



2008 CHAPTER 4

PART 1

REGULATION OF TAXI OPERATORS

CHAPTER 1

GENERAL

**Requirement for operator's licence**

1.—(1) Subject to subsection (2), a person shall not operate a taxi service unless the person is the holder of an operator's licence (in this Act referred to as a "licensed operator").

(2) The requirement under subsection (1) to hold an operator's licence shall not apply to a person who, in standing or plying for hire or reward or to carry passengers for hire or reward, drives a taxi for or in respect of which a licensed operator operates a taxi service (in this Act referred to as an "affiliated driver").

(3) A person who operates a taxi service in contravention of this section is guilty of an offence.

(4) For the purposes of this Act, "operate a taxi service" means, in the course of business—

- (a) to make provision for or in connection with the invitation or acceptance of, or to accept, a taxi booking; or
- (b) to make any other provision for or in connection with, or otherwise to provide, a taxi to stand or ply for hire or reward or to carry passengers for hire or reward,

subject to such exceptions as may be prescribed

### **Operator's licences**

2.—(1) Any person may apply to the Department for an operator's licence.

(2) An application under this section shall state the address, which shall be in Northern Ireland, of any premises which the applicant proposes to use as an operating centre.

(3) An operator's licence may be granted in respect of the operation of such different types of taxi service as may be prescribed.

(4) The Department shall grant an operator's licence to the applicant if it is satisfied that—

- (a) the applicant—
  - (i) is a fit and proper person to hold an operator's licence; and
  - (ii) meets any further requirements that may be prescribed; and
- (b) any further requirements that may be prescribed (which may include requirements relating to operating centres) are met.

(5) An operator's licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Department may think fit (including, without prejudice to the generality of this subsection, conditions specifying the maximum number of taxis or the maximum or minimum number or percentage of taxis of different classes or different classes of use for or in respect of which a taxi operator may operate a taxi service at any one time).

(6) An operator's licence shall—

- (a) specify the address of any premises in Northern Ireland which the licensed operator may use as an operating centre;
- (b) be in such form and contain such particulars as the Department may think fit.

(7) An operator's licence shall be granted for five years or such shorter period as may be prescribed or such shorter period as the Department may consider appropriate in the circumstances of the case.

(8) An applicant for an operator's licence may by notice appeal to the Department against—

- (a) a decision not to grant such a licence;
- (b) a decision not to specify an address proposed in the application as an operating centre;
- (c) a decision to grant such a licence in respect of the operation of a particular type of taxi service; or
- (d) any condition (other than a prescribed condition) to which the licence is subject.

(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—

- (a) confirm, reverse or vary the decision; or
- (b) approve, revoke or vary the condition,

(as the case may be) 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.

#### **Duties of licensed operators, etc.**

**3.—**(1) A licensed operator shall secure that any taxi for or in respect of which the licensed operator operates a taxi service is a licensed taxi driven by a person holding a taxi driver's licence.

(2) Subject to such exceptions as may be prescribed, a taxi booking shall only be accepted at an operating centre specified in the operator's licence.

(3) A licensed operator shall—

- (a) display a copy of the licensed operator's licence at any operating centre specified in that licence to which any member of the public has access;
- (b) keep such records as may be prescribed of the prescribed particulars of the licensed operator's operation of a taxi service (including, without prejudice to the generality of the foregoing, such particulars as may be prescribed relating to taxis for or in respect of which the licensed operator operates a taxi service, affiliated drivers, taxi bookings and any other provision made of taxis to stand or ply for hire or reward or to carry passengers for hire or reward together with records of the particulars notified to the licensed operator by virtue of subsection (8));
- (c) keep such records as may be prescribed of particulars of any complaints made;
- (d) keep copies of any licences required under this Act and any certificates of insurance required;
- (e) keep such other records or information as may be prescribed;
- (f) at the request of a constable or authorised officer—
  - (i) produce for inspection any documents or records required by this section to be kept;

(ii) provide such copies as may be requested of such documents or records;

(iii) submit such documents or records to the Department.

(4) Any documents or records required to be kept in accordance with paragraphs (b) to (e) of subsection (3) shall be kept at each operating centre which is specified in the licence of the licensed operator as an operating centre at which records are to be kept.

(5) A person who knowingly or recklessly keeps, makes or causes to be kept or made, records required to be kept in accordance with subsection (3)(b) which are false or misleading in any material particular, is guilty of an offence.

(6) If a licensed operator ceases to use an operating centre specified in the licensed operator's licence the licensed operator shall preserve any record which the licensed operator was required by this section to keep there for such period as may be prescribed

(7) Subject to such exceptions as may be prescribed, a person shall not be an affiliated driver of more than one licensed operator at any one time.

(8) An affiliated driver of a licensed operator shall notify that operator of the prescribed particulars of—

(a) any taxi bookings the affiliated driver carries out; and

(b) any other provision the affiliated driver makes of a taxi to stand or ply for hire or reward or to carry passengers for hire or reward,

as soon as reasonably practicable after doing so.

(9) A licensed operator shall deal with any complaints made to the licensed operator concerning the licensed operator's operation of a taxi service in such manner as may be prescribed (and without prejudice to the generality of the foregoing, regulations may include provision for the involvement of the General Consumer Council for Northern Ireland in relation to any such complaints).

(10) A licensed operator who contravenes subsection (1) is guilty of an offence.

(11) A person who contravenes any other provision of this section or of regulations made under this section is guilty of an offence.

(12) It is a defence in proceedings for an offence under this section for a person to show that the person exercised all due diligence to avoid committing such an offence.

#### **Hirings accepted on behalf of another operator**

4.—(1) A licensed operator (“the first operator”) who has accepted a taxi booking may not arrange for another person who requires an operator's licence to provide a taxi to carry out that booking as sub-contractor unless the other

person is a licensed operator and the sub-contracted booking is accepted in accordance with this Act or with any provision made under it.

(2) A licensed operator who contravenes subsection (1) is guilty of an offence.

(3) It is a defence in proceedings for an offence under this section for a licensed operator to show that the licensed operator exercised all due diligence to avoid committing such an offence.

(4) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the first operator and the person who made the booking.

(5) For the avoidance of doubt (and subject to any relevant contract terms), a contract of hire between a person who made a taxi booking in accordance with this Act or with any provision made under it and the licensed operator who accepted the booking remains in force despite the making of arrangements by that operator for another contractor to provide a taxi to carry out that booking as sub-contractor.