

Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2007 No. (N.I.)

NORTHERN IRELAND

The Taxis (Northern Ireland) Order 2007

Made - - - - - *2007*

*Coming into operation in accordance with Article
1(2) and (3)*

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SCHEDULES:

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| Schedule 1 | Entries to be inserted in Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of offences under this Order |
| Schedule 2 | Minor and consequential amendments |
| Schedule 3 | Repeals |

At the Court at Buckingham Palace, the ** day of ** 2007

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Taxis (Northern Ireland) Order 2007.

(2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The other provisions of this Order shall come into operation on such day or days as the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“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 Article 3(2);

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

“the Department” means the Department of the Environment;

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- “driver”, where a separate person acts as steersman 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 Article 3(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;
- “operate a taxi service” has the meaning given by Article 3(4);
- “operating centre” means premises at or from which a taxi operator operates a taxi service;
- “operator’s licence” means a licence under Article 4;
- “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;
- “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 Article 39(3)) does not include any vehicles;
- “prescribed” means prescribed by regulations;
- “regulations” (except in Articles 42, 43 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 Article 25;
- “taxi licence” means a licence under Article 15;
- “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.

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

PART II

REGULATION OF TAXI OPERATORS

CHAPTER I

GENERAL

Requirement for operator's licence

3.—(1) Subject to paragraph (2), a person shall not operate a taxi service unless he is the holder of an operator's licence (in this Order referred to as a “licensed operator”).

(2) The requirement under paragraph (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 Order referred to as an “affiliated driver”).

(3) A person who operates a taxi service in contravention of this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) For the purposes of this Order, “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

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

(2) An application under this Article 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 paragraph, 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 appeal to a court of summary jurisdiction 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.

Duties of licensed operators, etc.

5.—(1) A licensed operator shall secure that any taxi for or in respect of which he 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 his licence at any operating centre specified in his licence to which any member of the public has access;
- (b) keep such records as may be prescribed of the prescribed particulars of his 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 he 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 him by virtue of paragraph (8));
- (c) keep such records as may be prescribed of particulars of any complaints made;

- (d) keep copies of any licences required under this Order 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 Article 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 subparagraphs (b) to (e) of paragraph (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 paragraph (3)(b) which are false or misleading in any material particular, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) If a licensed operator ceases to use an operating centre specified in his licence he shall preserve any record he was required by this Article 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 he carries out; and
- (b) any other provision he 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 him concerning his operation of a taxi service in such manner as may be prescribed.

(10) A licensed operator who contravenes paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(11) A person who contravenes any other provision of this Article or of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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

Hirings accepted on behalf of another operator

6.—(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 Order or with any provision made under it.

(2) A licensed operator who contravenes paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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

(4) It is immaterial for the purposes of paragraph (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 Order 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.

CHAPTER II

HIRING OF TAXIS AT SEPARATE FARES

Hiring of taxis at separate fares - General

7.—(1) A licensed operator may only operate a taxi service for or in respect of the carriage of passengers at separate fares if—

- (a) he complies with the provisions of a taxi-sharing scheme made by the Department under Article 8; or
- (b) the conditions in Article 9 are met; or
- (c) he is authorised under his operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares.

(2) If a person acts in contravention of any provision of or made under this Chapter and the contravention is not made an offence under any other statutory provision, he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The Department may by order make such modifications of any provisions of this Order as it sees fit for the purpose of supplementing the provisions of this Chapter.

(4) The provisions of this Chapter are without prejudice to any other provision of this Order.

Compliance with a Departmental taxi-sharing scheme

8.—(1) The Department may by order make a taxi-sharing scheme referred to in Article 7(1)(a) which shall—

- (a) designate the places from which taxis may be hired under the scheme (“authorised places”);
- (b) specify the requirements to be met for the purposes of the scheme in relation to the carriage of passengers at separate fares; and

- (c) include such provision, or provision of such description, as may be specified in the scheme for the purposes of this sub-paragraph.
- (2) Any scheme made under this Article may, in particular, make provision with respect to—
- (a) providing that only taxis of such class as may be specified in the scheme may be hired for the carriage of passengers at separate fares;
 - (b) rates or fares (including, without prejudice to the generality of the foregoing, the maximum rate or fare to be charged for or in respect of each passenger);
 - (c) the display of any document, plate, mark or sign for indicating an authorised place or that a taxi standing at an authorised place is available for the carriage of passengers at separate fares;
 - (d) the display of signs, information or fares at such authorised places;
 - (e) enforcing order at and regulating the use of such authorised places;
 - (f) the manner in which arrangements are to be made for the carriage of passengers at separate fares;
 - (g) the conditions to apply to such use of a taxi.
- (3) The Department may vary any scheme made by it under this Article.

Advance booking

9. The conditions referred to in Article 7(1)(b) are that—
- (a) all the passengers carried on the occasion in question booked their journeys in advance; and
 - (b) each of them consented, when booking his journey, to sharing the use of the taxi on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion.

Operator's licence authorising separate fares

10. An operator's licence may—
- (a) authorise the licensed operator to operate a taxi service for or in respect of the carriage of passengers at separate fares in such a manner and providing such separate fare services as may be prescribed;
 - (b) be subject to the condition that only taxis of such class as may be specified in the licence may be used for or in respect of the operation of that taxi service;
 - (c) be subject to such other conditions as may be prescribed and such other conditions as the Department may think fit relating to the carrying of passengers at separate fares.

Information

11. A person who is applying to be authorised under an operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares shall give such information as may reasonably be required to enable the Department to exercise the functions conferred on it by Article 12, and in particular shall give (where appropriate) information as to—

- (a) the services which it is proposed to provide under the licence;
- (b) the frequency of the services, the times of departure and the times to be taken on the journeys included in those services and the number of taxis to be used on those services.

Functions in relation to operator's licence authorising separate fares

12.—(1) The Department shall, in deciding whether to authorise under an operator's licence a person to operate a taxi service for or in respect of the carriage of passengers at separate fares or to attach conditions to any such operator's licence, have regard, in particular, to—

- (a) the interests of—
 - (i) persons likely to use the service to be provided under the licence; and
 - (ii) the interests of other persons holding such a licence or persons holding a road service licence under the Transport Act (Northern Ireland) 1967 (c. 37); and
 - (b) the matters specified in paragraph (2).
- (2) The matters referred to in paragraph (1)(b) are—
- (a) subject to paragraph (3), the suitability of the routes on which the service may be provided under the licence;
 - (b) the extent, if any, to which the needs of persons likely to use the service to be provided are already adequately and economically served;
 - (c) the general effect which the grant of the licence would be expected to have on the holders of other such licences or road service licences granted under the Transport Act (Northern Ireland) 1967 and on the facilities being provided under such licences for the carriage of passengers;
 - (d) the need for ensuring fair competition among persons providing facilities in Northern Ireland for the carriage for hire or reward of passengers by road.

(3) Paragraph (2)(a) shall not apply, for or until such time or for such a period as may be prescribed, in relation to a person who is applying to be authorised under an operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares and who, immediately before the coming into operation of this Article, was the holder of a road service licence to provide a service on the same routes granted under the Transport Act (Northern Ireland) 1967.

(4) In addition to the requirements in paragraphs (1) and (2), the Department shall take into consideration—

- (a) any recommendations made by the General Consumer Council for Northern Ireland;
- (b) any representations made by—
 - (i) persons who are already providing facilities for the carriage of passengers for hire or reward on any road along or near the routes the subject of the application or any part of those routes;
 - (ii) a district council; or
 - (iii) the Northern Ireland Tourist Board.

Appeals in relation to operator's licence authorising separate fares

13.—(1) Without prejudice to any right of appeal under Article 4(8), a person who has applied to be authorised under an operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares may by notice in writing appeal to the Department against—

- (a) a decision not to authorise him to operate a taxi service for or in respect of the carriage of passengers at separate fares;
- (b) a decision to authorise him to operate such a taxi service in respect of the provision of particular separate fare services; or
- (c) a condition (other than a prescribed condition) relating to the carrying of passengers at separate fares.

(2) 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 him.

(3) On an appeal under paragraph (1), 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.

(4) The Department shall, on making a decision under paragraph (3), give notice in writing of the decision to the appellant including particulars of the grounds of the decision.

(5) Without prejudice to any right of appeal under Article 4(8), a person who is aggrieved by a decision of the Department under paragraph (3) may appeal to a court of summary jurisdiction against any such decision.

(6) The Department may by regulations make such further provision in respect of appeals under this Article as it considers necessary or expedient.

PART III

REGULATION OF TAXIS

Requirement for taxi licence

14.—(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 Order 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 Article are each guilty of an offence.

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

(4) It is a defence in proceedings for an offence under paragraph (2) for the driver or operator to show that he exercised all due diligence to prevent the taxi being used in contravention of this Article.

(5) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART III

Taxi licences

15.—(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—

- (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 VIII 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 appeal to a court of summary jurisdiction 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.

Duties of owners of licensed taxis

16.—(1) This Article applies to the owner of any licensed taxi.

(2) Subject to paragraph (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 paragraph (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; or
- (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 Article 17.

(6) A person who, without reasonable excuse, contravenes any provision of this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Identification of licensed vehicles

17.—(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 Article 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 paragraph (2) are each guilty of an offence.

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

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

(6) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Regulation of fares, etc.

18.—(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.

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(2) Without prejudice to the generality of paragraph (1), regulations under this Article 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) A person who contravenes any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Display and publication, etc. of fares

19.—(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 paragraph (1) or (2) or any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Regulation of taximeters etc.

20.—(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 Article.

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

(3) A taximeter and a device referred to in paragraph (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 paragraph (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 paragraph (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 Article 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 paragraph (6) for the owner, driver or operator to show that he exercised all due diligence to prevent the taxi being used in contravention of this Article.

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

(9) A person guilty of an offence under this Article or any provision of regulations made under it is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Taxis not to carry more than the prescribed number of persons

21.—(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 and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Regulations concerning taxis or use of taxis

22.—(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 paragraph (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 sub-paragraph (a);
- (c) enforcing order at and regulating the use of places referred to in sub-paragraph (a);
- (d) regulating the display of signs, information and fares at places referred to in sub-paragraph (a);
- (e) prescribing the distance for which and circumstances in which drivers of taxis shall be obliged to carry passengers for hire or reward;
- (f) regulating the manner in which taxis are to be identified (which may include regulating the colour of taxis);

PART III

- (g) 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;
- (h) regulating the manner in which taxis are to be furnished or fitted;
- (i) ensuring that taxis are fit for use to stand or ply for hire or reward or to carry passengers for hire or reward;
- (j) ensuring the safety of persons carried in taxis;
- (k) 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 passengers for hire or reward and that persons may safely be carried in them;
- (l) regulating the advertising on, in, for or in respect of taxis (and for the purposes of this Article, “advertising” includes every form of advertising (whatever the medium));
- (m) regulating any monitoring or surveillance for or in respect of taxis;
- (n) regulating the conduct of passengers and of persons employed in connection with taxis;
- (o) 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 Article, and the contravention is not made an offence under any other statutory provision, he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Orders concerning taxis, taxi stands etc.

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

“PART IVA

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;
- (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 (Northern Ireland) Order 2007.”.

(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.

(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.

PART III

(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 I 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—

“Article 27A	Contravention of Summarily	Level 3 on the
	taxi regulation	standard scale”
	order	

PART IV

REGULATION OF DRIVERS OF TAXIS

Requirement for taxi driver's licence

24.—(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 he is the holder of a taxi driver's licence.

(2) Any person who drives a taxi in contravention of paragraph (1) is guilty of an offence.

(3) The taxi operator for or in respect of a taxi driven in contravention of paragraph (1) and the owner of a taxi who permits it to be driven in contravention of paragraph (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 his taxi driver's licence authorises him to drive that class of taxi.

(5) Any person who drives a taxi in contravention of paragraph (4) is guilty of an offence.

(6) The taxi operator for or in respect of a taxi driven in contravention of paragraph (4) and the owner of a taxi who permits it to be driven in contravention of paragraph (4) are each guilty of an offence.

(7) It is a defence in proceedings against a taxi operator for an offence under paragraph (3) or (6) for the operator to show that he exercised all due diligence to prevent the taxi being driven in contravention of paragraph (1) or (4) as the case may be.

(8) A person guilty of an offence under paragraph (2) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) A person guilty of an offence under paragraph (5) or (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Taxi driver's licences

25.—(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 paragraph (4), is (and has been continuously for at least three years immediately before the date of his 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);

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

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

(3) The requirement referred to in paragraph (2)(b) is that the applicant shall pass such test of competence to drive a taxi as may be prescribed.

(4) Paragraphs (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 Article who, immediately before the coming into operation of this Article, 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 paragraph (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.

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

PART IV

(8) 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 appeal to a court of summary jurisdiction 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) For the purposes of paragraph (2), a person is authorised to drive a motor car if—

- (a) he holds a licence granted under Part II of the 1981 Order (other than a provisional licence) authorising him to drive a motor car; or
- (b) he 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.

(11) In this Article "motor car" has the meaning given in Article 137A of the 1981 Order.

Issue of driver's badges etc.

26.—(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 Article.

(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 paragraph (3) or under any provision of regulations made under paragraph (3), when he 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 paragraph (3) or any provision of regulations made under this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART V

LICENCES: GENERAL PROVISIONS

Applications for licences, etc.

27.—(1) An application for the grant of a licence under this Order shall be made in such form, and include such declarations and information, as the Department may require.

(2) The Department may require an applicant to furnish such further information as it may consider necessary for dealing with the application.

(3) If a person fails without reasonable excuse to furnish information when required to do so under paragraph (2), the Department may decline to proceed further with the application and refuse to grant the licence.

(4) The provisions of this Order apply to the renewal of a licence as they apply to the grant of a licence.

Power to suspend, revoke or curtail licences

28.—(1) The Department may suspend or revoke a licence under this Order or curtail an operator's licence for any reasonable cause including (without prejudice to the generality of this paragraph) any ground mentioned below.

(2) The Department may suspend or revoke an operator's licence where—

- (a) the Department is no longer satisfied that the licence holder is fit to hold such a licence; or
- (b) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Order.

(3) The Department may curtail an operator's licence where the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Order.

(4) For the purposes of this Order references to curtailing an operator's licence are references to directing (with effect for the duration of the remainder of the licence or for any shorter period), either or both of the following, namely—

- (a) that one or more of the taxis for or in respect of which the licensed operator may operate a taxi service at any one time and which are specified in the licence be removed from it;
- (b) that the maximum number of taxis or the maximum number of taxis of different classes or different classes of use for or in respect of which the licensed operator may operate a taxi service at any one time and which are specified in the licence be reduced.

(5) The Department may suspend or revoke a taxi licence where—

- (a) the Department is no longer satisfied that the taxi to which the licence relates is fit for use in standing or plying for hire or reward or to carry passengers for hire or reward; or
- (b) the owner has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Order.

(6) The Department may suspend or revoke a taxi driver's licence where—

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- (a) the Department is no longer satisfied that the licence holder is fit to hold such a licence; or
- (b) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under this Order.

Suspension, revocation and curtailment under Article 28: procedure etc.

29.—(1) Where, under Article 28, the Department has decided to suspend, revoke or curtail a licence—

- (a) it shall give notice of the decision and the grounds for the decision to the licence holder or, in the case of a taxi licence, the owner of the taxi to which the licence relates; and
- (b) the suspension, revocation or curtailment takes effect at the end of the period of 21 days beginning with the day on which that notice is served on the licence holder or the owner.

(2) If the Department is of the opinion that the interests of public safety require the suspension, revocation or curtailment of a licence to have immediate effect, and it includes a statement of that opinion and the reasons for it in a notice under paragraph (1), the suspension, revocation or curtailment takes effect when that notice is served on the licence holder or taxi owner (as the case may be).

(3) A licence suspended or curtailed under this Order shall remain suspended or curtailed until such time as the Department by notice directs that the licence is again in force or that the curtailment ceases to have effect.

(4) The holder of an operator's or taxi drivers' licence, or the owner of a taxi to which a taxi licence relates, may appeal to a court of summary jurisdiction against a decision under Article 28 to suspend, revoke or curtail that licence.

Variation of licence on request

30.—(1) Subject to paragraph (2), the Department may, on the application of a licensed operator, vary his licence by adding a reference to a new operating centre or removing an existing reference to an operating centre.

(2) The Department shall not add a reference to a new operating centre unless it is satisfied that the premises in question meet any requirements prescribed under Article 4(4)(b).

(3) The Department may, on the application of a licensed operator, vary his licence by—

- (a) adding to or reducing the maximum number of taxis or the maximum or minimum number of taxis of different classes or different classes of use for or in respect of which the licensed operator may operate a taxi service at any one time; or
- (b) varying such other contents, requirements or conditions of the licence as may be prescribed.

(4) The Department may, on the application of the owner of a licensed taxi, vary the taxi licence by varying such contents, requirements or conditions as may be prescribed.

(5) The Department may, on the application of the holder of a taxi driver's licence, vary his licence by varying such contents, requirements or conditions of the licence as may be prescribed.

(6) An application for the variation of a licence under this Article shall be made in such form, and include such declarations and information, as the Department may require.

(7) The Department may require an applicant to furnish such further information as it may consider necessary for dealing with the application.

(8) An applicant for the variation of a licence under this Article may appeal to a court of summary jurisdiction against a decision not to vary the licence.

Variation of operator's licence by Department

31.—(1) The Department may—

- (a) suspend the operation of an operator's licence so far as relating to any operating centre specified in the licence; or
- (b) vary such a licence by removing a reference to an operating centre previously specified in the licence,

if the Department is no longer satisfied that the operating centre in question meets any requirements prescribed under Article 4(4)(b) or for any other reasonable cause.

(2) Where the Department has decided to suspend the operation of a licence as mentioned in paragraph (1)(a) or vary a licence in accordance with paragraph (1)(b)—

- (a) it shall give notice of the decision and the grounds for it to the licence holder; and
- (b) the decision shall take effect at the end of the period of 21 days beginning with the day on which the licence holder is served with that notice.

(3) If the Department is of the opinion that the interests of public safety require its decision to have immediate effect, and it includes a statement of that opinion and the reasons for it in the notice, its decision shall take effect when the notice is served on the licence holder.

(4) A licensed operator may appeal to a court of summary jurisdiction against a decision under paragraph (1).

Fees

32.—(1) The Department may by regulations provide for prescribed fees to be payable—

- (a) by an applicant for a licence under this Order, or for the variation of a licence under Article 30, on making the application;
- (b) by a person granted a licence or variation, on the grant or variation of the licence and (if the regulations so provide) at such times while the licence is in force as may be prescribed;
- (c) in respect of any testing of a taxi;
- (d) in respect of the issue of a plate, disc, sign or distinguishing mark under Article 17;

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- (e) in respect of the regulation of taximeters and devices under Article 20;
- (f) in respect of the regulation of advertising under Article 22(2)(l);
- (g) in respect of any test of competence under Article 25(3) to drive a taxi;
- (h) in respect of the issue of a driver's badge or other evidence of identification under Article 26; and
- (i) in respect of the issue of new licences, drivers' badges or other evidence of identification or plates, discs, signs or distinguishing marks in place of those lost or defaced.

(2) Regulations under this Article may provide for fees to be payable by instalments, or for fees to be remitted or refunded (in whole or part), in prescribed cases.

(3) The Department may decline to proceed with—

- (a) an application for, or for the variation of, a licence; or
- (b) the grant or variation of a licence,

until any prescribed fee (or instalment) due in respect of the application or grant is paid.

Production of documents

33.—(1) The holder of an operator's licence or a taxi driver's licence shall at the request of a constable or authorised officer produce his licence for inspection.

(2) The holder of an operator's licence shall at the request of a constable or authorised officer produce for inspection any other document relating to or held as a condition of his licence.

(3) The owner of a taxi to which a taxi licence relates shall at the request of a constable or authorised officer produce for inspection—

- (a) the taxi licence for that taxi;
- (b) the certificate of the policy of insurance or security required in respect of the taxi by Part VIII of the 1981 Order.

(4) A document required to be produced under this Article shall be produced either forthwith or—

- (a) if the request is made by a constable, at a police station agreed by the licence holder or taxi owner and the constable when the request is made (or if there is no agreement, at such place as the constable may reasonably require); or
- (b) if the request is made by an authorised officer, at such place as the officer may reasonably require,

before the end of the period of 7 days beginning with the day on which the request is made.

(5) A person who without reasonable excuse contravenes this Article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Return of licences, etc.

34.—(1) The holder of an operator's licence shall return the licence together with such other documents or records as may be prescribed to the Department after the suspension, revocation or curtailment of that licence, within the period of 7 days after the day on which the suspension, revocation or curtailment takes effect.

(2) The owner of a taxi to which a taxi licence relates shall return the licence and the plate, disc, sign or distinguishing mark for that taxi which was issued for the taxi under Article 17 to the Department after the suspension or revocation of that licence, within the period of 7 days after the day on which the suspension or revocation takes effect.

(3) The holder of a taxi driver's licence shall return the licence, his driver's badge and any other evidence of identification which the Department has issued under Article 26 to the Department after the suspension or revocation of that licence, within the period of 7 days after the day on which the suspension or revocation takes effect.

(4) On the expiry of a licence under this Order, the Department, a constable or an authorised officer may by notice direct the holder of the licence, or the owner of the taxi, to return the licence to the Department within the period of 7 days after the day on which the notice is served on that person.

(5) A direction under paragraph (4) may also direct—

- (a) the return by the licensed operator of such documents or records as may be prescribed;
- (b) the return by the taxi owner of the plate, disc, sign or distinguishing mark which was issued for the taxi under Article 17 (in the case of a taxi licence); or
- (c) the return by the licence holder of the driver's badge and any other evidence of identification which the Department has issued under Article 26 (in the case of a taxi driver's licence).

(6) A person who without reasonable excuse fails to comply with any requirement or direction under this Article to return a licence, plate, disc, sign, distinguishing mark, badge or other evidence of identification is guilty of an offence.

(7) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) A constable or authorised officer may require the removal of the plate, disc, sign or distinguishing mark from a taxi to which an expired, suspended or revoked taxi licence relates following—

- (a) a failure to comply with paragraph (2) or a direction under paragraph (4) or (5);
- (b) a suspension or revocation of the licence which has immediate effect by virtue of Article 29(2).

(9) Where a person has failed to comply with any requirement under paragraph (8) to remove a plate, disc, sign or distinguishing mark, the constable or authorised officer may remove and retain it.

Register of licences

35.—(1) The Department shall maintain a register containing the following particulars for each licence issued under this Order, namely—

- (a) the number of the licence, the date on which it is granted and the expiry date;
- (b) in respect of an operator's licence, the name and address of the licensed operator and the address of any operating centre specified in the licence;
- (c) in respect of a taxi licence, the vehicle registration number, the number of any plate, disc, sign or distinguishing mark and the date on which it is granted and any expiry date;
- (d) in respect of a taxi driver's licence, the identification number of the driver; and
- (e) such other particulars as may be prescribed.

(2) The register shall be available for inspection free of charge by members of the public in such a manner or at such a place or places, and during such hours, as are determined by the Department.

Appeals

36.—(1) This Article applies to any appeal which lies under this Order to a court of summary jurisdiction against a decision of the Department in relation to, or to an application for, a licence under this Order.

(2) Any such appeal shall be made in accordance with Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(3) The time within which a person may bring such an appeal is 21 days from the date on which notice of the decision appealed against is served on him.

(4) In the case of a decision where an appeal lies, the notice of the decision shall state the right of appeal to a court of summary jurisdiction and the time within which an appeal may be brought.

(5) On any appeal the court may make such order as it thinks fit and the order shall (without prejudice to any right of appeal) be binding on the Department.

Effect of appeal on decision appealed against

37.—(1) Subject to paragraph (2), any decision of the Department against which a right of appeal is conferred by this Order shall not take effect until the time for appealing has expired or (where an appeal is brought) until the appeal is disposed of or withdrawn.

(2) Paragraph (1) does not apply in relation to a decision to suspend, vary, revoke or curtail a licence if the notice of suspension, variation, revocation or curtailment directs that, in the interests of public safety, the decision is to have immediate effect.

PART VI
ENFORCEMENT

Enforcement notices

38.—(1) Where the Department considers that a licensed operator has failed to comply with any of the duties imposed by or under Article 5(3), (4) or (6), the Department may serve on him an enforcement notice.

(2) An enforcement notice shall—

- (a) state that the Department considers that the person on whom the notice is served has failed to comply with the duty specified in the notice;
- (b) specify why the Department considers that the person has failed to comply with the duty in question; and
- (c) require the person, before the expiry of the period specified in the notice (being a period of at least 21 days), to take the action so specified.

(3) A person who fails to comply with any requirement imposed by an enforcement notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) It is a defence in proceedings for an offence under paragraph (3) for a person to show that he exercised all due diligence to avoid committing such an offence.

(5) Where the Department has served an enforcement notice on a person, the Department may—

- (a) before the expiry of the period specified in the notice, by notice in writing to the person withdraw the enforcement notice; or
- (b) if an appeal against the notice is not pending under paragraph (6), extend, or further extend, the period specified in the notice.

(6) A person on whom an enforcement notice is served may, within 21 days from the date on which it is served, appeal to a court of summary jurisdiction.

(7) Any such appeal shall be made in accordance with Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(8) On an appeal under this Article, the court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(9) Where an appeal is brought under this Article against an enforcement notice, the operation of the notice shall be suspended until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

Powers of entry

39.—(1) Subject to paragraph (2), an authorised officer or a constable may enter at all reasonable times any premises specified as an operating centre in an operator's licence and inspect those premises and any other item found there, for the purpose of ascertaining—

- (a) whether the conditions of the operator's licence are being complied with;
- or

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(b) whether any other provisions of or made under this Order are being complied with.

(2) An authorised officer or a constable may not under paragraph (1) enter premises which are occupied as a private dwelling unless under the authority of a warrant issued under paragraph (5).

(3) Subject to paragraph (4), an authorised officer or a constable may enter at all reasonable times any premises and inspect those premises and any other item found there if he has reasonable grounds for suspecting that a person is operating a taxi service at or from those premises without an operator's licence.

(4) An authorised officer or a constable may not enter premises under paragraph (3) unless under the authority of a warrant issued under paragraph (5).

(5) Where a lay magistrate is satisfied by complaint on oath—

(a) that admission to the premises is reasonably required for the purposes specified in the complaint; and

(b) that an authorised officer or a constable would, apart from paragraph (2) or (4) be entitled for that purpose to exercise in respect of the premises a power of entry under paragraph (1) or (3) as the case may be,

he may issue a warrant under his hand authorising that person to enter the premises.

(6) A warrant issued under paragraph (5) shall continue in force until the purpose for which entry is required has been satisfied.

(7) An authorised officer or a constable exercising a power of entry by virtue of this Article shall, if so required, produce evidence of his authorisation and any warrant under paragraph (5)—

(a) before entering the premises; or

(b) at any time before leaving the premises.

(8) Where an authorised officer or a constable exercises a power of entry by virtue of this Article, he may seize and remove any equipment or other items found on the premises which he has reasonable cause to believe may be required as evidence for the purpose of proceedings in respect of an offence under Article 3 or 5.

(9) The powers conferred on an authorised officer or a constable by paragraph (8) are exercisable only at a time when regulations under Article 43 are in operation.

(10) Where an authorised officer or a constable exercises a power of entry by virtue of this Article, he shall ensure that the premises are left no less secure by reason of the entry, and the Department shall make good or pay compensation for any damage to property caused by the officer or constable in entering the premises, in carrying out any inspection or in making the premises secure.

(11) Any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

(12) For the purposes of a power of entry under paragraph (3), "premises" also includes vehicles.

Power to stop and examine licensed taxis

40.—(1) An authorised officer or constable in uniform may stop and examine any licensed taxi.

(2) If an authorised officer or constable in uniform is satisfied that the taxi does not comply with regulations under Article 22 for ensuring the safety of passengers in taxis, and that danger to the passengers in the taxi is likely to occur, he may require—

- (a) the passengers to leave the taxi; and
- (b) suitable arrangements to be made by the driver of the taxi for the immediate conveyance of the passengers to the places to which they are entitled to travel in the taxi.

(3) If the driver of a taxi fails to make suitable arrangements for the immediate conveyance of passengers upon being required to do by an authorised officer or constable under paragraph (2)(b) he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) It is a defence in proceedings for an offence under this Article for the driver to show that he exercised all due diligence to avoid committing such an offence.

Power to stop and examine motor vehicles suspected of illegal taxiing etc.

41.—(1) Where an authorised officer or constable in uniform has reason to believe that any motor vehicle is a taxi being used in standing or plying for hire or reward or to carry passengers for hire or reward in contravention of any provision of or made under this Order or the 1981 Order, he may stop and examine the vehicle.

(2) Where an authorised officer or constable has stopped any vehicle under paragraph (1), he may require—

- (a) the driver of the vehicle; and
- (b) any person who has made, is making or intends to make, use of that vehicle for the carriage of passengers for hire or reward,

to provide him with all such information, and produce for his inspection all such documents, as he may reasonably require for any of the purposes mentioned in paragraph (3).

(3) Those purposes are—

- (a) obtaining the name and address of the owner of the vehicle, operator of the vehicle or driver of the vehicle, and
- (b) ascertaining, in relation to any passengers which have been, or are being, or are to be carried on the vehicle for hire or reward, particulars of—
 - (i) the number of passengers;
 - (ii) the places from which and to which the passengers have been, are being, or are to be, carried;
 - (iii) the carriage of the passengers for hire or reward.

Power of seizure

42.—(1) Paragraph (2) applies if—

PART VI

- (a) an authorised officer or constable in uniform—
 - (i) exercises a power under Article 41(1); or
 - (ii) attempts to exercise a power under Article 41(1) and the vehicle does not stop or does not stop long enough for the authorised officer or constable to make such lawful enquiries as he considers appropriate; and
 - (b) the authorised officer or constable has reasonable grounds for believing that the vehicle is or was being used in contravention of Article 14.
- (2) Where this paragraph applies, the authorised officer or constable may—
- (a) subject to paragraph (3), seize and remove the vehicle (together with any equipment or other items found in it);
 - (b) enter, for the purpose of exercising a power falling within sub-paragraph (a), any premises (other than premises occupied as a private dwelling) on which he has reasonable grounds for believing the vehicle to be;
 - (c) use reasonable force, if necessary, in the exercise of any power conferred by sub-paragraph (a) or (b).
- (3) If the authorised officer or constable is unable to seize the vehicle immediately because it has not stopped or has been driven off, he may seize it at any time within the period of 24 hours beginning with the time at which paragraph (1) is first satisfied.
- (4) The powers conferred on an authorised officer or a constable by this Article are exercisable only at a time when regulations under Article 43 are in operation.
- (5) In this Article—
- (a) a reference to a vehicle does not include an invalid carriage;
 - (b) “equipment or other items found in a vehicle” means equipment or other items which the authorised officer or constable has reasonable grounds to believe may be required as evidence for the purpose of proceedings in respect of an offence under Article 14;
 - (c) “private dwelling” does not include any garage or other structure occupied with the dwelling, or any land appurtenant to the dwelling house.

Regulations concerning vehicles and equipment seized under Article 39 or 42

- 43.**—(1) The Secretary of State may by regulations make provision as to—
- (a) the removal and retention of vehicles, equipment and items seized under Article 39 or 42;
 - (b) the release or disposal of such vehicles, equipment and items.
- (2) Regulations under paragraph (1) may, in particular, make provision—
- (a) for the giving of notice of seizure of the vehicle, equipment or item to a person who is its owner;
 - (b) for the procedure by which a person who claims to be the owner of the vehicle, equipment or item seized under Article 39 or 42 may seek to have it released;

- (c) for requiring the payment, by the owner or driver of the vehicle or the owner of the equipment or item, of fees, charges or costs in relation to its removal and retention and to any application for its release;
- (d) as to the circumstances in which a vehicle, equipment or item seized under Article 39 or 42 may be disposed of;
- (e) as to the destination—
 - (i) of any fees, charges or costs payable in accordance with the regulations;
 - (ii) of the proceeds (if any) arising from the disposal of any vehicle, equipment or item seized under Article 39 or 42.

Taxi touts

44.—(1) Subject to paragraphs (2) and (3), a person who solicits any person to be carried for hire or reward in a taxi is guilty of an offence.

(2) Paragraph (1) does not imply that the soliciting must refer to any particular taxi nor is the mere display of a plate, disc, sign or distinguishing mark on a taxi that it is for hire soliciting within that paragraph.

(3) No offence is committed under this Article where soliciting persons to be carried for hire or reward in licensed taxis is permitted by any provision of or made under Chapter II of Part II (whether or not supplemented by provision made under Article 7(3)) or by virtue of regulations made under Article 22(2)(c).

(4) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

False statements, forgery and power of seizure in connection with certain documents

45.—(1) A person who knowingly or recklessly makes, or causes to be made, a statement or furnishes information which is false or misleading in any material particular for the purpose of procuring the grant of a licence under this Order, or the variation of a licence under Article 30, is guilty of an offence.

(2) A person who, with intent to deceive—

- (a) forges, alters or uses a document or other thing listed in paragraph (3);
- (b) lends to, or allows to be used by, any other person a document or other thing listed in paragraph (3); or
- (c) makes or has in his possession any document or other thing so closely resembling a document or other thing listed in paragraph (3) as to be calculated to deceive,

is guilty of an offence.

(3) The documents or other things referred to in paragraph (2) are—

- (a) any licence under this Order;
- (b) any records required to be kept under, or by virtue of regulations made under, Article 5;
- (c) any plate, disc, sign or distinguishing mark issued under Article 17;

PART VI

- (d) any document which, in pursuance of Article 25(3), is issued as evidence of the result of a test of competence to drive;
- (e) any badge or other evidence of identification issued under Article 26; or
- (f) such other documents or things as are prescribed.

(4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) If a constable or authorised officer has reasonable cause to believe—

- (a) that a document or other thing produced to him under this Order by the driver of a motor vehicle;
- (b) a document or other thing carried on or by the driver of a motor vehicle; or
- (c) that any plate, disc, sign or distinguishing mark containing particulars required to be on a plate, disc, sign or distinguishing mark issued under Article 17,

is a document or other thing in relation to which an offence has been committed under this Article, he may seize the document or other thing.

(6) For the purposes of paragraph (5), the power to seize includes a power to detach from a vehicle.

(7) When a document or other thing has been seized under paragraph (5), the person from whom it was seized shall, unless the document or other thing has been previously returned to him or he has been previously charged with an offence under this Article, be summoned before a court of summary jurisdiction to account for his possession of the document or other thing and the court shall make such order respecting the disposal of the document or other thing and award such costs as the justice of the case may require.

Obstruction of authorised officers etc.

46.—(1) A person who wilfully obstructs an authorised officer or constable acting in pursuance of this Order is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who, without reasonable excuse—

- (a) fails to comply with any requirement properly made to such person by an authorised officer or constable acting in pursuance of this Order; or
- (b) fails to give an authorised officer or constable acting in pursuance of this Order any other assistance or information which he may reasonably require of such person for the purpose of performing his functions under this Order,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person who makes any statement which he knows to be false in giving any information to an authorised officer or constable acting in pursuance of this Order is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences due to fault of other person

47. Where an offence by any person under this Order is due to the act or default of another person, then (whether proceedings are taken against the first mentioned person or not) that other person is guilty of the offence and is liable to be proceeded against and punished accordingly.

Offences by corporations

48. Section 20(2) and (3) of the Interpretation Act (Northern Ireland) 1954 (c. 33) (offences by corporations) shall apply to this Order as if the requirement for consent in subsection (3) were omitted.

Offences

49. The entries set out in Schedule 1 relating to offences under this Order shall be added at the end of Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10).

PART VII

MISCELLANEOUS AND GENERAL

Access to information

50.—(1) The Department may make any information held by it for the purposes of this Order 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 paragraph (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 Article “information” means information held in any form.

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 Order.

(2) Grants under this Article 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 Order, the Department may by regulations make provision requiring training for or in respect of any person in connection with this Order.

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”.

Restriction of 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 Order.

(2) Part II 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.

(3) 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.

(4) For the purposes of those provisions as applied by paragraph (3) 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.

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 Order or any provision of it, or in connection with the coming into operation of any provision of this Order.

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

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

(4) Notwithstanding anything in Article 54(1), any bye-laws made under Article 65 of the 1981 Order in relation to taxis shall, if in force immediately before the coming into operation of this paragraph, have effect as if made under Article 27A of the Road Traffic Regulation (Northern Ireland) Order 1997 or Article 22.

General

Orders and regulations

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

(2) Any orders or regulations under this Order may contain such incidental, supplementary, consequential, transitory, transitional or saving provisions as the Department (or the Secretary of State in the case of regulations under Article 43) 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 Order may be of a local, as opposed to public general, nature and may be limited in their application to a particular area.

(4) Subject to paragraph (5), an order (except an order under Article 1) or regulations under this Order shall be subject to negative resolution.

(5) Regulations under Article 43 shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

Consequential amendments and repeals

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

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

A.K. Galloway
Clerk of the Privy Council

SCHEDULES

Article 49.

SCHEDULE 1

ENTRIES TO BE INSERTED IN PART 1 OF SCHEDULE 1 TO THE ROAD
TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996 IN RESPECT
OF OFFENCES UNDER THIS ORDER

(1) Provision creating offence	(2) General nature of offence	(3) Mode of Prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty Points
<i>Offences under the Taxis (Northern Ireland) Order 2007</i>						
Article 3(3)	Operating a taxi service without an operator's licence	Summarily	Level 5 on the standard scale			
Article 5(5)	Knowingly keeping or making false records etc.	Summarily	Level 3 on the standard scale			
Article 5(10)	Operating a taxi service in respect of unlicensed taxi or in respect of taxi driven by unlicensed driver	Summarily	Level 5 on the standard scale			
Article 5(11)	Contravention of other operator's duties	Summarily	Level 3 on the standard scale			
Article 6(2)	Sub- contracting work to a non-licensed operator	Summarily	Level 3 on the standard scale			
Article 7(2)	Contravention of provisions of or made under Chapter II	Summarily	Level 3 on the standard scale			
Article	Using, or	Summarily	Level 5 on			

Taxis

SCH. 1

(1) Provision creating offence	(2) General nature of offence	(3) Mode of Prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty Points
14(2) and (3)	permitting a taxi to be used, without a taxi licence		the standard scale			
Article 16(6)	Contravention of taxi owner's duties	Summarily	Level 3 on the standard scale			
Article 17(3) and (4)	Contravention of requirement to exhibit taxi plates etc.	Summarily	Level 3 on the standard scale			
Article 18(3)	Contravention of regulations relating to regulation of fares	Summarily	Level 3 on the standard scale			
Article 19(4)	Failure to display fares or contravention of regulations to secure publication of fares	Summarily	Level 3 on the standard scale			
Article 20(6)	Contravention of provisions relating to taximeters	Summarily	Level 3 on the standard scale			
Article 20(8)	Unlawful tampering with a taximeter	Summarily	Level 3 on the standard scale			
Article 21(2)	Carrying more than the prescribed number of passengers	Summarily	Level 3 on the standard scale			
Article 22(3)	Contravention of regulations concerning taxis or use of taxis	Summarily	Level 3 on the standard scale			
Article 24(2)	Driving a taxi without a taxi driver's licence	Summarily	Level 5 on the standard scale	Discretionary if committed by driving a taxi where no licence authorising the	Obligatory if committed as described in column 5	3-6

(1) Provision creating offence	(2) General nature of offence	(3) Mode of Prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty Points
				driving of that vehicle could have been granted		
Article 24(3)	Operating a taxi service driven by a taxi driver without a taxi driver's licence or owning a taxi being driven by a taxi driver without a taxi driver's licence	Summarily	Level 5 on the standard scale			
Article 24(5)	Driving a taxi without a taxi driver's licence for that class of taxi	Summarily	Level 3 on the standard scale			
Article 24(6)	Operating a taxi service driven by a taxi driver without a taxi driver's licence for that class of taxi or owning a taxi driven by a taxi driver without a taxi driver's licence for that class of taxi	Summarily	Level 3 on the standard scale			
Article 26(5)	Failure to wear a taxi driver's badge or display other identification	Summarily	Level 3 on the standard scale			
Article 33(5)	Failure to produce documents etc.	Summarily	Level 3 on the standard scale			
Article	Failure to	Summarily	Level 3 on			

Taxis

(1) Provision creating offence	(2) General nature of offence	(3) Mode of Prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty Points
34(6)	comply with requirement or direction to return licence, plate, etc. or badge		the standard scale			
Article 38(3)	Failure to comply with an enforcement notice	Summarily	Level 3 on the standard scale			
Article 40(3)	Failure to make alternative arrangements for conveyance of passengers	Summarily	Level 3 on the standard scale			
Article 44(1)	Soliciting any person to be carried in a taxi	Summarily	Level 3 on the standard scale			
Article 45(1)	Knowingly etc. to make false statement or furnish false information	Summarily	Level 5 on the standard scale			
Article 45(2)	Forging, possessing, documents, etc. with intent to deceive	Summarily	Level 5 on the standard scale			
Article 46(1)	Obstruction of constable or authorised officer	Summarily	Level 3 on the standard scale			
Article 46(2)	Failure to comply with requirement of constable or authorised officer or failure to give a constable or authorised officer assistance or information	Summarily	Level 3 on the standard scale			

SCH. 1

(1) Provision creating offence	(2) General nature of offence	(3) Mode of Prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty Points
Article 46(3)	Knowingly to make a false statement to authorised officer or constable	Summarily	Level 5 on the standard scale			

Article 57(1).

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

1. In Article 2(2) (interpretation), in the definition of “the Road Traffic Orders”—

(a) omit “and”; and

(b) after “2007” add “and the Taxis (Northern Ireland) Order 2007”.

2. In Article 66A(1) (car-sharing arrangements), after “public service vehicle” insert “or taxi”.

The Disability Discrimination Act 1995 (c. 50)

3. In section 32(5) (taxi accessibility regulations), for the definition of “taxi” substitute—

““taxi” means a taxi within the meaning of the Taxis (Northern Ireland) Order 2007 which is licensed under Article 15 of that Order for use in standing or plying for hire or reward or to carry passengers for hire or reward.”.

4. In section 34 (new licences conditional on compliance with accessibility taxi regulations)—

(a) for subsection (1) substitute—

“(1) The Department of the Environment shall not grant a taxi licence under Article 15 of the Taxis (Northern Ireland) Order 2007 for a taxi unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed.”;

(b) in subsection (2) after “such a licence” insert “or a public service vehicle licence granted under Article 61 of the Road Traffic (Northern Ireland) Order 1981”.

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

5. In Article 2(2) (general interpretation)—

(a) in the definition of “the Road Traffic Orders”—

(i) omit “and”; and

(ii) after “2007” add “and the Taxis (Northern Ireland) Order 2007”;

- (b) after the definition of “statutory provision”, insert—
 ““taxi” has the same meaning as in the Taxis (Northern Ireland) Order 2007;”.
6. In Article 17 (power to administer preliminary tests) in paragraph (8)(b)—
 (a) at the end of sub-paragraph (iii) omit “or”; and
 (b) at the end of sub-paragraph (iv) add “or
 (v) any provision of the Taxis (Northern Ireland) Order 2007.”.
7. In Article 63(3) (obligatory test certificates), for sub-paragraph (b) substitute—
 “(b) a taxi; or”.
8. In Article 76 (inspection of public passenger vehicles and goods vehicles) in paragraph (6), after paragraph (a) insert—
 “(aa) taxis;”.
9. In Article 78(1) (prohibitions conditional on inspection, etc.), after “not so adapted” insert “or is a taxi”.

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

10. In Article 2(2) (general interpretation), in the definition of “the Road Traffic Orders”—
 (a) omit “and”; and
 (b) after “2007” add “and the Taxis (Northern Ireland) Order 2007”.

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

11. In Article 2(2) (interpretation) in the definition of “the Road Traffic Orders”—
 (a) omit “and”; and
 (b) after “2007” add “and the Taxis (Northern Ireland) Order 2007”.

The Traffic Management (Northern Ireland) Order 2005 (NI 14)

12. In Schedule 1 (contraventions subject to penalty charges), for the paragraph beginning “An offence under any statutory provision” substitute—
 “An offence under any statutory provision of contravening—
 (a) a prohibition or restriction on the use of a stand or starting place for taxis or taxis of a particular description by a vehicle which is not a taxi or not a taxi of that description; or
 (b) a prohibition or restriction on a taxi or a taxi of a particular description from standing or plying for hire or reward within a prescribed distance of a stand or starting place for taxis.

SCH. 2

(For the purposes of this paragraph “taxi” has the meaning given by Article 2(2) of the Taxis (Northern Ireland) Order 2007).”.

Article 57(2).

SCHEDULE 3

REPEALS

Short Title	Extent of repeal
The Road Traffic (Northern Ireland) Order 1981 (NI 1).	Article 79A.
The Disability Discrimination Act 1995 (c. 50).	In Schedule 8, paragraph 16(2).
The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10).	In Part 1 of Schedule 1, the entry relating to Article 79A of the 1981 Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision regulating taxi operators, taxis and taxi drivers.

Parts II to V make provision for the licensing of taxi operators, taxis and taxi drivers.

Part VI makes provision for the enforcement of the Order.

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