STATUTORY RULES OF NORTHERN IRELAND

2014 No. 302

ROAD TRAFFIC AND VEHICLES

The Taxi Licensing Regulations (Northern Ireland) 2014

Made - - - - 9th December 2014

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 13(2), (3) and (5), 15(2), 19(1), 20, 30(1) and (2), 56(1) and 57(1) of the Taxis Act (Northern Ireland) 2008(**1**).

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Taxi Licensing Regulations (Northern Ireland) 2014 and, subject to paragraph (2), shall come into operation on 29th June 2015.

(2) Regulations 1 to 3 and Schedule 1, insofar as that Schedule relates to those regulations, shall come into operation on 1st June 2015.

Interpretation

2. In these Regulations—

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

"the 1967 Act" means the Transport Act (Northern Ireland) 1967(**2**);

"the 1988 Act" means the Road Traffic Act 1988(**3**);

"the 2011 Act" means the Transport Act (Northern Ireland) 2011(**4**);

"approved M1 vehicle" means a vehicle which is issued with—

(a) an EC certificate of conformity under Directive 2007/46/EC(**5**);

(**1**) 2008 c.4 (N.I.)
(**2**) 1967 c.37 (N.I.)
(**3**) 1988 c. 52
(**4**) 2011 c. 11
(**5**) O.J. No. L 263, 9. 10. 2007, p. 1

(b) a certificate of conformity in compliance with regulations made under the 1981 Order or the 1988 Act;

(c) a single vehicle approval certificate in compliance with regulations made under the 1981 Order or the 1988 Act; or

(d) an individual vehicle approval certificate in compliance with the Road Vehicles (Approval) Regulations 2009(**6**);

"centre" means a centre provided and maintained by the Department under Article 73 of the 1995 Order;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**7**);

"Directive 2007/46/EC" means Directive 2007/46/EC of the European Parliament and of the Council of 5th September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;

"entrance" means any aperture or space provided to enable passengers to board the vehicle;

"exit" means any aperture or space provided to enable passengers to leave the vehicle;

"first used" has the same meaning as in regulation 2(4) of the Construction and Use Regulations;

"heavy motor car" has the same meaning as in regulation 2(1) of the Construction and Use Regulations;

"maximum gross weight" has the same meaning as in regulation 2(1) of the Construction and Use Regulations;

"permanent top" means any covering of a vehicle other than a hood made of canvas or other flexible material which is capable of being readily folded back so that no portion of such hood or any fixed structure of the roof remains vertically above any part of any seat of the vehicle;

"public service vehicle licence " means a licence granted under Article 61(1) of the 1981 Order;

"the Public Service Vehicles Regulations" mean the Public Service Vehicles Regulations (Northern Ireland) 1985(**8**); and

"the Taxi Operators Licensing Regulations" means the Taxi Operators Licensing Regulations (Northern Ireland) 2012(**9**).

PART 2

Taxi Licences

Application for a taxi licence

3. An applicant for a taxi licence under section 13(1) of the Act (taxi licences) shall on making the application, pay to the Department the appropriate fee specified in column (2) of Schedule 1.

(**6**) S.I. 2009/717
(**7**) S.R. 1999 No.454
(**8**) S.R. 1985 No.123
(**9**) S.R. 2012 No. 316

Inspection of taxi

4.—(1) On notification by the Department the applicant shall present the taxi for inspection by a vehicle examiner, in clean condition, at the time and centre specified in the notice, together with the—

(a) registration document;

(b) most recent licence, plate or sign, if any; and

(c) certificate of a valid policy of insurance.

(2) The inspection of the taxi shall include inspection of the items listed in Schedule 2 as applicable to the taxi being inspected.

(3) A vehicle examiner shall not be obliged to carry out an inspection where—

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

(b) on presentation of a taxi for inspection the applicant does not produce the items specified in paragraph (1);

(c) the particulars provided at the time of the application are found to be substantially incorrect;

(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 to be carried out in accordance with the provisions of these Regulations;

(e) the taxi emits substantial quantities of avoidable smoke; or

(f) a vehicle examiner is not able to complete the inspection due to the failure of a part of the taxi which renders it incapable of being moved in safety under the power of the taxi.

Classes of use

5.—(1) For the purposes of section 13(2) of the Act the prescribed classes of use for which a taxi licence may be granted are specified in the Table.

Table

Column (1) *Class of licence*	*Column (2)* *Permitted use*
A	(a) plying for hire or reward; (b) carrying passengers for hire or reward; and (c) standing at taxi stands outside the district of Belfast.
B	(a) plying for hire or reward; (b) carrying passengers for hire or reward; and (c) standing at taxi stands.
C	carrying passengers for hire or reward.
D	carrying passengers for hire or reward only when the taxi — (a) is listed on a road service licence granted under Part II of the 1967 Act and used in accordance with that licence; or

Column (1) *Class of licence*	*Column (2)* *Permitted use*
	(b) is used in accordance with a service permit issued under Part 1 of the 2011 Act.

(2) In this regulation "the district of Belfast" has the same meaning as in the Local Government (Boundaries) Order (Northern Ireland) 2012(**10**).

Grant of licence

6.—(1) Subject to section 13(3)(b) of the Act, where an application is made in respect of a Class A, B or D taxi licence and the Department is satisfied that the taxi—

(a) complies with the statutory requirements;

(b) is not a heavy motor car or a motor vehicle with a maximum gross weight exceeding 3500 kilograms; and

(c) is either an approved M1 vehicle or has previously been granted a public service vehicle licence,

it shall grant a licence.

(2) Subject to section 13(3)(b) of the Act, where an application is made in respect of a Class C taxi licence and the Department is satisfied that—

(a) the taxi complies with the statutory requirements; and

(b) where the taxi is a motor car, that—

(i) a public service vehicle licence has previously been granted for the taxi;

(ii) it is an approved M1 vehicle; or

(iii) it has not been altered since originally manufactured,

it shall grant a licence.

(3) A taxi licence shall not be granted where a valid taxi licence for that taxi already exists.

(4) Where the Department refuses to grant a taxi licence it shall notify the applicant of the decision including the reasons for refusal.

(5) In this regulation—

"motor car" has the same meaning as in regulation 2(1) of the Construction and Use Regulations; and

"the statutory requirements" mean—

(a) the Construction and Use Regulations;

(b) the Road Vehicles Lighting Regulations (Northern Ireland) 2000(**11**);

(c) the Road Vehicles (Display of Registration Marks) Regulations 2001(**12**); and

(d) Parts 3 and 4, and where the application is in respect of a Class B taxi licence, Schedule 3.

(**10**) S.R. 2012 No.421
(**11**) S.R. 2000 No.169
(**12**) S.I. 2001/561

Use of licensed taxi

7.—(1) Subject to paragraph (2), the owner or driver of a taxi for which a licence of a Class specified in column (1) of the Table in regulation 5(1) has been granted shall not cause or permit the use of the taxi other than in accordance with the permitted use specified in column (2) of that Table.

(2) The owner or driver of a Class D licensed taxi shall not cause or permit the use of the taxi other than in accordance with the permitted use specified in column (2) of the Table in regulation 5(1) unless the taxi is used—

(a) to provide a tour service on behalf of a licensed operator and the requirements specified in regulation 9(1A) of the Taxi Operators Licensing Regulations(**13**) are satisfied; or

(b) to provide 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(**14**); or

(ii) an Education and Library Board established under Part 2 of the Education and Libraries (Northern Ireland) Order 1986(**15**).

(3) Subject to paragraph (4), the owner or driver of a Class C licensed taxi shall not cause or permit the taxi to carry passengers for hire or reward without a duly completed journey form as specified in regulation 9(1A) of the Taxi Operators Licensing Regulations.

(4) Paragraph (3) shall not apply where the taxi is being used for the purposes of a wedding or to provide courtesy transport.

(5) In this regulation—

"tour service" has the same meaning as in regulation 9(5) of the Taxi Operators Licensing Regulations(**16**); and

"courtesy transport" has the same meaning as in regulation 15(3) of the Taxi Operators Licensing Regulations(**17**).

Further application for a taxi licence

8.—(1) Where an applicant is notified in accordance with regulation 6(4), the applicant may make a further application for a taxi licence within 21 days from and including the date of the notification and a further inspection of the taxi shall be carried out.

(2) An applicant shall, on making such a further application, pay to the Department the appropriate fee specified in column (2) of Schedule 1.

Refund of fees

9.—(1) Any fees paid in pursuance of regulations 3(1) and 8(2) shall be refunded to the applicant if—

(a) no appointment for an inspection of the taxi 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;

(**13**) Paragraph (1A) is inserted by regulation 2(4)(a) of S.R. 2014 No. 303
(**14**) 2009 c.1 (N.I.)
(**15**) S.I. 1986/594 (N.I. 3)
(**16**) The definition of "tour service" is inserted by regulation 2(4)(c) of S.R. 2014 No. 303
(**17**) The definition of "courtesy transport" is amended by regulation 2(8)(b) of S.R. 2014 No. 303