

Appendix 1

Hackney carriage byelaws: - the byelaw-making process

Prior to seeking provisional approval

- Consider the model set of byelaws (see Annex A). Electronic version from Pippa Brown - PippaA.Brown@dft.gsi.gov.uk *[note the second A]*
- Identify any policy objectives which you wish to include which are not incorporated in the model.
- Consider with legal advisers whether the policy objectives could be incorporated in the byelaws.
- Draft appropriate byelaws with accompanying justification of policy objective and statement regarding their legal validity.

Submitting to the Department for provisional approval

- Submit the proposed draft byelaws for provisional approval. It is preferable to submit a full set of byelaws so that all the provisions can be considered together rather than by seeking provisional approval in a piecemeal manner. The byelaws should be sent to Pippa Brown - either using the e-mail address above or at 3/13 Great Minster House, 76 Marsham Street, London, SW1P 4DR.
- Identify in the covering letter those byelaws which deviate from the model.
- Set out in the covering letter the policy objective to be achieved in respect of each byelaw which deviates from the model (including why the model is not suitable in the case of a minor deviation).
- Confirm in the covering letter that the byelaws have been approved by the Council's legal advisers and that they are satisfied that each proposed byelaw is valid in legal terms.
- You will receive an acknowledgement from the Department on receipt of draft byelaws. However, please bear in mind that if we have a substantial number of requests for approval and confirmation, there might well be a delay in processing requests.

Submitting to the Department for confirmation.

- Having followed the making, sealing and advertising procedure in s.236 of the Local Government Act 1972, please submit the byelaws to Pippa Brown for confirmation.
- We shall require two sealed copies of the byelaws for confirmation - one for our retention and one which will be returned to the council.

- Please submit evidence that the statutory procedure in respect of advertising the byelaws has been followed (a copy of the page(s) of the relevant local papers is sufficient for this purpose).

Coming into operation

- The Department will agree a coming into operation date with the local authority. The standard period is four weeks from confirmation, but this can be adapted if the local authority has specific reasons. We would, however, expect sufficient time between confirmation and coming into operation as to enable the byelaws to be printed and distributed to owners and drivers.