

GUIDANCE NOTE RE DEATH OF TAXI OR PHC LICENCE HOLDERS

In terms of the Civic Government (Scotland) Act 1982 licences are personal and not transferable. The only exception to that is when a licence holder dies.

In terms of paragraph 8(3) of Schedule 1 to the 1982 Act when a licence holder dies (apart from the holder of a taxi or PHC driver's licence) the licence is deemed to be transferred to his or her executor for a period of 3 months to allow for the estate to be wound up.

When a licence holder dies the following procedure should be followed –

1. The Licensing Team should be advised by telephone immediately that the licence holder has died and who his or her executor will be. This will need to be confirmed in writing and a copy of the death certificate should be sent into the team as soon as it is available. A copy of the will or confirmation in writing from the court or solicitors regarding the identity of the executors should also be sent in to the Licensing Team as soon as possible.

Licensing Team contact details:

Email: licensing@westlothian.gov.uk

Telephone number – 01506 281632

Address: Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF

2. If the insurance is in the sole name of the licence holder **the vehicle cannot be used again for hire** until the insurance has been transferred from the deceased's name to the executor's name. If there is more than one executor, the insurance can be in the name of any of the executors. It is also possible for the insurance to be in the name of the day to day manager if there is one listed on the licence as in terms of the Act (paragraph 5 of Schedule 1) the manager is a joint licence holder. The licensed vehicle cannot be used as a hire car until there is an insurance policy in the name of the executor/day to day manager covering the vehicle and all drivers. The insurance documentation must be shown to the Licensing Team or the TEC before the vehicle is used again. It is a criminal offence to operate or drive the vehicle as a hire car without the appropriate insurance in place.
3. By law when a vehicle licence holder dies the licence is deemed to be transferred to his executor for a period of 3 months to allow for the estate to be wound up. The executor will be named in the will or if there is no will the executor will be the next of kin – usually the surviving spouse or the eldest child. If the day to day manager for the vehicle is the vehicle licence holder, unless an executor is able to undertake the role of day to day manager responsible for the operation of the vehicle, a new day to day manager requires to be appointed by the executor as soon as possible.
4. The three-month executry period starts at the date of the death. The licence will expire at the end of that period unless it is revoked, surrendered or suspended prior to that or extended on application to the council by the executor if the Council is satisfied that that is necessary for the winding up of the estate and no other circumstances make it undesirable.
5. Members of the family or the day to day manager may wish to apply for a licence for the vehicle to be granted to them and to retain the plate number. Any such application should be made as soon as possible to allow it to be processed during the executry period. The executry period may be extended until the new application has been determined as long as there is no delay in submitting the application.

Licensing Team 03/10/16