

STATUTORY INSTRUMENTS

S.I. No. [•] of 2012

TAXI REGULATION ACT 2003 (FIXED CHARGES OFFENCES) 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:

1. These Regulations may be cited as the Taxi Regulation Act 2003 (Fixed Charges Offences) Regulations 2012.
2. These Regulations come into operation on 1 January 2013.
3. An offence under-
 - (a) Part 3 of the Taxi Regulation Act 2003 (No. 25 of 2003) consisting of a contravention of a provision of the Regulations referred to in Schedule 1, and
 - (b) section 82 of the Road Traffic Act 1961 (No. 24 of 1961) consisting of a contravention of a provision of the Regulations referred to in Schedule 2,is declared to be a fixed charge offence.
4. The amount prescribed for a fixed charge offence referred to in-
 - (a) Schedule 1 is the amount indicated in column (3) of the table in Schedule 1 opposite the relevant fixed charge offence listed in column (1) of the said table, and
 - (b) Schedule 2 is the amount indicated in column (3) of the table in Schedule 2 opposite the relevant fixed charge offence listed in column (1) of the said table.
5. The form of notice set out in Schedule 3 or a form substantially to the like effect is prescribed as the form of notice for the purposes of section 46 of the Taxi Regulation Act 2003.
6. The Taxi Regulation Act 2003 (Fixed Charges Offences) Regulations 2007 (S.I. No. 722 of 2007) is revoked.

SCHEDULE 1

FIXED CHARGE OFFENCES

Offences under Part 3 of the Taxi Regulation Act 2003

Regulation (1)	Description of Contravention (2)	Fixed Charge Amount (3)
Taxi Regulation Act 2003 (Small Public Service Vehicles) (Amendment and Licensing) Regulations 2007 (S.I. No. 710 of 2007)		
Regulation 7(2)	Removal or attempted removal of tamper-proof disc from a small public service vehicle.	€80
Regulation 7(3)	Failure to display tamper-proof disc.	€80
Regulation 8(1)	Failure to display required in-vehicle information.	€40
Regulation 9	Unreasonable refusal to carry passenger where journey not more than 30 kilometres.	€80
Regulation 10(1)	Failure to have taximeter calibrated in line with current maximum fare order.	€250
Regulation 10(3)	Operating taximeter while taxi standing for hire or plying for hire.	€60
Regulation 10(4)	Failure to operate taximeter while taxi on hire.	€60
Regulation 11	Failure to comply with the requirements in relation to the fitting and operation of a taximeter.	€60
Regulation 12	Applying a booking fee in respect of a taxi or wheelchair accessible taxi where engaged while plying for hire or standing for hire or without having been booked in advance by the consumer.	€60
Regulation 13(1)	Standing at appointed stand while vehicle not available for hire.	€40

Regulation 13(2)	Standing for hire in taxi or wheelchair accessible taxi otherwise than at an appointed stand.	€40
Regulation 14	Plying for hire or standing for hire in a hackney or limousine.	€60
Regulation 15	Refusal to carry Assistance Dog or Guide Dog in small public service vehicle.	€40
Regulation 16	Failure to provide receipt in respect of taxi or wheelchair accessible taxi.	€40
Regulation 17	Failure to provide receipt in respect of hackney or limousine.	€40
Regulation 18	Operating in county without satisfactory local knowledge.	€40
Regulation 21 and Schedule	Failure to comply with taxi roof sign requirements	€40
Regulation 22(1)	Failure to display required driver identification.	€60
Regulation 22(3)	Displaying forged driver identification on small public service vehicle.	€250
Regulation 23	Displaying on a hackney or limousine a sign or advertisement other than one prescribed by the National Transport Authority.	€40
Taxi Regulation Act 2003 (Wheelchair Accessible Hackneys and Wheelchair Accessible Taxis - Vehicle Standards) Regulations 2010 (S.I. No. 248 of 2010)		
Regulation 19	Failure to have a boarding aid in, or as part of, a wheelchair accessible taxi or wheelchair accessible hackney.	€60
Regulation 20	Failure to have a wheelchair restraint system and wheelchair occupant restraint system in a wheelchair accessible taxi or wheelchair accessible hackney.	€60

Taxi Regulation Act 2003 (Suitability Inspection and Annual Licence Renewal Assessment of Small Public Service Vehicles) Regulations 2010 (S.I. No. 249 of 2010)		
Regulation 11	Failure to safely carry prescribed safety articles	€60
Taxi Regulation Act 2003 (Taxi Branding) Regulations 2012		
Regulation 5	Failure to have prescribed signage affixed to the front doors of taxi or wheelchair accessible taxi.	€250
Taxi Regulation Act 2003 (Amendment and Vehicle Licensing) Regulations 2012		
Regulation 8	Failure to notify details of small public service vehicle being operated.	€40

SCHEDULE 2

FIXED CHARGE OFFENCES

Offences under section 82 of the Road Traffic Act 1961

Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulations 1999 (S.I. 316 of 1999)

Regulation (1)	Description of Contravention (2)	Fixed Charge Amount (3)
Regulation 12(1)	Failure to carry document in vehicle being driven in, into or out of a taximeter area.	€60

SCHEDULE 3

Reference Number:

Fixed Charge Offence

Notice under section 46 of the Taxi Regulation Act 2003

The National Transport Authority, in exercise of the powers conferred on it by section 46 of the Taxi Regulation Act 2003 (No. 25 of 2003), has the power to issue fixed charge notices for contraventions of specified Regulations made under that Act or Regulations made under section 82 of the Road Traffic Act 1961 (No. 24 of 1961).

Date (*insert date*)

Name.....

SPSV Driver Licence No.

Address.....

.....

Alleged Offence

It is alleged that you have committed an offence (*specify offence*), involving the use of a small public service vehicle bearing licence number (*insert licence number*) in a public place at (*insert location*) at (*insert time*) on (*insert date*).

Name of Authorised Person

Signature of Authorised Person:

Payment of Fixed Charge

1. In respect of the offence alleged in this notice you may, during the period of 28 days, beginning on the date of this notice, pay a fixed charge of (*insert amount*) (otherwise than in cash) to the National Transport Authority.
2. A payment of a fixed charge under this notice must be accompanied by all of this notice, if payment is made in person or by post.
3. You will not be prosecuted –
 - (a) during the period of 28 days from the date of this notice, or

- (b) at all, if the correct payment, in accordance with this notice, during that period, is made in respect of the offence specified in this notice.

Manner of Payment

All fixed charges payable under section 46 of the Taxi Regulation Act 2003 shall be paid to the National Transport Authority, (*insert address*) and shall be so paid (otherwise than in cash) by cheque, money order or postal order, or by such other means as the National Transport Authority for the time being considers appropriate.

(State other payment means information if applicable)

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 declare contraventions of certain Regulations to be fixed charges offences. These are:

- Removal or attempt to remove tamper-proof disc;
- Failure to display tamper-proof disc;
- Failure to display the relevant in-vehicle information in a small public service vehicle;
- Unreasonable refusal to carry a passenger for a journey of not more than 30 kilometres;
- Failure to have taximeter properly calibrated in line with the current maximum fare;
- Operating taximeter while taxi or wheelchair accessible taxi standing for hire or plying for hire;
- Failure to operate the taximeter while the taxi or wheelchair accessible taxi is on hire
- Failure to comply with requirements in relation to the fitting and operation of the taximeter;
- Charging a booking fee when plying for hire or standing for hire or, without having been pre-booked by a consumer, at an airport, transport station or other location;
- Standing at an appointed stand while vehicle is not available for hire;
- Standing for hire in a taxi or wheelchair accessible taxi otherwise than at an appointed stand;
- Plying for hire or standing for hire in a hackney or limousine;
- Refusal to carry a guide dog or other assistance dog;
- Failure to provide a required receipt in respect of a taxi or wheelchair accessible taxi;
- Failure to provide a required receipt in respect of a hackney or limousine;
- Operating as a taxi or wheelchair accessible taxi without having demonstrated satisfactory knowledge of the local area;
- Failure to comply with taxi roof sign requirements;
- Failure to display required driver identification;
- Displaying forged driver identification on a SPSV;
- Displaying on a hackney or limousine a sign or advertisement other than one prescribed by the National Transport Authority;
- Failure to have a boarding aid in, or as part of, a wheelchair accessible taxi or wheelchair accessible hackney;

- Failure to have a wheelchair restraint system and wheelchair occupant restraint system in a wheelchair accessible taxi or wheelchair accessible hackney;
- Failure to safely carry prescribed safety articles;
- Failure to have prescribed signage affixed to the front doors of taxi or wheelchair accessible taxi;
- Failure to notify details of small public service vehicle being operated;
- Failure to carry document in vehicle being driven in, into or out of a taximeter area.

The Regulations prescribe the amount payable in respect of a fixed charge offence and the form of notice for the purposes of enforcement of the fixed charge offences.