

1991 No. 454

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Taxi Drivers' Licences) Regulations
(Northern Ireland) 1991**

Made 1st October 1991

Coming into operation 21st October 1991

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The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(a) and 79A(b) of the Road Traffic (Northern Ireland) Order 1981(c) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(d) as regards regulations 4(1) and 5(4), makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Taxi Drivers' Licences) Regulations (Northern Ireland) 1991 and shall come into operation on 21st October 1991.

Interpretation

2. In these Regulations—

“the Order” means the Road Traffic (Northern Ireland) Order 1981;

“centre” means a vehicle inspection centre of the Department used by an inspector of vehicles for the inspection of vehicles;

“examiner” means an inspector of vehicles or driving examiner in the Department;

“licence” means a taxi drivers' licence;

“ordinary driving licence” means a licence to drive a motor vehicle granted under Part II of the Order.

PART II

LICENCES

Application for a licence

3.—(1) An application for a licence shall be made to the Department on a form issued by the Department.

(a) See the definition of “Department” and “prescribed”

(b) Article 79A was inserted in the Road Traffic (Northern Ireland) Order 1981 by Part II of Sch. 3 to S.I. 1991/197 (N.I. 3)

(c) S.I. 1981/154 (N.I. 1)

(d) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

(2) The applicant shall furnish all relevant particulars and make any relevant declaration specified in such form.

(3) The applicant shall send with his application any ordinary driving licence or licence to drive a taxi held by him.

(4) A first application shall be accompanied by a certified copy of the applicant's birth certificate or other satisfactory evidence as to his age.

(5) An applicant shall, if requested by the Department, furnish with any application a medical report in such form as the Department may require, signed by a registered medical practitioner not more than 4 months prior to the date on which the licence is to take effect.

Fee for a licence

4.—(1) The fee for a first licence shall be £61·50 and for renewal of a licence shall be £40·00.

(2) The fee shall be paid when application for a licence is made.

Grant of new licences to replace lost, stolen, defaced or destroyed licences

5.—(1) If the holder of a licence satisfies the Department that the licence has been lost, stolen or accidentally defaced or destroyed, the Department shall grant to him a new licence for the remainder of the period for which the original was granted, on payment of the fee prescribed in paragraph (4).

(2) An application for a new licence under paragraph (1) shall be on a form issued by the Department.

(3) In the case of the loss or theft of a licence, if at any time after the issue of a new licence the original licence is found, the licence holder shall take all reasonable steps to obtain it and return it to the nearest centre or any police station.

(4) The fee for a new licence under paragraph (1) shall be £8·80.

Duration and renewal of licence

6. A licence shall, if not revoked or suspended, remain in force for 5 years and may be renewed for a further period of 5 years if application is made to the Department as prescribed by regulation 3.

Conditions of licence

7.—(1) If during the currency of his licence, the licensee changes his address, he shall communicate forthwith particulars of the change to the headquarters of the Vehicle Inspection and Driving Test Branch.

(2) If during the currency of his licence, the licensee is convicted of any offence, he shall communicate immediately in writing particulars of the conviction to said headquarters.

(3) A licensee shall, if requested by the Department, furnish during the currency of his licence, a medical report, signed by a registered medical practitioner, in such form as the Department may require.

(4) While a taxi is being used in standing or plying for hire, or carrying passengers for hire but not in connection with a wedding or a funeral, the driver shall wear a badge supplied by the Department.

(5) The driver shall wear the badge in a conspicuous position on his person.

(6) The driver shall not—

(a) either by writing, drawing or in any other manner, deface, mutilate or add anything to the badge;

(b) transfer the badge to any other person.

(7) Where a licence has been revoked or suspended under regulation 8, the licensee shall return the badge to the Department within 7 days from the date of suspension or revocation.

(8) Save as provided in paragraph (9), on being required to do so by an examiner, or a constable, the licensee shall forthwith produce his licence for examination.

(9) If any person is unable to produce his licence when required to do so in accordance with paragraph (8) it shall be a sufficient compliance with that paragraph if—

(a) in a case where the licence was required by a constable to be produced, within 5 days after the production of the licence was so required, it is produced in person by the licensee for examination at such police station as may have been specified by him at the time its production was required; or

(b) in a case where the licence was required by an examiner to be produced, within 10 days after the production of the licence was so required, it is made available for examination at an office of the Department specified by the examiner at the time its production was required.

Revocation or suspension of licence

8.—(1) The Department may revoke or suspend a licence if—

(a) it has been obtained by misrepresentation;

(b) the licensee fails to comply with a condition upon which the licence has been granted;

(c) the licensee has been convicted of an offence under the Order or an instrument made under it;

(d) the Department becomes aware that the licensee has had an epileptic attack as described in regulation 14(1)(a) or is suffering from any of the disabilities referred to in regulation 14(1)(b);

(e) during the currency of the licence the Department becomes aware that the licensee is not a fit and proper person to hold the licence.

(2) In the event of revocation or suspension—

(a) the Department shall serve written notice on the licensee of such revocation or suspension and shall in the case of suspension specify in the notice the period of suspension;

(b) the notice shall state the reasons for the revocation or suspension; and

(c) the licensee shall acknowledge receipt of such notice in writing to the headquarters of the Vehicle Inspection and Driving Test Branch and deliver up the licence at the place specified in the notice within 7 days.

PART III

TESTS

Definition of test

9. For the purposes of this part "test" means a test of competence to drive a taxi.

Applications for tests

10.—(1) An application for an appointment to take a test shall be made to the Department on a form issued by the Department.

(2) The applicant shall furnish all relevant particulars and make any relevant declaration specified in such form.

(3) The test shall be conducted by an examiner.

(4) The applicant shall be aged 19 years or over.

Requirements as to tests

11.—(1) The examiner must satisfy himself that the person taking the test—

(a) is fully conversant with the contents of the Highway Code;

(b) has sufficient knowledge of the mechanical operation of the vehicle on which he is tested;

(c) is competent to drive the vehicle on which he is tested without danger to, and with due consideration for, other road users; and

(d) is able to perform safely and competently the operations specified in the Schedule.

(2) A person who has passed a test in a vehicle without automatic transmission shall be deemed competent to drive vehicles with automatic transmission.

(3) A person who has passed a test in a vehicle with automatic transmission shall not be deemed competent to drive vehicles without automatic transmission.

(4) In this regulation "vehicle with automatic transmission" means a vehicle in which the driver is not provided with any means whereby he may, independently of the accelerator or the brakes, vary gradually the proportion of the power, provided by the engine, which is transmitted to the road wheels of the vehicle.

Production of a vehicle for tests, etc.

12. A person submitting himself for a test shall—

(a) provide for the purposes of the test a vehicle, which—

(i) is suitable for the purposes of the test, and

(ii) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test, have been removed;

- (b) produce to the examiner who is to conduct his test, his licence or other driving permit by virtue of which he is entitled to drive a motor vehicle of the class described in regulation 13;
- (c) sign the examiner's attendance record;
- (d) allow to travel in the vehicle during the test—
 - (i) the examiner, and
 - (ii) any person appointed by the Department to attend the test for the purpose of supervising it or otherwise.

PART IV

SUPPLEMENTARY

Requirement as to class of vehicle

13. For the purposes of Article 79A(3)(a) of the Order the prescribed class of vehicle is a motor vehicle with a maximum authorised mass not exceeding 3.5 tonnes and not more than 8 seats in addition to the driver's seat.

Disabilities

14.—(1) The Department shall not grant a licence if the applicant—

- (a) has had an epileptic attack since attaining the age of 5 years;
- (b) suffers from any of the following disabilities—
 - (i) any of the disabilities listed in regulation 21 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(a);
 - (ii) abnormal sight in one or both eyes where—
 - (A) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 21st October 1991 the visual acuity is worse than 6/12 with the better eye and worse than 6/36 with the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60, or
 - (B) in any other case, the visual acuity is worse than 6/9 in the better eye and worse than 6/12 in the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60;
 - (iii) sight in only one eye unless—
 - (A) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 21st October 1991 the Department knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/12; or
 - (B) in the case of a person who did not hold an existing licence on 1st January 1983 but who holds an existing licence on 21st October 1991 the Department knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/9;

(a) S.R. 1989 No. 238; relevant amending Regulations are S.R. 1991 No. 98

(iv) diabetes subject to insulin treatment.

(2) In this regulation—

(a) references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale; and

(b) “existing licence” means a licence to drive a taxi granted before 1st April 1991 under Part II of the Order as originally enacted.

Sealed with the Official Seal of the Department of the Environment on 1st October 1991.

(L.S.)

Trevor Pearson

Assistant Secretary

The Department of Finance and Personnel approves regulations 4(1) and 5(4).

Sealed with the Official Seal of the Department of Finance and Personnel on 9th October 1991.

(L.S.)

Doreen Brown

Assistant Secretary

SCHEDULE

(See regulation 11)

OPERATIONS TO BE PERFORMED IN TEST

- A. Start the engine of the vehicle.
- B. Move off straight ahead and at an angle.
- C. Maintain a proper position in relation to a vehicle immediately in front.
- D. Overtake, meet or cross the path of other vehicles and take an appropriate course in relation to other vehicles.
- E. Turn right-hand and left-hand corners correctly.
- F. Stop the vehicle in an emergency and normally, and in the latter case bring it to rest at an appropriate part of the road.
- G. Carry out manoeuvres involving the use of reverse gear.
- H. Indicate his intended actions by giving appropriate signals at appropriate times in a clear and unmistakeable manner.
- I. Act correctly and promptly in response to all signals given by any traffic sign and by any person lawfully directing traffic and any other person using the road.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 6 and Part II of Schedule 3 to the Road Traffic (Amendment) (Northern Ireland) Order 1991 which came into operation on 1st April 1991 introduced into the Road Traffic (Northern Ireland) Order 1981 (the 1981 Order) a new Article 79A which makes provision for the licensing of drivers of taxis.

- (1) Regulation 3 prescribes requirements for making application for a taxi driver's licence.
- (2) Regulation 4 prescribes the fee for a licence (£61·50) or renewal of a licence (£40·00).
- (3) Regulation 5 provides for a licensee who satisfies the Department that his licence has been lost, stolen, or accidentally defaced or destroyed, to have a new licence granted to him subject to payment of a fee (£8·80), for the remainder of the period for which the original licence was granted.
- (4) Regulation 6 prescribes that a licence shall remain in force for a period of 5 years.
- (5) Regulation 7 prescribes the conditions for the holding of a licence.
- (6) Regulation 8 prescribes the circumstances in which the Department may revoke or suspend a licence.
- (7) Regulations 9 to 12 make provision for tests of competence to obtain a taxi driver's licence.
- (8) Regulation 13 prescribes the class of vehicle in respect of which an applicant must hold a licence under Part II of the 1981 Order.
- (9) Regulation 14 prescribes the physical disabilities which would require refusal or revocation of a licence.

Any person who contravenes these Regulations shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £400).