**Dundee City Council**

**Guidance Note**

**Section 21 of the Civic Government (Scotland) 1982**

Section 21 of the Civic Government (Scotland) Act 1982 makes it an offence for taxi and private hire drivers and operators to work in areas that they are not licensed in. The same section of the Act also provides exceptions to this basic rule. The purpose of this guidance note is to explain what the Council, as the licensing authority, considers Section 21 allows you to do.

***It is important to note that this is not intended to be a definitive statement of the law and that it will have no binding effect upon the Police, the Procurator Fiscal or other local authorities. Interpretation of legislation will ultimately be a matter for the courts and, if you are unsure as to what you are or are not allowed to do, you will require to seek your own independent legal advice.***

**What Can You Do?**

1. It is **always** OK to commence a hire and drop off within the area where you are licensed, always bearing in mind that private hire cars (PHC’s) cannot pick up in the street and must be pre-booked. It is the view of Dundee City Council that a hire commences when the meter is turned on.

2. You can commence a hire which drops off outwith the area you are licensed for if you are in your licensed area when you receive the request from your booking office or, if in a taxi, you receive the request for hire from a passenger picked up within the home licensed area.

3. You can commence a hire outwith your licensed area when that hire drops off in the area you are licensed for provided such request for hire was received by you from your booking office whilst you are in the home licensed area (taxis and PHC’s) or the journey is the homeward part of a “to and from” journey booked through your booking office (taxis and PHC’s) or by a passenger picked up in your home licensed area (taxis only).

4. You can also commence a hire when outwith your licensed area (i) if you were engaged in a hire at the time the request for the subsequent hire was received and the hire you are engaged in when the request was received began or ends within your licensed area or (ii) you were on your way back to your licensed area **immediately** after a drop off outwith your licensed area. **“Immediately”** means you must be returning by the quickest, most direct or most expedient route. ***You cannot under any circumstances accept a request under these conditions from a passenger seeking to hail you in the street.***

**What You Cannot Do**

1. Taxis must only pick up hails in public when operating within their licensed area.

2. You must never commence a hire and drop off outwith your area if you completed a drop off then waited for any period of time outside your area. You must return immediately to your licensed area.

3. You cannot operate outwith your licensed area unless the situations outlined above apply.