

**LICENSING AND SAFETY COMMITTEE  
31 JANUARY 2008**

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**ROAD SAFETY ACT 2006  
(Director of Environment and Leisure)**

**1 INTRODUCTION**

- 1.1 Guidance has recently been published by the Department for Transport (DfT) in respect of the implementation of section 53 of the Road Safety Act 2006 (the Act).
- 1.2 Vehicles were previously exempt from the requirement to be licensed if they are only used for contracts lasting not less than seven days. This was known as “the contract exemption”. Neither the driver of the vehicle, the vehicle itself, nor the operator was required to be licensed.
- 1.3 Section 53 of the Act repealed this exemption from the requirement to be licensed, except in respect of vehicles used solely for weddings and funerals. This new provision came into force on 28 January 2008.

**2 SUPPORTING INFORMATION**

- 2.1 Since April 2007, the Licensing Section has been contacting operators of firms which previously worked under the contract exemption to advise them of the change in legislation and has provided guidance and assistance to those firms in order for them to obtain the relevant licences. It is estimated that since April 2007, two or three new operators and between 25 and 30 drivers and vehicles who previously operated under the contract exemption have become licensed.
- 2.2 The Licensing Section has also made contact with a large number of businesses in the Borough to advise them of the changes and to encourage them to check that the vehicles they use to transport staff and clients are properly licensed.
- 2.3 The DfT Guidance says that when deciding whether a vehicle is a private hire vehicle, two considerations should be addressed: whether the vehicle is provided for hire with a driver for the purpose of carrying less than nine passengers, and the manner in which the vehicle is provided, as licences will generally be required in those situations where commercial benefit accrues to the drivers.
- 2.4 Services provided by volunteer drivers who receive no recompense other than actual expenses would probably fall outside the licensing requirements. For example, vehicles used to transport patients from their home to a hospital or clinic would not require a licence unless they derived a commercial benefit from the journey.

**3 IMPACT ASSESSMENT**

- 3.1 There are no implications identified.

**4 STRATEGIC RISK MANAGEMENT ISSUES**

- 4.1 There are no strategic risk management issues identified.

Background Papers

Road Safety Act 2006

Guidance and letter from Department for Transport 23 November 2007

Contact for further information

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