



2008 CHAPTER 4

PART 1

REGULATION OF TAXI OPERATORS

CHAPTER 2

HIRING OF TAXIS AT SEPARATE FARES

**Hiring of taxis at separate fares – General**

5.—(1) A licensed operator may only operate a taxi service for or in respect of the carriage of passengers at separate fares if—

- (a) the licensed operator complies with the provisions of a taxi-sharing scheme made by the Department under section 6; or
- (b) the conditions in section 7 are met; or
- (c) the licensed operator is authorised under that operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares.

(2) If a person acts in contravention of any provision of or made under this Chapter and the contravention is not made an offence under any other statutory provision, the person is guilty of an offence.

(3) The Department may by order make such modifications of any provisions of this Act as it sees fit for the purpose of supplementing the provisions of this Chapter.

(4) The provisions of this Chapter are without prejudice to any other provision of this Act.

**Compliance with a Departmental taxi-sharing scheme**

6.—(1) The Department may by order make a taxi-sharing scheme referred to in section 5(1)(a) which shall—

- (a) designate the places from which taxis may be hired under the scheme (“authorised places”);
- (b) specify the requirements to be met for the purposes of the scheme in relation to the carriage of passengers at separate fares; and
- (c) include such other provision as the Department thinks fit.

(2) Any scheme made under this section may, in particular, make provision with respect to—

- (a) providing that only taxis of such class as may be specified in the scheme may be hired for the carriage of passengers at separate fares;
- (b) rates or fares (including, without prejudice to the generality of the foregoing, the maximum rate or fare to be charged for or in respect of each passenger);
- (c) the display of any document, plate, mark or sign for indicating an authorised place or that a taxi standing at an authorised place is available for the carriage of passengers at separate fares;
- (d) the display of signs, information or fares at such authorised places;
- (e) enforcing order at and regulating the use of such authorised places;
- (f) providing for persons to manage, and regulating the management of, the use of such authorised places;
- (g) the manner in which arrangements are to be made for the carriage of passengers at separate fares
- (h) the conditions to apply to such use of a taxi.

**Advance booking**

7. The conditions referred to in section 5(1)(b) are that—

- (a) all the passengers carried on the occasion in question booked their journeys in advance; and
- (b) each of them consented, when booking their journey, to sharing the use of the taxi on that occasion with others on the basis that a separate fare would be payable by each passenger for their own journey on that occasion.

**Operator’s licence authorising separate fares**

8. An operator’s licence may—

- (a) authorise the licensed operator to operate a taxi service for or in respect of the carriage of passengers at separate fares in such a manner and providing such separate fare services as may be prescribed;
- (b) be subject to the condition that only taxis of such class as may be specified in the licence may be used for or in respect of the operation of that taxi service;
- (c) be subject to such other conditions as may be prescribed and such other conditions as the Department may think fit relating to the carrying of passengers at separate fares.

### **Information**

9. A person who is applying to be authorised under an operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares shall give such information as may reasonably be required to enable the Department to exercise the functions conferred on it by section 10, and in particular shall give (where appropriate) information as to—

- (a) the services which it is proposed to provide under the licence;
- (b) the frequency of the services, the times of departure and the times to be taken on the journeys included in those services and the number of taxis to be used on those services.

### **Functions in relation to operator's licence authorising separate fares**

10.—(1) Subject to subsection (4), the Department shall, in deciding whether to authorise under an operator's licence a person to operate a taxi service for or in respect of the carriage of passengers at separate fares or to attach conditions to any such operator's licence, have regard, in particular, to—

- (a) the interests of—
    - (i) persons likely to use the service to be provided under the licence; and
    - (ii) the interests of other persons holding such a licence or persons holding a road service licence under the Transport Act (Northern Ireland) 1967 (c. 37); and
  - (b) the matters specified in subsection (2)
- (2) The matters referred to in subsection (1)(b) are—
- (a) the suitability of the routes on which the service may be provided under the licence;
  - (b) the extent, if any, to which the needs of persons likely to use the service to be provided are already adequately and economically served;
  - (c) the general effect which the grant of the licence would be expected to have on the holders of other such licences or road service licences granted

under the Transport Act (Northern Ireland) 1967 and on the facilities being provided under such licences for the carriage of passengers;

- (d) the need for ensuring fair competition among persons providing facilities in Northern Ireland for the carriage for hire or reward of passengers by road.

(3) In addition to the requirements in subsections (1) and (2), subject to subsection (4) the Department shall take into consideration—

- (a) any recommendations made by the General Consumer Council for Northern Ireland;
- (b) any representations made by—
- (i) persons who are already providing facilities for the carriage of passengers for hire or reward on any road along or near the routes the subject of the application or any part of those routes;
  - (ii) a district council; or
  - (iii) the Northern Ireland Tourist Board.

(4) Subsections (1), (2) and (3) shall not apply, for or until such time or for such a period as may be prescribed, in relation to a person who is applying to be authorised under an operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares and who—

- (a) immediately before the coming into operation of this section, was the holder of a road service licence to provide a service on the same routes granted under the Transport Act (Northern Ireland) 1967; or
- (b) meets any other requirements that may be prescribed.

#### **Appeals in relation to operator's licence authorising separate fares**

**11.—**(1) Without prejudice to any right of appeal under section 2(8) or (12), a person who has applied to be authorised under an operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares may by notice appeal to the Department against—

- (a) a decision not to authorise the person to operate a taxi service for or in respect of the carriage of passengers at separate fares;
- (b) a decision to authorise the person to operate such a taxi service in respect of the provision of particular separate fare services; or
- (c) a condition (other than a prescribed condition) relating to the carrying of passengers at separate fares.

(2) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person

(3) On an appeal under subsection (1), the Department may decide to—

- (a) confirm, reverse or vary the decision; or
  - (b) approve, revoke or vary the condition,
- (as the case may be) as it thinks fit.

(4) The Department shall, on making a decision under subsection (3), give notice of the decision to the appellant including particulars of the grounds of the decision.

(5) Without prejudice to any right of appeal under section 2(8) or (12), a person who is aggrieved by a decision of the Department under subsection (3) may appeal to a court of summary jurisdiction against any such decision.