

Scottish Taxi Federation News September 2105.

Dear Member,

I am writing this brief newsletter to advise you all that I go on holiday from 15th September returning on 6th October. I also felt there was a need to advise/remind you of the following.

A member of one of our member associations recently passed away at the very early age of 50 years. The operator concerned was the sole licensee which in terms of the continuation of the licence after death can cause difficulties for the family left behind.

Section 8 (3) of the 1st schedule of the Civic Government (Scotland) Act 1982 states;

“ In the event of the death of a holder of a licence (except in the case of a licence referred to in section 13 of this Act) that licence shall be deemed to have been granted to his executor and shall, unless previously revoked, suspended or surrendered, remain in force until the end of the period of 3 months beginning with the death and shall then expire; but the licensing authority may from time to time, on the application of the executor, extend or further extend that period if they are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable”.

Basically what this means is that if a licence has been issued in the name of a single licence holder then on the death of said licence holder, the licence will expire 3 months after the date of the death or after such period as the licensing authority may have agreed it could be extended to facilitate the winding up of the deceased's estate.

However, section 8 (4) refers to a situation where joint holders of a licence exist. This suggests that the safeguard for all single licence holders would be to make application to their Council to include on their licence, a joint licence holder, for example your wife, son or daughter. Sounds simple but it all depends on how the Licensing authority involved view any application to add joint licence holder(s) and as has been demonstrated, this will almost certainly differ from Council to Council.

We have now decided to write to each local authority in an effort to determine their individual positions in regard to this matter and once we have collated the various responses we will be in a better position to offer members advice on how to proceed to protect their businesses.

It is the view of the STF that the law was not intended to be interpreted in the way that some councils are and neither was its intent to mean that the loss

of a loved one would lead to the loss of a business. However, the drafting of the Act and this section in particular, creates a situation where some councils feel they have been left with little or no alternative but to cease the licence. As stated, when our enquiries are complete we will advise members appropriately.

Returning to the holidays. I can still be reached but if this becomes necessary then please do so by email to; macdoom1@sky.com as phone calls to mobiles abroad are expensive to both parties. You should also be able to contact any of my colleagues as listed below.

Murray Fleming	07771712311.	Brian O,Hara	0141 554 2222.
Derek Bridgeford	07557680179.	Jim Kyle	07715684196.

Regards

Bill McIntosh

General Secretary.

Note: The energy savings Trust have advised that they have a new Transport Scotland funded interest free low carbon hackney cab loan available to hackney operators. The new loan can be used to cover 100% of the cost of one or two new hackney cabs up to a maximum of £100.000. The loan repayment terms is 6 years and to be eligible you must be replacing vehicles which are 10 years old or over, The owner must also be prepared to purchase a vehicle with an emission standard of Euro 5 or 6 and pass a credit check.

If this is of interest then please contact your local transport advisor on 0800 0931 669.

