

CONDITIONS APPLICABLE TO TAXI LICENCES (AIRPORT ZONE)

1. Any reference in these conditions to “the Act” means the Civic Government (Scotland) Act, 1982.

Any words used in these conditions should be given the meanings assigned to them in the Act, so far as applicable to part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to “taxi” or “private hire car” as defined in the Act, the meaning of such word in these conditions shall be interpreted in accordance with the definition in the Act.

Subject to the foregoing, the following words or phrases shall have the meanings set out below:-

“Aberdeen Airport” means the aerodrome known as Aberdeen Airport to which the Scottish Airports Byelaws, 1986, apply.

“Constable” means any Constable as defined in the Police (Scotland) Act, 1967 being a member of the police force of the Grampian Region.

“Duly authorised officer of the local authority” means a person, including the Taxi Inspector, authorised by the Aberdeen City Council either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

“Exclusive” as applied to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi, and as applied to the hire of a private hire car, means that a single fare is payable by any one passenger, in either case whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly.

“Licensed area” means the area of The City of Aberdeen.

“Licensing authority” means Aberdeen City Council.

“Luggage” includes all items which the hirer or passenger wishes to be carried in the vehicle, whether his own personal baggage for the journey, or being carried for business or otherwise, and shall also include animals or pets which reasonably may be accommodated within the vehicle

“Shared”, as applied to the hire of a taxi or a private hire car, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly.

“Taxi-bus” means a taxi which is being used, under a special licence granted under Section 12 of the Transport Act, 1985, to provide a local service which is or requires to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

“Taxi Inspector” means any person authorised by Aberdeen City Council to exercise the powers to carry out the duties of Taxi Inspector in terms of or by reference to these conditions, or any other person acting under the direct instructions or with the authority of the Taxi Inspector to ensure that these conditions, and the terms of Part II of the Act are properly observed and implemented. Where there is a difference of opinion between the Taxi Inspector and any of his deputies or assistants, the decision of the Taxi Inspector shall apply, and the term “Taxi Inspector” shall be interpreted accordingly.

“The Taxi” means the taxi to which these conditions apply.

2. This licence is valid within Aberdeen Airport only.
3. The number of passengers which the taxi shall be permitted to carry shall not exceed the number specified in the licence.
4. The holder of this licence shall ensure that the taxi, including all body work, upholstery and fittings is safe, serviceable and in a clean condition and at all times ready and sufficient for hire, subject to prevailing road conditions.
5. On receiving the requisite notice in writing from the licensing authority, the holder of this licence shall produce his or her taxi for examination at such time and place as may be reasonably required by the licensing authority. Thereafter the taxi will be required to pass two inspections per annum.
6. The holder of this licence when the taxi is damaged in a vehicular accident or by any other means shall report the damage to the Taxi Inspector as soon as practicable, and if the taxi is roadworthy he shall present it for examination within the following two working days (being days on which the testing facilities operate) after the occurrence. It shall be at the discretion of the Taxi Inspector if he considers the taxi unroadworthy, to issue an instruction that the taxi shall not be used until the repairs have been completed and the taxi re-examined.

As soon as the repairs to the taxi have been completed (which shall be within a period of twenty-eight days, save in exceptional circumstances) the taxi shall be re-examined. In the event that the repairs cannot be completed within the period specified above, the licence holder shall apply in writing to the licensing authority for an extension thereto.

7. The holder of this licence shall not ask a driver of a taxi to do anything which would result in the driver contravening any law or committing a breach of the conditions attached to the grant of the driver's licence.

8. The holder of this licence shall keep an up to date list of the names and addresses of all taxi drivers employed by him and shall produce this list on request to a duly authorised officer of the licensing authority or to a Constable at all reasonable times.
9. The holder of this licence shall be bound to fulfil or cause to be fulfilled at the time and location specified an engagement to hire his taxi which he has accepted.
10. The holder of this licence shall hold in his own name the requisite vehicle registration document and the certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act, 1972; where more than one name appears on the taxi licence the vehicle registration document and the certificate of insurance shall be in the name of at least one of those names. The holder of this licence shall exhibit to the Taxi Inspector not later than the initial date of cover thereunder, the certificate of insurance in relation to the use of the taxi as a taxi on and after that date; and the licenceholder shall thereafter cause to be displayed at all times internally on the lower left hand side of the front windscreen in a manner whereby it may conveniently be read from inside the taxi, a disc issued by the Taxi Inspector certifying exhibition of said certificate. Any change of insurer, or insurance cover, must be intimated forthwith to the licensing authority.
11. The holder of this licence shall ensure that while the taxi is licensed as a taxi any plates or other things, which have been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi are secured at all times in positions approved by the licensing authority, and that the proprietor or driver of the taxi does not change the approved position of or remove, deface or alter the plates or other things so issued. Without prejudice to the foregoing generality, the Taxi Inspector at his sole discretion may at the request of the holder of this licence remove from the taxi any such plates which have been secured on the exterior of the taxi and retain the plates in his possession, but only until such date as may have been fixed in advance which date shall be not more than twenty-eight days following the date on which said plates are removed from the taxi.
12. The holder of this licence shall not obliterate or deface any plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi and which is fixed to the taxi. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost, the holder of this licence shall report this to the Taxi Inspector as soon as practicable in order to obtain from the licensing authority a replacement plate or other thing.
13. The holder of this licence shall obtain from the licensing authority a notice or notices detailing the approved maximum taxi fares and charges appropriate to exclusive or to shared hire of the taxi and shall display the notice or notices as appropriate in the passenger compartment of the taxi in such a position that it or they will be readily visible to the passengers being carried which notice or notices shall incorporate a provision to the effect that the taxi may be operated on shared hire only with the consent of the first hirer or passenger; and (subject to condition 24 below) no other notice or notices of fares and charges shall be displayed.
14. The holder of this licence shall, if the cost of the journey is not regulated by a licensing authority fare structure, and if the taxi is not being used as a taxi-bus, take steps to ensure that any potential hirer of the taxi is informed, prior to acceptance of the hire (a) that the fare is not so regulated; and (b) the cost or the method of calculating the cost of the proposed journey.
15. Deleted.
16. The holder of this licence shall display upon the roof of the taxi a sign of a type approved by the licensing authority for the purpose of identifying the vehicle as a taxi, which sign shall be capable of being illuminated, shall work automatically in conjunction with the taximeter fitted to the vehicle, and must be extinguished on the meter being switched to the "hired" or "stopped" position; and while the taxi is available for shared hire he shall display on the taxi in a position approved by the licensing authority a sign of a type approved by the licensing authority for the purpose of indicating that the taxi is available for shared hire, which sign shall be visible from the front of the vehicle, shall display the words "shared hire" on an orange background, shall be illuminated, shall be worked automatically in conjunction with the taximeter fitted to the vehicle, and shall be extinguished only when the taxi is being engaged in the exclusive mode.
17. The holder of this licence shall at any time when the taxi is being used as a taxi-bus, cause to be displayed on the taxi, in such a position and in such a form as may be prescribed by the licensing authority, a notice which indicates that the taxi is being used as a taxi-bus, which notice must be visible from the front of the vehicle and must be used only when the vehicle is operating as a taxi-bus and not when the vehicle is being used in any other mode of operation.
18. The holder of this licence shall have affixed to the taxi a taximeter which has been approved by the licensing authority as appropriate to the type of hire (whether exclusive or shared) for which the taxi is available or on which it is engaged. This condition shall not apply to any taxi while it is in use as a taxi-bus.
19. The holder of this licence shall not use or cause or permit to be used on the taxi a road wheel or tyre of a different circumference from that for which the taximeter affixed to the taxi has been designed, geared, and tested and approved by the licensing authority.
- 19A.
 - 1) Space saver wheels shall be used by drivers at all times in accordance with relevant manufacturers' guidelines and instructions.

- 2) A taxi driver shall not at any time allow his or her vehicle to operate as a taxi by him or her or by any other person whilst a space saver wheel is fitted and in use in his or her vehicle.
- 3) Operating as a taxi shall include but not necessarily be limited to the following:
 - a) The carrying of a fee paying passenger(s) in the vehicle whether that vehicle is in motion or not;
 - b) Driving or remaining stationary with the roof sign indicating availability for hire or giving the intention of being available for hire.
- 4) If a passenger(s) is seated in a taxi and the driver of that taxi requires to fit and/or use a space saver wheel, that taxi driver shall cease that journey immediately.
- 5) Upon the cessation of a journey in accordance with paragraph 4 above, a taxi driver shall take all reasonable steps to ensure the safe passage of his or her passenger(s), to their original, agreed destination. Said reasonable steps shall include the following: -
 - a) The arrangement, as soon as possible from the time the journey has ceased, for another taxi to drive the passenger(s) to their original, agreed destination;
 - b) Upon cessation of a journey as per 4 above, the driver shall extinguish or remove the roof sign from the vehicle so as not to give or appear to give, the impression that the vehicle in question is available for hire at any time the space saver wheel is in use.
20. The holder of this licence shall only use a taximeter which has been stamped or sealed by the licensing authority after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once a taximeter is fitted to the taxi, he shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or licensing authority except to remove the taximeter for repair or replacement, in which event the holder of this licence shall forthwith notify the Taxi Inspector in writing. Should the seal be broken or the taximeter repaired or replaced, the taximeter shall be re-tested and passed by or on behalf of the licensing authority before being used again.
21. The holder of this licence shall ensure that the taximeter fitted to his taxi is fitted in a position approved by the licensing authority.
22. The holder of this licence shall not knowingly operate the taxi or cause or permit it to be operated other than as a taxi-bus, while the seals affixed to any taximeter and, where so affixed, to the vehicle, are broken or detached.
23. The holder of this licence shall not knowingly use or cause or permit to be used a taximeter which is in any way defective.
24. The holder of this licence shall at any time when the taxi is being used as a taxi-bus cause to be displayed in the taxi in such a position and in such a form as may be prescribed by the licensing authority so that it is clearly legible to passengers a fare table containing sufficient information to enable a passenger to ascertain the fare for his journey or the manner in which the fare is calculated.
25. The holder of this licence must carry in suitable fasteners in the taxi, a fire extinguisher and a first-aid kit of types and in positions approved by the licensing authority.
26. When the taxi is withdrawn from service by the Taxi Inspector or a Constable in accordance with Section 11 of the Civic Government (Scotland) Act, 1982, he shall affix a label bearing (a) the words "this hire car is meantime certified unfit for public use" and (b) the date of withdrawal in a position within the passenger compartment of the taxi so that it is readily visible to intending passengers. Such a label shall have the effect of suspending this licence and only the Taxi Inspector is authorised to remove such label.
27. The holder of this licence shall not obstruct a duly authorised officer of the licensing authority or a Constable in the performance of any of his duties under these conditions.
28. The holder of this licence shall comply with all instructions or directions of a duly authorised officer of the licensing authority or a Constable in relation to these conditions and shall give him all information he may reasonably require in the discharge of his duties.
29. Deleted.
30. Deleted.
31. The holder of this licence shall display within the passenger compartment of the taxi a sign to the effect that the law requires that passengers use rear seat belts where fitted.
32. The holder of this licence shall not install or use on the taxi or cause or permit to be used on or in the taxi any radio scanner device.

Glenn J. MacEachron

CITY SOLICITOR

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