

*Status: This version of this part contains provisions that are prospective.*  
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## 2008 CHAPTER 4

### PART 6

#### MISCELLANEOUS AND GENERAL

PROSPECTIVE

##### **Access to information**

**49.**—(1) The Department may make any information held by it for the purposes of this Act available to—

- (a) constables;
- (b) police support staff;
- (c) such other persons as may be prescribed.

(2) In respect of any information made available under subsection (1) the Department may by regulations—

- (a) determine the purposes for which persons may be given access to the information;
- (b) determine the circumstances in which any of the information to which those persons have been given access may be further disclosed by them.

(3) In this section “information” means information held in any form.

##### **Publication of information**

**50.**—(1) The Department may publish, in such form and manner as it thinks appropriate, information in connection with the provisions of this Act.

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(2) Before the Department publishes any such information under subsection (1), it shall take into consideration any recommendations made by the General Consumer Council for Northern Ireland.

#### Commencement Information

**I1** S. 50 in operation at 1.9.2012 by S.R. 2012/313, art. 2(2), Sch. Pt. 2

PROSPECTIVE

#### Payment of grants

**51.—(1)** The Department may, with the approval of the Department of Finance and Personnel, pay such grants to such persons or bodies as it considers appropriate in connection with any provision of, or the purposes of, this Act.

(2) Grants under this section may be subject to such terms and conditions as the Department may, with the approval of the Department of Finance and Personnel, determine.

#### Training

**52.** Without prejudice to any other provision of this Act, the Department may by regulations make provision requiring training for or in respect of any person in connection with this Act.

#### Commencement Information

**I2** S. 52 in operation at 24.9.2014 for specified purposes by S.R. 2014/238, art. 2(1), Sch. Pt. 1

**I3** S. 52 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

#### Service of notices

**53.** For the purposes of section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33), subsection (1) shall have effect with the omission of the word “registering”.

#### Commencement Information

**I4** S. 53 in operation at 1.9.2012 by S.R. 2012/313, art. 2(2), Sch. Pt. 2

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**Application of other statutory provisions**

**54.—**(1) Articles 59 to 66 of the 1981 Order shall not apply to taxis, in so far as those provisions relate to any matter in relation to which requirements are or could be imposed by or under this Act.

(2) Part 2 of the Transport Act (Northern Ireland) 1967 (c. 37) shall not apply to the use of a taxi to stand or ply for hire or reward or to carry passengers for hire or reward.

<sup>F1</sup>(3) .....

(4) Notwithstanding anything in Article 215 of the 1981 Order or Article 109 of the 1995 Order, the provisions of those Orders, in so far as they relate to taxis, shall have effect in relation to the Belfast Harbour Commissioners or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to, and regulating motor traffic on, roads, and a road vested in, or under the control of, any such harbour commissioners, shall be deemed for the purposes of those Orders to be a road to which the public has access.

(5) For the purposes of those provisions as applied by subsection (4) to a road in the Belfast Harbour Estate a member of the Belfast Harbour Police shall have the same powers as a member of the Police Service of Northern Ireland has in relation to other roads.

**Textual Amendments**

**F1** S. 54(3) repealed (5.10.2015) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\), ss. 21\(4\)\(d\), 48\(2\), Sch. 2](#); [S.R. 2015/284, art. 2\(1\), Sch.](#)

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**Commencement Information**

**I5** S. 54 partly in operation; s. 54 not in operation at Royal Assent see s. 59; s. 54(1) in operation for certain purposes at 23.11.2009 by [S.R. 2009/352, art. 2, Sch.](#); s. 54(4)(5) in operation at 23.11.2009 by [S.R. 2009/352, art. 2, Sch.](#)

**I6** [S. 54\(1\)](#) 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](#)

**Ancillary and transitional provisions etc.**

**55.—**(1) The Department may by order make such incidental, supplementary, consequential, transitory, transitional or saving provisions as it considers necessary or expedient for the purposes of, in consequence of or for giving full effect to this Act or any provision of it, or in connection with the coming into operation of any provision of this Act.

(2) An order under this section may amend, repeal or modify any statutory provision (including this Act).

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(3) The power conferred by this section is not restricted by any other provision of this Act.

(4) Subsection (5) applies to byelaws made or having effect as if made under Article 65 of the 1981 Order which—

- (a) relate to taxis; and
- (b) are in force immediately before the coming into operation of section 54(1).

(5) Notwithstanding anything in section 54(1)—

- (a) provisions of those byelaws which could have been included in an order under Article 27A of the Road Traffic Regulation (Northern Ireland) Order 1997 shall have effect as if contained in such an order; and
- (b) any other provisions of those byelaws shall have effect as if contained in regulations made under section 20

*General*

**Orders and regulations**

56.—(1) The Department may make regulations for any purpose for which regulations may be made under this Act or for prescribing anything which falls to be prescribed under any provision of this Act.

(2) Any orders or regulations under this Act may contain such incidental, supplementary, consequential, transitory, transitional or saving provisions as the Department (or the <sup>F2</sup>Department of Justice] in the case of regulations under section 42) considers necessary or expedient.

(3) Without prejudice to the operation of section 17(5) of the Interpretation Act (Northern Ireland) 1954 (c. 33), any orders or any regulations made under this Act may be of a local, as opposed to public general, nature and may be limited in their application to a particular area.

(4) <sup>F3</sup>An] order (except an order under section 59) or regulations under this Act shall be subject to negative resolution.

(5) <sup>F4</sup> .....

**Textual Amendments**

- F2** Words in s. 56(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 92(3)(a) (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F3** Word in s. 56(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 92(3)(b) (with arts. 28-31); S.I. 2010/977, art. 1(2)

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**F4** S. 56(5) omitted (12.4.2010) by virtue of [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, **Sch. 14 para. 92(3)(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### **[<sup>F5</sup>Persons disqualified by reason of immigration status**

**56A.—(1)** For the purposes of this Act a person is disqualified by reason of the person's immigration status from carrying on a licensable activity if the person is subject to immigration control and—

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person's leave to enter or remain in the United Kingdom—
  - (i) is invalid,
  - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
  - (iii) is subject to a condition preventing the person from carrying on the licensable activity.

(2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—

- (a) the person is to be treated for the purposes of this Part as if the person had been granted leave to enter the United Kingdom, but
- (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.

(3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.

(4) For the purposes of this section a person carries on a licensable activity if the person—

- (a) operates a taxi service, or
- (b) drives a taxi.

#### **Textual Amendments**

**F5** Ss. 56A, 56B inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 5 para. 53**; S.I. 2016/1037, **reg. 5(i)** (with **reg. 6**)

### **Immigration offences and immigration penalties**

**56B.—(1)** In this Act “immigration offence” means—

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- (a) an offence under any of the Immigration Acts,
  - (b) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (SI 1983/1120 (NI 13)) of attempting to commit an offence within paragraph (a), or
  - (c) an offence under Article 9 of that Order of conspiracy to commit an offence within paragraph (a).
- (2) In subsection (1)(a)—
- (a) “the Immigration Acts” has the meaning given by section 61(2) of the UK Borders Act 2007, and
  - (b) the reference to an offence under any of the Immigration Acts includes an offence under section 133(5) of the Criminal Justice and Immigration Act 2008 (breach of condition imposed on designated person).
- (3) In this Act “immigration penalty” means a penalty under—
- (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (4) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 15(3) of that Act, or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (5) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (6) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 24 of that Act, or
  - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (7) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—

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- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period, and
- (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.]

#### Textual Amendments

- F5** Ss. 56A, 56B inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 5 para. 53](#); [S.I. 2016/1037](#), reg. 5(i) (with reg. 6)

#### Interpretation

**57.—(1)** In this Act—

“the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981 (NI 1);

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995 (NI 18);

“affiliated driver” has the meaning given by section 1(2);

“authorised officer” means a vehicle examiner or an officer authorised in writing by the Department for the purposes of this Act;

“the Department” means the Department of the Environment;

“driver”, where a separate person acts as steersperson of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle;

“licensed operator” has the meaning given by section 1(1);

“licensed taxi” means a taxi for which there is in force a taxi licence;

“motor vehicle” has the same meaning as in the 1981 Order;

“notice” means notice in writing;

“operate a taxi service” has the meaning given by section 1(4);

“operating centre” means premises at or from which a taxi operator operates a taxi service;

“operator's licence” means a licence under section 2;

“owner”, in relation to a vehicle, means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c. 22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered

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“premises” includes any place (including premises occupied as a private dwelling, any installation on land or any movable structure), but (except for the purposes of a power of entry under section 38(3)) does not include any vehicles;

“prescribed” means prescribed by regulations;

“regulations” (except in sections 41, 42 and 56) means regulations made by the Department;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“taxi” means a motor vehicle constructed or adapted to carry not more than 8 passengers in addition to the driver—

- (a) which is used in standing or plying for hire or reward; or
- (b) which is provided with the services of a driver and is used to carry passengers for hire or reward in the course of business of carrying passengers,

but does not include any vehicle in respect of which a certificate of exemption in the prescribed form has been issued by the Department or any vehicle to which Article 66A of the 1981 Order (car-sharing arrangements) applies;

“taxi booking” means a booking for a taxi to carry one or more passengers for hire or reward (including a booking to carry out as sub-contractor a taxi booking accepted by another operator);

“taxi driver's licence” means a licence under section 23;

“taxi licence” means a licence under section 13;

“taximeter” means a device that works together with a signal generator to make a measuring instrument; with the device measuring duration, calculating distance on the basis of a signal delivered by the distance signal generator, and calculating and displaying the fare to be charged in respect of any journey in a taxi on the basis of the calculated distance or the measured duration of the journey or a combination of both;

“taxi operator” means a person who operates a taxi service;

“vehicle examiner” means an examiner appointed by the Department under Article 74 of the 1995 Order.

(2) In this Act, references to the carriage of passengers for hire or reward include references to the carriage of passengers at separate fares.

### **Consequential amendments and repeals**

**58.**—(1) Schedule 2 (which contains minor and consequential amendments) shall have effect.



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(2) The statutory provisions mentioned in the first column of Schedule 3 are repealed to the extent set out in the second column.

#### Commencement Information

- I7** S. 58 partly in operation; s. 58 not in operation at Royal Assent see s. 59; s. 58(1) in operation for certain purposes at 23.11.2009 by [S.R. 2009/352](#), [art. 2](#), [Sch.](#)
- I8** S. 58(1) in operation at 31.5.2016 for specified purposes by [S.R. 2015/389](#), [art. 2\(3\)](#), [Sch. Pt. 3](#)
- I9** S. 58(2) in operation at 31.10.2014 for specified purposes by [S.R. 2014/238](#), [art. 2\(2\)](#), [Sch. Pt. 2](#)

#### Commencement

**59.** This Act (except sections 55 to 57, this section and section 60) shall come into operation on such day or days as the Department may by order appoint.

#### Subordinate Legislation Made

- P1** S. 59 power partly exercised: 23.11.2009 appointed for specified provisions by [S.R. 2009/352](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

#### Short title

**60.** This Act may be cited as the Taxis Act (Northern Ireland) 2008.

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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](#)