



## 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.

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*Changes to legislation: Taxis Act (Northern Ireland) 2008, PART 3 is up to date with all changes known to be in force on or before 19 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### Commencement Information

II S. 22 in operation at 31.10.2014 by S.R. 2014/238, art. 2(2), Sch. Pt. 2

#### 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);

[<sup>F1</sup>(aa) the applicant is not disqualified by reason of the applicant's immigration status from driving a taxi;]

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

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

[<sup>F2</sup>(2A) In determining for the purposes of subsection (2) whether an applicant is disqualified by reason of the applicant's immigration status from driving a taxi, the Department must have regard to any guidance issued by the Secretary of State.]

(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.

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

(8) [F<sup>3</sup>Subject to section 23A, 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.

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#### Textual Amendments

- F1** S. 23(2)(aa) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 48(2)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)
- F2** S. 23(2A) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 48(3)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)
- F3** Words in s. 23(8) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 5 para. 48(4)** (with Sch. 5 para. 54); S.I. 2016/1037, reg. 5(i) (with reg. 6)

#### Commencement Information

- I2** S. 23(1)-(7) s. 23(9)-(15) in operation at 24.9.2014 for specified purposes by S.R. 2014/238, art. 2(1), **Sch. Pt. 1**
- I3** S. 23(1)-(7) s. 23(9)-(15) in operation at 31.10.2014 in so far as not already in operation by S.R. 2014/238, art. 2(2), **Sch. Pt. 2**

#### [<sup>F4</sup>Taxi driver's licences for persons subject to immigration control

**23A.**—(1) Subsection (2) applies if—

- (a) a taxi driver's licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
- (b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
- (c) apart from subsection (2), the period for which the licence would have been granted would have ended after the end of the leave period.

(2) The licence must be granted for a period which ends at or before the end of the leave period.

(3) Subsection (4) applies if—

- (a) a taxi driver's licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
- (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).

(4) The licence must be granted for a period which does not exceed six months.

(5) A taxi driver's licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a taxi.

(6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return to the Department—

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- (a) the licence,
- (b) the person's driver's badge, and
- (c) any other evidence of identification which the Department has issued under section 24.

(7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return to the Department—

- (a) the licence,
- (b) the person's driver's badge, and
- (c) any other evidence of identification which the Department has issued under section 24.

(8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence.]

#### Textual Amendments

- F4** S. 23A inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 5 para. 49](#) (with [Sch. 5 para. 54](#)); [S.I. 2016/1037, reg. 5\(i\)](#) (with [reg. 6](#))

#### 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.

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**Commencement Information**

**I4** S. 24 in operation at 31.10.2014 by [S.R. 2014/238](#), art. 2(2), [Sch. Pt. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SR 2014/300 art. 2 Sch. Pt. 2 and 3 by [S.R. 2015/257 art. 2](#)