



National Transport Authority

**SPSV Public Consultation: (Emergency
Measure COVID-19) (2) Regulations 2020**

Analysis and Reporting

KPMG

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National Transport Authority

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1 Introduction

1.1 NTA and Regulation

The National Transport Authority (NTA) is the transport authority for the Greater Dublin Area and the public transport licensing agency for Ireland.

As part of its public transport licensing role, the NTA is the licensing authority in relation to commercial bus services and the small public service vehicle (SPSV) industry i.e. taxis, hackneys and limousines. The NTA is therefore responsible for enforcing Regulation 31 (Maximum permissible age requirements) of S.I. No. 33/2015 - Taxi Regulation (Small Public Service Vehicle) Regulations 2015 which specifies the maximum permissible age limits for operating a vehicle as an SPSV.

This regulation was implemented in 2009 in an effort to increase vehicle standards within the national taxi and hackney fleet¹.

The “maximum permissible age” means the age of a taxi or hackney vehicle beyond which that vehicle may not be licensed as a small public service vehicle.

The regulation states:

- Where a standard taxi or hackney vehicle licence was first granted before 1 January 2009 and a vehicle was associated with that licence on 1 January 2013, that vehicle can be licensed up to the 15th anniversary of the date of its first registration. In all other cases vehicle standard taxi or hackney can be licensed up to the 10th anniversary of the date of its first registration.
- For a wheelchair accessible vehicle associated with a licence on 1 April 2014, there is no maximum age limit. For all other wheelchair accessible taxis and wheelchair accessible hackneys the maximum age limit is 15 years from the date of first registration of the vehicle.

This means that once a taxi or hackney reaches its final operation date, the licence holder may not apply to the NTA for the renewal of a vehicle licence on that vehicle. A younger replacement vehicle must be purchased, and both a roadworthiness test (NCT) and an SPSV initial suitability test completed.

As at 31 March 2020, the Small Public Service Vehicle (SPSV) fleet comprised 22,179 taxis, hackneys and limousines in active and inactive licence status (i.e. eligible to be renewed).

¹ The limousine licence category is exempt from this Regulation.

1.2 New Regulations

As a result of the Covid-19 pandemic, and the role of the SPSV sector in providing a necessary public service, the NTA has proposed some new regulations to ease some of the obligations placed on SPSV licence holders.

Previous Amendment

At the beginning of the COVID-19 crisis and following a public consultation in April 2020, NTA made an exceptional legal provision, the Small Public Service Vehicle (Emergency Measure COVID-19) Regulation 2020, to temporarily amend Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015, Maximum Permissible Age Requirements. The temporary amendment was enacted on 19 May 2020 and related to a period up to 31 December 2020.

This meant that the NTA extended the Maximum Permissible Age Requirements by one (1) year for licences with expiry dates from 13 March to 31 December 2020.

This impacted an estimated 763 of fleet vehicles which would reach their end of life by the end of 2020.

This amendment was intended to be made as an exceptional provision and emergency measure resultant from the COVID-19 pandemic, noting that public transport, specifically including small public service vehicles, is deemed by Government an essential service.

The draft regulation was time-bound and will automatically fall away after 31 December 2020.

At the time of this draft proposal, the NTA undertook a public consultation which showed that the majority of respondents agreed with its proposal.

Current Proposed Amendment

In view of the ongoing nature of the Covid-19 pandemic and its resultant impact on the SPSV industry, the NTA has proposed a further exceptional COVID-19 provision, the Draft Small Public Service Vehicle (Emergency Measure COVID-19) (2) Regulation 2020, in relation to maximum permissible age limits.

Specifically, the purpose of the Small Public Service Vehicle (Emergency Measure COVID-19) (2) Regulation 2020 is to temporarily amend Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015, Maximum Permissible Age Requirements, up to and including 31 December 2021.

Similar to the previous amendment, this amendment is intended to be made as an exceptional provision and emergency measure resultant from the COVID-19 pandemic, noting that public transport, specifically including small public service vehicles, is deemed by Government an essential service.

The result of the changes to Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015 would, for 2,480 vehicles licences expiring to 31 December 2021, be that the associated vehicle would remain eligible to be licenced, all other obligations met, as follows:

- standard taxi/hackney and local area hackney until 11 years from the date of first registration of the vehicle;
- wheelchair accessible taxi/hackney until 16 years from the date of first registration of the vehicle; and
- certain other very limited standalone cases until 16 years from the date of first registration of the vehicle.

The draft regulation is timebound and will automatically fall away after that date. Once this COVID-19 regulation has reached its end date, Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015 and the maximum permissible ages therein will apply.

Similar to its previous proposal, the NTA has undertaken a public consultation process.

This report outlines the findings from this consultation.

1.3 Other Consultation

In addition, the NTA has proposed the Draft Small Public Service Vehicle (Emergency Measure COVID-19) (Fees) Regulations 2020, the purpose of which is to give effect to the renewal fee waiver by temporarily amending the renewal fees referenced in Schedule 1 to the Taxi Regulation (Small Public Service Vehicle) Regulations 2015 through a standalone, time bound clause for the calendar year 2021.

This proposed provision is also subject to a separate public consultation process.

This report is focused on the findings from this consultation on the Draft Small Public Service Vehicle (Emergency Measure COVID-19) (2) Regulation 2020, in relation to maximum permissible age limits only.

1.4 Structure of this Report

The structure of this report is as follows:

- Section 2 outlines the consultation process and the approach to the review and analysis of submissions.
- Section 3 outlines the key findings from the public consultation.

2 Consultation Process

2.1 Overview

The NTA undertook industry consultation via an online survey published on its website. The online survey contained four response fields:

1. Name
2. Email address
3. Opinion: this was in the form of a two option drop-down menu:
 - I agree with the Draft Regulation.
 - I disagree with the Draft Regulation.
4. Other comments (which was a free-text field, restricted to 300 words).

Appendix 1 contains the details provided by the NTA on its website regarding the public consultation.

Appendix 1 contains the details provided by the NTA on its website regarding the public consultation. The consultation ran from 20th October 2020 to 12th November 2020.

2.2 Approach to the Consultation Analysis

An MS excel file containing all responses to the public consultation was downloaded from the consultation site and the following three activities were undertaken:

1. Data cleansing

Data cleansing was undertaken to remove duplicate submissions and test submissions made by the NTA. Test submissions were highlighted by the NTA.

Duplicate submissions were identified where personal details (i.e. name and email address) matched.

The following approach was taken for duplicates:

- Matching opinion and matching comments from the same respondent – one record was removed.
- Matching opinion and more than one comment from the same respondent – comments were amalgamated to create one response and one record was removed.

- Mismatched opinion (with or without comments) from the same respondent – both records were retained as it was not possible to infer the intended opinion².

This resulted in an MS excel file containing 576 responses for coding and analysis.

2. Development of Themes

- An initial analysis was undertaken of a random sample of 100 submissions to identify the common themes emerging from the free-text comments.
- These themes were subsequently discussed and agreed with the NTA.
- The Table below sets out the themes applied to respondents' free-text comments

Nil	No response was provided in the free-text field
Agree	Reiteration of agreement and/or appreciation of the proposed changes.
Further Extension Required	The respondent wished that the draft regulation went further than the proposed 2021 extension.
General Comment	A general comment usually regarding the precarious state of the taxi industry and/or personal circumstances and/or personal details.
No Maximum Age Limit	The respondent wished that the Maximum Permissible Age was abolished.
Other Considerations	Other areas for consideration to support the taxi industry

3. Data coding

- All records were given a Unique Identifier.
- All submissions were read, interpreted and coded against the pre-agreed thematic coding frame.
- In a small number of cases, respondents' comments contained more than one theme and all themes were coded.
- Reasonable endeavours were made to ensure consistency in the application of themes including a quality review of a sample of coded responses, but it is noted that while most respondents were fairly clear in presenting their views, some submissions did contain a degree of ambiguity.

Notes on the Data

The following should be considered in relation to the findings contained in this report:

² One respondent made a second submission, to rescind the first submission. The first submission was removed, and the second submission was retained.



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- Consultation findings are the comments and views of respondents and their factual accuracy cannot be ascertained.
- Percentages will sum to more than 100 for all thematic analysis as respondents' submissions could contain more than one theme.

3 Consultation Findings

3.1 Introduction

A total of 576 people responded to the public consultation on the temporary amendment of Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015, Maximum Permissible Age Requirements, up to and including 31 December 2021.

3.2 Overall Opinion

The vast majority of respondents (85%; n=492) agreed with the proposed amendment to the regulation and a small minority (15%; n=84) disagreed.

Opinion	Number of Respondents	% of Respondents
Agreed	492	85%
Disagreed	84	15%
Total	576	100%

3.3 Additional Commentary

Over half of respondents overall (57%; n=330) provided additional comments alongside their view of the proposed amendment while over two-fifths (43%, n=246) did not.

Of those who agreed, under half (45%, n=259) provided additional comments. The majority of those who disagreed (85%; n=71) provided additional comments.

Opinion	Provided Additional Comments (n=)	Did Not Provide Additional Comments (n=)	% Provided Additional Comments	% Did Not Provide Additional Comments
Agreed	259	233	45%	55%
Disagreed	71	13	85%	15%
Total	330	246	57%	43%

3.4 Key Themes from All Respondents

The Table below illustrates the key themes from the 330 respondents who provided additional comments.

Key Themes	Number of Occurrences	% of Respondents
Further Extension	136	41%
Agree	115	35%
General Comment	39	12%
Other Considerations	35	12%

No Age Limit/ NCT	17	4%
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3.5 Key Themes – Respondents who Agreed

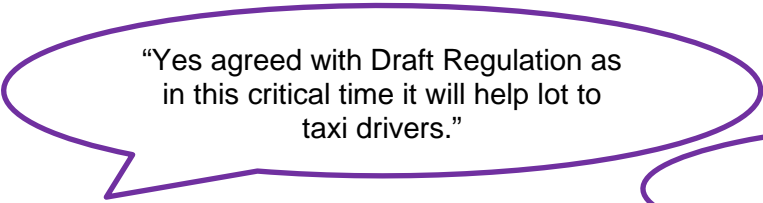
492 respondents agreed with the draft proposal and 45% (n=259) of these respondents provided additional commentary.

The Table below illustrates the number of occurrences by theme and the percentage of respondents who provided commentary.

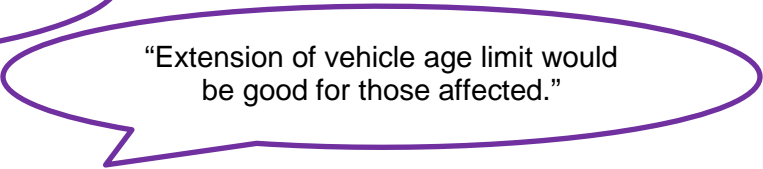
Key Themes	Number of Occurrences	% of Respondents
Agree	115	44%
Further Extension	83	32%
General Comment	37	14%
Other Considerations	23	9%
No Age Limit/ NCT	10	4%

Of the 259 respondents who agreed with the proposal and also made further commentary, the following key themes and trends were identified;

- Almost half of these respondents (n=115, 44%) reiterated their agreement with the draft proposal.



“Yes agreed with Draft Regulation as in this critical time it will help lot to taxi drivers.”



“Extension of vehicle age limit would be good for those affected.”

- Just under one third of those respondents (32%, n=83) who agreed with the draft proposal qualified their opinion by suggesting that there was a need for further extensions to the MPA.

Of these, the majority wanted to see an increased extension. Some stated all drivers should get an extension; some stated the extension should be for longer, suggesting two years or more than two years.

- A proportion of respondents wanted to see the MPA increased, with suggestions ranging from 10+ years to 15 years.
- A small proportion of respondents (14%, n=37) who agreed with the draft proposal also took the opportunity to highlight the precarious state of the taxi industry and/or their own personal circumstances. Some asked explicitly what the draft regulation meant for them.

- 23 respondents (9%) who agreed with the draft amendment also qualified their opinion by suggesting that more could be done and most provided suggestions. Suggestions ranged from issuing/restricting new licences, to reducing all fees, to licence suspension to looking at insurance costs to providing financial support. A small number wished the NTA to continue to keep everything under review.
- 10 respondents agreed with the draft regulation but also indicated that there should be no MPA. Some cited that if the NCT test is passed, an SPSV should be deemed fit for purpose.

3.6 Consultation Findings from those who Disagreed

Of the respondents who disagreed with the proposal and made further commentary the following key themes and trends were identified:

Key Themes	Number of Occurrences	% of Respondents
Further Extension	53	75%
Other Considerations	13	10%
No Age Limit/ NCT	7	18%
General Comment	2	3%

- Over three-quarters of these respondents (n=53; 75%) who disagreed, elaborated on their opinion. The majority of them considered that the extension should cover all licensed vehicles and/or should be for a longer period, with suggestions ranging from more than one year to five years. Others considered that the MPA should be increased, with suggestions ranging from 12 to 15 years.
- A small number disagreed with the proposed draft amendment citing the need to maintain a modern SPSV fleet while a few respondents considered the draft proposal to be unfair on those who had already invested in new vehicles.
- A small number of respondents (n=7) who disagreed considered there should be no MPA.

3.7 Summary

- The vast majority of respondents (85%; n=492) agreed with the proposed amendment to the regulation.
 - An analysis of their commentary indicates that while respondents agreed, a notable percentage of them took the opportunity to suggest modifications to the draft regulation and/or suggestions on other aspects of taxi regulation.



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- A small minority (15%; n=84) disagreed with the proposed amendment to the regulation.
 - An analysis of their commentary indicates that respondents disagreed because they did not consider the draft regulation went far enough and more support was required.

Appendix 1 – NTA Website

Public Consultation on Draft Small Public Service Vehicle (Emergency Measure COVID-19) (2) Regulation 2020

NTA is responsible for regulation of the Small Public Service Vehicle (SPSV) industry in Ireland. As part of this regulatory function, and in accordance with Sections 7 and 20 of the Taxi Regulation Acts 2013 & 2016, NTA may make regulations in respect of the type and age of a vehicle which may be used as an SPSV. The Taxi Regulation (Small Public Service Vehicle) Regulations 2015 specify the “maximum permissible age” limits for operating a vehicle as an SPSV.

The “maximum permissible age” in this context means the age of a vehicle beyond which that vehicle may not be licensed as an SPSV of the relevant vehicle licence category. Once a vehicle reaches its final operation date, the licence holder may not apply to the Authority for the renewal of a vehicle licence on that vehicle. A younger replacement vehicle must be purchased, and both a roadworthiness test (NCT) and an SPSV initial suitability test completed.

At the beginning of the COVID-19 crisis and following a public consultation in April 2020, NTA made an exceptional legal provision, the Small Public Service Vehicle (Emergency Measure COVID-19) Regulation 2020, to temporarily amend Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015, Maximum Permissible Age Requirements. The temporary amendment was enacted on 19 May 2020 and related to a period up to 31 December 2020.

As at 09 October, the SPSV fleet comprised 22,020 taxis, hackneys and limousines in active and inactive licence status (i.e. eligible to be renewed). Having regard to the continuing Covid-19 pandemic, and in order to mitigate the enduring adverse economic consequences to the SPSV industry resulting from the spread of that disease, NTA proposes a further exceptional COVID-19 provision, the Draft Small Public Service Vehicle (Emergency Measure COVID-19) (2) Regulation 2020, in relation to maximum permissible age limits.

The purpose of the Small Public Service Vehicle (Emergency Measure COVID-19) (2) Regulation 2020 is to temporarily amend Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015, Maximum Permissible Age Requirements, up to and including 31 December 2021. This amendment is intended to be made as an exceptional provision and emergency measure resultant from the COVID-19 pandemic, noting that public transport, specifically including small public service vehicles, is deemed by Government an essential service. It relates to the 2,480 fleet vehicles which will reach their end of life by the end of 2021.



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In the context of the COVID-19 pandemic and the associated extraordinary economic circumstances being experienced by the regulated industry, we consider extending the Maximum Permissible Age Requirements by one (1) year for expiry dates to 31 December 2021 worthy of public consultation. The draft regulation is timebound and will automatically fall away after that date. Once this COVID-19 regulation has reached its end date, Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015 and the maximum permissible ages therein will apply.

The Small Public Service Vehicle (Emergency Measure COVID-19) (2) Regulation 2020 will repeal the Small Public Service Vehicle (Emergency Measure COVID-19) Regulation 2020 which was enacted in May 2020. Those licensed SPSVs which received an extension to their maximum permissible age under the Small Public Service Vehicle (Emergency Measure COVID-19) Regulation 2020, will not receive a further extension.

The result of the changes to Regulation 31 of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015 would, for 2,480 vehicles licences expiring to 31 December 2021, be that the associated vehicle would remain eligible to be licenced, all other obligations met, as follows:

1. standard taxi/hackney and local area hackney until 11 years from the date of first registration of the vehicle;
2. wheelchair accessible taxi/hackney until 16 years from the date of first registration of the vehicle; and
3. certain other very limited standalone cases until 16 years from the date of first registration of the vehicle.

Draft Regulation

[Draft Small Public Service Vehicle \(Emergency Measure COVID-19\) \(2\) Regulation 2020](#)



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