

2020 No. 64

ROAD TRAFFIC AND VEHICLES

**The Taxi Licensing (Amendment) (Coronavirus) Regulations
(Northern Ireland) 2020**

Made - - - - *8th April 2020*

Coming into operation - *10th April 2020*

The Department for Infrastructure^(a) makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(b) and sections 13(3) and (5), 20, 56(1) and (2) and 57(1) of the Taxis Act (Northern Ireland) 2008^(c) and now vested in it^(d).

The Department for Infrastructure is designated^(e) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the testing of the roadworthiness of motor vehicles and measures relating to the carriage of passengers and goods by road.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Taxi Licensing (Amendment) (Coronavirus) Regulations (Northern Ireland) 2020 and come into operation on 10th April 2020.

(2) The Interpretation Act (Northern Ireland) 1954^(f) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Taxi Licensing Regulations (Northern Ireland) 2015

2.—(1) The Taxi Licensing Regulations (Northern Ireland) 2015^(g) are amended in accordance with paragraphs (2) and (3).

(2) After regulation 3 (application for a taxi licence) insert—

-
- (a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved
- (b) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (c) 2008 c. 4 (N.I.)
- (d) See Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)
- (e) S.I. 1977/1718 and S.I. 1996/266
- (f) 1954 c. 33 (N.I.)
- (g) S.R. 2015 No. 393 as amended by S.R. 2016 No. 140, S.R. 2017 No. 141 and S.R. 2018 No. 90

“Automatic renewal of licences

3A.—(1) Paragraph (2) applies where a taxi licence granted in respect of a taxi before 10th April 2020 has expired in the 31 days ending with 9th April 2020 or expires in the 6 months beginning with 10th April 2020.

(2) The Department may grant a taxi licence in respect of the taxi (an “automatic renewal licence”) as if—

- (a) an application had been made for a taxi licence in respect of the taxi;
- (b) the licence applied for were of the same Class as the licence mentioned in paragraph (1); and
- (c) the Department were satisfied as required by section 13(3)(b) of the Act and regulation 7(1) or (2).

(3) An automatic renewal licence granted in respect of a taxi has effect for the purposes of the Act (and these Regulations) as if it had been granted on an application and after inspection of the taxi.

(4) An automatic renewal licence is subject to the conditions specified in Schedule 1A in addition to the conditions specified in regulation 11.”.

(3) After Schedule 1 insert the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department for Infrastructure on 8th April 2020



Chris Hughes
A senior officer of the
Department for Infrastructure

SCHEDULE

Regulation 2(3)

“SCHEDULE 1A

Regulation 3A

CONDITIONS FOR AUTOMATIC RENEWAL LICENCE

The owner or driver of a taxi in respect of which an automatic renewal licence has been granted shall—

- (a) comply with the statutory requirements, as defined in regulation 7(5);
- (b) ensure, for the duration of the licence, that there is in force in relation to the use of the taxi a policy of insurance or such security as complies with the requirements of Part 8 of the Road Traffic (Northern Ireland) Order 1981;
- (c) ensure, for the duration of the licence, that the taxi is kept in a roadworthy condition including continued servicing of the vehicle and the carrying out of basic checks such as looking out for brake wear, checking tyres, and ensuring that all lights are working and that oil and windscreen liquid are at correct levels;
- (d) ensure that the taxi has not, since its last inspection by the Department—
 - (i) undergone any modification or alteration, which has reduced its roadworthiness; or
 - (ii) been significantly altered to the extent that it no longer complies with its M1 certification,for the purposes of the licence;
- (e) ensure, for the duration of the licence, that the taxi—
 - (i) does not undergo any modification or alteration which would reduce its roadworthiness; or
 - (ii) will not be significantly altered to the extent that it no longer complies with its M1 certification,for the purposes of the licence; and
- (f) ensure that the plates (in the case of a Class A or B licensed taxi) and the signs (in the case of any class of licensed taxi) most recently issued in respect of the taxi continue to be displayed in accordance with regulation 12 and (in any case) that the automatic renewal licence is retained in the vehicle.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Taxi Licensing Regulations (Northern Ireland) 2015 (“the 2015 Regulations”) in order to ensure that the renewal of existing taxi licences can continue during the current COVID-19 (coronavirus) public health emergency.

The 2015 Regulations provide for the inspection and testing of taxis in advance of the granting of an annual taxi licence under section 13 of the Taxis Act (Northern Ireland) 2008. However the current public health emergency caused by the COVID-19 pandemic has meant that all Driver and Vehicle Agency (DVA) testing centres have been closed for the protection of both customers and staff, and it is therefore not possible to inspect or test taxis in advance of the grant of a new taxi licence.

Taxis have been prescribed as a business that can remain open in Part 3 of Schedule 2 to the Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020 (S.R. 2020 No. 55). Accordingly, and in order to ensure that currently licenced taxis can continue to operate if their licences expire during the emergency, these Regulations provide for the automatic renewal of a taxi licence, without a further inspection and test. This licence will last for a period of 6 months. The additional conditions, as set out in the Schedule to these Regulations, apply in relation to all automatically renewed licences. No fee will be charged where an automatic licence renewal is granted.

In terms of EU roadworthiness obligations, Article 2(2) of Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers, sanctions the exclusion of vehicles operated or used in exceptional conditions from roadworthiness testing requirements. The Department considers that the current COVID-19 public health emergency is such an exceptional condition and that the automatic renewal of existing taxi licences without prior inspection and testing is a necessary and appropriate response in the circumstances.

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

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.90

NI202004081008 04/2020 19585

<http://www.legislation.gov.uk/id/nisr/2020/64>

ISBN 978-0-33-801256-2



9 780338 012562