



TAXIDERMISTRY: WOULD UBER BE STUFFED IN GUERNSEY?

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Uber, the app-based company which allows users to order car rides on their smartphones, was celebrating recently.

On 16th October the High Court ruled that Uber's operations were legal in London and that the way that its drivers calculate fares – via GPS on external servers– was not treading on the toes of licensed black cabs, which use meters (and jump through some pesky regulatory hoops for the privilege).

Uber, for those unfamiliar with it, gives users the opportunity to hail a driver to their exact location using their smartphone. The destination is also added, at which point the app calculates the approximate cost of the ride and sends the job to Uber drivers in the area. Once a job is accepted by a driver, the user is able to see the driver's location on their phone in real time, and once picked up the app shows the fastest route and ETA. All payments are carried out electronically using a pre-prepared payment method (such as credit card) through the app. Crucially, Uber drivers are generally not required to be licensed taxi drivers, meaning almost anyone can apply to become a driver and earn money working flexible hours, for example on evenings or at weekends.

The recent court decision was met with predictable responses: jubilation from Uber bosses and consternation from the 25,000 London cabbies currently working in the capital.

Uber is probably right to feel upbeat at present. Despite a number of mishaps (from legal setbacks and PR disasters to safety worries and pricing concerns) in Australia, India, France, Spain and the USA, Uber's expansion and worldwide momentum has been impressive.

It's even become a verb. People are now Ubering around a host of jurisdictions, especially cities.

Uber in Guernsey

So, could Guernsey be next?

Whether Uber would consider Guernsey to be a commercially viable jurisdiction in which to operate is debatable. Those on delayed evening flights into the Island might have spotted a gap in the market.

But, if Uber or a similar company was to train its sights on the Channel Islands and on Guernsey in particular, what could local taxi drivers point to in order to stop it?

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Well, the law, potentially.

Guernsey, like most jurisdictions, has a set of rules, regulations and laws governing methods of public transport, including taxis. The snappily named Public Transport Ordinance, 1986 and the Road Traffic (Permits to Drive Public Service Vehicles) Ordinance, 1986, together with a number of other associated rules, provide that for someone to drive a taxi in Guernsey they must be in possession of a proper permit and licence.

Drivers are issued with permits only after testing of their driving ability, knowledge of the Island's roads (a Guernsey version of 'the knowledge'), medical fitness and suitability for the role. The cars drivers use also need to be approved and licensed and are subject to annual inspections by the Police mechanics.

It's an onerous and expensive process, and one that an incoming company would obviously look to avoid if possible – Uber's business model, for example, is built upon easy access, quick arrangements and a lack of red tape.

Regardless of how the service was delivered in Guernsey, owing to the 'hire / reward' element involved it would almost certainly fall under the purview of the Environment Department and drivers would be required to obtain a permit and a road service licence to operate the cars.

End of the road

So what are the chances of Uber, or another similar company, starting operations in Guernsey, from a legal perspective?

Probably slim. The viability of Uber in Guernsey, legally, would depend largely on the States of Guernsey's view as to whether it was offering taxi services or not. If so, they would be subject to the same stringent conditions (and quotas) as the other cabs on the Island.

Guernsey isn't alone in its current approach to taxi licensing, with Spain and Thailand already banning Uber from their cities because its drivers didn't meet local licensing rules.

Ultimately, given the legal position, were Uber to operate in Guernsey there would either need to be a strong indication from the Environment Department that it would class Uber's operations as those of a private-hire business or a fundamental shift in the regulation of taxis and public transport on the Island.

The market would need to be opened up, in other words.

The consequences of that could be far-reaching on an industry that has grown familiar with the relatively heavy regulation it attracts in comparison to the UK.

Is there the requisite appetite for that change amongst local politicians and, indeed, drivers? We know that there is in [Jersey](#) but it

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remains to be seen whether that will be followed up with action, and whether Guernsey would follow suit.

Something to ponder when next waiting at the rank.

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