STATUTORY RULES OF NORTHERN IRELAND

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 [F1].

F1 2008 c. 4 (N.I.)

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;

[[F2]"Class A, B, C or D licensed taxi" means a taxi, the class of use for which a licence has been granted under regulation 7 (grant of licence) of the Taxi Licensing Regulations (Northern Ireland) 2015;**]**

[[F2]"executive service" means a service where a licensed taxi is used for the carriage of passengers in connection with a ceremonial, corporate or prestige taxi booking;**]**

"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 [F3];

"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 [F4]; [F5]...

"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; **[**[F6]and**]**

[[F2]"tour service" means a service where a licensed taxi is used for the carriage of passengers to and from one or more advertised destinations, which includes a guided commentary, for the purpose of tourism.**]**

F2 Words in reg. 2 inserted (31.5.2016) by The Taxi Operators Licensing (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/395), regs. 1, **2(2)(a)**, **3**
F3 S.R. 1985 No. 123
F4 1994 c. 22
F5 Word in reg. 2 omitted (31.5.2016) by virtue of The Taxi Operators Licensing (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/395), regs. 1, **2(2)(b)**, **3**
F6 Word in reg. 2 inserted (31.5.2016) by The Taxi Operators Licensing (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/395), regs. 1, **2(2)(c)**, **3**

Applications

3. Every application shall—

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

(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 **[**F7(10)**]** .

(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).

[F8(8) Subject to paragraph (8A), where a licensed operator provides a licensed taxi fitted with a taximeter, 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.

(8A) The requirement in paragraph (8) does not apply where the taxi booking is in respect of a licensed taxi providing an executive service or a tour service.**]**

(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 [F9].

F7 Word in reg. 7(1) substituted (31.5.2016) by The Taxi Operators Licensing (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/395), regs. 1, **2(3)(a)**, **3**
F8 Reg. 7(8)(8A) substituted for reg. 7(8) (31.5.2016) by The Taxi Operators Licensing (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/395), regs. 1, **2(3)(b)**, **3**
F9 1949 c. 54

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.

[[F10](1A) Where the taxi booking is in respect of a licensed taxi providing an executive service or tour service, the following information shall be recorded on a form "a Journey Form", which must be carried in the vehicle throughout the period of the journey—

(a) the name of the person for whom the taxi booking is made;

(b) the date of the journey;

(c) the time and place of collection;

(d) the destination;

(e) the price agreed for the relevant journey;

(f) the driver's taxi driver licence number;

(g) the name and licence number of the taxi operator; and

(h) the address of the operating centre.**]**

(2) For the purposes of section 3(2) of the 2008 Act the prescribed exception is that a taxi booking **[**[F11]for a Class A or B licensed taxi or any Class C or D licensed taxi providing a tour service**]** may