

2012 No. 316

ROAD TRAFFIC AND VEHICLES

**The Taxi Operators Licensing Regulations (Northern Ireland)
2012**

Made - - - - *8th August 2012*

Coming into operation - *1st September 2012*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 1(4), 2(4), (5) and (7), 3(2), (3), (6) and (7), 28(3), 30(1)(a) and (b), (2) and (3), 33(1)(e) and 56 of the Taxis Act (Northern Ireland) 2008(a).

Citation and commencement

1. These Regulations may be cited as the Taxi Operators Licensing Regulations (Northern Ireland) 2012 and shall come into operation on 1st September 2012.

Interpretation

2. In these Regulations—

“the 2008 Act” means the Taxis Act (Northern Ireland) 2008;

“application” means an application for the grant or variation of an operator’s licence;

“large operator” means a taxi operator who has more than two vehicles available to carry out taxi bookings accepted at all the operating centres, which are specified in the operator’s licence;

“Public Service Vehicle licence” means a licence granted under Article 61 of the 1981 Order;

“Public Service Vehicles Regulations” means the Public Service Vehicles Regulations (Northern Ireland) 1985(b);

“registration mark” means, in relation to a vehicle, the mark assigned to the vehicle in accordance with section 23 of the Vehicle Excise and Registration Act 1994(c); and

“small operator” means an operator who has no more than two vehicles available to carry out taxi bookings accepted at their operating centre and which is specified in the operator’s licence.

Applications

3. Every application shall—

(a) be made on a form supplied by the Department;

(a) 2008 c. 4 (N.I.)
(b) S.R. 1985 No. 123
(c) 1994 c. 22

- (b) be signed—
 - (i) if made by an individual, by that individual,
 - (ii) if made by a firm, by one of the partners of that firm with the authority of the others, or
 - (iii) if made by any other body or group of persons, by one or more individual persons authorised for that purpose by the body or group;
- (c) indicate if the application is for a 1 year licence, a 3 year licence or a 5 year licence; and
- (d) be accompanied by the fee determined in accordance with regulation 5.

Variation of operator’s licence

4. For the purposes of section 28(3)(b) of the 2008 Act, the prescribed contents are—
- (a) the licensed operator’s name, as long as the individual is the same person who applied for the original operator’s licence;
 - (b) the name under which the licensed operator operates a taxi service;
 - (c) the address of the operating centre if the address is also an occupied private dwelling;
 - (d) the number of affiliated drivers and the particulars of the driver in accordance with regulation 11(a); and
 - (e) the number of vehicles recorded on an operator’s licence and the particulars of the vehicles in accordance with regulation 10(a), (b) and (e).

Application, grant and variation fees

5.—(1) The appropriate fees for the application, grant and variation of an operator’s licence are as set out in Tables 1, 2 and 3 in the Schedule.

(2) The fee for the grant of an operator’s licence for periods of less than 5 years, 3 years or 1 year is an amount equal to that proportion of the amount of the fee as set out in Table 2 in the Schedule which the proposed period of the licence bears in relation to applications for the period of either 5 years, 3 years or 1 year.

(3) Where an operator holds an operator’s licence granted under section 2 of the 2008 Act the fee for the addition of a vehicle to that licence shall be determined according to the number of vehicles to be added to the licence as set out in Table 3 in the Schedule.

(4) Where a licence for a large operator is granted following the addition of vehicles to an operator’s licence, the operator shall return to the Department any licence previously granted which has not yet expired.

(5) Where the period of the licence to which the vehicle is being added is less than 5 years, 3 years or 1 year, the fee payable is an amount equal to-

- (a) that proportion of the amount of the fee as set out in column 3 or 4 of Table 3 in the Schedule, which the proposed unexpired period of the licence bears in relation to the periods of 5 years, 3 years or 1 year; or
- (b) £5,

whichever is the greater.

(6) The amount specified in paragraph (5) shall be calculated in respect of every 12 months or part of 12 months until the licence has expired.

(7) Where the calculation of any fee in accordance with paragraph (2) or (5) would have the result that the amount payable would include a fraction of a pound then the amount payable shall be rounded to the nearest pound.

Refund of Fees

6.—(1) Subject to paragraph (5), where the Department is satisfied that—

- (a) a licensed operator has ceased to operate from every operating centre specified in their operator's licence, other than by reason of the suspension or revocation of that licence;
- (b) that a licensed operator has transferred some or all of their undertaking as a licensed operator to another person; and
- (c) before the date of the transfer the transferee has been granted a new operator's licence in relation to any operating centre specified in the transferor's licence,

the Department shall, upon receipt of a written request for a refund accompanied by the transferor's licence, refund a proportion of the fee paid for the grant of that licence being an amount calculated in accordance with paragraph (3).

(2) Where an operator's licence has been granted and before its expiry, the licensed operator has been granted a new licence, the Department shall, upon receipt of a written request for a refund accompanied by the first mentioned licence, refund a proportion of the fee paid for the grant of that licence being an amount calculated in accordance with paragraph (3).

(3) Subject to paragraph (4), the amount referred to in paragraphs (1) and (2) shall be that proportion of the fee which the number of full years remaining on the operator's licence bears to the period for which the licence was granted, the number of full years being calculated from the date of receipt by the Department of both the request for a refund and the licence.

(4) Where the calculation in accordance with paragraph (3) would have the result that the amount refundable would include a fraction of a pound then the amount refundable shall be rounded to the nearest pound.

(5) Where a proportion of the fee paid for the grant of an operator's licence is refunded in accordance with paragraph (1) or (2) that licence shall cease to have effect.

Conditions

7.—(1) For the purposes of section 2(5) of the 2008 Act the prescribed conditions are set out in paragraphs (2) to (9).

(2) In respect of any operating centre specified in the operator's licence which is accessible to members of the public, the licensed operator shall maintain in force a policy of insurance against public liability risks which provides a minimum indemnity of £5,000,000 in respect of any one event.

(3) The licensed operator shall, if requested to do so by a person making an advanced taxi booking—

- (a) agree the fare for the journey booked; or
- (b) provide an estimate of that fare.

(4) If, during the currency of the operator's licence—

- (a) any conviction is recorded—
 - (i) where the licensed operator is an individual, against the licensed operator,
 - (ii) where the licensed operator is a firm, against any partner of that firm, or
 - (iii) where the licensed operator is another type of body or group of persons, against that body or group or any officer of that body or group;
- (b) any information provided in the application for the grant of the licence, or for any variation thereof, changes; or
- (c) any driver ceases to be available to the licensed operator for carrying out taxi bookings, by virtue of that driver's unsatisfactory conduct in connection with the driving of a taxi,

the licensed operator shall, within 7 days of the date of such event, give the Department notice containing details of the conviction or change, as the case may be, or, in a case falling within sub-paragraph (c), the name of the driver and the circumstances of the case.

(5) The licensed operator shall not use CB apparatus in connection with an advance taxi booking at any operating centre specified in the operator's licence or in any taxi available for carrying out taxi bookings accepted at any such operating centre.

(6) The licensed operator shall preserve all records relating to that operating centre for a period of 6 months from the date the centre ceased to be used.

(7) The licensed operator shall establish and maintain a procedure for dealing with complaints, arising in connection with any hiring accepted by the licensed operator and shall keep and preserve records in accordance with paragraph (6).

(8) Where a licensed operator provides a licensed taxi fitted with a taximeter for the purpose of carrying out an advanced taxi booking in accordance with paragraph (3) the licensed operator shall ensure any fare payable in respect of the taxi booking is less than or equal to the fare shown on the taximeter.

(9) A licensed operator shall not, in operating a taxi service, use more than the number of taxis specified in their operator's licence or a vehicle which is not specified in their operator's licence.

(10) A licensed operator shall not, in operating a taxi service, use a driver who is not specified as an affiliated driver in their operator's licence.

(11) In this regulation—

“CB apparatus” means wireless telegraphy apparatus known as “Citizens’ Band” which is designed or adapted, or has facilities permitting its adaptation, for the purpose of transmitting spoken messages on the frequency band 26.1 MHz to 28 MHz; and

“wireless telegraphy apparatus” is construed in accordance with section 19(1) of the Wireless Telegraphy Act 1949(a).

Record keeping methods

8. The records under regulations 9 to 13, which a licensed operator is required to keep shall be in writing or such other form that the information within them can be easily transcribed.

Particulars of taxi bookings

9.—(1) Before the commencement of each journey booked at an operating centre specified in the operator's licence, a licensed operator shall enter the following particulars of the taxi booking in the records referred to in regulation 8—

- (a) the date on which the taxi booking is made and, if different, the date of the proposed journey;
- (b) the name of the person for whom the taxi booking is made or other identification of the person, or, if more than one person, the name or other identification of one of them;
- (c) the agreed time and place of collection, or, if more than one, the agreed time and place of the first;
- (d) the main destination specified at the time of the taxi booking;
- (e) any fare or estimated fare quoted;
- (f) the name of the driver carrying out the taxi booking or other identification of the driver;
- (g) if applicable, the name of the other licensed operator to whom the taxi booking has been sub-contracted; and
- (h) the registered number of the vehicle to be used or such other means of identifying it as may be adopted.

(2) For the purposes of section 3(2) of the 2008 Act the prescribed exception is that a taxi booking may be accepted other than at an operating centre by an affiliated driver or by a person who holds an operator's licence.

(3) Where the taxi booking is not made at the operating centre, the date, time, location of pick up, location of drop off and number of passengers shall be recorded in the taxi prior to or at the end of the journey—

(a) 1949 c. 54

- (a) by the licensed operator, and the details returned to the operating centre within 5 working days of the journey taking place; or
- (b) by the affiliated driver and notified to the licensed operator as soon as reasonably practicable by the affiliated driver but no more than 5 working days from the date of the journey.

Particulars of vehicles

10. For the purposes of section 3(3)(b) of the 2008 Act, the prescribed particulars relating to taxis which a licensed operator shall keep in relation to each vehicle are—

- (a) the make, model and colour;
- (b) the registration mark;
- (c) the name and address of the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994;
- (d) a copy of the current certificate of insurance or certificate of security as construed in accordance with Articles 92 and 93 of the 1981 Order;
- (e) a copy of the current Public Service Vehicle licence;
- (f) the date on which the vehicle became available to the licensed operator; and
- (g) the date on which the vehicle ceased to be so available.

Particulars of drivers

11. For the purposes of section 3(3)(b) of the 2008 Act, the prescribed particulars relating to affiliated drivers which a licensed operator shall keep in relation to each affiliated driver are—

- (a) the affiliated driver's surname, forenames, address and date of birth;
- (b) the affiliated driver's national insurance number allocated within the meaning of regulation 9 of the Social Security (Crediting and Treatment of Contributions and National Insurance Numbers) Regulations (Northern Ireland) 2001^(a);
- (c) a photocopy of the affiliated driver's driving licence to drive a motor car granted under Part II of the 1981 Order (other than a provisional licence), to include the card licence and up-to-date counterpart licence showing all endorsements;
- (d) a photocopy of the affiliated driver's taxi driver licence;
- (e) a photograph of the affiliated driver;
- (f) the date on which the affiliated driver became available to the licensed operator; and
- (g) the date on which the affiliated driver ceased to be so available.

Complaints records

12.—(1) For the purposes of section 3(3)(c) of the 2008 Act a licensed operator shall keep a record containing details—

- (a) of any complaint made in respect of their action as a licensed operator including—
 - (i) the name of the complainant and any address and telephone number or other contact details provided by the complainant;
 - (ii) the nature of the complaint; and
 - (iii) details of any investigation carried out and subsequent actions taken as a result;
- (b) of any complaint made in respect of a taxi booking accepted by the licensed operator, including the particulars set out in paragraph (2); and

(a) S.R. 2001 No. 102

- (c) of any other complaint made in respect of the licensed operator's undertaking as a licensed operator, including the particulars set out in paragraph (2)(d), (e) and (f).
- (2) In relation to each complaint the particulars referred to in paragraph (1)(b) and (c) are—
- (a) the date of the related taxi booking;
 - (b) the name of the driver who carried out the taxi booking;
 - (c) the registration mark of the vehicle used;
 - (d) the name of the complainant and any address, telephone number or other contact details provided by the complainant;
 - (e) the nature of the complaint;
 - (f) details of any investigation carried out and subsequent action taken as a result; and
 - (g) the Public Service Vehicle licence number.

Record of lost property

13. For the purposes of section 3(3)(e) of the 2008 Act, a licensed operator shall keep a record containing the particulars set out in paragraph (2), of any lost property found—

- (a) at the licensed operator's operating centre; or
 - (b) in any taxi used to carry out a taxi booking either accepted at the licensed operator's operating centre or by an affiliated driver away from the operating centre.
- (2) In relation to each item of property the particulars referred to in paragraph (1) are—
- (a) the date on which it was found;
 - (b) the place where it was found and if it was found in a vehicle, the registration mark of that vehicle;
 - (c) a description of the item; and
 - (d) how the item was dealt with in accordance with regulations 58 to 60 of the Public Service Vehicles Regulations^(a).

Register of licences

14. For the purposes of section 33(1)(e) of the 2008 Act the prescribed particulars are—

- (a) where the operator's licence has been suspended, the date from which the suspension took effect;
- (b) where the operator's licence has been revoked, the date of the revocation of the licence;
- (c) where the operator's licence has been curtailed, the number of operating centres that have been removed from the licence; or
- (d) where the operator's licence has been surrendered, the date the licence was returned to the Department.

Exceptions

15.—(1) For the purposes of section 1(4) of the 2008 Act, the prescribed exception is provision or acceptance within section 1(4) by a person specified in paragraph (2).

- (2) The person specified for the purposes of paragraph (1) are—
- (a) a person who holds a Road Service Licence granted under Part II of the Transport Act (Northern Ireland) 1967^(b) for a taxi bus;

(a) Regulation 60 was substituted by regulation 2(17) of S.R. 1990 No. 201
(b) 1967 c. 37

- (b) a person providing courtesy transport;
 - (c) a person who is registered under Article 118 of the Children (Northern Ireland) Order 1995(a);
 - (d) a home child carer registered under the Tax Credits (Approval of Home Child Care Providers) Scheme (Northern Ireland) 2006(b);
 - (e) a person registered under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(c) in respect of the carrying on or management of a residential care home or nursing home; or
 - (f) a person who provides wedding cars.
- (3) In this regulation—

“courtesy transport” means carriage of passengers in a vehicle with no more than 8 seats in addition to the driver, being carriage which is ancillary to that person’s business; and

“taxi bus” has the same meaning as in regulation 3(1) of the Public Service Vehicles Regulations (d).

Affiliated drivers

16. For the purposes of section 3(7) of the 2008 Act a person may be an affiliated driver of more than one licensed operator only where—

- (a) the second operator is providing wedding or funeral cars and the driver is driving a vehicle plated in accordance with regulation 7(8) of the Public Service Vehicles Regulations(e); or
- (b) where the second operator is contracted by an Education and Library Board to provide home to school transport under Article 52 of the Education and Libraries (Northern Ireland) Order 1986(f).

Transitional provisions

17.—(1) Until such time as a taxi or a driver is licensed under the 2008 Act references to taxis and drivers will also include taxis and drivers licensed under Articles 59 and 60 of the 1981 Order.

(2) Subject to paragraph (3), where an application is made to the Department by 31st October 2012, the Department shall—

- (a) issue the applicant with a temporary operator’s licence; or
 - (b) make a temporary variation of the applicant’s operator’s licence in the terms applied for,
- which shall have the effect as if it were a licence granted or, as the case may be, variation made under the 2008 Act.

(3) Where the application is received by the Department by 31st October 2012 the fee payable shall be £40.

(4) Any temporary licence issued or variation made under paragraph (2) shall, unless the licence or, as the case may be, the operator’s licence to which the variation applies has already been suspended or revoked under the 2008 Act, cease to have effect for the purposes of that Act—

- (a) on the grant or variation of an operator’s licence pursuant to the outstanding application; or
- (b) where no such operator’s licence is granted or varied, on the expiry of the period of 28 days commencing on the date specified in paragraph (5).

(a) S.I. 1995/755 (N.I. 2)

(b) S.R. 2006 No. 64

(c) S.I. 2003/431 (N.I. 9)

(d) The definition of taxi bus was inserted by regulation 2 of S.R. 2004 No. 413

(e) Regulation 7 was substituted by regulation 4 of S.R. 2004 No. 413

(f) S.I. 1986/594 (N.I. 3)

(5) The date referred to in paragraph (4)(b) is—

- (a) the date of service of the notice given in accordance with section 2(11) of the 2008 Act, of a decision in relation to the outstanding application; or
- (b) where an appeal is brought against that decision, the date of disposal or withdrawal of that appeal.

Sealed with the Official Seal of the Department of the Environment on 8th August 2012



Stanley Duncan
A senior officer of the
Department of the Environment

SCHEDULE 1

Regulation 5

Fees

Table 1

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Matter</i>	<i>(3)</i> <i>Fees</i>
1.	Application for the grant of an operator's licence	£140
2.	Application for variation of an operator's licence	£5
3.	In the case of a variation of an operator's licence to add or change an operating centre	£200

Table 2

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Matter</i>	<i>(3)</i> <i>Small Operator (1 or 2 cars)</i>	<i>(4)</i> <i>Large Operator (3 or more cars)</i>
1.	Grant of an operator's licence fixed fee	1 year - £15 3 year - £45 5 year - £75	1 year - £40 3 year - £220 5 year - £360

Table 3

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Matter</i>	<i>(3)</i> <i>per vehicle (1-25 vehicles)</i>	<i>(4)</i> <i>per vehicle (more than 25 vehicles)</i>
1.	Grant of an operator's licence variable fee per vehicle	1 year - £40 3 year - £120 5 year - £200	1 year - £10 3 year - £12 5 year - £20

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which are made under the Taxis Act (Northern Ireland) 2008 (the Act) introduce provisions for the licensing of Taxi Operators in Northern Ireland.

The Regulations set out the matters relating to applications for the grant or variation of an operator's licence and contain provisions about the keeping and preservation of records.

The Regulations, in particular—

require an application to be made on a form supplied by the Department of the Environment (the Department) (regulation 3);

allow for the variation of an operator's licence (regulation 4);

provide for the fees for application, grant and variation of a licence (regulation 5);

provide for the refund of fees (regulation 6);

prescribe the conditions subject to which an operator's licence is granted (regulation 7);

prescribe the types of records which a licensed operator shall keep; (regulations 8 to 13);

make provision for the register maintained by the Department to contain additional information to the matters set out in the Act (regulation 14);

provide for certain persons to be exempt from the requirement to hold an operator's licence and for an affiliated driver to be an affiliated driver of more than one licensed operator only in the case where the second operator is providing wedding or funeral cars (regulations 15 and 16);

set out transitional provisions which will enable temporary operator's licences and temporary variations to be made in certain cases (regulation 17).

An Explanatory Memorandum has been produced and is available from Road Safety and Vehicle Regulation Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>

A partial Regulatory Impact Assessment of the effect this instrument will have on costs for the business and voluntary sectors has been produced and is available from Road Safety Vehicle Policy Branch, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB.

© Crown copyright 2012

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

STATUTORY RULES OF NORTHERN IRELAND

2012 No. 316

ROAD TRAFFIC AND VEHICLES

The Taxi Operators Licensing Regulations (Northern Ireland)
2012

£5.75

N5521 08/2012 425521T 19585

ISBN 978-0-337-98880-6



9 780337 988806