Appendix 2

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Taxi Licensing Policy:
Hackney Carriages & Private Hire Vehicles

April 2018

Bolsover
District Council

CONTROL SHEET FOR STATEMENT OF LICENSING POLICY: HACKNEY CARRIAGES, PRIVATE HIRE DRIVERS, VEHICLES AND OPERATORS

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POLICY

1. Introduction

1.1 BACKGROUND

Bolsover District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover.

NB. Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2 ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3 BEST PRACTICE GUIDANCE

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.

1.4 CONSULTATION

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border Bolsover District Council
- Derbyshire County Council
- Other departments within Bolsover District Council

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- Members of Bolsover District Council
- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Child Protection Services (Safeguarding)

1.5 POWERS AND DUTIES

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6 STATUS

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

2. Scope

In setting out its policy Bolsover District Council seeks to promote the following objectives -

- the protection of public health and safety;
- the establishment of a professional and respected hackney carriage and private hire trade;
- access to an efficient and effective public transport service; and
- the protection of the environment.

The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the

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public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that hackney carriages and private hire vehicles in the district are safe and comfortable.

4. Statement of Policy

4.1 VEHICLES - HACKNEY CARRIAGE AND PRIVATE HIRE

The Licensing Authority must ensure that the district has hackney carriage and private hire vehicles that are of the highest safety standards and meet the needs of residents and visitors to the district.

4.1.1 LIMITATION OF VEHICLES

The Council does not currently limit the age or emissions levels of vehicles that will be licensed. This position will be kept under review and may be reconsidered in future if supported by evidence.

At present, the Council do not limit the number of hackney carriages. If it takes the view that a quantity restriction can be justified in principle, the level at which the limit is set shall be determined by means of a survey.

4.1.2 SPECIFICATIONS, CONDITIONS AND LIVERY

All vehicles licensed by the Council will meet the minimum requirements set out in Appendix A.

4.1.3 VEHICLE IDENTIFICATION

Both hackney carriages and private hire vehicles are required to display a plate on the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

Private hire vehicles licensed are also required to display such additional signage as the Council considers appropriate.

4.1.4 SECURITY/CCTV

It is not currently proposed to make CCTV in vehicles a mandatory requirement. This position will be kept under review and may be reconsidered in future if supported by evidence that there is a problem or significant risk that should be addressed.

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However where a proprietor chooses to install CCTV in their vehicle that system must be compliant with any relevant data protection and privacy laws. They must inform the Council within 7 days of installing a CCTV system.

4.1.5 APPLICATION PROCEDURES

Applications for a vehicle licence must be made in accordance with the Council's requirements. All information requested must be provided before an application is considered to be complete. Incomplete applications will be rejected.

All licences granted will specify the name, surname and address of every person who is a proprietor or part proprietor of the licensed vehicle. Where an owner is an incorporated body the full name, company number and registered office address shall be specified.

4.1.6 GRANT AND RENEWAL OF LICENCES

Hackney carriage or private hire vehicle licences will be granted for 6 months from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

All vehicles must be tested on renewal, i.e. at every 6 month interval. The test must take place at a testing station approved by the Council. No licence shall be granted or renewed until such time as the vehicle has passed this test.

These requirements are in addition to an MOT, which for hackney carriages is required at 1 year old and thereafter.

The testing of hackney carriages and private hire vehicles is more stringent than a standard MOT. All vehicle specifications and conditions will be subject to scrutiny. Also, mechanical testing will be carried out to a higher standard than the MOT because licensed vehicles generally travel many times more miles than other vehicles between tests.

National guidance on testing standards will be adopted, subject to any local adjustments deemed necessary.

For renewals the application forms, appropriate fees and supporting documentation must be submitted in sufficient time prior to the expiry of the previous licence. It is the licence holder's responsibility to ensure that their vehicle licence is renewed appropriately.

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Late applications will only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.

Where licence holders surrender their licence prior to their expiry date, the Council will not make any refund in respect of the unexpired portion of the licence fees.

4.1.7 EXCEPTIONS

Applications in respect of any vehicle which doesn't meet the specifications required in this Policy will be referred to the Licensing Committee for consideration.

5. Responsibility for Implementation

This Policy will be implemented by, and at the discretion, the appropriate officers as determined by the Council's delegations scheme.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

6. Glossary of terms

Throughout this document -

- "The Council" means Bolsover District Council
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle
- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street
- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage
- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers

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- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle

- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle

- "Certificate of Compliance" means a certificate confirming that a licensed vehicle has passed the Council's vehicle test

- “Suspension Notice" means a notice prohibiting further use of a licensed vehicle until such time as a defect has been remedied to the satisfaction of the Council

- "Defect Notice" means a notice identifying a defect to a licensed vehicle which must be remedied to the satisfaction of the Council (issued under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976)

- "Meter" means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both

- “The Guidance” means The Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2010.

7. Appendices

Appendix A follows.

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APPENDIX A

VEHICLE SPECIFICATIONS AND CONDITIONS OF VEHICLE LICENCES

1 GENERAL

All licensed vehicles shall:

- Comply with Road Traffic legislation
- Have one of the following vehicle type approvals:
    - EC Whole Vehicle Type Approval;
    - EC Small Series Type Approval;
    - National Small Series Type Approval; or
    - Individual Vehicle Approval
- Be right-hand-drive
- Be one of:
    - a 4-door saloon vehicle;
    - a 5-door hatchback, estate vehicle or people-carrier;
    - a wheelchair-accessible vehicle;
    - a multi-purpose vehicle (MPV); or
    - in the case of hackney carriages, a purpose-built “black cab” type vehicle.
- Not have been written off for insurance purposes at any time
- Enable any person in the vehicle to communicate with the driver
- Be maintained in sound and roadworthy condition
- Not be fitted with any modification which increases risk to passengers, pedestrians or other road users.

2 DOORS

All saloons, estates or purpose built hackney carriage vehicles shall have at least four side opening doors, which are capable of being opened from the inside and the outside.

Minibuses, wheelchair-accessible vehicles, and people carrier type vehicles shall have at least three doors not including any tailgate or rear doors. All such vehicles must carry a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver’s compartment.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

3 SEATS

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Passenger seats must be of a size and design considered safe and comfortable.

Where a minibus or similar vehicle is capable of carrying more than 8 passengers, excess seating must be removed – and the fixings/wheelchair restraints disabled – before a licence shall be granted.

Where seats have been removed the vehicle shall not be licensed until the log book has been amended to accurately record the remaining number of seats.

The vehicle log book must accurately reflect the number of seats and the vehicle type approval.

NB For the purposes of this Policy a wheelchair counts as one seat/passenger.

4 SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British National Standards except where the law specifically provides an exemption.

In relation to the carriage of Child Passengers, vehicles must comply with current seatbelt legislation.

5 PASSENGER CAPACITY

The Council will determine the maximum number of passengers a vehicle will be licensed to carry. At no times shall the vehicle carry more than the permitted number of passengers. A child of any age, irrespective of how they are transported, is counted as one passenger.

A vehicle will not be licensed to carry more passengers than the number of seats displayed on the log book.

6 VENTILATION

Vehicles must have windows at the rear and sides along with means of opening and closing not less than one window on either side.

Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

7 LUGGAGE

Luggage carried must be safely stored and not obstruct any exit.

8 MAINTENANCE AND CONDITION OF THE VEHICLE

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The vehicle shall at all times:

- Be kept in a clean and safe condition inside and outside
- Be free of large dents, rust or unrepaired accident damage
- All seats in the vehicle must function in accordance with the original manufacturer's specification
- Have wheels and tyres which are legal and roadworthy. Tyres should have uniform load rating and be appropriately set to the manufacturer's specification (including tracking, balancing, pressure etc).
- Vehicles with tyres found to have a tread between 1.6mm and 2.0mm may have their licence suspended under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 until the tyres have been replaced.
- Carry a serviceable spare wheel and tyre, jacking equipment and wheel brace, securely stored. Alternatively a contract must be in place with a reputable roadside recovery/tyre replacement company to attend and replace the wheel/tyre.
    - Space savers are acceptable but a conventional wheel and tyre must be fitted at the earliest available opportunity and, in any case, prior to commencing any future journey.
    - An emergency puncture repair kit will be considered as an acceptable alternative only where supplied as standard by the manufacturer.

9 MODIFICATIONS

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made while the licence is in force without first complying with road traffic and insurance legislation and secondly without the approval of an officer acting under delegated powers.

10 LICENCE PLATES AND STICKERS

All plates, signs, side stickers, etc remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension or revocation of a vehicle licence.

Except as provided below, at all times while the vehicle is licensed as a hackney carriage or private hire vehicle, there shall be securely fixed to the exterior front and exterior rear of the vehicle the appropriate vehicle licence plates supplied by the Council. Magnetic plates are not permitted.

The maximum number of persons to be carried is identified on the vehicle licence plate referred to above.

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At all times while a vehicle is licensed there shall be displayed on the dashboard and rear passenger windows stickers which identify the vehicle as either a private hire or hackney carriage vehicle. On these will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

The proprietor of the vehicle shall ensure the plates remain affixed to the outside and inside of the vehicle, as appropriate.

Within one week of a licence expiring or being surrendered, revoked or suspended the vehicle licence holder shall return the expired licence and vehicle plates to the Council.

11 PLATE EXEMPTIONS

Vehicle proprietors may apply to the Council for an exemption from the requirement to display external plates on a vehicle. Vehicles shall only be granted an exemption where the following criteria are met:

- The vehicle is considered to be of a prestige marque and/or specification;
- The vehicle is to be used exclusively for pre-booked executive transportation;
- The vehicle is not to be used for any other purposes;
- An exemption notice shall be issued which must be carried in the vehicle at all times;
- The plates must be securely installed inside the boot/tailgate of the vehicle;
- Any change in circumstances must be immediately reported to the Council.

These requirements shall, where an exemption is granted, be considered to be part of the vehicle licence conditions.
Where an exempt vehicle is found to be in breach of these conditions, e.g. being used for town centre bookings or school contract work, the exemption will be revoked.

When considering whether to grant an exemption the Council will have regard to the type of work undertaken, the customer expectations or requirements and the type of vehicle being licensed.

We will not normally consider vehicles to be of an executive nature where they carry advertising and/or additional signage relating to the company

NB “Executive transportation” means where the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who, for security or personal safety reasons, would not want the vehicle to be identifiable.

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12 LIVERY, SIGNAGE & ADVERTISING

Livery – Hackney Carriages

Hackney carriages can be painted any single colour (other than black or white) with a white bonnet and boot/tailgate.

An exception will be made for substitute hackney carriages following damage or an accident (for a maximum period of 1 month) if the substitute vehicle is licensed appropriately.

Livery – Private Hire Vehicles

Private hire vehicles shall be painted **1 COLOUR ONLY**. They shall not be painted to resemble a hackney carriage.

Advertising – All Vehicles

Both hackney carriages and private hire vehicles are required to display a plate on the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. In the context of this policy "plate" includes any identifying licence markings or device irrespective of the material or means of fixing to the vehicle.

Private hire vehicles in the district are also required to display such signage as the Council deems appropriate.

All licensed vehicles must display signage indicating which operator it is working on behalf of.

No sign or advertisement shall cover, obscure or be confused with the vehicle's licence plate or any signage required to be displayed by these conditions.

Vehicles will be required to display the legally required no smoking signage.

Vehicles capable of carrying passengers in a wheelchair may display the relevant signage.

Operator Advertising

Advertising/signage limited to the Operators name and contact details (and meeting the Council's specifications) shall be displayed on all vehicles carrying out private hire work. All vehicles except those exempt from displaying licence plates must carry operator signage.

Third Party Advertising

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Any other advertising will only be permitted with the express consent of the Council. The content, type and location of such advertising shall be entirely at the discretion of the Council.

The advertising of tobacco or related products, alcohol or related products, sexual entertainment venues, sexual content or other hackney carriage/private hire organisations is strictly prohibited.

Hackney Vehicle Signs

Hackney carriage vehicles must carry an illuminated roof sign, which can be marked "TAXI", to indicate availability for hire. The roof light must be extinguished at all times when the meter is in use or the vehicle is located outside the district of Bolsover.

Private Hire Vehicle Signage

A private hire vehicle must not carry any roof sign or any markings that might give the impression that it is a hackney carriage.

Any advertising or signage on the vehicle must not include the words "taxi", "cab", "hackney carriage" or similar.

13 DEPOSIT OF LICENCES

Before a proprietor permits any other person to drive a private hire vehicle they shall make a copy of that person's PHV driver's licence. The copy licence must be kept until such time as the driver ceases to be permitted or employed to drive that vehicle.

The proprietor of the vehicle will provide evidence to the operator that the vehicle is licensed.

The loss or theft of any vehicle licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.

14 COMMUNICATION DEVICES

Any radio, PDA or other mobile communications device must be:

- of a type that can be safely operated while driving; and
- fitted securely and not in a position to obstruct vision or impede driving.

The use of a Citizen Band (CB) transmitter, radio scanner or receiver by a driver is prohibited.

15 METERS

Hackney Carriages

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A meter must:

- be fitted and be correctly calibrated, sealed and fully functional
- calibrated in accordance with the current Council approved fare structure
    - NB If a meter can be calibrated electronically without manually adjusting the device a certification of calibration will be required.
- be used for the duration of all hire journeys except those ending outside the district where a fixed fare was agreed at the outset
- easily visible to passengers & properly illuminated during hours of darkness
- fixed in place so it cannot be tampered with
- when in operation, display clearly a fare which doesn't exceed the maximum permitted
- if altered for any reason, be immediately made available to the Council for testing and resetting/resealing (or a certificate of calibration provided for an electronic meter)

A GPS system used for calculating fares is not a meter.

Private Hire

Fitting a private hire vehicle with a meter is optional. Any meter fitted to a private hire vehicle must be calibrated, sealed and fully functional.

In any vehicle with a meter the current fare chart shall be clearly displayed in the vehicle or a notice displayed indicating that hire charges for the vehicle are not set by the Council but are a matter of negotiation with the hirer.

16 TRAILERS

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- trailers can only be used in connection with pre-booked work and cannot be used for plying for hire on a rank;
- the trailer must at all times comply with all requirements of Road Traffic Legislation.
- the vehicle insurance must include cover for towing a trailer;
- trailers must not be left unattended anywhere on the highway;
- a suitable lid or other means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

17 DISABILITY ACCESS

Where a vehicle is used to carry a passenger in a wheelchair:

- Wheelchair access must not be obstructed

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- The wheelchair and occupant must be safely secured using manufacturer-approved anchor points and restraints
- Access ramps/lifts and other equipment must be properly tested, maintained in good working order and available for use at all times. Any equipment must be properly fixed in place before use and securely stored at any time the vehicle is in motion.
- Any driver of such a vehicle must have received sufficient training to safely load and convey wheelchair user passengers

18 VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

Any vehicle that has been converted to run on LPG must have a certificate issued by a member of the relevant regulatory body confirming satisfactory installation, examination and testing of the vehicle.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be securely stowed in a location that doesn't make the vehicle unsuitable for carrying passengers.

19 TINTED WINDOWS

The windows or windscreen of any vehicle may only be tinted to the manufacturer's standard specification.

Exceptions will be permitted for private hire vehicles where all the following requirements are met (which shall be conditions of the licence:

- the vehicle is a prestige type vehicle;
- the vehicle will not carry children/young persons aged under 18 unless accompanied by an adult; and
- the operator must, unless such a vehicle has been specifically requested, inform every hirer that such a vehicle will be supplied.

20 VEHICLES FOR 5 TO 8 PASSENGERS

Vehicles must have a current valid V5 certificate (log book) and MOT certificate which correctly show the same number of seats the vehicle is licensed for.

Vehicles must also have sufficient doors for passengers and/or emergency escape windows to satisfy the Council that the vehicle is safe and suitable.

Provision must be included to ensure that luggage is stored safely and securely and must not obstruct the use of exits.

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In vehicles specifically adapted to carry disabled passengers, rear door access may be provided with a tail lift system, but a visible and audible warning device must be installed to alert the driver in the event of the rear door being opened or not being properly secured whilst the vehicle ignition is switched on.

Steps (whether fixed or separate) must be provided to ensure vehicles are safe to access and securely stored, if appropriate, when not in use. Steps should be kept maintained and be fit for purpose at all times.

21 ALTERATIONS

Any of the requirements in these conditions, except those imposed by legislation, may be varied at the discretion of the Council by officers acting under delegated powers.

22 INSURANCE

The vehicle shall not be used to carry passengers unless covered by a legally compliant insurance policy for that purpose. Private Hire Vehicles must not be insured for public hire.

If existing insurance is cancelled, expires or ceases to cover the relevant use the Council shall be informed immediately and the vehicle shall not be used to carry passengers.

23 CHANGES

Where there is a change of circumstances affecting the vehicle licence the Council must be notified in writing within 14 days of such change.

24 UNAUTHORISED USE

The vehicle shall not be used by any person who does not hold a current private hire or hackney carriage driver's licence (as appropriate) issued by the Council.

25 ACCIDENT REPORTING

Accidents must be reported as soon as is reasonably practicable and in any case within 72 hours.

Following any accident or damage to a vehicle:

- the Council may require that the vehicle is inspected by the Council's approved inspectors;
- an officer acting under delegated powers may suspend the use of a licensed vehicle until it is suitably repaired.
    - NB If the Council cannot be satisfied about the condition of the vehicle any suspension notice shall clearly state it

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is issued on that basis only and is not evidence as to the condition of the vehicle.

26 MISCELLANEOUS

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

27 MATERIAL USE OF HACKNEY CARRIAGES

Hackney Carriages shall be used:

- for plying for hire (Hackney Carriages) within the district or;
- carrying out pre-booked work predominantly within the district.

28 DAILY VEHICLE CHECKS

The proprietor, or a nominated representative, should check and record daily that the following are in legal working order:

- Lights
- Tyres/wheels
- Wipers
- Fluid levels
- Brakes
- Handbrake

29 WINDSCREENS

A vehicle should have no cracks on its front windscreen. If the windscreen is cracked during a booking then that booking may be completed if safe and legal to do so, but the windscreen must be replaced or repaired prior to commencing any further bookings.

30 VEHICLE LICENCE & INSURANCE DOCUMENTS

A copy of the vehicle licence and a current insurance certificate must be carried in the vehicle at all times.

31 MANUFACTURER RECALLS

It shall be the responsibility of the licence holder to ensure that any manufacturer recall of the vehicle is complied with as soon as reasonably practical.

32 OTHER REQUIREMENTS

- A copy of the vehicle licence shall be carried in the vehicle at all times and made available for inspection upon request by an authorised officer

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- A copy of the current insurance certificate shall be carried in the vehicle at all times and be made available for inspection upon request by an authorised officer
- A licensed vehicle can only be driven by a person who holds the requisite licence issued by this authority.

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