on the second aspect, the refusals, suspensions and revocations database, will be made available to licensing authorities in due course.

## **Reporting safeguarding or road safety concerns about drivers licensed by other licensing authorities**

The act requires licensing authorities in England to report safeguarding and road safety concerns about drivers licensed by other authorities to the licensing authority that issued the driver's licence.

This is because only the authority that issued a driver's licence can suspend or revoke it.

Before the requirement to report concerns applies, the following must be true:

- the licensing authority is in England
- the taxi/P.H.V. driver was granted a taxi or P.H.V. (private hire car in Scotland) driver licence by a licensing authority in England, Wales or Scotland
- the licensing authority has become aware of information raising safeguarding or road safety concerns about a driver's conduct when in its licensing area
- the driver's conduct in its area is of such a type that the licensing authority would have considered suspending or revoking the driver's licence based on the safeguarding or road safety concerns if it had granted the licence

Once the licensing authority becomes aware of the safeguarding or road safety concerns, it has 10 working days to provide the relevant information and any other information to identify the driver to the licensing authority that issued the driver's licence.

When sharing information, the relevant licensing authorities should cooperate as fully as possible, subject to their obligations under data protection legislation.

## What counts as safeguarding and road safety concerns

The act defines the information that would constitute a safeguarding and road safety concern at [section 1 \(https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted\)](https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted) and states that this would include information indicating that the person:

- committed a sexual offence (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
- harassed another person
- caused physical or psychological harm to another person (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
- committed an offence that involves a risk of causing physical or psychological harm to another person
- committed an offence under section 165, 168 or 170 of the [Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/contents\)](https://www.legislation.gov.uk/ukpga/2010/15/contents) (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
- did anything that constitutes unlawful discrimination or victimisation against another person for the purposes of the Equality Act 2010
- threatened, abused or insulted another person
- poses a risk to road safety while driving
- may be unsuitable to hold a taxi or P.H.V. driver's licence for other reasons related to the safeguarding of passengers or road safety

Furthermore, attempting to or conspiring to commit the above offences also constitutes a valid safeguarding or road safety concern.

Further detail on what driver conduct constitutes a safeguarding or road safety concern can be found at [section 1 \(https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted\)](https://www.legislation.gov.uk/ukpga/2022/14/section/1/enacted) of the act.

## Considering safeguarding or road safety concerns report by another licensing authority

The act requires licensing authorities in England that receive a report of safeguarding or road safety concerns about a driver it has licensed to consider whether to suspend or revoke the driver's licence.

The requirement applies when the concerns are reported by a licensing authority in England, Wales or Scotland.

The decision must be based on the information provided about the safeguarding or road safety concerns and any other information available to the licensing authority.

Within 20 working days of receiving the concerns, the licensing authority must inform, in writing, the licensing authority that reported the concerns whether it has suspended or revoked the driver's licence (or intends to suspend or revoke the licence).

The licensing authority must also provide its reasons for the action it has taken or intends to take. Where a licensing authority decides not to revoke or suspend a licence, the reasons for this might also include any actions short of suspension or revocation that it will take.

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