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2008 CHAPTER 4

PART 4

LICENCES: GENERAL PROVISIONS

VALID FROM 01/09/2012

Applications for licences, etc.

25.—(1) An application for the grant of a licence under this Act shall be made in such form, and include such declarations and information, as the Department may require.

(2) The Department may require an applicant to furnish such further information as it may consider necessary for dealing with the application.

(3) If a person fails without reasonable excuse to furnish information when required to do so under subsection (2), the Department may decline to proceed further with the application and refuse to grant the licence.

(4) The provisions of this Act apply to the renewal of a licence as they apply to the grant of a licence.

VALID FROM 01/09/2012

Power to suspend, revoke or curtail licences

26.—(1) The Department may suspend or revoke a licence under this Act or curtail an operator's licence for any reasonable cause including (without prejudice to the generality of this subsection) any ground mentioned below.

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- (2) The Department may suspend or revoke an operator's licence where—
- (a) the Department is no longer satisfied that the licence holder is fit to hold such a licence; or
 - (b) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on the licence holder by or under this Act.
- (3) The Department may curtail an operator's licence where the licence holder has failed to comply with any condition of the licence or any other obligation imposed on the licence holder by or under this Act.
- (4) For the purposes of this Act references to curtailing an operator's licence are references to directing (with effect for the duration of the remainder of the licence or for any shorter period), either or both of the following, namely—
- (a) that one or more of the taxis for or in respect of which the licensed operator may operate a taxi service at any one time and which are specified in the licence be removed from it;
 - (b) that the maximum number of taxis or the maximum number of taxis of different classes or different classes of use for or in respect of which the licensed operator may operate a taxi service at any one time and which are specified in the licence be reduced.
- (5) The Department may suspend or revoke a taxi licence where—
- (a) the Department is no longer satisfied that the taxi to which the licence relates is fit for use in standing or plying for hire or reward or to carry passengers for hire or reward; or
 - (b) the owner has failed to comply with any condition of the licence or any other obligation imposed on the owner by or under this Act.
- (6) The Department may suspend or revoke a taxi driver's licence where
- (a) the Department is no longer satisfied that the licence holder is fit to hold such a licence; or
 - (b) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on the licence holder by or under this Act.

VALID FROM 01/09/2012

Suspension, revocation and curtailment under section 26: procedure etc.

27.—(1) Where, under section 26, the Department has decided to suspend, revoke or curtail a licence—

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- (a) it shall give notice of the decision and the grounds for the decision to the licence holder or, in the case of a taxi licence, the owner of the taxi to which the licence relates; and
 - (b) (subject to section 35), it shall direct in the notice when the suspension, revocation or curtailment is to take effect.
- (2) A licence suspended under this Act shall remain suspended until such time as the Department by notice directs that the licence is again in force.
- (3) The holder of an operator's or taxi driver's licence, or the owner of a taxi to which a taxi licence relates, may by notice appeal to the Department against a decision under section 26 to suspend, revoke or curtail that licence.
- (4) 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.
- (5) On an appeal under subsection (3), the Department may decide to confirm, reverse or vary the decision as it thinks fit.
- (6) The Department shall, on making a decision under subsection (5), give notice of the decision to the appellant including particulars of the grounds of the decision.
- (7) A person who is aggrieved by a decision of the Department under subsection (5) may appeal to a court of summary jurisdiction against any such decision.

Variation of licence on request

28.—(1) Subject to subsection (2), the Department may, on the application of a licensed operator, vary the licensed operator's licence by adding a reference to a new operating centre or removing an existing reference to an operating centre.

(2) The Department shall not add a reference to a new operating centre unless it is satisfied that the premises in question meet any requirements prescribed under section 2(4)(b).

(3) The Department may, on the application of a licensed operator, vary the licensed operator's licence by—

- (a) adding to or reducing the maximum number of taxis or the maximum or minimum number of taxis of different classes or different classes of use for or in respect of which the licensed operator may operate a taxi service at any one time; or
- (b) varying such other contents, requirements or conditions of the licence as may be prescribed

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(4) The Department may, on the application of the owner of a licensed taxi, vary the taxi licence by varying such contents, requirements or conditions as may be prescribed.

(5) The Department may, on the application of the holder of a taxi driver's licence, vary the taxi driver's licence by varying such contents, requirements or conditions of the licence as may be prescribed.

(6) An application for the variation of a licence under this section shall be made in such form, and include such declarations and information, as the Department may require.

(7) The Department may require an applicant to furnish such further information as it may consider necessary for dealing with the application.

(8) An applicant for the variation of a licence under this section may by notice appeal to the Department against a decision not to vary the licence.

(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 confirm, reverse or vary the decision 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.

Commencement Information

II S. 28 in operation at 8.8.2012 for specified purposes by S.R. 2012/313, art. 2(1), Sch. Pt. 1

VALID FROM 01/09/2012

Variation of operator's licence by Department

29.—(1) The Department may—

- (a) suspend the operation of an operator's licence so far as relating to any operating centre specified in the licence; or
- (b) vary such a licence by removing a reference to an operating centre previously specified in the licence,

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if the Department is no longer satisfied that the operating centre in question meets any requirements prescribed under section 2(4)(b) or for any other reasonable cause.

(2) Where the Department has decided to suspend the operation of a licence as mentioned in subsection (1)(a) or vary a licence in accordance with subsection (1)(b)—

- (a) it shall give notice of the decision and the grounds for it to the licence holder; and
- (b) (subject to section 35), it shall direct in the notice when the decision is to take effect.

(3) A licensed operator may by notice appeal to the Department against a decision under subsection (1)

(4) 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.

(5) On an appeal under subsection (3), the Department may decide to confirm, reverse or vary the decision as it thinks fit.

(6) The Department shall, on making a decision under subsection (5), give notice of the decision to the appellant including particulars of the grounds of the decision.

(7) A person who is aggrieved by a decision of the Department under subsection (5) may appeal to a court of summary jurisdiction against any such decision.

Fees

30.—(1) The Department may by regulations provide for prescribed fees to be payable—

- (a) by an applicant for a licence under this Act, or for the variation of a licence under section 28, on making the application;
- (b) by a person granted a licence or variation, on the grant or variation of the licence and (if the regulations so provide) at such times while the licence is in force as may be prescribed;
- (c) in respect of any testing of a taxi;
- (d) in respect of the issue of a plate, disc, sign or distinguishing mark under section 15;
- (e) in respect of the regulation of taximeters and devices under section 18;
- (f) in respect of the regulation of advertising under section 20(2)(m);
- (g) in respect of any test of competence under section 23(3) to drive a taxi;

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- (h) in respect of the issue of a driver's badge or other evidence of identification under section 24; and
- (i) in respect of the issue of new licences, drivers' badges or other evidence of identification or plates, discs, signs or distinguishing marks in place of those lost or defaced.

(2) Regulations under this section may provide for fees to be payable by instalments, or for fees to be remitted or refunded (in whole or part), in prescribed cases.

(3) The Department may decline to proceed with—

- (a) an application for, or for the variation of, a licence; or
- (b) the grant or variation of a licence,

until any prescribed fee (or instalment) due in respect of the application or grant is paid.

Commencement Information

I2 S. 30 in operation at 8.8.2012 for specified purposes by S.R. 2012/313, art. 2(1), Sch. Pt. 1

VALID FROM 01/09/2012

Production of documents

31.—(1) The holder of an operator's licence or a taxi driver's licence shall at the request of a constable or authorised officer produce that person's licence for inspection.

(2) The holder of an operator's licence shall at the request of a constable or authorised officer produce for inspection any other document relating to or held as a condition of that person's licence.

(3) The owner of a taxi to which a taxi licence relates shall at the request of a constable or authorised officer produce for inspection—

- (a) the taxi licence for that taxi;
- (b) the certificate of the policy of insurance or security required in respect of the taxi by Part 8 of the 1981 Order.

(4) A document required to be produced under this section shall be produced either forthwith or—

- (a) if the request is made by a constable, at a police station agreed by the licence holder or taxi owner and the constable when the request is made (or if there is no agreement, at such place as the constable may reasonably require); or

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- (b) if the request is made by an authorised officer, at such place as the officer may reasonably require,

before the end of the period of 7 days beginning with the day on which the request is made.

(5) A person who without reasonable excuse contravenes this section is guilty of an offence.

VALID FROM 01/09/2012

Return of licences, etc.

32.—(1) The holder of an operator's licence shall return the licence together with such other documents or records as may be prescribed to the Department after the suspension, revocation or curtailment of that licence, within the period of 7 days after the day on which the suspension, revocation or curtailment takes effect.

(2) The owner of a taxi to which a taxi licence relates shall return the licence and the plate, disc, sign or distinguishing mark for that taxi which was issued for the taxi under section 15 to the Department after the suspension or revocation of that licence, within the period of 7 days after the day on which the suspension or revocation takes effect.

(3) The holder of a taxi driver's licence shall return the licence, the driver's badge and any other evidence of identification which the Department has issued under section 24 to the Department after the suspension or revocation of that licence, within the period of 7 days after the day on which the suspension or revocation takes effect.

(4) On the expiry of a licence under this Act, the Department, a constable or an authorised officer may by notice direct the holder of the licence, or the owner of the taxi, to return the licence to the Department within the period of 7 days after the day on which the notice is served on that person.

(5) A direction under subsection (4) may also direct

- (a) the return by the licensed operator of such documents or records as may be prescribed;
- (b) the return by the taxi owner of the plate, disc, sign or distinguishing mark which was issued for the taxi under section 15 (in the case of a taxi licence); or
- (c) the return by the licence holder of the driver's badge and any other evidence of identification which the Department has issued under section 24 (in the case of a taxi driver's licence).

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(6) A person who without reasonable excuse fails to comply with any requirement or direction under this section to return a licence, plate, disc, sign, distinguishing mark, badge or other evidence of identification is guilty of an offence.

(7) A constable or authorised officer may require the removal of the plate, disc, sign or distinguishing mark from a taxi to which an expired, suspended or revoked taxi licence relates following—

- (a) a failure to comply with subsection (2) or a direction under subsection (4) or (5);
- (b) a suspension or revocation of the licence which has immediate effect by virtue of section 35(2).

(8) Where a person has failed to comply with any requirement under subsection (7) to remove a plate, disc, sign or distinguishing mark, the constable or authorised officer may remove and retain it.

Register of licences

33.—(1) The Department shall maintain a register containing the following particulars for each licence issued under this Act, namely—

- (a) the number of the licence, the date on which it is granted and the expiry date;
- (b) in respect of an operator's licence, the name and address of the licensed operator and the address of any operating centre specified in the licence;
- (c) in respect of a taxi licence, the vehicle registration number, the number of any plate, disc, sign or distinguishing mark and the date on which it is granted and any expiry date;
- (d) in respect of a taxi driver's licence, the identification number of the driver; and
- (e) such other particulars as may be prescribed.

(2) The register shall be available for inspection free of charge by members of the public in such a manner or at such a place or places, and during such hours, as are determined by the Department.

Commencement Information

I3 S. 33 in operation at 8.8.2012 for specified purposes by S.R. 2012/313, art. 2(1), Sch. Pt. 1

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Appeals

34.—(1) This section applies to any appeal which lies under this Act to a court of summary jurisdiction against a decision of the Department in relation to, or to an application for, a licence under this Act.

(2) Any such appeal shall be made in accordance with Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

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

(4) In the case of a decision where an appeal lies, the notice of the decision shall state the right of appeal to a court of summary jurisdiction and the time within which an appeal may be brought.

(5) On any appeal the court may make such order as it thinks fit and the order shall (without prejudice to any right of appeal) be binding on the Department.

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Effect of appeal on decision appealed against

35.—(1) Subject to subsection (2), any decision of the Department against which a right of appeal is conferred by this Act shall not take effect until the time for appealing has expired or (where an appeal is brought) until the appeal is disposed of or withdrawn.

(2) Subsection (1) does not apply in relation to a decision to suspend, vary, revoke or curtail a licence if the notice of suspension, variation, revocation or curtailment directs that, in the interests of public safety, the decision is to have immediate effect.

PROSPECTIVE

Regulations in respect of appeals

36 The Department may by regulations make such further provision in respect of appeals under this Act as it considers necessary or expedient.

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