

STATUTORY INSTRUMENTS

S.I. No. [•] of 2012

**TAXI REGULATION ACT 2003 (AMENDMENT AND VEHICLE LICENSING) REGULATIONS
2012.**

The National Transport Authority, in exercise of the powers conferred on it by section 34 of the Taxi Regulation Act 2003 (No. 25 of 2003) (as amended by section 13 of the Roads Act 2007 (No. 34 of 2007) and section 43 of the Public Transport Regulation Act 2009 (No. 37 of 2009)), hereby makes the following regulations:

Citation, commencement and definitions

1. These Regulations may be cited as the Taxi Regulation Act 2003 (Amendment and Vehicle Licensing) Regulations 2012.
2. These Regulations come into operation on 1 January 2013.
3. In these Regulations –

“Authority” means the National Transport Authority;

“licensing records” means records maintained under section 60(2) (inserted by section 86 of the Finance Act 1994 as amended by section 7 of the Motor Vehicle (Duties and Licences) Act 2003) of the Finance Act 1993;

“registered owner” in relation to a vehicle, means where the vehicle –

- (a) is registered in the State, the owner of the vehicle whose name is most recently entered in the licensing records, or
- (b) is used under a trade licence issued under section 21 of the Finance (No. 2) Act 1992, the holder of the licence;

“Regulations of 1995” means the Road Traffic (Public Service Vehicles) (Amendment) Regulations 1995 (S.I. 136/1995);

“small public service vehicle licence” means a taxi licence, wheelchair accessible taxi licence, hackney licence, hackney wheelchair accessible hackney licence or limousine licence.

Amendments in relation to vehicle ownership and inactive licence period

4. Article 13 of the Regulations of 1995 is amended by substituting “taxi licence, wheelchair accessible taxi licence, hackney licence, wheelchair accessible hackney licence or limousine licence,” for “taxi licence or a wheelchair accessible taxi licence or a hackney licence,”.
5. Article 16 of the Regulations of 1995 is amended:
 - (a) by inserting after sub-article (2)(e) the following:

“(f) where, in the case of a taxi or wheelchair accessible taxi, approved external signs are affixed to the vehicle in accordance with the Taxi Regulation Act 2003 (Taxi Branding) Regulations 2012.”; and
 - (b) by substituting for sub-article (2B) the following:

“(2B) (a) Where a small public service vehicle licence expires because it was not renewed on or before the date of expiry of the licence, the licence holder may, subject to the provisions of this article, make an

application to the National Transport Authority for the reactivation of the expired licence in respect of the same vehicle to which such expired licence referred or in respect of a different vehicle.

- (b) An application for the reactivation of a licence under subparagraph (a) shall be accompanied by a fee of €500, provided that:
 - (i) where the licence is reactivated not more than 10 days after the date of expiry of the licence, the Authority shall refund €275 to the applicant, and
 - (ii) where the licence is reactivated more than 10 days but not more than 30 days after the date of expiry of the licence, the Authority shall refund €175 to the applicant.
- (c) Without prejudice to any other requirement of this article or article 17, the National Transport Authority may reactivate a small public service vehicle licence that has expired because it was not renewed on or before the date of expiry of the licence, provided that:
 - (i) subject to subparagraph (d), the application for reactivation of the licence is made to the National Transport Authority -
 - (A) on or before the date falling five years after the date of expiry of the licence in the case of an application made prior to 31 January 2013, or
 - (B) on or before the date falling twelve months after the date of expiry of the licence in the case of an application made on or after 31 January 2013; and
 - (ii) the applicant has demonstrated that the vehicle the subject of the application for late renewal or late continuance in force complies with any requirements in relation to vehicle standards prescribed by regulations made under section 34 of the Taxi Regulation Act 2003 by:
 - (A) in the case of an application for reactivation of an expired licence in respect of the vehicle to which such licence originally referred, successfully completing an annual renewal assessment; or
 - (B) in the case of an application for reactivation of an expired licence in respect of a different vehicle to which such licence originally referred, successfully completing the appropriate initial suitability inspection,

in accordance with the Taxi Regulation Act 2003 (Suitability Inspection and Annual Licence Renewal Assessment of Small Public Service Vehicles) Regulations 2010.
- (d) Where a small public service vehicle licence has, on or after 31 January 2008 but before 31 January 2013, expired because it was not renewed on or before the date of expiry of the licence, an application

for the reactivation of such licence may be made to the National Transport Authority on or before the earlier of -

- (i) the fifth anniversary of the date of expiry of the small public service vehicle licence; or
- (ii) 31 January 2014.”.

Prohibition on licence only rental

6. Regulation 5 of the Taxi Regulation Act 2003 (Permitted Use of Small Public Service Vehicle Licences) Regulations 2008 (S.I. No. 233 of 2008) is amended by substituting for Regulation 5 the following Regulation:

- “5. (1) A person shall not apply for the continuance in force of a small public service vehicle licence in respect of a different vehicle where such vehicle is in the ownership or possession of a person other than the person to whom the licence was issued.
- (2) The holder of a small public service vehicle licence shall not rent or lease his or her licensed vehicle to another person to operate his or her small public service vehicle unless the licence holder concerned-
- (a) ensures that the person to whom he or she is proposing to rent or lease the vehicle holds a licence to drive small public service vehicles,
 - (b) provides appropriate insurance for the period for which the vehicle is to be rented or leased to another person,
 - (c) ensures that the vehicle, in the case of a taxi or a wheelchair accessible taxi, is fitted with a taximeter which complies with the provisions of Regulation 21 of the Taxi Regulation Act 2003 (Suitability Inspection and Annual Renewal Assessment of Small Public Service Vehicles) Regulations 2010 (S.I. No. 249 of 2010),
 - (d) ensures that at the commencement of the rental or lease, the vehicle meets any requirements in relation to vehicle standards contemplated by regulations made under section 34 of the Taxi Regulation Act 2003,
 - (e) notifies the National Transport Authority of the details of the person renting or leasing the vehicle and the period of the rental or leasing agreement within 1 working day of the renting or leasing of the vehicle,
 - (f) maintains records of such rental or leasing agreements including copies of such agreements, and
 - (g) makes available to the National Transport Authority, upon being so requested by the Authority, copies of the records referred to in subparagraph (f).
- (3) Except in the circumstances contemplated by paragraph (2), the holder of a small public service vehicle licence shall not rent or lease his or her licence, or any interest in his or her licence, to another person.”

Vehicle ownership

7. (1) The holder of a small public service vehicle licence shall, at all times during the term of such licence, be:
- (a) the registered owner, or
 - (b) the person who keeps or has possession or charge (including arising from a leasing or hire purchase arrangement),
- of the vehicle associated with the licence.
- (2) The Authority shall not grant or renew a small public service vehicle licence or approve the continuance in force of a small public service vehicle licence in respect of a different vehicle unless the applicant -
- (a) is the registered owner, or
 - (b) satisfies the Authority that he or she is the person who keeps or has possession or charge (including arising from a leasing or hire purchase arrangement),
- of the vehicle the subject of the application for grant, renewal or continuance in force, as the case may be.
- (3) The holder of a small public service vehicle licence shall, if requested by the Authority at any time during the term of such licence, provide such information (including copies of any leasing or hire purchase arrangements) as the Authority may determine in relation to such person's ownership or possession or charge of the vehicle associated with such licence.

Driver and vehicle information

8. As and from 31 January 2013, a person who is licensed to drive small public service vehicles shall, prior to driving a vehicle as a small public service vehicle, submit such details to the Authority as the Authority may determine in relation to such vehicle including, without limitation, identification details of the vehicle and the period of operation of the vehicle.

Amendment in relation to the licensing of drivers of small public service vehicles

9. Regulation 34 of the Road Traffic (Public Service Vehicles) Regulations 1963 (S.I. No. 191 of 1963) is amended by inserting after sub-article (2)(e) the following-
- “(f) where the applicant is currently in employment other than as a driver of a small public service vehicle, such information in relation to such other employment as the licensing authority may require.”.

Amendment in relation to SPSV annual licence renewal assessment

10. Schedule 4 of the Taxi Regulation Act 2003 (Suitability Inspection and Annual Licence Renewal Assessment of Small Public Service Vehicles) Regulations 2010 (S.I. No. 249 of 2010) is amended by substituting “60 days” for “90 days”.

Amendment in relation to licence renewal fee

11. The Fourth Schedule to the Regulations of 1995 is amended by substituting for paragraph 1 the following:

- “1. Subject to paragraph 1A, a fee of €125 shall be payable in respect of –
- (a) the grant of a wheelchair accessible taxi licence or wheelchair accessible hackney licence,
 - (b) the renewal of a small public service vehicle licence, and
 - (c) the continuation in force of a small public service vehicle licence in respect of another vehicle.
- 1A. (a) A fee of €62.50 shall be payable in respect of the renewal of a small public service vehicle licence associated with a vehicle that has reached the tenth or later anniversary of the date of its first registration.
- (b) For the purposes of this paragraph, “date of its first registration” means the date on which the vehicle in question was first registered in whichever country the vehicle was first registered.”

Amendment in relation to standing for hire

12. Regulation 13 of the Taxi Regulation Act 2003 (Small Public Service Vehicles) (Amendment and Licensing) Regulations 2010 (S.I. No. 710 of 2007) is amended by inserting after paragraph (2) the following-

- “(3) For the purposes of paragraph (2), where a vehicle fitted with a taxi roof sign is stationary in a public place other than an appointed stand, and such vehicle is not occupied by any person other than the driver, the driver of the vehicle shall be deemed to be standing for hire at a place other than an appointed stand.”.

Given under the seal of the National Transport Authority,

Date: _____.

JOHN FITZGERALD,

Chairperson, National Transport Authority

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations provide for a number of matters in relation to the licensing and operation of small public service vehicles. These include:

- requirements in relation to the ownership of a small public service vehicle;
- the circumstances in which a small public service vehicle licence that has expired because it has not been renewed may be reactivated and the fee payable in respect of such reactivation;
- a prohibition on taxi plate only rental;
- requirements in relation to the provision of information in relation to a small public service vehicle by the driver of such vehicle;
- requirements in relation to standing for hire at a place other than an appointed stand;
- requirements in relation to the provision of information in relation to other employment by a person who is licensed to drive small public service vehicles;
- a reduction in the number of days prior to the licence expiry date which a small public service vehicle may be submitted for its annual assessment; and
- the introduction of a revised licence renewal fee for a small public service vehicle that has reached the tenth or later anniversary of the date of its first registration.