



## 2008 CHAPTER 4

### PART 2

#### REGULATION OF TAXIS

##### Requirement for taxi licence

**12.**—(1) A taxi shall not be used in standing or plying for hire or reward or to carry passengers for hire or reward except under a licence which is in force for that taxi (in this Act referred to as a “taxi licence”).

(2) The driver of a taxi and the taxi operator for or in respect of a taxi used in contravention of this section are each guilty of an offence.

(3) The owner of a taxi who permits it to be used in contravention of this section is guilty of an offence.

(4) It is a defence in proceedings for an offence under subsection (2) for the driver or operator to show that the driver or operator (as the case may be) exercised all due diligence to prevent the taxi being used in contravention of this section.

##### Commencement Information

**II** S. 12 in operation at 31.5.2016 by S.R. 2015/389, art. 2(3), Sch. Pt. 3

##### Taxi licences

**13.**—(1) The owner of any taxi may apply to the Department for a taxi licence for that taxi.

(2) A taxi licence may be granted in respect of—

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- (a) taxis of such different classes as may be prescribed; and
  - (b) such different classes of use of taxis as may be prescribed.
- (3) The Department shall grant a taxi licence for a taxi if it is satisfied that—
- (a) the taxi—
    - (i) is suitable in such type, size and design as may be prescribed for use in standing or plying for hire or reward or to carry passengers for hire or reward;
    - (ii) meets such conditions as may be prescribed (which may include conditions relating to its age) to ensure that it is safe, comfortable and in a suitable mechanical condition for that use; and
    - (iii) meets any further requirements or conditions that may be prescribed
  - (b) there is in force in relation to the use of the taxi a policy of insurance or such security as complies with the requirements of Part 8 of the 1981 Order; and
  - (c) any further requirements that may be prescribed are met.
- (4) A taxi licence may not be granted in respect of more than one taxi.
- (5) A taxi licence shall be granted subject to such conditions as may be prescribed and such other conditions as the Department may think fit.
- (6) A taxi licence shall be in such form and shall contain such particulars as the Department may think fit.
- (7) A taxi licence shall be granted for one year or for such shorter period as the Department may consider appropriate in the circumstances of the case.
- (8) An applicant for a taxi licence may by notice appeal to the Department against—
- (a) a decision not to grant such a licence;
  - (b) a decision to grant such a licence in respect of a particular class of taxi or a particular class of use of taxi; or
  - (c) 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.

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(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

- I2** S. 13 in operation at 9.12.2014 for specified purposes by S.R. 2014/300, art. 2(1), **Sch. Pt. 1**
- I3** S. 13 in operation at 31.5.2016 in so far as not already in operation by S.R. 2015/389, art. 2(3), **Sch. Pt. 3**
- I4** S. 13(1) in operation at 9.5.2016 for specified purposes by S.R. 2015/389, art. 2(2), **Sch. Pt. 2**

#### Duties of owners of licensed taxis

**14.—(1)** This section applies to the owner of any licensed taxi.

(2) Subject to subsection (3), the owner shall present the taxi for inspection and testing by or on behalf of the Department within such period and at such place as the Department may by notice reasonably require.

(3) The taxi shall not be required to be presented under subsection (2) on more than three separate occasions during any one period of 12 months.

(4) The owner shall (without prejudice to Article 175 of the 1981 Order) report any accident to the taxi materially affecting—

- (a) the safety, performance or appearance of the taxi; o
- (b) the comfort or convenience of persons carried in the taxi,

to the Department as soon as reasonably practicable and in any case within 72 hours of the accident occurring.

(5) If the ownership of the taxi changes, the person who was previously the owner shall within 14 days of the change—

- (a) give notice to the Department of that fact and the name and address of the new owner; and
- (b) return to the Department the taxi licence and the plate, disc, sign or distinguishing mark which was issued for the taxi under section 15.

(6) A person who, without reasonable excuse, contravenes any provision of this section is guilty of an offence.

#### Commencement Information

- I5** S. 14 in operation at 31.5.2016 by S.R. 2015/389, art. 2(3), **Sch. Pt. 3**

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### Identification of licensed vehicles

**15.—(1)** The Department shall issue a plate, disc, sign or distinguishing mark (or any combination of these) for each licensed taxi which identifies it as a taxi for which a taxi licence has been granted.

(2) No licensed taxi shall be used in standing or plying for hire or reward or to carry passengers for hire or reward unless the plate, disc, sign or distinguishing mark issued under this section is exhibited in or on the taxi in such manner as may be prescribed.

(3) The driver of a taxi and the taxi operator for or in respect of a taxi used in contravention of subsection (2) are each guilty of an offence.

(4) The owner of a taxi who permits it to be used in contravention of subsection (2) is guilty of an offence.

(5) It is a defence in proceedings for an offence under subsection (3) for the operator to show that the operator exercised all due diligence to prevent the taxi being used in contravention of subsection (2).

#### Commencement Information

- I6** S. 15 in operation at 9.12.2014 for specified purposes by S.R. 2014/300, art. 2(1), Sch. Pt. 1
- I7** S. 15 in operation at 31.5.2016 in so far as not already in operation by S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Regulation of fares, etc.

**16.—(1)** The Department may by regulations provide, subject to such exceptions as may be prescribed—

- (a) for the fixing of maximum rates or fares to be charged for, and the maximum for all other charges in connection with, the hire of taxis or the carriage of passengers for hire or reward by taxis (including, without prejudice to the generality of the foregoing, charges in respect of any kind of damage to taxis caused by passengers); and
- (b) for preventing the driver of a taxi or any other person from demanding additional rates, fares or charges or more than the maximum rate, fare or charge so fixed.

(2) Without prejudice to the generality of subsection (1), regulations under this section may, in respect of the carriage of passengers at separate fares, include provision for the fixing of the maximum rate or fare to be charged for or in respect of each passenger.

(3) Before the Department makes any regulations under this section, it shall take into consideration any recommendations made by the General Consumer Council for Northern Ireland

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

#### Commencement Information

- I8** S. 16 in operation at 2.12.2015 for specified purposes by [S.R. 2015/389, art. 2\(1\), Sch. Pt. 1](#)
- I9** S. 16 in operation at 31.5.2016 in so far as not already in operation by [S.R. 2015/389, art. 2\(3\), Sch. Pt. 3](#)

#### Display and publication, etc. of fares

**17.—(1)** Subject to such exceptions as may be prescribed, rates, fares or charges shall be displayed, in such form and in such manner as may be prescribed—

- (a) in a taxi; and
- (b) at any operating centre to which any member of the public has access and at which taxi bookings are accepted for or in respect of that taxi.

(2) Subject to such exceptions as may be prescribed, changes to rates, fares or charges shall be notified to the Department within such time in advance of the changes and in such manner as may be prescribed.

(3) The Department may make regulations securing the due publication of rates, fares or charges.

(4) A person who contravenes subsection (1) or (2) or any provision of regulations made under this section is guilty of an offence.

#### Commencement Information

- I10** [S. 17\(1\)\(3\)](#) in operation at 2.12.2015 for specified purposes by [S.R. 2015/389, art. 2\(1\), Sch. Pt. 1](#)
- I11** [S. 17\(1\)\(3\)](#) in operation at 31.5.2016 in so far as not already in operation by [S.R. 2015/389, art. 2\(3\), Sch. Pt. 3](#)
- I12** [S. 17\(4\)](#) in operation at 31.5.2016 by [S.R. 2015/389, art. 2\(3\), Sch. Pt. 3](#)

#### Regulation of taximeters etc.

**18.—(1)** Subject to such exceptions as may be prescribed, a taxi shall be fitted with—

- (a) a taximeter; and
- (b) a device constructed or adapted for the production of receipts,

in accordance with regulations made under this section.

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(2) A taxi shall not be fitted with more than one taximeter and device referred to in subsection (1)(b).

(3) A taximeter and a device referred to in subsection (1)(b) shall be of a type approved by the Department.

(4) Subject to such exceptions as may be prescribed, the driver of a taxi shall, on payment of the fare, issue a receipt produced by the device referred to in subsection (1)(b) to the person who hired the taxi or paid the fare.

(5) Regulations may make provision for—

- (a) inspection, testing and sealing of the taximeters and devices referred to in subsection (1)(b);
- (b) operation of the taximeters and devices;
- (c) display of tariffs;
- (d) form and manner of production or issue of receipts;
- (e) prescribed details to be included on receipts;
- (f) such other requirements as may be prescribed.

(6) If a taxi is used in standing or plying for hire or reward or to carry passengers for hire or reward in contravention of this section or any provision of regulations made under it, the owner of the taxi, driver of the taxi and taxi operator for or in respect of the taxi are each guilty of an offence

(7) It is a defence in proceedings for an offence under subsection (6) for the owner, driver or operator to show that the owner, driver or operator (as the case may be) exercised all due diligence to prevent the taxi being used in contravention of this section.

(8) A person who unlawfully tampers with a taximeter or device referred to in subsection (1)(b) is guilty of an offence.

#### **Commencement Information**

- I13** S. 18(1)(4)(5) in operation at 2.12.2015 for specified purposes by S.R. 2015/389, art. 2(1), Sch. Pt. 1
- I14** S. 18(1)(4)(5) in operation at 31.5.2016 in so far as not already in operation by S.R. 2015/389, art. 2(3), Sch. Pt. 3
- I15** S. 18(2)(3)(6)-(8) in operation at 31.5.2016 by S.R. 2015/389, art. 2(3), Sch. Pt. 3

#### **Taxis not to carry more than the prescribed number of persons**

**19.—(1)** A taxi shall not carry a greater number of persons than that prescribed for the taxi.

(2) If a greater number of persons than that prescribed for the taxi is carried in a taxi, the driver of the taxi is guilty of an offence.

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#### Commencement Information

**I16** S. 19 in operation at 9.12.2014 for specified purposes by S.R. 2014/300, art. 2(1), Sch. Pt. 1

**I17** S. 19 in operation at 31.5.2016 in so far as not already in operation by S.R. 2015/389, art. 2(3), Sch. Pt. 3

#### Regulations concerning taxis or use of taxis

**20.—(1)** The Department may make regulations generally as to taxis or as to the use of taxis in standing or plying for hire or reward or to carry passengers for hire or reward, and such regulations may apply to taxis generally or to taxis of a particular class or to taxis of a particular class of use.

(2) Without prejudice to the generality of subsection (1), regulations may, in particular, make provision for any of the following purposes—

- (a) providing that only taxis of such class or class of use as may be prescribed may stand at places which may be used as stands for taxis or (in connection with the operation of a taxi service) make use of such other places as may be prescribed;
- (b) providing that only taxis of such class or class of use as may be prescribed may stand or ply for hire or reward within such distance as may be prescribed of any such places referred to in paragraph (a);
- (c) enforcing order at and regulating the use of places referred to in paragraph (a);
- (d) providing for persons to manage, and regulating the management of, the use of places referred to in paragraph (a);
- (e) regulating the display of signs, information and fares at places referred to in paragraph (a);
- (f) prescribing the distance for which and circumstances in which drivers of taxis shall be obliged to carry passengers for hire or reward;
- (g) regulating the manner in which taxis are to be identified (which may include regulating the colour of taxis);
- (h) regulating the number of persons who may be carried in any taxi, the space to be allotted to each such person, and the manner in which such number and space are to be indicated upon the taxi;
- (i) regulating the manner in which taxis are to be furnished or fitted;
- (j) ensuring that taxis are fit for use to stand or ply for hire or reward or to carry passengers for hire or reward
- (k) ensuring the safety of persons carried in taxis;
- (l) providing for the inspection and testing of taxis for the purpose of ensuring that they are fit for use to stand or ply for hire or reward or to carry

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passengers for hire or reward and that persons may safely be carried in them;

- (m) regulating the advertising on, in, for or in respect of taxis (and for the purposes of this section, “advertising” includes every form of advertising (whatever the medium));
- (n) regulating any monitoring or surveillance for or in respect of taxis;
- (o) regulating the conduct of passengers and of persons employed in connection with taxis;
- (p) securing the safe custody and delivery to its owner of any property accidentally left in taxis and fixing the charges to be paid in respect of safe-keeping and delivery and empowering prescribed persons to cause such property to be sold, or given to the finder, in the event of its not being claimed within a prescribed time.

(3) If a person acts in contravention of any regulations under this section, and the contravention is not made an offence under any other statutory provision, the person is guilty of an offence.

#### Commencement Information

**I18** S. 20 in operation at 9.12.2014 for specified purposes by S.R. 2014/300, art. 2(1), Sch. Pt. 1

**I19** S. 20 in operation at 31.5.2016 in so far as not already in operation by S.R. 2015/389, art. 2(3), Sch. Pt. 3

#### Orders concerning taxis, taxi stands etc.

**21.**—(1) After Part 4 of the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2) there shall be inserted the following Part—

### “PART 4A

#### TAXIS

##### Taxi regulation orders

**27A.**—(1) The Department may by order (a “taxi regulation order”) make provision for all or any of the following purposes—

- (a) for preventing taxis from standing or plying for hire or reward on, or preventing taxis from using except in accordance with the order, specified roads or lengths of roads;
- (b) for providing which length of roads may be used as stands for taxis;



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- (c) for regulating the number of taxis which may stand at each stand and fixing the charges to be made and the time during which taxis may remain there;
- (d) for regulating the times and intervals at, and the order in which, taxis may enter or leave such stands;
- (e) for reserving particular stands for the use of taxis or of taxis plying on particular routes and excluding from those stands all other vehicles and generally regulating access to and the use of those stands.

(2) Any person who contravenes a taxi regulation order is guilty of an offence

(3) Schedule 4A (which makes further provision in relation to taxi regulation orders) shall have effect.

(4) In this Article (and in Schedule 4A) “taxi” means a taxi within the meaning of the Taxis Act (Northern Ireland) 2008.”.

(2) After Schedule 4 to the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2) there shall be inserted the following Schedule—

“SCHEDULE 4A

ORDERS UNDER ARTICLE 27A

1. The Department shall comply with paragraphs 2 and 3 before making an order under Article 27A.

2. The Department shall consult such persons as it considers appropriate.

3.—(1) The Department shall publish a notice including the particulars specified in sub-paragraph (2).

(2) The particulars which the notice must contain are—

- (a) the title of the order;
- (b) a statement of the general nature and effect of the order;
- (c) the name or a brief description of any road or taxi stand to which the order will apply;
- (d) an address in that area where a copy of the draft order and any relevant map or plan may be inspected by any person free of charge at all reasonable hours during the period mentioned in head (e); and
- (e) the period during which, and the address to which, objections or other representations may be made, and a statement that all objections or other representations must be in writing and must specify the grounds on which they are made.

(3) The period specified under sub-paragraph (2)(e) shall not be less than 21 days from the date of the publication or last publication of the notice.

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(4) Publication of a notice under sub-paragraph (1) shall be in a newspaper circulating in the area in which any road to which the order relates is situated.

(5) The Department shall consider any objections or other representations made within the period specified under sub-paragraph (2)(e).

4. Before making an order under Article 27A, the Department may hold a public inquiry.

5. The Department may make an order under Article 27A with or without omissions and other modifications

6. When the Department makes an order under Article 27A, it shall—

(a) notify—

(i) any person consulted under paragraph 2; and

(ii) any person who made objections or other representations in accordance with paragraph 3; and

(b) publish in a newspaper circulating in the area in which any road to which the order relates is situated a notice stating that the order has been made.”.

(3) In paragraph 7A of Schedule 3 to the Statutory Rules (Northern Ireland) Order 1979 (NI 12) (statutory rules exempted from requirement as to printing and sale), after “15,” there shall be inserted “ 27A, ”.

(4) In Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) (prosecution and punishment of offences) after the entry relating to Article 24 of the Road Traffic Regulation (Northern Ireland) Order 1997, insert—

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“Article 27A	Contravention of taxi regulation order	Summarily	Level 3 on the standard scale”
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**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](#)