



2008 CHAPTER 4

PART 1

REGULATION OF TAXI OPERATORS

CHAPTER 1

GENERAL

**Requirement for operator's licence**

1.—(1) Subject to subsection (2), a person shall not operate a taxi service unless the person is the holder of an operator's licence (in this Act referred to as a "licensed operator").

(2) The requirement under subsection (1) to hold an operator's licence shall not apply to a person who, in standing or plying for hire or reward or to carry passengers for hire or reward, drives a taxi for or in respect of which a licensed operator operates a taxi service (in this Act referred to as an "affiliated driver").

(3) A person who operates a taxi service in contravention of this section is guilty of an offence.

(4) For the purposes of this Act, "operate a taxi service" means, in the course of business—

- (a) to make provision for or in connection with the invitation or acceptance of, or to accept, a taxi booking; or
- (b) to make any other provision for or in connection with, or otherwise to provide, a taxi to stand or ply for hire or reward or to carry passengers for hire or reward,

subject to such exceptions as may be prescribed

### **Operator's licences**

2.—(1) Any person may apply to the Department for an operator's licence.

(2) An application under this section shall state the address, which shall be in Northern Ireland, of any premises which the applicant proposes to use as an operating centre.

(3) An operator's licence may be granted in respect of the operation of such different types of taxi service as may be prescribed.

(4) The Department shall grant an operator's licence to the applicant if it is satisfied that—

- (a) the applicant—
  - (i) is a fit and proper person to hold an operator's licence; and
  - (ii) meets any further requirements that may be prescribed; and
- (b) any further requirements that may be prescribed (which may include requirements relating to operating centres) are met.

(5) An operator's licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Department may think fit (including, without prejudice to the generality of this subsection, conditions specifying the maximum number of taxis or the maximum or minimum number or percentage of taxis of different classes or different classes of use for or in respect of which a taxi operator may operate a taxi service at any one time).

(6) An operator's licence shall—

- (a) specify the address of any premises in Northern Ireland which the licensed operator may use as an operating centre;
- (b) be in such form and contain such particulars as the Department may think fit.

(7) An operator's licence shall be granted for five years or such shorter period as may be prescribed or such shorter period as the Department may consider appropriate in the circumstances of the case.

(8) An applicant for an operator's licence may by notice appeal to the Department against—

- (a) a decision not to grant such a licence;
- (b) a decision not to specify an address proposed in the application as an operating centre;
- (c) a decision to grant such a licence in respect of the operation of a particular type of taxi service; or
- (d) any condition (other than a prescribed condition) to which the licence is subject.

(9) 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.

(10) On an appeal under subsection (8), 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.

(11) The Department shall, on making a decision under subsection (10), give notice of the decision to the appellant including particulars of the grounds of the decision.

(12) A person who is aggrieved by a decision of the Department under subsection (10) may appeal to a court of summary jurisdiction against any such decision.

#### **Duties of licensed operators, etc.**

**3.—(1)** A licensed operator shall secure that any taxi for or in respect of which the licensed operator operates a taxi service is a licensed taxi driven by a person holding a taxi driver's licence.

(2) Subject to such exceptions as may be prescribed, a taxi booking shall only be accepted at an operating centre specified in the operator's licence.

(3) A licensed operator shall—

- (a) display a copy of the licensed operator's licence at any operating centre specified in that licence to which any member of the public has access;
- (b) keep such records as may be prescribed of the prescribed particulars of the licensed operator's operation of a taxi service (including, without prejudice to the generality of the foregoing, such particulars as may be prescribed relating to taxis for or in respect of which the licensed operator operates a taxi service, affiliated drivers, taxi bookings and any other provision made of taxis to stand or ply for hire or reward or to carry passengers for hire or reward together with records of the particulars notified to the licensed operator by virtue of subsection (8));
- (c) keep such records as may be prescribed of particulars of any complaints made;
- (d) keep copies of any licences required under this Act and any certificates of insurance required;
- (e) keep such other records or information as may be prescribed;
- (f) at the request of a constable or authorised officer—
  - (i) produce for inspection any documents or records required by this section to be kept;

(ii) provide such copies as may be requested of such documents or records;

(iii) submit such documents or records to the Department.

(4) Any documents or records required to be kept in accordance with paragraphs (b) to (e) of subsection (3) shall be kept at each operating centre which is specified in the licence of the licensed operator as an operating centre at which records are to be kept.

(5) A person who knowingly or recklessly keeps, makes or causes to be kept or made, records required to be kept in accordance with subsection (3)(b) which are false or misleading in any material particular, is guilty of an offence.

(6) If a licensed operator ceases to use an operating centre specified in the licensed operator's licence the licensed operator shall preserve any record which the licensed operator was required by this section to keep there for such period as may be prescribed

(7) Subject to such exceptions as may be prescribed, a person shall not be an affiliated driver of more than one licensed operator at any one time.

(8) An affiliated driver of a licensed operator shall notify that operator of the prescribed particulars of—

(a) any taxi bookings the affiliated driver carries out; and

(b) any other provision the affiliated driver makes of a taxi to stand or ply for hire or reward or to carry passengers for hire or reward,

as soon as reasonably practicable after doing so.

(9) A licensed operator shall deal with any complaints made to the licensed operator concerning the licensed operator's operation of a taxi service in such manner as may be prescribed (and without prejudice to the generality of the foregoing, regulations may include provision for the involvement of the General Consumer Council for Northern Ireland in relation to any such complaints).

(10) A licensed operator who contravenes subsection (1) is guilty of an offence.

(11) A person who contravenes any other provision of this section or of regulations made under this section is guilty of an offence.

(12) It is a defence in proceedings for an offence under this section for a person to show that the person exercised all due diligence to avoid committing such an offence.

#### **Hirings accepted on behalf of another operator**

4.—(1) A licensed operator (“the first operator”) who has accepted a taxi booking may not arrange for another person who requires an operator's licence to provide a taxi to carry out that booking as sub-contractor unless the other

person is a licensed operator and the sub-contracted booking is accepted in accordance with this Act or with any provision made under it.

(2) A licensed operator who contravenes subsection (1) is guilty of an offence.

(3) It is a defence in proceedings for an offence under this section for a licensed operator to show that the licensed operator exercised all due diligence to avoid committing such an offence.

(4) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the first operator and the person who made the booking.

(5) For the avoidance of doubt (and subject to any relevant contract terms), a contract of hire between a person who made a taxi booking in accordance with this Act or with any provision made under it and the licensed operator who accepted the booking remains in force despite the making of arrangements by that operator for another contractor to provide a taxi to carry out that booking as sub-contractor.

## 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.