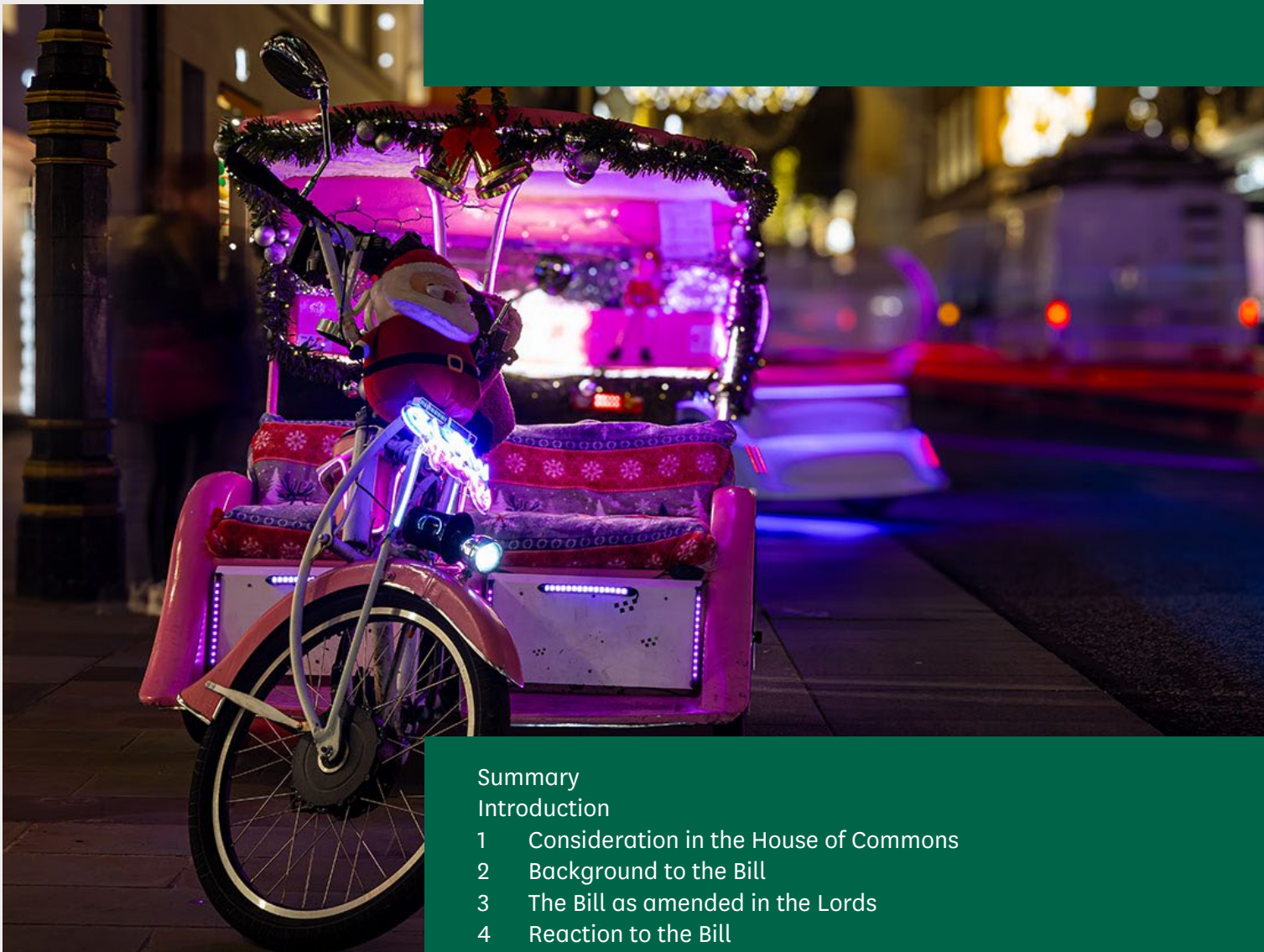


Research Briefing

21 March 2024

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Pedicabs (London) Bill [HL] 2023-24



Summary

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Summary

The [Pedicabs \(London\) Bill \[HL\] 2023-2024](#), Bill 163, was first introduced in the House of Lords on 8 November 2023. It received second reading in the Commons on 28 February 2024. Committee and remaining stages will be in the chamber on 26 March 2024.

The Bill would give powers to Transport for London (TfL) to regulate pedicabs. Sometimes also known as cycle rickshaws. In the Bill, [a pedicab is defined as](#) [PDF]:

a pedal cycle, or a pedal cycle in combination with a trailer, that is constructed or adapted for carrying one or more passengers and is made available with a driver for hire or reward.

Closing a “legal loophole” in London

While the pedicab industry has some [voluntary codes of practice for its drivers](#), there is no legal provision for TfL to regulate pedicabs in the same way that it already regulates taxis and private hire vehicles in London.

The Bill seeks to close what the [transport committee of the London Assembly \[PDF\]](#) has called a “legal loophole” that has allowed pedicabs to “flourish” in London, and not in other parts of the UK where they can be regulated under taxi legislation.

In London, taxis are governed by the [Metropolitan Public Carriage Act 1869](#) (the 1869 Act). Past court judgments have determined that pedicabs are not considered as taxis and are instead considered as stage carriages in London under section 4 of the 1869 Act. However, section 4 is no longer in force, with the result that London pedicabs are unregulated.

The Government’s [accompanying notes to the 2023 King’s Speech](#) said the Bill was needed to ensure passengers are safe and protected from high fares, and that pedestrians and other road-users are protected against unruly behaviour by some pedicab drivers.

The Bill follows several failed attempts to legislate on this issue through private members’ bills, the most recent of which was led by Nickie Aiken MP’s [Pedicabs \(London\) Bill \(2021-2022\)](#) which did not receive a second reading.

Extent and application of the Bill

Although the Bill would extend to England and Wales, the measures would apply only in Greater London.

The Bill has eleven clauses, most of which concern the creation of a regulatory regime for pedicabs, to be administered by TfL. The Bill makes some consequential amendments to the [Private Hire Vehicles \(London\) Act 1998](#).

Consideration in the Commons

The Bill had its second reading in the Commons chamber on 28 February 2024, where it was passed without a division. Shadow transport minister Simon Lightwood [confirmed that the Labour party supported the Bill](#), which was “long overdue”. Sarah Olney, Liberal Democrat Business spokesperson, [said that the Liberal Democrats](#) supported it too.

Consideration in the Lords

At committee stage in the Lords, [two Government amendments were approved](#), which expanded the meaning of a pedicab “trailer” to include sidecars or vehicles pushed by pedal cycles.

At report stage three more Government amendments were approved. One amendment means that [pedicab regulations would no longer be subject to any form of parliamentary procedure](#), bringing them into line with TfL’s existing taxi and private higher vehicle regulations, which do not require parliamentary approval.

Another amendment means [the Secretary of State for Transport could issue guidance to TfL](#) on making pedicab regulations and that TfL must have regard to this guidance. A third amendment clarified that pedicab regulations could include [provisions about making noise](#).

Reaction to the Bill

The announcement of the Bill in the King’s Speech was welcomed by MPs [Paul Scully \(Con\)](#) and [Nickie Aiken \(Con\)](#), both proponents of previous private members’ bills on the subject.

The [Local Government Association](#) said the Bill would “improve the safety of passengers”. It was also welcomed by [Westminster City Council](#) whose leader, Adam Hug, said that the council had been calling for action to regulate pedicabs “for years”.

Introduction

The [Pedicabs \(London\) Bill \[HL\] 2023-2024](#), Bill 163, had its second reading in the Commons on 28 February 2024. It received second reading in the Commons on 28 February 2024. Committee and remaining stages will be in the chamber on 26 March 2024.

The Bill began in the House of Lords, where it had its first reading on 8 November 2023 and its third reading on 6 February 2024.

The Bill, together with its explanatory notes (which provide a clause-by clause explanation), impact assessment, delegated powers memorandum, and an overview of its parliamentary progress, are available on its [Parliament Bill webpage](#).

Why has the Bill been introduced?

The 2023 King's Speech included a commitment to introduce a bill to regulate pedicabs in London. The [accompanying notes to the King's Speech](#) said that the Bill was needed to ensure passengers are safe and protected from high fares, and that pedestrians and other road-users are protected against unruly behaviour by some pedicab drivers:

Pedicabs are the only form of unregulated public transport on London's roads – the only place in England and Wales where they are not regulated. Too frequently, people experience anti-social, unsafe, and nuisance behaviour from some pedicab operators and drivers – this must stop. [...]

The Pedicabs (London) Bill will give Transport for London powers to regulate London's pedicab industry so that passengers, pedestrians and other road users go about their lives safe in the knowledge these vehicles and their operators are properly licensed and accountable.¹

The Bill would extend to England and Wales, but the measures would apply only in Greater London.

The Bill has eleven clauses, most of which concern the creation of a regulatory regime for pedicabs, to be administered by Transport for London. The Bill makes some consequential amendments to the [Private Hire Vehicles \(London\) Act 1998](#).

¹ Prime Minister's Office, [The King's Speech 2023: background briefing notes](#), 7 November 2023

If passed, the Bill would come into force two months after the day it is passed.

1 Consideration in the House of Commons

1.1 Second Reading

The Bill had its second reading in the Commons chamber on 28 February 2024, where it was passed without a division. It was agreed that the Bill be committed to a committee of the whole house, which has been scheduled for 26 March 2024. Remaining stages will follow committee stage on the same day. A money resolution was also passed authorising the charging of fees if the Bill becomes an Act.²

Support for the Bill

Speaking for the Opposition, Labour shadow transport minister Simon Lightwood confirmed that the Labour party supported the Bill, which was “long overdue”.³ Sarah Olney, Liberal Democrat Business spokesperson, said the Liberal Democrats supported it too.⁴

Simon Lightwood welcomed Government amendments in the Lords that mean that pedicab regulation would be devolved to Transport for London (in line with regulation of taxis and private hire vehicles) rather than the “time-consuming and unnecessary step” of requiring parliamentary approval.⁵ He also welcomed the Government’s amendment to clause 2 which would make provision for regulation of noise nuisance.⁶

Nickie Aiken (Conservative) welcomed the Bill, which followed her own attempts to introduce a similar private members bill.⁷ Along with other members such as Florence Eshalomi (Labour), she welcomed the Bill’s provisions to deal with noise, over-charging of passengers, and to ensure that drivers undergo criminal checks.⁸

Sarah Olney (Liberal Democrat) said that pedicabs could be used in more parts of London, including to help people cross Hammersmith Bridge, which is currently closed to motor vehicle traffic and awaiting repair.⁹ If the Bill

² [HC Deb 28 February 2024 c339](#)

³ [HC Deb 28 February 2024 c376](#)

⁴ [HC Deb 28 February 2024 c393](#)

⁵ [HC Deb 28 February 2024 c377](#)

⁶ [HC Deb 28 February 2024 c393](#)

⁷ [HC Deb 28 February 2024 c377](#); [Pedicabs \(London\) Bill 2021-2022](#)

⁸ [HC Deb 28 February 2024 c379](#); [HC Deb 28 February 2024 c382](#)

⁹ [HC Deb 28 February 2024 c393](#); TfL, [Hammersmith Bridge](#) [Accessed 21 March 2024]

passed she urged “Ministers to work with TfL to create a new pedicab service across the bridge that could serve as a model for other schemes in London.”¹⁰

Draft TfL pedicab regulations

Sir Christopher Chope (Conservative) was the only Member who spoke critically of the Bill. He said the reason that previous attempts to legislate for pedicab regulation had failed was because Transport for London (TfL) had not produced draft pedicab regulations. This meant that Members were “being asked to approve potential legislation... [whilst being] blind as to what would be contained in it”.¹¹

He expressed concern that such draft regulations under this Bill were still not publicly available, and that TfL could potentially seek to regulate pedicabs out of existence.¹²

Responding for the Government, Guy Opperman (Conservative) Parliamentary Under-Secretary of State for Transport, said that it “a little harsh” to expect TfL to have produced draft regulations considering that under the original Bill (as introduced in the Lords) it was the Government that was going to produce regulations, not TfL, and that position had only changed “in the last few weeks” since the Government amended the Bill in the Lords.¹³

Guy Opperman also said that TfL had produced an outline, in January 2022, of “a potential [pedicab] licensing framework”.¹⁴ However, to date, TfL has not published such an outline publicly.

¹⁰ [HC Deb 28 February 2024 c393](#)

¹¹ [HC Deb 28 February 2024 c384](#)

¹² [HC Deb 28 February 2024 c387](#); [HC Deb 28 February 2024 c384](#)

¹³ [HC Deb 28 February 2024 c389](#)

¹⁴ [HC Deb 28 February 2024 c398](#)

2 Background to the Bill

2.1 Closing a “legal loophole”

Defining pedicabs

Pedicabs are sometimes known as ‘cycle rickshaws’. Transport for London (TfL) has defined them as:

cycles constructed or adapted to seat one or more passengers and for the purpose of being made available with a driver in the course of a business for the purpose of carrying passengers.¹⁵

The Bill defines a pedicab as:

a pedal cycle, or a pedal cycle in combination with a trailer, that is constructed or adapted for carrying one or more passengers and is made available with a driver for hire or reward.¹⁶

It also clarifies that a trailer can be at the side or the front of the cycle, not just behind it.¹⁷

The Bill’s explanatory notes say that pedicabs can be pedal-cycles or power-assisted cycles. The notes say there are about 200 pedicabs in operation in London, rising to about 900 during peak season.¹⁸

According to a 2005 report of the London Assembly’s transport committee, pedicabs emerged in London after a pedicabs company called Bugbugs was established in 1998.¹⁹ They are predominantly found in areas popular with tourists such as Soho, Piccadilly Circus, Leicester Square and Charing Cross.

Existing legislation

Outside London, local authorities can regulate pedicabs using the same legislation that applies to taxis (also known as ‘hackney carriages’ or ‘black

¹⁵ Clause 34, [London Local Authorities and Transport for London \(No. 2\) Bill \(2007-2008\)](#), as deposited in Parliament in November 2007 [PDF]

¹⁶ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\]](#), Clause 1(2)

¹⁷ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\]](#), clause 8(1)

¹⁸ [Explanatory Notes, para 2](#)

¹⁹ London Assembly, “[London’s rickshaws: The transport committee’s scrutiny into the future of London’s pedicabs](#)” [PDF], February 2005, p 1; Bugbugs, [About](#) [Accessed 8 January 2024]

cabs’): the [Town Police Clauses Act 1847](#) and Part II of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).²⁰

Taxis in London are governed by different legislation, the [Metropolitan Public Carriage Act 1869](#) (the 1869 Act).²¹ Past court judgments have determined that pedicabs are not considered as taxis and are instead considered as stage carriages in London under section 4 of the 1869 Act.²² This is mainly because they can charge passengers individually whereas taxis and private hire vehicles cannot.

However, section 4 is no longer in force, with the result that London pedicabs are unregulated. The 2005 London Assembly report claimed that it is this “legal loophole” that has allowed pedicabs to “flourish” in London and not other parts of the UK.²³

The London Pedicab Operators Association (LPOA), has established [voluntary codes of practice](#) for London’s pedicab operators and riders.²⁴

2.2

Calls for reform

Government case for regulation

There are concerns over potential issues raised by a lack of regulation of London pedicabs, such as a lack of fare control, driver and vehicle licensing and criminal and medical checks on drivers. These concerns are noted in the explanatory notes to the bill:

The pedicab industry remains the only form of public transport in London that is unregulated [...] companies operating pedicabs are not licensed; neither drivers nor their vehicles are licensed; there is no requirement for pedicab drivers to undergo criminal record or right to work checks; and there is no fare control. There are concerns that overcharging is common, particularly when pedicabs are hired by tourists, and that the current regime does not ensure the safety of either passengers or other road users.²⁵

According to information shared by TfL with the Government, there were 24 driver incident reported between 2018 and 30 August 2023 concerning pedicabs, covering incidents such as driver conduct and road obstruction and six sexual offences. In 2019 there were 13 collisions resulting in personal injury, with 12 of these being characterised as slight and one injury as

²⁰ [Town Police Clauses Act 1847](#): Part II of the [Local Government \(Miscellaneous Provisions\) Act 1976](#)

²¹ [Metropolitan Public Carriage Act 1869](#)

²² [Section 4, Metropolitan Public Carriage Act 1869](#)

²³ London Assembly, “[London’s rickshaws: The transport committee’s scrutiny into the future of London’s pedicabs](#)” [PDF], February 2005, para 1.6

²⁴ Pedicab Shop, [London Pedicabs Operators Association – Code of Practice for Pedicab Operators](#) [Accessed 8 February 2024]

²⁵ [Explanatory Notes, para 2](#)

serious.²⁶ Media reports also cite numerous examples of tourists being overcharged for short journeys.²⁷

MP and stakeholder comment

In 2020 Nickie Aiken, Conservative MP for Cities of London and Westminster, introduced a [Private Member's Bill to regulate London pedicabs](#).²⁸ At that Bill's first reading she said that, while she welcomed them as "part of London's drive to become a greener city", their lack of regulation caused problems for passengers and other road users, and allowed potential criminal behaviour, especially in her constituency:

I have heard of tourists being charged upwards of £100 for a mile journey. They are proving to be a risk and a disruption to Londoners at large. They often play loud music late into the night as they drive through the streets. They can drive dangerously on the pavements, putting pedestrians at risk. Accidents are becoming more frequent, and hit-and-runs are not uncommon.

They have also been known to promote criminal behaviour. According to a 2015 Evening Standard report, pedicab drivers were being paid tips by prostitutes for taking passengers to brothels for sex, and there were reports of their facilitating drug dealing across the city. Westminster City Council receives a large number of complaints regarding pedicabs. In 2016, the last year for which the council maintained figures in this area, approximately 1,000 council-led interventions against pedicabs were required.²⁹

Nickie Aiken has drawn attention to concerns regarding the safety of the vehicles themselves, potential risks to women's safety due to a lack of checks on drivers, and noise created by pedicabs that often play loud music at night.³⁰ That Bill did not progress to second reading due to a lack of parliamentary time.³¹

The Licensed Taxi Drivers Association (LTDA) has campaigned for a number of years on the issue, highlighting concerns about the safety of travel and value for money for passengers, and arguing that pedicabs should be banned altogether.³²

In 2004, it commissioned a safety evaluation of pedicabs which concluded that the performance of brakes on a laden pedicab was significantly lower than that of a car and that its passenger compartment would provide little or no protection in the event of an accident.³³ In 2023 Steve McNamara, General

²⁶ [Delegated powers memorandum \[PDF\]](#), para 7

²⁷ BBC News, [Government to crack down on rogue London pedicabs](#), 7 November 2023

²⁸ [Pedicabs \(London\) Bill, Session 2021-22](#)

²⁹ [HC Deb 9 June 2020 c197](#)

³⁰ [HC Deb 16 November 2021 c185](#)

³¹ [Pedicabs \(London\) Bill 2019-21](#)

³² London Assembly, "[London's rickshaws: The transport committee's scrutiny into the future of London's pedicabs](#)" [PDF], February 2005, para 2.4

³³ TRL, [Pedicab Safety Evaluation](#) [PDF], September 2004

Secretary of the LTDA, reiterated calls for a “clampdown” on London pedicabs.³⁴

In 2005 the transport committee of the London Assembly said there was no way of identifying a pedicab driver or operator in the event of a crash or if they were found to be obstructing a bus lane or pavement or were parked on a double yellow line.³⁵

Westminster City Council has argued that legislation should be introduced to allow TfL to regulate pedicabs. Introducing a licensing system would, it argued in 2023, allow the council to protect customers, to cap the number of pedicabs operating in the city and to give them identifiable information, like taxi licences.³⁶

In 2012, the then Mayor of London Boris Johnson and TfL called on the Government to give TfL the power to remove pedicabs that do not meet “rigorous safety and licensing standards” from the capital’s roads.³⁷ Mayor Sadiq Khan has also called for “primary legislation promoted by Government” to give TfL the required regulatory powers.³⁸

Law Commission and ‘Task and Finish Group’ recommendations

In 2011, the Law Commission commenced its eleventh programme of law reform which included a review of the legal framework relating to taxis and private hire vehicles (PHVs) across England and Wales. In its recommendations, published in May 2014, the Law Commission recommended bringing pedicabs clearly within the scope of taxi and private hire regulation.³⁹

The London Pedicab Operators Association (LPOA), has established voluntary codes of practice for London’s pedicab operators and riders.⁴⁰ The LPOA submission to the Law Commission in 2011 supported the idea of legislation, saying it had been the “intense lobbying, legal and political activity of behalf of the taxi associations and unions” that had “thwarted each and every move

³⁴ Steve McNamara, “[Daylight Robbery](#)”, [Taxi Newspaper](#) [PDF], 15 August 2023

³⁵ London Assembly, “[London’s rickshaws: The transport committee’s scrutiny into the future of London’s pedicabs](#)” [PDF], February 2005, para 1.8

³⁶ Westminster City Council, “[Summer of council enforcement reinforces urgent calls for pedicabs regulation](#)”, 3 October 2023.

³⁷ Transport for London, “[Mayor seeks ban on dangerous pedicabs](#)”, 14 December 2012.

³⁸ Mayor London, [Mayor’s Question Time: Pedicabs](#), 14 September 2017

³⁹ Law Commission, “[Taxi and private hire services](#)”, 23 May 2014, p 55

⁴⁰ London Assembly, “[London’s rickshaws: The transport committee’s scrutiny into the future of London’s pedicabs](#)” [PDF], February 2005, Appendix D; Pedicab Shop, [London Pedicabs Operators Association – Code of Practice for Pedicab Operators](#) [Accessed 8 February 2024]

to regulate pedicabs”.⁴¹ It argued, however, that any regulations should be “light touch”:

Pedicabs do in our view need some new legislation to overcome the differences in the law applicable in London and the rest of the UK. Nearly all modes of transport are regulated to some degree, and as has been exemplified in London over the years, there does need to be some element of regulation to ensure that basic measures are in place to protect as much as is possible the public. We do not think that these regulations should be overbearing since pedicabs are essentially cycles and do not expose the public to the same potential dangers as motor vehicles or other taxi services.⁴²

An independent ‘Task and Finish Group’ on Taxi and Private Hire Vehicle Licensing was commissioned by the Government in September 2017. Its membership included MPs and stakeholders such as TfL, the LTDA and the Local Government Association.⁴³ Reporting in 2018, the group noted that while there was a place for a safe and responsible pedicab trade:

[...] there has been much justified criticism in recent years of rogue pedicab operators taking advantage of tourists with excessive charges and absence of safety checks. It is not acceptable that Transport for London is unable to regulate pedicabs to ensure a safe service; the government announced in 2016 that it would rectify this, and the legislation should be brought forward as soon as possible.⁴⁴

Responding in February 2019, the Government stated that it fully supported the recommendation to legislate and supported a Private Member’s Bill which would do so:

The government has worked with TfL to support the Pedicabs (London) private members’ bill brought forward by Paul Scully MP.

The objective of the bill has cross party support, and we hope that Parliament will enable this to become statute. Should the Pedicabs (London) Bill not become law, the government will put forward its own legislation when time permits to enable TfL to regulate pedicabs.⁴⁵

Paul Scully’s Private Member’s Bill (discussed below) did not progress past first reading.

⁴¹ The Law Commission, [Reforming the law of taxi and private hire services: London Pedicab Operators Association Consultation response](#) [PDF], August 2012, p 58

⁴² The Law Commission, [Reforming the law of taxi and private hire services: London Pedicab Operators Association Consultation response](#) [PDF], August 2012, p 57

⁴³ DfT Independent report, [Taxi and private hire vehicle licensing: recommendations for a safer and more robust system](#), 24 September 2018, p2

⁴⁴ DfT Independent report, [Taxi and private hire vehicle licensing: recommendations for a safer and more robust system](#), 24 September 2018, p29

⁴⁵ DfT Guidance, [Taxi and private hire vehicle licensing: government response to independent report](#), 2 February 2019, para 2.39

The 2022 Queen’s speech included a commitment to a Transport Bill for the 2022–23 session, which would have included provisions to enable the licensing of London pedicabs.⁴⁶ This Bill was never presented to Parliament.

2.3 Prior attempts to regulate pedicabs

A series of Private Member’s Bill (PMBs) have attempted to regulate pedicabs but all have failed because of a lack of dedicated parliamentary time. Most recently, in the 2021-22 session Nickie Aiken’s, the [Pedicabs \(London\) Bill \(2021-2022\)](#) had its explanatory notes drafted by the Department for Transport (DfT). The Bill’s second reading debate ran out of time, and the Bill fell at the end of the 2021-22 session.⁴⁷

This Bill followed a previous attempt by the same MP to introduce a similar PMB in 2020 under [the ten minute rule](#), which she said was supported by the Mayor of London, a number of London borough councils, the LTDA, and a range of residents and business associations in central London.⁴⁸ Again, the Bill did not receive a second reading.⁴⁹

In the 2017-19 session, Paul Scully, Conservative MP for Sutton and Cheam introduced a PMB under the ten minute rule: the [Pedicabs \(London\) Bill \(2017-2019\)](#). Again, the Bill’s explanatory notes were drafted by the DfT. The Bill did not receive a second reading.⁵⁰

The text of the current Bill is very similar to that of these PMBs.

TfL also tried and failed to gain regulatory control over pedicabs through a private bill.⁵¹ The London Local Authorities and Transport for London (No2) Bill was first introduced in the 2007-08 session.⁵² In its original text, TfL proposed a pedicab registration scheme which it subsequently had to drop due to opposition from both the pedicab trade which sought a distinct licensing scheme, and the taxi trade which did not wish to see pedicabs legitimised in this way.⁵³

⁴⁶ Prime Minister’s Office Policy paper, [Queen’s Speech 2022: background briefing notes](#), 10 May 2022, p30

⁴⁷ [Pedicabs \(London\) Bill 2021-2022: HC Deb 19 November 2021](#)

⁴⁸ [HC Deb 9 June 2020 c198](#)

⁴⁹ [Pedicabs \(London\) Bill 2019-21](#)

⁵⁰ [Pedicabs \(London\) Bill 2017-2019](#)

⁵¹ TfL is the statutory body created by the Greater London Authority Act 1999, responsible for implementing the London mayor’s transport strategy. See Chapter II, [Greater London Authority Act 1999](#). Further information about Private Bills is available on the Parliament website: UK Parliament, [Private Bills](#), [Accessed 29 January 2024]

⁵² UK Parliament, [London Local Authorities and Transport for London Act 2013, Publications](#), Text of Bill as deposited in Parliament in November 2007

⁵³ Clause 34, [London Local Authorities and Transport for London \(No. 2\) Bill \(2007-2008\)](#), as deposited in Parliament in November 2007 [PDF]

During the passage of the Bill, TfL withdrew the clause on pedicabs because of the opposition it had faced and because the pedicabs industry intended to take steps towards self-regulation. This self-regulation ultimately did not come about.⁵⁴ The resulting [London Local Authorities and Transport for London Act 2013](#) does not contain any provisions for pedicabs.

⁵⁴ London Local Authorities and Transport for London (No. 2) Bill, [Bill Committee minutes of evidence](#), 6 November 2012

3

The Bill as amended in the Lords

The Bill, as brought from the Lords, has eleven clauses and no schedules.

3.1

Definitions and power to make regulations

Clause 1 would provide TfL with the power to make regulations to control pedicabs in public places in London.

The clause defines a pedicab as:

a pedal cycle, or a pedal cycle in combination with a trailer, that is constructed or adapted for carrying one or more passengers and is made available with a driver for hire or reward.⁵⁵

Clause 8, which deals with definitions, clarifies that a “pedal cycle” can include a power-assisted pedal cycle, and defines a trailer as follows:

“trailer”, in relation to a pedal cycle, includes a sidecar or a vehicle pushed by a pedal cycle.⁵⁶

This clarification of a trailer was added to the Bill via two Government amendments at committee stage in the House of Lords (See section 4.2 below on the Bill’s committee stage).

Subsection 3 of clause 1 would require TfL to consult “whoever it considers appropriate” before making pedicab regulations.⁵⁷

The Bill’s explanatory notes state that an enabling power of this nature is appropriate as “it would not be proportionate to make provision for the regulation of pedicabs by way of detailed primary legislation”.⁵⁸ Further, it argues that this method would allow the regulations to be adapted in response to changing circumstances.

Parliamentary scrutiny

Clause 6 would provide the power to make pedicab regulations by statutory instrument (SI).⁵⁹ Initially subsection 6(2) provided that any such SI would be

⁵⁵ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 1\(2\)](#)

⁵⁶ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 8\(1\)](#)

⁵⁷ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 1\(3\)](#)

⁵⁸ [Explanatory Notes, para 13](#)

⁵⁹ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 6](#)

subject to [the negative parliamentary procedure](#).⁶⁰ However, through an amendment at report stage, the Government removed this subsection, meaning regulations would no longer be subject to any form of parliamentary procedure.⁶¹ At the same time, it also added a new **clause 7** which would give the Secretary of State power to issue guidance to TfL on making pedicab regulations.⁶²

Types of regulations

Clause 2 outlines what provisions could be included in such pedicab regulations, including conditions of licences; the duration, renewal, variation, suspension and revocation of licences; and the display and production of licences.⁶³

It would enable TfL to set fees and charge for the administration of licence applications and to introduce certain restrictions on pedicabs, for example on the number in operation at specified times or in specified places. The clause would also allow TfL to regulate fares for pedicabs and make provisions on issues such as:

- eligibility requirements for pedicab drivers and operators;
- the standards of pedicabs;
- safety standards;
- speed restrictions;
- the working conditions of drivers; and
- drivers' conduct.⁶⁴

At report stage the Government amended clause 2 to say that the conduct of drivers could include provision about making noise.⁶⁵

In the explanatory notes the Government explains that these provisions would allow TfL to ensure that drivers and operators were fit and proper persons who have been the subject of appropriate criminal record checks and that pedicabs are insured and roadworthy.⁶⁶

Subsection 2 of clause 2 would require regulations about the licensing of drivers and operators of pedicabs to include provisions which correspond to those made by the [Private Hire Vehicles \(London\) Act 1998](#) in relation to

⁶⁰ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 6\(2\); UK Parliament Glossary, Negative procedure](#)

⁶¹ [Lord Davies of Gower's amendment number 3, Clause 6, Pedicabs \(London\) Bill \[HL\], report stage](#)

⁶² [Lord Davies of Gower's amendment 4, After Clause 6, Pedicabs \(London\) Bill \[HL\], report stage](#)

⁶³ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 2\(1\)](#)

⁶⁴ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 2\(6\)](#)

⁶⁵ [Lord Davies of Gower's amendment number 1, Clause 2, Pedicabs \(London\) Bill \[HL\], report stage](#)

⁶⁶ [Explanatory Notes, para 19](#)

immigration status.⁶⁷ This would disqualify a person from being licensed as a pedicab driver or operator if that person was subject to certain immigration controls. Subsection 10 would allow TfL to authorise others, such as enforcement officers, to undertake functions on TfL's behalf.

Enforcement and appeals

Clause 3 details the way that the regulations would be enforced. Subsection 1 would allow TfL to create offences in relation to a failure to comply with requirements imposed by any regulations or if false or misleading information was provided in connection with licensing applications or decisions.⁶⁸

The clause would require that the offences specified could only be tried in a magistrates' court.⁶⁹ In addition, offences would only be punishable by a fine which does not exceed level 4, currently equating to £2,500.⁷⁰

However, requirements in clause 2 relating to the immigration status of drivers or operators of pedicabs are not subject to these limitations.⁷¹ The clause would also enable TfL to allow a person charged with an offence under the regulations to discharge their liability for the offence by paying a fixed penalty notice.⁷²

In addition, clause 3 would allow TfL to seize, retain, immobilise or dispose of pedicabs which are in contravention of the regulations.⁷³ Subsection 5 would also enable TfL to impose civil penalties in relation to these offences.⁷⁴

In the explanatory notes the Government argues that civil penalties may be a more effective way of enforcing the regulations (than criminal penalties) because they can be imposed promptly and avoid the need to pursue a prosecution in a magistrates' court.⁷⁵ Subsection 7 of the clause would allow TfL to enter into arrangements with the Metropolitan Police, similar to those applicable to the enforcement of the taxi licensing regime.

Clause 4 would require that individuals subject to certain regulatory decisions have the right to request that a decision is reconsidered by TfL, and to appeal to a magistrates' court.⁷⁶ Such decisions could include to refuse to grant, renew or vary a licence; to impose a licence condition; or to impose a civil penalty.⁷⁷ The clause would also provide that further rights to request reconsideration or to appeal could be conferred by the regulations.

⁶⁷ [Section 3A, Private Hire Vehicles \(London\) Act 1998](#)

⁶⁸ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 3\(1\)](#)

⁶⁹ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 3\(2\)\(a\)](#)

⁷⁰ Sentencing Council, [Maximum Fines](#) [accessed 23 January 2024]

⁷¹ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 3\(2\)\(b\)](#)

⁷² [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 3\(3\)](#)

⁷³ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 3\(6\)](#)

⁷⁴ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 3\(5\)](#)

⁷⁵ [Explanatory Notes, para 27](#)

⁷⁶ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 4\(1\)](#)

⁷⁷ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 4\(3\)](#)

Subsection 4 of clause 4 would also allow the regulations to make further provisions about reconsideration or appeals, such as time limits or provisions that prevent TfL from taking specified action while appeals or reconsiderations were occurring.⁷⁸

Commencement and extent

Clause 9 says the Bill would come into force two months after it received royal assent.⁷⁹

Clause 10 provides that the Bill would extend to England and Wales.⁸⁰ However the Bill would apply only to pedicabs operated within Greater London.⁸¹

⁷⁸ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 4\(4\)](#)

⁷⁹ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 9](#)

⁸⁰ [Pedicabs \(London\) Bill \[HL\] \[As brought from the House of Lords\] \[PDF\], clause 10](#)

⁸¹ [Explanatory Notes, para 37](#)

4 Reaction to the Bill

The announcement of the Pedicabs (London) Bill in the King’s Speech was welcomed by both Paul Scully and Nickie Aiken, the proponents of the previous private members’ bills on the subject.⁸²

The Local Government Association (LGA) welcomed the Bill which it said would “improve the safety of passengers”. The LGA encouraged TfL to consult widely with London borough councils when drawing up regulations, should the Bill become law.⁸³

The Bill was also welcomed by Westminster City Council whose leader, Adam Hug, said that the council had been calling for action to regulate pedicabs “for years”. He said that the “Government has promised action before and not delivered so it is essential that this bill finally becomes law”.⁸⁴

A spokesperson for TfL told the Guardian it supported the bill, saying:

TfL and the mayor have been lobbying for regulation in this area for many years and we support the introduction of new legislation which will allow pedicabs in London to be regulated to improve safety.⁸⁵

At the time of writing, the London Pedicab Operators Association (LPOA) has not responded publicly to the Bill.

⁸² Nickie Aiken MP, “[Nickie Aiken welcomes new law on the regulation of pedicabs announced in the King’s Speech](#)”, 7 November 2023; Paul Scully MP, [@scullyp_X \(Twitter\)](#), 7 November 2023

⁸³ LGA, “[Pedicabs \(London\) Bill, Second Reading, House of Lords, 22 November 2023](#)”, 22 November 2023

⁸⁴ City of Westminster Council, “[Leader’s statement on pedicab bill in the King’s Speech](#)”, 10 November 2023

⁸⁵ “[‘It’s like a jungle’: London’s pedicab cyclists welcome licences but not price controls](#)”, The Guardian, 11 November 2023

5 Consideration in the House of Lords

5.1 Second reading

The Bill had its second reading in the Lords on 22 November 2023, where most speakers explicitly welcomed it.⁸⁶ Lord Liddle, the Labour Party’s shadow spokesperson for Transport, said his party supported it and would be “constructive”:

Labour supports the Bill and the Opposition Front Bench will be constructive in its approach to it. I do not see it as a party-political matter but as closing a legal loophole that has been allowed to exist for far too long.⁸⁷

Baroness Randerson, Liberal Democrat Spokesperson for Transport in the Lords, also welcomed the Bill.⁸⁸

During the debate, Members of the Lords expressed concerns over:

- Safety of pedicabs for passengers and road users⁸⁹
- Noise created by pedicabs⁹⁰
- Pedicabs blocking cycle lanes⁹¹
- Pedicabs not being insured⁹²
- Overcharging of passengers⁹³

Baroness Anelay (Conservative) asked the Government to consider clarifying the definition of a ‘trailer’ in the Bill, to include cargo boxes in front of the cycle, and not just trailers behind it. This was to avoid pedicab businesses evading the Bill’s provisions.⁹⁴ At committee stage, the Government did table amendments to address concerns over how trailers were defined. They explained this, as well as other issues raised at second reading, in a [‘Will](#)

⁸⁶ [HL Deb 22 November 2023](#)

⁸⁷ [HL Deb 22 November 2023 c788](#)

⁸⁸ [HL Deb 22 November 2023 c786](#)

⁸⁹ [HL Deb 22 November 2023 c771](#)

⁹⁰ [HL Deb 22 November 2023 C779](#)

⁹¹ [HL Deb 22 November 2023 c780](#)

⁹² [HL Deb 22 November 2023 c771](#)

⁹³ [HL Deb 22 November 2023 c778](#)

⁹⁴ [HL Deb 22 November 2023 c778](#)

[Write' letter](#) [PDF] from the Lord Davies, Parliamentary Under Secretary of State at the DfT.⁹⁵

Lords Borwick and Leigh (both Conservative) questioned why it had taken so long to introduce this legislation, given the many previous attempts to do so.⁹⁶

Lord Moylan (Conservative) said he was concerned that to regulate pedicabs implied that Parliament approved of them, and he would rather they were banned altogether.⁹⁷

Baroness Randerson (Liberal Democrat) and Lord Liddle questioned why the Bill was being given parliamentary time when other important transport issues, particularly rail reform, were not.⁹⁸

5.2 Committee stage

Committee stage in the Lords was held on 11 December 2023, in Grand Committee. 52 amendments were tabled in beforehand.⁹⁹ Of these, all were either withdrawn or not moved, except for two Government amendments (43 and 50) which were agreed to:

- Clause 7 was amended so that the meaning of a pedicab trailer was expanded to include sidecars or vehicles pushed by pedal cycles (amendment 50).
- Clause 5, which refers to the definition of a trailer in Clause 7, was amended as a consequence of amendment 50 (amendment 43).¹⁰⁰

A further two Government amendments were tabled but were not moved. These would have:

- required TfL to obtain the approval of the Secretary of State before making pedicab regulations (amendment 44), and
- made it explicit that, after making pedicab regulations, TfL would have to send the regulations to the Secretary of State to lay before Parliament (amendment 46).

⁹⁵ DfT Letter, [Letter from Lord Davies to peers regarding points raised during second reading of the Pedicabs \(London\) Bill](#) [PDF], 6 December 2023

⁹⁶ [HL Deb 22 November 2023 c783](#); [HL Deb 22 November 2023 c785](#)

⁹⁷ [HL Deb 22 November 2023 c781](#)

⁹⁸ [HL Deb 22 November 2023 c786](#); [HL Deb 22 November 2023 c788](#)

⁹⁹ Pedicabs (London) Bill [HL], [Marshallled List of Amendments to be moved in Grand Committee](#) [PDF], 7 December 2023

¹⁰⁰ Pedicabs (London) Bill [HL], [Marshallled List of Amendments to be moved in Grand Committee](#) [PDF], 7 December 2023; Pedicabs (London) Bill [HL], [Committee Stage Minutes of proceedings](#), 11 December 2023

During committee stage, Lord Liddle, the Labour Party’s shadow spokesperson for transport, said that Labour wished to object to amendment 44. This followed previous comments from him stating it was unnecessary for the “overworked” Department for Transport to get involved in the detail of pedicab regulations which were a matter for TfL.¹⁰¹

The session was adjourned briefly, and after it resumed amendments 44 and 46 were not moved.¹⁰²

On 9 January 2024 Lord Davies, the DfT Minister in the Lords, published a ‘Will Write’ letter addressing some of the issues raised during committee stage.¹⁰³

5.3 Report stage

At report stage three more Government amendments were tabled and approved.

Amendment 3 amended clause 6 so that pedicab regulations would no longer be subject to any form of parliamentary procedure.¹⁰⁴

Lord Davies accepted this was a “shift” in the Government approach, having reflected on points raised at second reading and committee stage. He explained that this would bring pedicab regulation-making in line with TfL’s taxi and private hire vehicle regulation-making procedures which do not require parliamentary approval. He also said it was proportionate for TfL alone to create regulations that will only affect London.¹⁰⁵

Amendment 4 created a new clause 7, which means the Secretary of State could issue guidance to TfL on making pedicab regulations.¹⁰⁶ Such guidance may cover how functions are exercised to protect children and vulnerable adults from harm. Lord Davies said this amendment intended “to strike a balance with the removal of parliamentary procedure for secondary legislation made under the Bill.”¹⁰⁷

Amendment 1 amended clause 2 to clarify that pedicab regulations could include provisions about drivers making too much noise.¹⁰⁸

Lord Gower also told the Lords that it was highly unlikely that TfL would or could use its powers to abolish pedicabs altogether:

¹⁰¹ [HL Deb 11 December 2023 c215GC](#)

¹⁰² [HL Deb 11 December 2023 c252GC](#)

¹⁰³ DfT Letter, [Letter from Lord Davies to peers regarding points raised during committee stage of the Pedicabs \(London\) Bill](#) [PDF], 9 January 2024

¹⁰⁴ [Pedicabs \(London\) Bill \[HL\] {As amended in Grand Committee} \[PDF\], clause 6\(2\):](#)

¹⁰⁵ [HL Deb 30 January 2024 c1158](#)

¹⁰⁶ [Lord Davies of Gower’s amendment 4, After Clause 6, Pedicabs \(London\) Bill \[HL\], report stage](#)

¹⁰⁷ [HL Deb 30 January 2024 c1159](#)

¹⁰⁸ [Lord Davies of Gower’s amendment number 1, Clause 2, Pedicabs \(London\) Bill \[HL\], report stage](#)

I am aware that some noble Lords may be concerned that Transport for London would seize this opportunity to remove all pedicabs from London's streets or to impose draconian restrictions. However, I reiterate that I do not understand this to be TfL's intention and, furthermore, it is highly unlikely that pedicab regulations could be used to do this.¹⁰⁹

5.4 Third reading

There were no amendments tabled at third reading, and no debate. Lord Davies told the Lords that the DfT had recently published guidance on the use and storage of batteries for e-bikes, an issue that had been raised several times in Lords stages.¹¹⁰

5.5 Delegated Powers and Regulatory Reform Committee report

The Delegated Powers and Regulatory Reform Committee said there was nothing in this Bill which they would wish to draw to the attention of the House of Lords.¹¹¹

¹⁰⁹ [HL Deb 30 January 2024 c1159](#)

¹¹⁰ [HL Deb 6 February 2024 c1559](#); DfT Guidance, [Battery safety for e-cycle users](#), 1 February 2024

¹¹¹ Delegated Powers and Regulatory Reform Committee [1st Report of Session 2023-24 Pedicabs \(London\) Bill \[HL\]](#) [PDF], 13 November 2023

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