
Committee Stage: Tuesday 26 March 2024

Pedicabs (London) Bill [HL] (Amendment Paper)

This document lists all amendments tabled to the Pedicabs (London) Bill [HL]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the provisional Selection and Grouping by the Chairman of Ways and Means, which sets out the order in which the amendments will be debated.

Sir Christopher Chope

9

Clause 1, page 1, line 8, at end insert—

“(2A) When making or exercising its functions under pedicab regulations, Transport for London must have regard to any guidance issued by the Secretary of State in accordance with section 7(1).”

Member's explanatory statement

This amendment requires Transport for London to have regard to any guidance issued by the Secretary of State in relation to the making of pedicab regulations and exercising TfL's functions under those regulations.

Sir Christopher Chope

1

Clause 1, page 1, line 9, after “must” insert “carry out a public consultation including details of the proposed licensing framework and”

Member's explanatory statement

This amendment would require Transport for London to carry out a public consultation before making pedicab regulations and would require that consultation to include details of the proposed licensing framework.

Sir Christopher Chope

2

Clause 1, page 1, line 10, leave out “whoever” and insert “the London Pedicab Operators Association, Cycling UK and whoever else”

Member's explanatory statement

This amendment would ensure that the London Pedicab Operators Association and Cycling UK would be consulted by Transport for London before TfL makes pedicab regulations.

Sarah Olney

21

Clause 1, page 1, line 10, leave out “whoever” and insert “local authorities, elected representatives, and whoever else”

Member's explanatory statement

This amendment would require Transport for London to consult with local authorities and elected representatives as well as anyone else it considers appropriate before making pedicab regulations.

Sir Christopher Chope

4

Clause 1, page 1, line 10, at end insert—

“(4) Transport for London shall not make provision for regulating pedicabs in public places in Greater London until the Secretary of State has issued guidance under the provisions of section 7.”

Member's explanatory statement

This amendment would ensure that no regulation could be introduced by Transport for London until the Secretary of State for Transport had issued guidance to Transport for London about the exercise of their functions under pedicab regulations.

Simon Lightwood

8

Bill Esterson
Mike Kane
Stephen Morgan
Louise Haigh

Clause 2, page 2, line 4, at end insert “or at a level that enables investment in pedicab infrastructure in Greater London”

Member's explanatory statement

This amendment would allow pedicab licence fees to be set at a level that enables investment in pedicab infrastructure in Greater London.

Sarah Olney

6

Clause 2, page 2, line 29, at end insert —

“(d) designate sites to be used as pedicab ranks.”

Member's explanatory statement

This amendment would allow Transport for London to use pedicab regulations to designate sites as pedicab ranks.

Sir Christopher Chope

12

Clause 2, page 2, line 29, at end insert—

“(d) make provision for the designation by traffic authorities of places where pedicabs may stand for hire.”

Member's explanatory statement

This amendment allows for the regulations to make provision for the designation by traffic authorities of pedicab stands.

Sir Christopher Chope

17

Clause 3, page 3, line 11, at end insert—

“(2A) The regulations may only create offences relating to the use of a pedicab for any of the following purposes—

- (a) carrying passengers for hire or reward;
- (b) travelling to carry a passenger or passengers for hire or reward;
- (c) returning from carrying a passenger or passengers for hire or reward;

or

- (d) plying for hire.”

Member's explanatory statement

This amendment ensures that offences created by pedicab regulations only apply when the pedicab is being used to carry passengers, when travelling to or from carrying passengers, or when plying for hire.

Sir Christopher Chope

14

Clause 3, page 3, line 20, at end insert “, provided that equivalent conduct committed by the driver or rider of a motor vehicle is subject to a civil penalty.”

Member's explanatory statement

This amendment provides that civil penalties relating to pedicab drivers may only be used if equivalent conduct committed by a driver or rider of a motor vehicle would be subject to a civil penalty.

Sir Christopher Chope

15

Clause 3, page 3, line 22, leave out from “immobilisation” to end of line 24 and insert “and seizure by a constable in uniform or by a civil enforcement officer of any pedicab that—

- (a) is being used in a manner that is causing alarm or distress to members of the public, or
- (b) is being driven in a manner that—
 - (i) contravenes section 35 of the Offences Against the Person Act 1861,
 - (ii) contravenes sections 29 to 32 of the Road Traffic Act 1988, or
 - (iii) in the case of a mechanically propelled pedicab, would amount to a contravention of sections 29 to 32 of the Road Traffic Act 1988 if committed on a pedal cycle without mechanical propulsion, if the driver has been given warning on a prior occasion by a constable in uniform or a civil enforcement officer that the driver is using or driving the pedicab in a manner described in this paragraph or paragraph (a).”

Member's explanatory statement

This amendment ensures that the powers to immobilise and seize pedicabs are assigned to police constables in uniform or to traffic officers duly authorised by local authorities, and that they are proportionate to the powers to immobilise and seize motor vehicles in section 59 of the Police Reform Act 2002.

Sir Christopher Chope

18

Clause 5, page 4, line 17, leave out from “means” to the end of line 21 and insert “a pedicab, as defined in section 1(2), which conforms to the Electrically Assisted Pedal Cycles Regulations 1983;”

Member's explanatory statement

This amendment defines “power-assisted pedicab” as a pedicab which conforms to the Electrically Assisted Pedal Cycles Regulations 1983.

Sir Christopher Chope

3

Clause 7, page 4, line 32, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require the Secretary of State to issue guidance to Transport for London about the exercise of their functions under pedicab regulations.

Sir Christopher Chope

19

Clause 7, page 4, line 32, leave out “may” and insert “must, within six months of the passage of this Act,”

Member's explanatory statement

This amendment requires the Secretary of State to issue guidance to Transport for London about the exercise of their functions under pedicab regulations within six months of the passage of this Act.

Sir Christopher Chope

10

Clause 7, page 4, line 32, leave out “the exercise of” and insert “making pedicab regulations and exercising”

Member's explanatory statement

This amendment clarifies that the Secretary of State’s guidance to TfL encompasses the making of pedicab regulations, as well as the exercise of its functions under those regulations.

Sir Christopher Chope

11

Clause 7, page 4, line 37, at end insert—

“(3A) In preparing guidance to be issued under this section, the Secretary of State must have regard to the following objectives—

- (a) the benefits to the environment, economic vitality and the health and quality of life that properly regulated pedicab services can provide;
- (b) the safety of pedicab drivers and passengers;
- (c) the need to minimise danger, disruption and disturbance to the public;
- (d) the reasonableness of pedicab fares for the passengers, riders and operators of pedicabs;
- (e) the designation of places where pedicabs may stand for hire;
- (f) the need for licensing and other charges or requirements imposed on pedicab riders and operators, and the penalties for contraventions of offences created by pedicab regulations, to be reasonable and proportionate to the risks that pedicabs pose to their riders, passengers and the wider public.”

Member's explanatory statement

This amendment defines the objectives that the Secretary of State must have regard to when drawing up guidance on pedicab regulations, including to take into account the benefits that properly regulated pedicabs can provide.

Sir Christopher Chope

5

Clause 7, page 5, line 6, leave out “whoever” and insert “the London Pedicab Operators Association, Cycling UK and whoever else”

Member's explanatory statement

This amendment would require the Secretary of State to consult the London Pedicab Operators Association and Cycling UK as well as anyone the Secretary of State considers appropriate before issuing guidance.

Sarah Olney

7

Clause 7, page 5, line 6, leave out “whoever” and insert “with local authorities, elected representatives, and whoever else”

Member's explanatory statement

This amendment would require the Secretary of State to consult with local authorities and elected representatives as well as anyone the Secretary of State considers appropriate before issuing guidance.

Sir Christopher Chope

16

Clause 8, page 5, line 8, at end insert—

““civil enforcement officer” has the meaning given by section 76 of the Traffic Management Act 2004;”

Member's explanatory statement

This amendment is linked to Amendment 15.

Sir Christopher Chope

13

Clause 8, page 5, line 17, at end insert—

““traffic authority” has the same meaning as in section 121A(1A) and (2) of the Road Traffic Regulation Act 1984.”

Member's explanatory statement

This amendment is linked to Amendment 12.

Secretary Mark Harper

Gov 20

Clause 11, page 6, line 1, leave out subsection (2)

Member's explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

Simon Lightwood

NC1

Bill Esterson
Mike Kane
Stephen Morgan
Louise Haigh

To move the following Clause—

“Protection of children and vulnerable adults

- (1) The Policing and Crime Act 2017 is amended as follows.
- (2) In section 177, in subsection (6), at end insert—
 - (g) the Pedicabs (London) Act 2024”

Member's explanatory statement

This new clause includes this Bill in the definition of “taxi and private hire vehicle legislation” for the purposes of section 177 of the Policing and Crime Act 2017. This permits the Secretary of State to issue guidance to public authorities exercising licensing functions so as to protect children and vulnerable adults.

Simon Lightwood

NC2

Bill Esterson
Mike Kane
Stephen Morgan
Louise Haigh

To move the following Clause—

“Licensing functions under pedicab regulations: protection of children and vulnerable adults

- (1) The Secretary of State must issue guidance to Transport for London under the provisions of section 177 of the Policing and Crime Act 2017 as to how its licensing functions under pedicab regulations may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm.
- (2) The guidance must include a requirement for enhanced Disclosure and Barring Service checks to be a condition of licensing.
- (3) The Secretary of State must arrange for any guidance issued under this section, and any revision of it, to be published.”

Member's explanatory statement

This new clause is linked to NC1. It would require the Secretary of State to issue guidance to TfL as to how its licensing functions under pedicab regulations may be exercised so as to protect children and vulnerable adults from harm, including compulsory DBS checks.

Simon Lightwood

NC3

Bill Esterson
Mike Kane
Stephen Morgan
Louise Haigh

To move the following Clause—

“Conditions of licensing: Disclosure and Barring Service check

- (1) Any provision related to conditions of licences under section (1)(a) may include a requirement for pedicab drivers or operators to have enhanced Disclosure and Barring Service checks.
- (2) The Secretary of State may by regulations make provision that is consequential on this section.
- (3) Regulations under this section must be made by statutory instrument and may not be made until they are approved by both Houses of Parliament.
- (4) Regulations under this section may amend, repeal or revoke provision made by or under any legislation passed before this Act.”

Member's explanatory statement

This new clause enables TfL to include DBS checks as a condition of licensing for pedicab drivers or operators in any licensing provision made by Transport for London. It also permits the Secretary of State to make regulations to make any consequential provision.

Order of the House

[28 February 2024]

That the following provisions shall apply to the Pedicabs (London) Bill [Lords]:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and on Third Reading

2. Proceedings in Committee of the whole House shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement.
3. Any proceedings on Consideration and proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings in Committee of the whole House.
4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

5. Any other proceedings on the Bill may be programmed.