

Vehicle Driver's Licence – Schedule of Conditions

Orkney Islands Council

Civic Government (Scotland) Act 1982

Note: It is a criminal offence in terms of section 7(2) of the Civic Government (Scotland) Act 1982 to fail to comply with any condition imposed on this licence.

Drivers should note that:	
1.	The driver of a vehicle shall at all times, while s/he is in charge of a vehicle, wear on public display, the identification badge issued by the Council.
2.	The driver of a vehicle shall be bound to fulfil, or cause to be fulfilled at the time and location specified, an engagement to hire his/her vehicle which s/he has accepted, unless prevented by sufficient cause.
3.	The driver of a vehicle shall enquire of the hirer and passengers the amount of luggage that requires to be carried, and shall only accept a hire if the vehicle is capable of safely accommodating both passengers and luggage. In this respect, skis/snowboards, etc. should be carried on a properly fitted rack or safely on any other suitable place on or within the vehicle.
4.	The driver of a vehicle shall give such assistance as s/he is able to give with loading and unloading luggage when required to do so but s/he shall not be required to leave the immediate proximity of the vehicle in doing so.
5.	The driver of a vehicle may operate on shared hire but only with the consent of the first hirer or passenger.
6.	The driver of a vehicle shall not at any time convey in the vehicle more than the number of passengers the vehicle is licensed to carry.
7.	The driver of a vehicle which has been hired shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer.
8.	If the vehicle (fitted with a meter) is being used other than as a taxi, taxi bus or private hire car, the hirer will be informed, prior to acceptance of the hire, (a) that the fare is not determined in accordance with the Council's fare structure; and (b) the cost of the journey, together with the method of calculating the cost.
9.	9.1. The driver of a vehicle shall ensure that a taximeter fitted in the vehicle in his/her charge shall be operated at all times, within the Council's area.
	9.2. The driver of a vehicle shall at the start of his/her use of the vehicle inspect the seals on the taximeter to ensure that the seals are intact.
	Subject to Condition 10 below, on discovering that the seals have become broken or damaged, or that the taximeter has ceased to function correctly, the driver of a vehicle shall immediately withdraw the vehicle from service.

10.	In the event of the mechanism of the vehicle breaking down, or in any way becoming unfit to convey the hirer to the destination for which the vehicle is engaged, the driver shall only be entitled to charge any fare for the distance already travelled, unless the hirer elects to wait until repairs are completed, or to use a substitute vehicle provided by or arranged for by the driver within a reasonable time, in which case the full fare for the completed journey shall be chargeable, less the amount or fare chargeable for waiting as fixed by the Council.
11.	A vehicle driver shall not demand or charge any sum over the maximum tariff approved by the Council.
12.	The driver of a vehicle shall make all reasonable efforts to ensure that the hirer is aware of his/her arrival. In the absence of so doing, waiting time cannot be charged.
13.	The hire shall be deemed to have been completed when the vehicle arrives at the destination of the engagement and the operation of the taximeter shall cease.
14.	Subject to Condition 15 below the driver of a vehicle shall not unreasonably refuse to drive a passenger to any place within the area for which this licence is valid without reasonable cause.
15.	The driver of a vehicle need not convey any hirer or passenger who is not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the vehicle, or permit to be carried in the vehicle in his/her charge any person who has vermin on his/her person, or who refuses to cease smoking in the vehicle when requested to do so by the driver, or who is accompanied by any animal which is likely to damage or soil the interior of the vehicle.
16.	The driver of a private hire car, while s/he is in charge of the private hire car, shall not canvass or importune in any public place or street for hire.
17.	The driver of a vehicle, at the end of his/her shift, shall search the vehicle of which s/he is in charge for any property which may have been left therein. Any property found by the driver shall, as soon as practicable, be returned to the owner of the property if known or such property shall be handed in by the driver to any Police Station.
18.	The driver of a vehicle, while carrying a passenger:
	18.1. shall be clean and tidy in his/her person; and
	18.2. shall conduct him/herself in a proper and civil manner.
	Drivers must be of an overall appearance which is unlikely to cause offence to any section of the community, taking into account the provisions of the Equality Act 2010.

19.	Under the Smoking, Health and Social Care (Scotland) Act 2005: The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006, it is an offence for individuals to smoke in non-smoking premises and similarly for the person in control of the non-smoking premises to permit smoking therein. Taxis and private hire cars are classed as non-smoking premises in terms of the Regulations. Neither the driver nor the hirer of the vehicle nor any other passenger may smoke in the vehicle.	
20.	The driver of a vehicle shall not knowingly allow the vehicle, in his/her charge, to be used for illegal or immoral purposes, permit to be carried in the vehicle in his/her charge any article of a dirty, filthy or noxious nature or of an explosive or dangerous nature.	
21.	The driver of a vehicle shall ensure that the vehicle, including all body work, upholstery and fittings, is maintained in a clean condition and appearance.	
22.	The driver of a taxi shall take up his/her station on any taxi stance in order of arrival and at such distance from the vehicle in front that persons walking may conveniently pass between them, and when a vehicle is driven off a stance, the driver of the vehicle immediately behind shall draw up his/her vehicle to take the place vacated, and the vehicle drivers on the stand behind shall draw up their vehicles in a like manner. A taxi driver will not cause or permit his/her vehicle to wait on a vehicle stance if the stance already contains the maximum number of vehicles permitted on that stance. Potential hirers will be directed to the vehicle at the head of the stance in the first instance.	
23.	The driver of a vehicle, when the vehicle is hired or standing for hire, shall either sit in the driving seat of the vehicle or stand in the immediate proximity thereto except during any period s/he may be absent to announce the arrival of his/her vehicle to the hirer or when assisting the hirer with luggage to or from the vehicle or for any other necessary purpose.	
24.	The driver of a vehicle must, so far as is reasonably practicable, ensure that the passengers comply with the laws in respect of the wearing of seat belts.	
25.	Where the vehicle has been hired:	
	25.1.	by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or
	25.2.	by a hirer who wishes a disabled person accompanied by a dog such as detailed in paragraph 25.1 above to accompany the hirer in the vehicle
	the driver of the vehicle shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.	
	Provided that this condition shall not apply if a notice of exemption from the duty to carry guide dogs, hearing dogs and assistance dogs has been issued by the Council and affixed in a prominent position on the dashboard facing upwards or the windscreen of the vehicle, facing outwards. The notice of exemption shall include an embossed "E" and the driver of the vehicle shall, on request, detach the notice and permit the disabled person to handle the notice.	

26.	If during the currency of this licence, the holder develops any medical condition which may affect their ability to hold a licence, they shall forthwith notify the Council.
27.	The holder of a vehicle driver's licence shall notify the Council by letter to the Head of Legal Services, School Place, Kirkwall, within 14 days of any fixed penalty, conditional offer or conviction in any court relating to him/her.
28.	The driver of a vehicle who changes his/her address shall within 14 days give notice thereof to the Council and shall produce his/her licence to the Council which shall endorse thereon the particulars of such change of address.
In these conditions:	
	"the Council" means Orkney Islands Council;
	"exclusive", as applied to the hire of a vehicle means that a single fare is payable by any one passenger for the whole hire of the vehicle, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly;
	"shared" as applied to the hire of a vehicle, means that each passenger is carried at a separate fare, payable to the driver; and shared hire shall be construed accordingly; and
	"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 1 of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

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