1965. No. 161 [C]

PUBLIC SERVICE VEHICLES

REGULATIONS, DATED 30TH JULY, 1965, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 19 OF THE MOTOR VEHICLES (TRAFFIC AND REGULATION) ACT (NORTHERN IRELAND) 1926 AND SECTION 72 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1955.

The Ministry of Home Affairs in exercise of the powers vested in it by Section 19 of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland) 1926(a), Section 72 of the Road Traffic Act (Northern Ireland) 1955(b), and of all other powers in that behalf thereunto enabling it, with the approval of the Ministry of Finance for Northern Ireland in regard to the provisions contained in Regulations 10, 23, and 34, hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Public Service Vehicles Regulations (Northern Ireland) 1965, and shall come into operation on the 1st day of September, 1965.

Interpretation

2. In these Regulations, unless the context otherwise requires, the expression—

(*a*) "the Ministry" means the Ministry of Home Affairs for Northern Ireland;

(*b*) "the Acts" means the Road Traffic Acts (Northern Ireland) 1926 to 1964;

(c) "public service vehicle" has the meaning attached thereto by Section 10 of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland) 1926, as amended by Section 43 of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1934(c);

(*d*) "motor hackney carriage" means a public service vehicle seating not more than six persons in addition to the driver;

(*e*) "omnibus" means a public service vehicle seating more than six persons in addition to the driver;

(*f*) "Inspector of Vehicles" means an Inspector of Vehicles in the Ministry of Home Affairs;

(*g*) "type" means in the case of omnibuses any one of the following:—
(i) a double-decked vehicle;
(ii) a single-decked vehicle having a seating capacity for more than twenty persons;
(iii) a single-decked vehicle having a seating capacity for twenty persons or less;

(*h*) "public place" shall include the premises of a railway or omnibus station;

(a) 16 & 17 Geo. 5. c. 31 (N.I.).
(b) 1955. c. 27.
(c) 24 & 25 Geo. 5. c. 15 (N.I.).

(*i*) "Registration Mark" means the mark indicating the registered number assigned to the vehicle under the Roads Act 1920(a) or the Vehicles (Excise) Act (Northern Ireland) 1954(b) and Regulations made thereunder;

(*j*) "Public Authority" includes any Department of the Government of Northern Ireland or the United Kingdom, any Local Authority, any Local Education Authority and the Northern Ireland Hospitals Authority.

Exemption

3. These Regulations shall not apply to any vehicle in respect of which a certificate of exemption in form No. 1 in the First Schedule has been granted by the Ministry in accordance with Section 43 of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1934.

Revocation

4. The Regulations specified in the Second Schedule are hereby revoked.

PART I

LICENSING OF PUBLIC SERVICE VEHICLES

Application for Licence

5. A person making application for a licence for a public service vehicle shall do so in Form* No. 2, 3 or 4 in the First Schedule as the case may require. The application shall be made to the Ministry by the owner of the vehicle or by some person duly authorised in writing by the owner in that behalf.

Applicant residing outside Northern Ireland

6. Where an application is made for the licensing of a public service vehicle by the owner thereof being a company or a body corporate whose registered or principal office is situated outside Northern Ireland or by an individual or individuals whose residence or residences is or are outside Northern Ireland it shall be a condition of the issue of the licence that the owner shall have and shall retain during the currency of the licence an office or place of business within Northern Ireland and shall undertake to accept service thereat of any summonses or other document relating to any matter or offence arising in Northern Ireland in connection with such public service vehicle and to appear at any Court as required by such summons or other document and admit and submit to the jurisdiction of the Court relative to the subject matter of such summons or other document. Any non-performance of such undertaking shall operate as an immediate revocation of the licence.

Age limit

7. A licence for a public service vehicle shall not be granted to any person under the age of 21 years, and if granted to any such person shall be void.

Refusal of licence

8. The Ministry may in its discretion refuse to grant a licence:—

(*a*) if the applicant has previously obtained a licence for a public service vehicle and such licence has been revoked or suspended;

(a) 10 & 11 Geo. 5. c. 72. (b) 1954. c. 17.

*A Form on which to make application for a licence may be obtained at any Post Office transacting Inland Revenue business on payment of the prescribed fee.

(*b*) if the applicant—

(i) has failed to observe any of the conditions of any licence previously granted; or

(ii) has been convicted of any offence under any provision of the Acts relating to the licensing and regulation of public service vehicles, or any Regulations made thereunder.

9. The Ministry shall not grant a licence if the applicant fails to satisfy it:—

(*a*) that the public service vehicle conforms to the conditions of fitness from time to time laid down by the Ministry;

(*b*) that he is of good character and business repute, and that his financial position is such that he is a fit and proper person to hold a licence.

Licensing fees

10. The fees payable for a public service vehicle licence shall be as follows:—

(*a*) For a motor hackney carriage for which a licence is applied for within one month of being registered for the first time under the Vehicles (Excise) Act (Northern Ireland) 1954, or under the corresponding statutory provisions obtaining elsewhere, and which before being so registered has not been used for demonstration purposes for a longer period than one month £1

(*b*) For a motor hackney carriage not coming within the provisions of sub-paragraph (*a*) hereof £2

(*c*) For an omnibus ... ... £3 10s.

Examination of Vehicle

11. If the Ministry approves of the application, the applicant shall cause the public service vehicle to which he desires the licence shall attach to be brought to such place as the Ministry may direct for examination.

Number plate, disc and licence

12.—(1) If the public service vehicle is found fit for public use, the Inspector of Vehicles shall cause a plate bearing the number which is to distinguish such vehicle (hereinafter called "the number plate") or a disc to be affixed thereto in his presence, together with such mark or marks as the Ministry may from time to time direct, and shall at the same time determine the seating capacity of the vehicle in accordance with the provisions of Regulation 19. The number plate shall be fixed in a conspicuous position on the lower left portion of the back of each vehicle, but not in close proximity to the registration mark of the vehicle, and the disc shall be fitted to the left lower corner of the windscreen of each vehicle, and the licensee shall provide the means of attachment for the number plate and/or disc:

Provided that in the case of a motor hackney carriage which is not licensed to stand or ply for hire in any street, road, or public place, the Inspector of Vehicles may cause the plate and/or disc, mark or marks to be placed in such a position on the vehicle, not being a conspicuous position, as he deems suitable.

(2) The licence shall be in the Form No. 6(*a*), 6(*b*) or 7 in the First Schedule as the case may require.

(3) If the licence is refused the Ministry shall transmit to the applicant notice of the refusal in Form No. 5 in the First Schedule.

Licensee's Responsibility

13. The licensee shall be responsible for the observance of all conditions under which the licence is granted.

Conditions of Licence

14.—(1) The licensee—

(*a*) shall not permit his public service vehicle to be used for an illegal purpose;

(*b*) shall not deface or mutilate his licence;

(*c*) shall at all times when required produce his licence to any Inspector of Vehicles or member of the Royal Ulster Constabulary;

(*d*) shall at all reasonable times for the purpose of inspection, examination or testing of the vehicle to which the licence relates:—

(i) produce the vehicle at a time and place to be notified;

(ii) afford to any Inspector of Vehicles full facilities for such inspection, examination or testing, including access to his premises for that purpose;

(*e*) shall within three days after a notice shall have been delivered to him personally or sent by registered post or recorded delivery service to the address last notified to the Ministry, deliver up his licence at the Ministry or at such other place as may be specified in the notice, together with the number plate or disc affixed to the vehicle pursuant to Regulation 12.

(2) The licensee of any public service vehicle shall not, except as provided by these Regulations, conceal, remove, alter or obliterate, or permit or suffer any unauthorised person to conceal, remove, alter or obliterate any plate, disc, number or mark affixed to or placed upon the vehicle in pursuance of these Regulations or by the authority of the Ministry.

(3) The licensee shall cause the public service vehicle and all its fittings and furniture to be maintained and kept in good order and repair and shall take all practical means to secure that all parts of the mechanism, including the brakes, are free from defects and in efficient working order; that the inside and outside of the body and all other parts of the vehicle are kept clean, and the whole ready and efficient for the purpose of hire, and, as respects an omnibus, shall not display any printed, written or other matter where the Ministry directs to the contrary, and, as respects a motor hackney carriage, shall not suffer any printed, written or other matter or distinguishing mark not provided for in these Regulations to appear on the outside or inside of the vehicle except such emblem or distinguishing mark which in the opinion of the Inspector of Vehicles is not likely to detract from the appearance of the vehicle or to distract other road users:

Provided that in the case of a motor hackney carriage licensed to stand or ply for hire, a sign bearing the word "TAXI" or the words "FOR HIRE" may be displayed on the vehicle in a manner approved by the licensing officer.

(4) The licensee, if any alteration in the design or construction of the public service vehicle has been made since the licence was issued, shall immediately communicate full particulars of such alteration to the office of the Inspector of Vehicles nearest to the place where the vehicle is ordinarily kept.

(5) The licensee of a public service vehicle shall not employ or permit or suffer any person to be employed as a driver of a public service vehicle of a type not mentioned in or endorsed upon the said driver's licence.

(6) The licensee of a public service vehicle shall report immediately to the office of the Inspector of Vehicles nearest to the place where the vehicle is ordinarily kept particulars of any accident to his vehicle.

(7) The licensee of a public service vehicle in respect of which a licence is issued in the Form No. 6(*b*) in the First Schedule shall not cause or permit the vehicle to wait within such area or areas as the Ministry may indicate on the licence except within 50 yards of the licensee's place of business or to fulfil an engagement previously entered into at that place of business or to set down a passenger.

(8) The licensee of a public service vehicle shall acquaint any person whom he permits to drive that vehicle with the conditions of the licence issued in respect of it.

Transfer of Licence

15. A licence for a public service vehicle shall not be assigned or transferred except with the approval of the Ministry endorsed on the licence.

Defacement of Licence

16. Any licence defaced or upon which there is an erasure shall be void.

Revocation or Suspension of Licence

17. A licence for a public service vehicle shall be liable to revocation or suspension by the Ministry in any of the following events:—

(*a*) If the licence has been obtained by any misrepresentation;

(*b*) If the licensee fails to comply with any of the conditions upon which the licence issued to him has been granted;

(*c*) If the licensee has been convicted of an offence under the Acts or any Regulations made thereunder;

(*d*) If in the opinion of the Ministry the public service vehicle fails to conform to the conditions of fitness from time to time laid down by the Ministry;

(*e*) If the conduct of the licensee is or has been during the currency of the licence such as to render it inadvisable, in the opinion of the Ministry, that the licensee should continue to hold the licence.

In the event of such revocation or suspension the Ministry shall give or cause to be given to the licensee notice in writing of such revocation or suspension. Such notice may be served either personally or by post, and the licence shall be deemed to be revoked or suspended as from the date of such service.

Death or Infirmity of Licensee

18. In the case of the death or any infirmity of mind or body of any licensee of a public service vehicle during the currency of his licence the Ministry, if it thinks fit, on application by any relative of such licensee, may by endorsement on the licence temporarily transfer the licence to such applicant.

Seating Capacity and Standing Passengers

19.—(1) In determining the number of persons for whom any public service vehicle has seating capacity:—

(*a*) where separate seats for each person are provided one person shall be counted for each separate seat provided;

(*b*) where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each such seat; and where any such continuous seat is provided with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be