EXPLANATORY MEMORANDUM TO

THE TAXI LICENSING (AMENDMENT) (CORONAVIRUS) REGULATIONS (NORTHERN IRELAND) 2020

SR 2020 No. 64

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and sections 13(3) and (5), 20, 56(1) and (2) and 57(1) of the Taxis Act (Northern Ireland) 2008 ("the 2008 Act") and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations is to ensure that the renewal of existing taxi licences can continue during the current COVID-19 (coronavirus) public health emergency.

2.2. The Taxi Licensing Regulations (Northern Ireland) 2015 ("the 2015 Regulations") are therefore being amended to provide for the automatic renewal of taxi licences that expire during the 31 days before or the 6 months following the operational date of these Regulations.

2.3. Taxi licences automatically renewed during this period will be for a duration of 6 months only, be free of charge and will have a number of additional conditions applied to them as specified in the Schedule to these Regulations.

3. Background

3.1. The 2015 Regulations provide for the inspection and testing of taxis in advance of the granting of a taxi licence under section 13 of the 2008 Act. 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. Without legislative change, the Department would therefore not be able to provide a new or renewed taxi licence during the current emergency since the inspection and testing required by the 2015 Regulations cannot be completed.

3.2. 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). It is therefore necessary to provide a way of ensuring that currently licenced taxis can continue to operate if

their licences expire during these emergency conditions. Accordingly, these Regulations provide for the automatic renewal of a taxi licence without a further inspection and test. A licence automatically renewed under these Regulations will cover a period of six months and will be granted free of charge.

3.3. In addition to the standard and other conditions that may apply to any renewed licence, the conditions set out in the Schedule to these Regulations will apply to an automatically renewed licence. Those conditions relate to continued compliance with the statutory requirements defined in the 2015 Regulations, appropriate insurance coverage, keeping the vehicle in a roadworthy condition, having made or making no modifications or alterations that may reduce the roadworthiness of the taxi or significantly compromise its M1 certification and a requirement to continue to display the licence plates and signs issued in relation to the licence being renewed.

3.4. 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.

4. Consultation

4.1. A formal consultation exercise was not carried out in relation to these Regulations given the need to take urgent action. However Taxi and insurance industry representatives were engaged in discussions related to the impact of the COVID-19 public health emergency on taxi operations and what could be done to mitigate its effects. PSNI were also contacted and are content with the approach now reflected in these Regulations.

5. Equality Impact

5.1. The Regulations have been made to legislate for a short-term operational response during the current COVID-19 (coronavirus) public health emergency; they will only be operational for a 6 month period.

5.2. The Regulations will apply equally to all taxi licences falling due for renewal during the current emergency period. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998 and an equality screening exercise was completed. No differential impact was identified for any group and a full equality impact assessment was considered unnecessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been completed given the need to take urgent action to address the effects of the COVID-19 public health emergency.

7. Financial Implications

7.1. The Driver and Vehcle Agency will suffer a loss of income as the granting of an automatically renewed licence will not incur a fee. The estimated financial impact over the 6 month period during which automatic renewals will be granted is a loss of £404K.

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no matters of concern relating to compatability with section 24.

9. EU Implications

9.1. None.

10. Parity or replicatory measure

10.1 There is no equivalent GB legislation.

11. Additional information

11.1. None