



2008 CHAPTER 4

PART 3

REGULATION OF DRIVERS OF TAXIS

**Requirement for taxi driver's licence**

**22.—**(1) A person shall not drive a taxi when it is standing or plying for hire or reward or carrying passengers for hire or reward unless the person is the holder of a taxi driver's licence.

(2) Any person who drives a taxi in contravention of subsection (1) is guilty of an offence.

(3) The taxi operator for or in respect of a taxi driven in contravention of subsection (1) and the owner of a taxi who permits it to be driven in contravention of subsection (1) are each guilty of an offence.

(4) The holder of a taxi driver's licence shall not drive a taxi when it is standing or plying for hire or reward or carrying passengers for hire or reward unless the person's taxi driver's licence authorises the person to drive that class of taxi.

(5) Any person who drives a taxi in contravention of subsection (4) is guilty of an offence.

(6) The taxi operator for or in respect of a taxi driven in contravention of subsection (4) and the owner of a taxi who permits it to be driven in contravention of subsection (4) are each guilty of an offence.

(7) It is a defence in proceedings against a taxi operator for an offence under subsection (3) or (6) for the operator to show that the operator exercised all due diligence to prevent the taxi being driven in contravention of subsection (1) or (4) as the case may be.

**Taxi driver's licences**

**23.—**(1) Any person may apply to the Department for a taxi driver's licence.

(2) The Department shall grant a taxi driver's licence to an applicant if it is satisfied that—

(a) the applicant—

(i) subject to subsection (4), is (and has been continuously for at least three years immediately before the date of the applicant's application, or in prescribed circumstances for such lesser period as may be prescribed) authorised to drive a motor car;

(ii) is a fit and proper person to hold a taxi driver's licence; and

(iii) meets any further requirements that may be prescribed (including, without prejudice to the generality of the foregoing, requirements relating to training);

(b) subject to subsection (4), the requirement mentioned in subsection (3) is met; and

(c) any further requirements that may be prescribed are met.

(3) The requirement referred to in subsection (2)(b) is that the applicant shall pass such test of competence to drive a taxi as may be prescribed.

(4) Subsections (2)(a)(i) and (b) shall not apply, for or until such time or for such a period as may be prescribed, to an applicant for a taxi driver's licence under this section who, immediately before the coming into operation of this section, was the holder of a taxi driver's licence granted under Article 79A of the 1981 Order.

(5) A taxi driver's licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Department may think fit.

(6) Without prejudice to the generality of subsection (5), a taxi driver's licence may be subject to the condition that the licence holder may only drive a taxi of such class as may be specified in the licence.

(7) A taxi driver's licence shall be in such form and shall contain such particulars as the Department may think fit.

(8) A taxi driver's licence shall be granted for three years or for such shorter period as the Department may consider appropriate in the circumstances of the case.

(9) An applicant for a taxi driver's licence may by notice appeal to the Department against—

(a) a decision not to grant such a licence; or

(b) any condition (other than a prescribed condition) to which the licence is subject.

(10) 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.

(11) On an appeal under subsection (9), 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.

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

(13) A person who is aggrieved by a decision of the Department under subsection (11) may appeal to a court of summary jurisdiction against any such decision.

(14) For the purposes of subsection (2), a person is authorised to drive a motor car if—

- (a) the person holds a licence granted under Part 2 of the 1981 Order (other than a provisional licence) authorising the person to drive a motor car; or
- (b) the person is authorised by virtue of Article 15A(1) or 19E(1) of that Order (Community licences and Great Britain licences) to drive a motor car in Northern Ireland.

(15) In this section “motor car” means a motor vehicle (other than an invalid carriage or motor cycle (within the meaning given in Article 2(2) of the 1981 Order))—

- (a) which is constructed or adapted to carry not more than 8 passengers in addition to the driver; and
- (b) which has a maximum gross weight (within the meaning given in Part 2 of the 1981 Order) not exceeding 3.5 tonnes.

#### **Issue of driver’s badges etc.**

**24.—**(1) The Department shall issue a badge and such other evidence of identification as it considers appropriate to each person to whom it has granted a taxi driver’s licence.

(2) The Department may prescribe the form of badges and other evidence of identification issued under this section.

(3) A person issued with such a badge and other evidence of identification shall, at all times when acting in accordance with his taxi driver’s licence, wear the badge and display the other evidence of identification in such position and manner as to be plainly and distinctly visible or in such position and manner as may be prescribed.

(4) The Department may by notice exempt a person from the requirement under subsection (3) or under any provision of regulations made under subsection (3), when the person is the driver of a taxi being used to provide a service specified in the notice, if the Department considers it inappropriate (having regard to that service) to require the badge to be worn or the other evidence of identification to be displayed.

(5) Any person who without reasonable excuse contravenes subsection (3) or any provision of regulations made under this section is guilty of an offence.