

2021 No. 33

FINANCIAL ASSISTANCE

**The Taxi Driver (Coronavirus, Financial Assistance)
Regulations (Northern Ireland) 2021**

Made - - - - - *10th February 2021*

Coming into operation - *12th February 2021*

The First Minister and deputy First Minister, acting jointly, made on 20th January 2021 a determination under section 1(1) of the Financial Assistance Act (Northern Ireland) 2009(a) (“the Act”) and, jointly, they have designated the Department for Infrastructure(b) as the relevant Department under section 1(3)(a) of that Act.

Accordingly, the Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 1(2), 3 and 4 of the Act.

In accordance with section 1(4) of the Act, the Executive Office(c) approves the making of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Taxi Driver (Coronavirus, Financial Assistance) Regulations (Northern Ireland) 2021 and shall come into operation on 12th February 2021.

Financial Assistance Scheme

2. The Department for Infrastructure makes the Scheme set out in the Schedule.

(a) 2009 c. 2 (N.I.)

(b) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(c) Formerly the Office of the First Minister and deputy First Minister; see section 1(1) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

Sealed with the Official Seal of the Department for Infrastructure on 10th February 2021



Chris Hughes
A senior officer of the
Department for Infrastructure

The Executive Office approves these Regulations
Sealed with the Official Seal of the Executive Office on 10th February 2021



Neill Jackson
A senior officer of the
Executive Office

SCHEDULE

Regulation 2

Taxi Driver Financial Assistance Scheme 2021

Citation

1. This Scheme may be cited as the Taxi Driver Financial Assistance Scheme 2021.

Interpretation

- 2.—(1) In this Scheme—

“application” means an application for a financial assistance payment made in accordance with paragraph 4 and “applicant” shall be construed accordingly;

“the Department” means the Department for Infrastructure;

“determination” means the determination of the First Minister and deputy First Minister, acting jointly, and made on 20th January 2021 that exceptional circumstances exist for holders of a taxi driver licence as a consequence of the Coronavirus pandemic, including financial hardship arising from the loss of business. It is desirable to provide financial assistance to mitigate the effect of that pandemic on holders of a taxi driver licence and that such assistance ought to be provided in accordance with a Scheme made under section 1 of the Financial Assistance Act (Northern Ireland) 2009;

“eligible period” means the period beginning on 22nd March 2020 and ending on 21st March 2021;

“eligible person” means a person who satisfies the requirements of paragraph 5;

“financial assistance payment” means a payment by the Department for the purpose set out in paragraph 3 and in accordance with paragraph 6; and

“qualifying day” means a day on which the requirements specified in sub-paragraphs (1)(b) and (c) of paragraph 5 are satisfied.

(2) Terms and expressions used in the Taxis Act (Northern Ireland) 2008(a) have the same meaning in this Scheme.

(3) A reference in this Scheme to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

Purpose of financial assistance

3. The purpose of financial assistance is the mitigation of the effect of the exceptional circumstances referred to in the determination made by the First Minister and deputy First Minister, acting jointly, made on 20th January 2021.

Application for payment of financial assistance

4.—(1) The Department shall publish a notice inviting applications in such manner as will ensure that it is reasonably likely to be seen by eligible persons.

(2) A notice published under sub-paragraph (1) shall specify—

- (a) the closing date for making an application;

(a) 2008 c. 4 (N.I.)

(b) the information which an applicant is required to provide in support of the application;
and

(c) the form of any application.

(3) An application may be made in accordance with the requirements of the notice published under sub-paragraph (1).

(4) On receipt of an application, the Department may request such additional information from the applicant as it considers necessary to establish whether they are an eligible person or to facilitate consideration of that application.

Eligibility

5.—(1) Subject to sub-paragraph (2), a person is eligible upon application under paragraph 4(3) for financial assistance if they satisfy the Department that for all or part of the eligible period, they have experienced significant loss of income and have or will have—

(a) directly incurred overhead costs and expenses, which may include personal protective equipment expenses;

(b) held a valid taxi driver's licence; and

(c) held valid taxi insurance covering driving for hire and reward.

(2) A person will not be eligible if they were engaged solely in the provision of funeral services.

Provision of financial assistance

6.—(1) The Department may, in accordance with the following provisions, make a financial assistance payment to any eligible person.

(2) That financial assistance shall constitute a single payment to each eligible person, by way of a grant towards directly incurred overhead costs and expenses, in accordance with sub-paragraphs (3) to (6).

(3) Subject to sub-paragraph (4), for each eligible person, the amount payable shall be £8.25 for every qualifying day accumulated during the eligible period.

(4) Subject to sub-paragraph (5), the maximum amount payable to any eligible person shall be £3,000.

(5) Where an eligible person has received a financial assistance payment under the Taxi Driver Financial Assistance Scheme 2020(a), the Department shall deduct from any amount of financial assistance payment payable under sub-paragraph (3)—

(a) the amount of that payment; or

(b) where that payment was made in error, any outstanding amount not repaid to the Department.

(6) Financial assistance payments shall be on such other terms and conditions as the Department may specify.

Payment of financial assistance or rejection

7.—(1) Where the Department has received an application it must determine whether that application—

(a) provides the information required in accordance with paragraphs 4 and 5; and

(b) satisfies the requirements of paragraphs 4 and 5,

and, if it does, the Department may make a financial assistance payment to the eligible person in accordance with paragraph 6.

(a) S.R. 2020 No. 249

(2) The Department shall, as soon as reasonably practicable, notify the applicant in writing of its decision to approve or reject an application and—

(a) if an application is approved, notify the amount of the financial assistance payment to be made; or

(b) if an application is rejected, the reasons for the rejection.

Recovery

8. A financial assistance payment made in accordance with paragraphs 6 and 7, and which is subsequently found to have been paid contrary to those paragraphs, shall be recoverable by the Department from any person to whom such a payment was made.

Information

9.—(1) In addition to any application under paragraph 4, the Department may request information from another public body for use in determining whether a person is eligible under paragraph 5 for financial assistance under this Scheme.

(2) The Department may share information in relation to eligibility for Coronavirus financial assistance with another public body.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The First Minister and deputy First Minister, acting jointly, made a determination on 3rd November 2020 that exceptional circumstances exist for holders of a taxi driver licence, including financial hardship arising from the loss of business, as a consequence of the outbreak of Coronavirus.

Accordingly, the Taxi Driver (Coronavirus, Financial Assistance) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 249) provided for the setting up of a Scheme, “the Taxi Driver Financial Assistance Scheme 2020”, under which the Department for Infrastructure made financial assistance payments to eligible holders of a taxi driver licence towards directly incurred overhead costs and expenses. This initial Scheme covered the 22nd March to 30th September 2020 period.

On 20th January 2021, the First Minister and deputy First Minister, acting jointly, made a further determination recognising that exceptional circumstances continue to exist for holders of a taxi driver licence, including financial hardship arising from the loss of business, as a consequence of the Coronavirus pandemic.

These Regulations therefore provide for the setting up of a further Scheme “the Taxi Driver Financial Assistance Scheme 2021” under which the Department for Infrastructure may make financial assistance payments to eligible holders of a taxi driver licence who have suffered because of the exceptional circumstances identified over the 22nd March 2020 to 21st March 2021 period. While the eligibility criteria and payment amounts have been revised for this further Scheme, the basis of the Scheme remains the same as before, i.e. to provide financial assistance in relation to directly incurred overhead costs and expenses.

The Schedule to these Regulations sets out the detail of the Taxi Driver Financial Assistance Scheme 2021.

The Scheme—

- (a) specifies the manner in which applications are to be made (paragraph 4);
- (b) specifies the eligibility criteria and the payment amount (paragraphs 5 and 6);
- (c) provides for the Department to approve or reject applications, make payments of financial assistance and advise applicants of its decision regarding payment (paragraph 7);
- (d) provides for the recovery by the Department of any amounts paid in excess of entitlement under the Scheme (paragraph 8); and
- (e) provides for the request of information from other public bodies for use in determining eligibility and for the sharing of information in relation to eligibility with other public bodies (paragraph 9).

An Explanatory Memorandum has been produced and is available from the Safe and Accessible Travel Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast, BT2 8GB or online alongside these Regulations at <http://www.legislation.gov.uk/nisr>.

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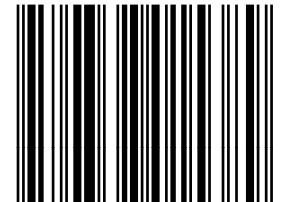
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