

Office of the Traffic Commissioner submission of 22 June 2023

PE1960/E: Formally recognise private hire cars and taxis as modes of public transport

Thank you for your letter to the Scottish Traffic Commissioner, Claire Gilmore, requesting her view on the above petition and the number of special restricted operator licences currently registered in Scotland.

There are eight Traffic Commissioners for Great Britain who are appointed by the Secretary of State for Transport. They are statutorily independent of Government. Traffic Commissioners are responsible for the licensing and regulation of those who operate goods vehicles, buses and coaches. Their primary objectives relate to road safety and fair competition. In Scotland, there is a specific role of Traffic Commissioner for Scotland which is set out in the relevant legislation (the Public Passenger Vehicles Act 1981). The Traffic Commissioner for Scotland also undertakes devolved functions related to the registration of local bus services and appeals against local authority taxi fare-scales.

The definition of public service vehicles (PSV) is set out in the Public Passenger Vehicles Act 1981 and generally includes vehicles constructed or adapted to carry more than eight passengers which are used for carrying passengers for hire or reward. However, smaller vehicles that are used to carry passengers for hire or reward at separate fares can also be defined as a PSV if certain other criteria relating to the journey are met.

In addition, section 12 of the Transport Act 1985 permits a holder of a taxi or private hire licence and who intends to use the licensed taxi vehicle or hire car for the provision of a local bus service, to apply to a traffic commissioner for a Special Restricted Operator's Licence. Vehicles can only be used under this type of licence for the purpose of providing a local bus service.

There are currently 34 holders of Special Restricted operator licences in issue within Scotland. The number of vehicles authorised will be dependent on the number applied and limited to the number of taxi or private hire licences held.

You may find the determination of the Office of Fair Trading into Cardiff Bus published in 2008 of interest as it considers the position of taxis in relation to bus services (albeit in the context of competition), particularly

sections 4.72 – 4.129. This can be found at: [Microsoft Word - cardiffbus.doc \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/421292/Microsoft_Word_-_cardiffbus.doc)