

Hackney Carriage and Private Hire Renewals Immigration Act 2016



What does the Immigration Act 2016 mean for taxi and private hire licence holders?

On 1 December 2016, the section of the the Immigration Act 2016 (“2016 Act”) relating to hackney carriage and private hire licence came into force. These sections provide that **driver** and **operator** licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. The Council must therefore carry out checks to ensure that licences are not issued to such people and that applicants have a “Right to Licence”.

The 2016 Act has also added immigration offences and penalties to the list of grounds on which taxi and PHV driver and operator licences may be suspended or revoked by the Council and has made it a criminal offence not to return a licence to the Council where a licence expires, is suspended or revoked on immigration grounds.

Who must have a Right to Licence check on renewal?

The Council must check that applicants are entitled to hold a licence. This includes all nationalities, (including UK citizens), who hold a taxi or private hire driver licence or a private hire operator licence must have the check.

If you hold a taxi or private hire driver licence you must have the check the next time you renew after 1 December 2016.

If you hold a private hire operator licence you must have the check the next time you renew after 1 December 2016.

All taxi and private hire drivers and private hire operators will only need to have the check carried out once, **unless** there are restrictions on the length of time you may work in the UK. If this is the case your licence will not be issued for any longer than the period of time you are entitled to work in the UK and the check will be repeated each time you apply to renew or extend your licence.

How will the Right to Licence check be done?

On renewal you must provide us with a suitable document, such as a passport or biometric residence permit, or document combination so we can check you are entitled to hold a Licence.

You must provide us with the document(s) **before** your current licence expires.

We are not permitted to re-use copies of documents that we already have on file or have seen before.

You must show us original document(s) and bring them to the Council offices in person so that we can check your identity against the document(s) and check that they are genuine.

The document(s) will be copied and the copy retained by the Council. The original document will be returned to you.

What Documents can I use for the right to licence check?

A list of acceptable documents is attached.

UK Citizen - Acceptable Documents

- UK passport
- Or
- A full UK birth or adoption certificate **and** an official document showing your NI number issued by a Government agency or previous employer

If you need to provide us with your birth or adoption certificate, and you have lost the original, you must apply for a copy. You can order this through the General Register Office by ringing them on 0300 123 1837 or go to their website www.gov.uk/order-copy-birth-death-marriage-certificate. The cost is £9.25, or you can pay £23.40 for a next day priority service. Alternatively, you can apply to the local register office where your birth was registered.

EEA* and Swiss Nationals – Acceptable Documents

- Current EEA or Swiss Passport
- Or
- Current EEA or Swiss national ID card

For family members of a UK, EEA or Swiss citizen please see the list of acceptable documents.

* For list of EEA countries see <https://www.gov.uk/eu-eea>

Non UK, EEA or Swiss Nationals – Acceptable Documents

Please see the list of acceptable documents attached.

What happens if I do not provide the Council with suitable documents?

If you do not provide us with suitable documentation you will not, by law, be able to renew your licence.

If you are unsure please make sure you contact us in plenty of time before your current licence expires.