

2015 No. 394

ROAD TRAFFIC AND VEHICLES

**The Taxis (Taximeters, Devices and Maximum Fares)
Regulations (Northern Ireland) 2015**

Made - - - - 2nd December 2015

Coming into operation in accordance with regulation 1

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 16(1), 17(1), 18(1), (4) and (5), 30(1)(e) and (2), 44(3)(f) and 56(2) of the Taxis Act (Northern Ireland) 2008(a).

In accordance with section 16(3) of that Act the Department has taken into consideration recommendations made by the General Consumer Council for Northern Ireland.

Citation and commencement

1. These Regulations may be cited as the Taxis (Taximeters, Devices and Maximum Fares) Regulations (Northern Ireland) 2015 and shall come into operation on—

- (a) for the purposes of this regulation and regulations 2(1) and 4 on 9th May 2016; and
- (b) for all other purposes on 31st May 2016.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Taxis Act (Northern Ireland) 2008;

“checksum” means the unique identifying number for tariff software installed in a taximeter approved by the Department;

“centre” has the same meaning as in regulation 2(1) of the Taxi Licensing Regulations;

“device” means a device constructed or adapted for the production of receipts as referred to in section 18(1)(b) of the Act;

“executive service” has the same meaning as in regulation 2 of the Taxi Operators Licensing Regulations(b);

“maximum fare” means the maximum fare calculated in accordance with regulation 13 and the Schedule;

“public service vehicle” has the same meaning as in Article 2(2) of the 1981 Order;

“seal” means a mechanism or tag attached by the Department to the taximeter for the purpose of securing it to the vehicle or preventing unauthorised adjustment and “sealing” and “sealed”

(a) 2008 c.4 (N.I.); section 56(2) was amended by paragraph 92 of Schedule 14 to S.I. 2010/976

(b) The definition of “executive service” is inserted by regulation 2(2) of S.R. 2015 No. 395

shall be construed accordingly. More than one seal may be applied to each taximeter for these purposes;

“the Taxi Licensing Regulations” means the Taxi Licensing Regulations (Northern Ireland) 2015(a);

“the Taxi Operators Licensing Regulations” means the Taxi Operators Licensing Regulations (Northern Ireland) 2012(b); and

“tour service” has the same meaning as in regulation 2 of the Taxi Operators Licensing Regulations(c).

(2) For the purposes of regulation 9(2), section 39(8) of the Interpretation Act (Northern Ireland) 1954(d) applies with the substitution of “Easter Tuesday” for “Good Friday”.

Taximeters and devices

3.—(1) A taximeter and device fitted in a taxi and of a type approved by the Department(e) shall be inspected, tested and sealed in accordance with these Regulations.

(2) For the purposes of section 18(1) of the Act, the prescribed exceptions are where a taxi is licensed for use as Class C or D in accordance with regulation 5 of the Taxi Licensing Regulations (classes of use).

(3) The owner or driver of a Class C or D licensed taxi shall not cause or permit the taxi to be fitted with a taximeter or device.

Application

4.—(1) Any person may apply to the Department for the inspection, testing and sealing of a taximeter and device fitted in a taxi.

(2) An application for the inspection, testing and sealing of a taximeter and device shall be made on a form supplied by the Department and shall be accompanied by a fee of £35.00.

Presentation for inspection, testing and sealing

5.—(1) On notification by the Department, the taxi should be presented for inspection, testing and sealing of the taximeter and device, by a vehicle examiner, at the time and centre specified in the notice.

(2) A vehicle examiner shall not be obliged to carry out an inspection, testing or sealing of the taximeter and device where—

- (a) the taxi is not presented at the time and centre notified to the applicant;
- (b) the fee specified in regulation 4(2) has not been paid;
- (c) the information provided on the application form is found to be substantially incorrect;
- (d) the taxi, or any part of, or any equipment of, the taxi is so dirty as to make it unreasonably difficult for the inspection or test of the taximeter and device to be carried out in accordance with these Regulations;
- (e) the taximeter and device connected to it are not of a type approved by the Department;
- (f) the vehicle is not an approved M1 vehicle or has not previously been licensed as a public service vehicle;
- (g) the taximeter and device are not securely attached to the taxi in a suitable position; or

(a) S.R. 2015 No. 393

(b) S.R. 2012 No.316; the relevant amending regulations are S.R. 2015 No. 395

(c) The definition of “tour service” is inserted by regulation 2(2) of S.R. 2015 No. 395

(d) 1954 c.33 (N.I.)

(e) The Department will publish and maintain a list of approved taximeters, including checksums, and devices on the nidirect website at www.nidirect.gov.uk

- (h) a failure of a part of the taxi renders it incapable of being moved in safety under its own power.

(3) In this regulation “approved M1 vehicle” has the same meaning as in regulation 2(1) of the Taxi Licensing Regulations.

Taximeter fitting requirements

6. A taximeter shall—

- (a) be fitted in accordance with the manufacturers instructions;
- (b) be capable of being sealed to the taxi;
- (c) be attached securely to the taxi so that it cannot, by the vibration of the engine or by the motion of the taxi, become detached or be caused to become inaccurate;
- (d) be positioned so as to enable a passenger inside the taxi to easily see and read it;
- (e) have all connections between the signal generator and taximeter so protected as to prevent tampering with, or a reduction in the accuracy of, the taximeter;
- (f) be calibrated so as not to exceed the maximum fare;
- (g) be calibrated in accordance with the checksum; and
- (h) be connected to a device capable of automatically printing a receipt containing the details specified in regulation 15(1).

Sealing of taximeter

7.—(1) Where the Department is satisfied that the taximeter meets the requirements specified in regulation 6, it shall seal the taximeter and affix a taximeter plaque in accordance with regulation 8(1) to the taxi in a readily accessible position on the internal frame of the door aperture.

(2) Where the Department is not satisfied that the requirements specified in regulation 6 are met, a notice of refusal shall be issued to the applicant following the completion of the inspection and test.

(3) A notice issued in accordance with paragraph (2) shall—

- (a) list the reasons for refusal to seal the taximeter ; and
- (b) advise that the granting of a taxi licence, in accordance with regulation 7 of the Taxi Licensing Regulations (grant of licence), shall not be considered until the taximeter has been sealed by the Department.

(4) Where paragraph (2) applies, a further application for the inspection, testing and sealing of the taximeter may be made in accordance with regulation 4.

(5) The taximeter plaque referred to in paragraph (1) is prescribed for the purposes of section 44(3)(f) of the Act (false statements, forgery and power of seizure in connection with certain documents).

Taximeter plaque

8.—(1) A taximeter plaque affixed by the Department shall display—

- (a) the checksum;
- (b) the drive axle tyre size;
- (c) the pulses per mile;
- (d) the date the taximeter was sealed; and
- (e) such other information as the Department sees fit.

(2) Where the taxi or the taximeter does not comply with the details included on the plaque, or the plaque is missing or defaced, no person shall cause or permit the taxi to be used to stand or ply for hire or reward or carry passengers for hire or reward.

(3) In this regulation “pulses per mile” means the number of pulses the taximeter must receive in order to correctly indicate a distance travelled of one mile.

Refund of fees

9.—(1) Any fees paid in pursuance of regulation 4(2) shall be refunded to the applicant if—

- (a) no notification under regulation 5(1) is made or the appointment made is subsequently cancelled by the Department;
- (b) the applicant gives to the Department notice cancelling the appointment of not less than one day before the date of the appointment;
- (c) the applicant keeps the appointment but the inspection does not take place, or is not completed, for reasons attributable neither to the applicant nor to the taxi, the taximeter or the device presented for inspection; or
- (d) the applicant satisfies the Department that, due to exceptional circumstances occurring not more than 7 days before the date of the appointment, the taximeter and the device cannot reasonably be presented for inspection on that date and notice is given to the Department, at the centre where the inspection is to be held, within 3 days of those circumstances first arising.

(2) For the purposes of calculating the period of any notice given under this regulation, no period of time shall include any day that is a Saturday, Sunday or public holiday.

(3) In this regulation, “exceptional circumstances” mean an accident, fire, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or defect in the vehicle, taximeter or device or non-delivery of spare parts thereof).

Use of taximeter

10.—(1) Subject to paragraph (2), the driver of a taxi shall commence operation of the taximeter on commencement of the journey and shall cease operation of the taximeter immediately on completion of the journey.

(2) Paragraph (1) shall not apply where the journey the taxi is used to provide is—

- (a) an executive service or a tour service; or
- (b) a service for—
 - (i) a health and social care body as defined in section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009^(a); or
 - (ii) the Education Authority established under the Education Act (Northern Ireland) 2014^(b).

(3) The fare, demanded by the driver of a taxi or any other person, shall not exceed the amount displayed on the taximeter.

(4) All fares calculated and displayed by a taximeter shall be in pounds and pence sterling only.

(5) The driver of a taxi shall, unless otherwise directed by the person who hired the taxi, proceed by the most practicable direct route to the destination.

(6) The owner or driver of a taxi shall not cause or permit any unnecessary or improper delay in any journey or wilfully deceive any person in respect of the route or destination.

(7) In this regulation, “commencement of the journey” means—

- (a) where a taxi booking is made through an operating centre—
 - (i) at the specific time and place agreed with the person who hired the taxi; or

(a) 2009 c.1 (N.I.)

(b) 2014 c.12 (N.I.)

- (ii) if later than the time agreed with the person who hired the taxi, at the time that person is notified of the arrival of the taxi; or
- (b) in any other case, at the time the driver agrees to accept the hire.

Condition of taximeter and device

11.—(1) Where a taximeter or device becomes defective or a seal on a taximeter is missing or broken, whether accidentally or otherwise, the driver of the taxi shall inform the Department and no person shall cause or permit the taxi to be used to stand or ply for hire or reward or carry passengers for hire or reward—

- (a) until the defect has been corrected; and
- (b) where a seal is missing or broken, until the taximeter has been resealed by the Department.

(2) Where paragraph (1)(b) applies, an application for inspection, testing and sealing of the taximeter shall be made in accordance with regulation 4.

Display of fares

12.—(1) The owner or driver of a taxi shall exhibit a fares board in a position so as to enable a passenger inside the taxi to easily see and read it.

(2) Paragraph (1) shall not apply where the journey the taxi is used to provide is an executive service or a tour service.

(3) In this regulation “fares board” means the printed sheet, issued by the Department^(a) to all taxi drivers, detailing the maximum fare that applies at the time of the journey.

Maximum fare

13. The maximum fare, which may be demanded by the driver of a taxi or any other person, in respect of journeys undertaken by a taxi operating a taximeter, shall be calculated in accordance with Part I of the Schedule.

Maximum charges

14.—(1) The maximum charge, additional to the maximum fare, which may be demanded by the driver of a taxi or any other person, in respect of journeys undertaken by a taxi operating a taximeter, shall be calculated in accordance with paragraph (2).

(2) Where—

- (a) a fifth passenger is carried, £1.00 and, for every additional passenger thereafter, £1.00 each;
- (b) a road toll, airport entrance or car parking charge is incurred by the driver, the cost of the toll or charge; or
- (c) the taxi is soiled by a passenger such that it is necessary to take the taxi out of service for cleaning purposes, the cost incurred to the driver up to a maximum of £75.00.

Receipts

15.—(1) A receipt issued in accordance with section 18(4) of the Act shall contain—

- (a) the date of issue;
- (b) the fare;
- (c) the pick-up and drop-off times;

^(a) The Department will also publish the fares board on the nidirect website at www.nidirect.gov.uk

- (d) the distance travelled in miles;
- (e) the registration mark; and
- (f) any other charges as specified in regulation 14(2).

(2) The prescribed exceptions for the purposes of section 18(4) of the Act are where a passenger states that a receipt is not required.

(3) In this regulation, “registration mark” has the same meaning as in section 23(1) of the Vehicle Excise and Registration Act 1994(a).

Transitional provisions

16.—(1) Subject to paragraph (2), where on 31st May 2016 a taxi is deemed as licensed for use as Class A or B in accordance with regulation 35 of the Taxi Licensing Regulations, any requirement for the taximeter and device to be inspected, tested and sealed in accordance with these Regulations shall not apply until the expiry of the public service vehicle licence referred to in regulation 35(1) of the Taxi Licensing Regulations.

(2) Where the public service vehicle licence referred to in regulation 35(1) of the Taxi Licensing Regulations expires during the period from and including 9th May 2016 to 31st May 2016, any requirement for the taximeter and device to be inspected, tested and sealed in accordance with these Regulations shall not apply until 31st May 2017.

Sealed with the Official Seal of the Department of the Environment on 2nd December 2015



Elizabeth Loughran
A senior officer of the
Department of the Environment

(a) 1994 c.22

SCHEDULE 1

Regulations 2(1) and 13

PART 1

Maximum Fares

<i>Fare Title</i>	<i>Day/Time</i>	<i>Calculation of Fare</i>	<i>Maximum fare</i>
Rate 1	Monday-Friday 06.00-20.00 except on the specified days listed in Part 2	For the first 880 yards or part thereof or for the first 4 minutes and 46 seconds or part thereof. For every subsequent 224 yards or part thereof, or 73 seconds or part thereof.	£3.00 £0.20
Rate 2	Monday-Thursday 20.00-06.00 except on the specified days listed in Part 2	For the first 880 yards or part thereof or for the first 4 minutes and 46 seconds or part thereof. For every subsequent 224 yards or part thereof, or 73 seconds or part thereof.	£3.40 £0.20
Rate 3	Friday 20.00-Monday 06.00 and all day on the specified days listed in Part 2 (20.00 on the preceding day to 06.00 on the following day)	For the first 880 yards or part thereof or for the first 4 minutes and 46 seconds or part thereof. For every subsequent 224 yards or part thereof, or 73 seconds or part thereof.	£4.20 £0.20

PART 2
Specified Days

<i>Specified days</i>
New Year's Day
St Patrick's Day
Good Friday
Easter Monday
May Day
Spring Bank Holiday
12th July
Summer Bank Holiday
Christmas Day
Boxing Day

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under the Taxis Act (Northern Ireland) 2008 (2008 c.4 (N.I.)) for the inspection, testing and sealing of approved taximeters and devices and prescribe the fee payable. The Regulations replace the existing taximeter requirement in the Public Service (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995.

The Regulations set out a new maximum fare, provide for the display of fares and specify the maximum charges which may be added to the fare in respect of a fifth and every additional passenger, a road toll, airport entrance or car parking charge. Where a taxi is soiled by a passenger the cost incurred for cleaning, up to a maximum of £75.00, may be charged.

In addition, the Regulations prescribe the information to be contained on receipts and set out the transitional provisions which apply in relation to public service vehicle licences.

The Department will publish, no later than 3rd February 2016, and subsequently maintain a list of approved taximeters and devices on the nidirect website at www.nidirect.gov.uk. The Driver and Vehicle Agency will on request provide copies of the list to interested parties.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from the Road Safety Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or may be accessed via the Office of Public Sector Inform

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STATUTORY RULES OF NORTHERN IRELAND

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ROAD TRAFFIC AND VEHICLES

The Taxis (Taximeters, Devices and Maximum Fares)
Regulations (Northern Ireland) 2015

£6.00

N6832 12/2015 456832T 19585

ISBN 978-0-337-99916-1



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