

Pedicabs Bill

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B I L L

TO

Make provision for the control of pedicabs; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Regulations about the control of pedicabs etc

- (1) The appropriate national authority may make regulations providing for —
- (a) the control of pedicabs by specified authorities by —
 - (i) the licensing or registration of pedicab businesses, pedicabs or pedicab riders; 5
 - (ii) the prohibition on or restriction of the activities of pedicab businesses and pedicab riders;
 - (b) the application of relevant enactments to pedicabs; and
 - (c) the enforcement of relevant enactments in relation to pedicabs.
- (2) Regulations under this section may in particular make provision — 10
- (a) amending any enactment relating to the licensing or registration of hackney carriages or private hire vehicles so that pedicabs, pedicab businesses or pedicab riders are subject to licensing or registration under the legislation containing the enactment;
 - (b) setting out the matters which must be considered by a specified authority when considering whether to prohibit or restrict the activities of pedicab businesses or pedicab riders in its area; 15
 - (c) identifying the person against whom enforcement action may be taken if there is a contravention of a relevant enactment;
 - (d) about the form, content and duration of any licence or registration document; 20
 - (e) for the power of a specified authority to vary, suspend or revoke a licence or registration;
 - (f) for the notification of any change in the ownership of a pedicab to the specified authority; 25
 - (g) about registration plates, including the display of registration plates on pedicabs;

- (h) for the payment of fees in relation to licensing and registration;
 - (i) for the making of registers of licensed pedicab businesses and riders available for inspection and sale;
 - (j) about the construction of pedicabs, and the form and frequency of maintenance checks on pedicabs; 5
 - (k) about the level of fares charged by riders of pedicabs and the provision of receipts on payment of fares;
 - (l) for the prohibition of solicitation or touting for business;
 - (m) controlling the use of pedicabs for the display of advertisements (whether or not the pedicab is being used or is intended for use for the carrying of passengers); 10
 - (n) for the maximum number of passengers to be carried in a pedicab;
 - (o) requiring the reporting of any accident involving a pedicab to the specified authority.
- (3) Regulations under this section may make provision – 15
- (a) for offences for failing to comply with the provisions of the regulations;
 - (b) enabling constables or authorised officers of specified authorities to seize a pedicab where they suspect an offence under the regulations has been committed in relation to the pedicab;
 - (c) enabling a magistrates court to order the forfeiture of a pedicab so seized; 20
 - (d) enabling specified authorities to recover their costs of storing and disposing of seized pedicabs.
- (4) The maximum penalty for an offence committed under regulations under this section shall be – 25
- (a) a level 5 fine on the standard scale for any offence involving –
 - (i) dishonesty;
 - (ii) the use of a pedicab without a licence in contravention of any licensing requirements under the regulations;
 - (iii) the use of a pedicab in contravention of any registration requirements under the regulations; 30
 or for aiding or abetting any such offence;
 - (b) a level 3 fine on the standard scale for any other offence.

2 Amendments to road traffic legislation

- (1) Section 15(12) of the Greater London Council (General Powers) Act 1974 (parking on footways, grass verges, etc.) is amended by the insertion of “a pedicab (within the meaning given by section 3 of the Pedicabs Act 2010 (interpretation)),” after the word “means” in the definition of “vehicle”. 35
- (2) The London Local Authorities and Transport for London Act 2003 is amended as follows – 40
- (a) in section 4(5) (penalty charges for road traffic contraventions), for the words “motor vehicle” there is substituted “vehicle”;
 - (b) in section 4(16), the definition of “motor vehicle” is omitted and the following definition is inserted at the end – 45
 - ““vehicle” means a mechanically propelled vehicle intended or adapted for use on roads and a pedicab within the meaning given by section 3 of the Pedicabs Act 2010 (interpretation).”

3 Interpretation

In this Act –

“the appropriate national authority” means –

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;

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“pedicab” means a cycle constructed or adapted –

- (a) to seat one or more passengers; and
- (b) for the purpose of being made available with a driver for hire for the purpose of carrying passengers in the course of a business;

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“pedicab business” means a business which consists, in whole or in part, of –

- (a) the ownership of pedicabs;
- (b) the letting out of pedicabs to pedicab drivers to use as a pedicab; or
- (c) taking bookings for the use of pedicabs by passengers;

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“relevant enactment” means –

- (a) section 15 of the Greater London Council (General Powers) Act 1974 (parking on footways, grass verges, etc.);
- (b) Part II of and Schedule 1 to the London Local Authorities Act 1996 (bus lanes);
- (c) regulations made under section 144 of the Transport Act 2000 (civil penalties for bus lane contraventions);
- (d) Part 2 of the London Local Authorities and Transport for London Act 2003 (road traffic and highways);
- (e) regulations under section 72 of the Traffic Management Act 2004 (civil penalties for road traffic contraventions);
- (f) any other enactment relating to road traffic regulation, specified in regulations made by the appropriate national authority, which provide for the service of penalty charge notices or notices to owner on the owner of a vehicle.

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“specified authority” means –

- (a) the council of a district in England;
- (b) the council of a London borough;
- (c) the Common Council of the City of London;
- (d) the council of a county or county borough council in Wales.

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4 Regulations and orders

(1) The power to make regulations under this Act is exercisable by the appropriate national authority.

(2) Regulations and any commencement order under this Act must be made by statutory instrument.

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(3) Regulations and any commencement order under this Act –

- (a) may make provision which applies generally or only for specified cases or which applies subject to specified exceptions;
- (b) may make different provision for different cases or different areas;
- (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

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- (4) A statutory instrument containing regulations under this Act (except regulations containing provision under section 1(2)(a)) is subject to annulment in pursuance of –
- (a) in the case of regulations made by the Secretary of State, a resolution of either House of Parliament; 5
 - (b) in the case of regulations made by the Welsh Ministers, a resolution of the National Assembly for Wales.
- (5) A statutory instrument containing provision under section 1(2)(a) is subject to the affirmative procedure.
- (6) If a statutory instrument is subject to the affirmative procedure, the order it contains may not be made unless a draft of the instrument – 10
- (a) is laid before, and approved by a resolution of, each House of Parliament (if the order is to be made by the Secretary of State),
 - (b) is laid before and approved by a resolution of the National Assembly for Wales (if the order is to be made by the Welsh Ministers). 15

5 Financial provisions

There shall be paid out of money provided by Parliament –

- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.* 20

6 Short title, commencement and extent

- (1) This Act may be cited as the Pedicabs Act 2010.
- (2) The provisions of this Act come into force on such day as the appropriate national authority may by order appoint. 25
- (3) This Act extends to England and Wales.

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To make provision for the control of pedicabs; and for connected purposes.

Presented by Mr Mark Field.

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