

*These notes refer to the Taxis Act (Northern Ireland)
2008 (c.4) which received Royal Assent on 21 April 2008*

Taxis Act (Northern Ireland) 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Regulation of Taxi Operators

Chapter 1 introduces the new requirement for a taxi operator to apply for and obtain a taxi operator's licence and imposes duties on licensed operators. In addition to these general requirements Chapter 2 sets out the requirements and duties relating to operating a taxi service at separate fares.

Under section 1 a person is required to obtain an operator's licence if he is to operate a taxi service. It will be an offence to operate without a licence. Section 2 outlines the application process, the form of a licence and provides for an appeal. Much of the detail on requirements of the application and the conditions that may be applied to a licence will be included in regulations made under the Act.

Section 3 imposes a number of duties on the licensed operator and affiliated drivers. The operator must use licensed taxis driven by persons holding a taxi driver licence. He must keep certain records relating to the business including regarding affiliated drivers, bookings and complaints. Subject to prescribed exceptions, an affiliated driver must work for only one licensed operator. He must notify the operator of any booking he accepts. Contravention of any obligation, including keeping false or misleading records will be an offence. Section 4 provides that a licensed operator may only sub-contract a booking to another licensed operator. It will be an offence to subcontract work to a non-licensed operator.

Sections 5 to 11 provide for the hiring of taxis at separate fares. These requirements are in addition to the general requirements set out in Chapter 1. An operator will be allowed to operate a taxi service at separate fares in three ways: in compliance with a Departmental taxi-sharing scheme made by order under section 6, by advance booking and consent of passengers under section 7 and when the operator is so authorised under his operator's licence in accordance with section 8. Section 9 requires an applicant for a licence authorising separate fares to provide certain specified information about the services the applicant is to provide. Any contravention of these provisions will be an offence.

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Section 10 sets out the factors that the Department will take into consideration when deciding whether to authorise an operator under section 8 to operate a service at separate fares including the suitability of routes. An applicant who already holds a road service licence granted under the Transport Act (NI) 1967 or who satisfies other prescribed requirements will not be subject to the requirements of section 10. The Department will consider representations from other licensed operators and certain specified bodies. Section 11 provides for an appeal against the Department's decision.