STATUTORY RULES OF NORTHERN IRELAND

2015 No. 394

ROAD TRAFFIC AND VEHICLES

The Taxis (Taximeters, Devices and Maximum Fares) Regulations (Northern Ireland) 2015

Made - - - - 2nd December 2015

Coming into operation in accordance with regulation 1

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 16(1), 17(1), 18(1), (4) and (5), 30(1)(e) and (2), 44(3)(f) and 56(2) of the Taxis Act (Northern Ireland) 2008(**1**).

In accordance with section 16(3) of that Act the Department has taken into consideration recommendations made by the General Consumer Council for Northern Ireland.

Citation and commencement

1. These Regulations may be cited as the Taxis (Taximeters, Devices and Maximum Fares) Regulations (Northern Ireland) 2015 and shall come into operation on—

(a) for the purposes of this regulation and regulations 2(1) and 4 on 9th May 2016; and

(b) for all other purposes on 31st May 2016.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Taxis Act (Northern Ireland) 2008;

"checksum" means the unique identifying number for tariff software installed in a taximeter approved by the Department;

"centre" has the same meaning as in regulation 2(1) of the Taxi Licensing Regulations;

"device" means a device constructed or adapted for the production of receipts as referred to in section 18(1)(b) of the Act;

"executive service" has the same meaning as in regulation 2 of the Taxi Operators Licensing Regulations(**2**);

(**1**) 2008 c.4 (N.I.); section 56(2) was amended by paragraph 92 of Schedule 14 to S.I. 2010/976

(**2**) The definition of "executive service" is inserted by regulation 2(2) of S.R. 2015 No. 395

"maximum fare" means the maximum fare calculated in accordance with regulation 13 and the Schedule;

"public service vehicle" has the same meaning as in Article 2(2) of the 1981 Order;

"seal" means a mechanism or tag attached by the Department to the taximeter for the purpose of securing it to the vehicle or preventing unauthorised adjustment and "sealing" and "sealed" shall be construed accordingly. More than one seal may be applied to each taximeter for these purposes;

"the Taxi Licensing Regulations" means the Taxi Licensing Regulations (Northern Ireland) 2015(**3**);

"the Taxi Operators Licensing Regulations" means the Taxi Operators Licensing Regulations (Northern Ireland) 2012(**4**); and

"tour service" has the same meaning as in regulation 2 of the Taxi Operators Licensing Regulations(**5**).

(2) For the purposes of regulation 9(2), section 39(8) of the Interpretation Act (Northern Ireland) 1954(**6**) applies with the substitution of "Easter Tuesday" for "Good Friday".

Taximeters and devices

3.—(1) A taximeter and device fitted in a taxi and of a type approved by the Department(**7**) shall be inspected, tested and sealed in accordance with these Regulations.

(2) For the purposes of section 18(1) of the Act, the prescribed exceptions are where a taxi is licensed for use as Class C or D in accordance with regulation 5 of the Taxi Licensing Regulations (classes of use).

(3) The owner or driver of a Class C or D licensed taxi shall not cause or permit the taxi to be fitted with a taximeter or device.

Application

4.—(1) Any person may apply to the Department for the inspection, testing and sealing of a taximeter and device fitted in a taxi.

(2) An application for the inspection, testing and sealing of a taximeter and device shall be made on a form supplied by the Department and shall be accompanied by a fee of £35.00.

Presentation for inspection, testing and sealing

5.—(1) On notification by the Department, the taxi should be presented for inspection, testing and sealing of the taximeter and device, by a vehicle examiner, at the time and centre specified in the notice.

(2) A vehicle examiner shall not be obliged to carry out an inspection, testing or sealing of the taximeter and device where—

(a) the taxi is not presented at the time and centre notified to the applicant;

(b) the fee specified in regulation 4(2) has not been paid;

(c) the information provided on the application form is found to be substantially incorrect;

(**3**) S.R. 2015 No. 393
(**4**) S.R. 2012 No.316; the relevant amending regulations are S.R. 2015 No. 395
(**5**) The definition of "tour service" is inserted by regulation 2(2) of S.R. 2015 No. 395
(**6**) 1954 c.33 (N.I.)
(**7**) The Department will publish and maintain a list of approved taximeters, including checksums, and devices on the nidirect website at www.nidirect.gov.uk

(d) the taxi, or any part of, or any equipment of, the taxi is so dirty as to make it unreasonably difficult for the inspection or test of the taximeter and device to be carried out in accordance with these Regulations;

(e) the taximeter and device connected to it are not of a type approved by the Department;

(f) the vehicle is not an approved M1 vehicle or has not previously been licensed as a public service vehicle;

(g) the taximeter and device are not securely attached to the taxi in a suitable position; or

(h) a failure of a part of the taxi renders it incapable of being moved in safety under its own power.

(3) In this regulation "approved M1 vehicle" has the same meaning as in regulation 2(1) of the Taxi Licensing Regulations.

Taximeter fitting requirements

6. A taximeter shall—

(a) be fitted in accordance with the manufacturers instructions;

(b) be capable of being sealed to the taxi;

(c) be attached securely to the taxi so that it cannot, by the vibration of the engine or by the motion of the taxi, become detached or be caused to become inaccurate;

(d) be positioned so as to enable a passenger inside the taxi to easily see and read it;

(e) have all connections between the signal generator and taximeter so protected as to prevent tampering with, or a reduction in the accuracy of, the taximeter;

(f) be calibrated so as not to exceed the maximum fare;

(g) be calibrated in accordance with the checksum; and

(h) be connected to a device capable of automatically printing a receipt containing the details specified in regulation 15(1).

Sealing of taximeter

7.—(1) Where the Department is satisfied that the taximeter meets the requirements specified in regulation 6, it shall seal the taximeter and affix a taximeter plaque in accordance with regulation 8(1) to the taxi in a readily accessible position on the internal frame of the door aperture.

(2) Where the Department is not satisfied that the requirements specified in regulation 6 are met, a notice of refusal shall be issued to the applicant following the completion of the inspection and test.

(3) A notice issued in accordance with paragraph (2) shall—

(a) list the reasons for refusal to seal the taximeter ; and

(b) advise that the granting of a taxi licence, in accordance with regulation 7 of the Taxi Licensing Regulations (grant of licence), shall not be considered until the taximeter has been sealed by the Department.

(4) Where paragraph (2) applies, a further application for the inspection, testing and sealing of the taximeter may be made in accordance with regulation 4.

(5) The taximeter plaque referred to in paragraph (1) is prescribed for the purposes of section 44(3)(f) of the Act (false statements, forgery and power of seizure in connection with certain documents).

Taximeter plaque

8.—(1) A taximeter plaque affixed by the Department shall display—

(a) the checksum;

(b) the drive axle tyre size;

(c) the pulses per mile;

(d) the date the taximeter was sealed; and

(e) such other information as the Department sees fit.

(2) Where the taxi or the taximeter does not comply with the details included on the plaque, or the plaque is missing or defaced, no person shall cause or permit the taxi to be used to stand or ply for hire or reward or carry passengers for hire or reward.

(3) In this regulation "pulses per mile" means the number of pulses the taximeter must receive in order to correctly indicate a distance travelled of one mile.

Refund of fees

9.—(1) Any fees paid in pursuance of regulation 4(2) shall be refunded to the applicant if—

(a) no notification under regulation 5(1) is made or the appointment made is subsequently cancelled by the Department;

(b) the applicant gives to the Department notice cancelling the appointment of not less than one day before the date of the appointment;

(c) the applicant keeps the appointment but the inspection does not take place, or is not completed, for reasons attributable neither to the applicant nor to the taxi, the taximeter or the device presented for inspection; or

(d) the applicant satisfies the Department that, due to exceptional circumstances occurring not more than 7 days before the date of the appointment, the taximeter and the device cannot reasonably be presented for inspection on that date and notice is given to the Department, at the centre where the inspection is to be held, within 3 days of those circumstances first arising.

(2) For the purposes of calculating the period of any notice given under this regulation, no period of time shall include any day that is a Saturday, Sunday or public holiday.

(3) In this regulation, "exceptional circumstances" mean an accident, fire, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or defect in the vehicle, taximeter or device or non-delivery of spare parts thereof).

Use of taximeter

10.—(1) Subject to paragraph (2), the driver of a taxi shall commence operation of the taximeter on commencement of the journey and shall cease operation of the taximeter immediately on completion of the journey.

(2) Paragraph (1) shall not apply where the journey the taxi is used to provide is—

(a) an executive service or a tour service; or

(b) a service for—

(i) a health and social care body as defined in section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**8**); or

(**8**) 2009 c.1 (N.I.)