

Policy on Criminal Records Checks for Taxi and PHC Driver Licence Applicants

1. Subject to the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015. All convictions must be declared on the application form, even if they are otherwise “spent” for the purposes of the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.
2. In addition, anyone applying for the grant of a taxi or PHC driver’s licence is required to provide evidence of the following:
 - 2.1 If they were born in the UK but have lived in any other country for six months or more, they must provide a Criminal Record Check from that country; or
 - 2.2 If they were born outwith the UK they must provide a Criminal Record Check from their country of origin. They must also provide a Criminal Record Check from any other country in which they have resided for six months or more; or
 - 2.3 If they were born outwith the UK, immigrated to the UK with their parents and have resided in the UK since childhood and are able to demonstrate this, but are unable to provide criminal record documentation relating to the period when they were a child under the age considered to be below the age of criminal responsibility in Scotland (i.e. 12), that this is accepted as the equivalent of offending history of UK nationals and would not normally be considered by the authority.
3. In all cases, the Criminal Record Checks provided must have been obtained within the six months immediately prior to submitting an application:
 - 3.1 **For EU Criminal Record Check (only where you are a national of the EU State issuing the Criminal Record Check):**

Where the Criminal Record Check is not in English, it must be accompanied by a Multilingual Standard Form, or a certified translation carried out by a person qualified to do so under the law of a Member State.
 - 3.2 **For all other Criminal Record Checks:**

The Criminal Record Check provided must be translated into English and verified by the relevant UK based Embassy, Consulate or High Commission. Alternatively, the document can be verified by way of an Apostille Certificate if the document was issued by a designated authority in a country where the Hague Convention of 1961 Abolishing the Requirement for Legalisation of Foreign Public Documents (the Apostille Convention) is in force.

Information on how to obtain criminal record checks overseas can be found on the GOV.UK web site:

www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

4. Where an applicant for a renewal of a taxi or PHC driver's licence has been outwith the UK for a period of six months or more since the last renewal then criminal records certificates as detailed above for new applicants shall be provided. If an applicant is unable to do so then their application will be accepted, processed and referred to the committee to determine whether the application should be considered an exception to the policy.
5. Where an applicant for a new licence has been unable to produce the relevant Criminal Record Check, the application will be treated as incomplete, and therefore will not be processed. In addition, following the statutory amendments introduced by the Immigration Act 2016, applications will not be accepted from an applicant who cannot demonstrate the right to work in the UK.
6. Where a previous licence holder has failed to renew their licence and allowed it to lapse they shall be treated as a new applicant and paragraph 4 above shall not apply.