EXPLANATORY MEMORANDUM TO

THE TAXI LICENSING (AMENDMENT NO. 2) (CORONAVIRUS) REGULATIONS (NORTHERN IRELAND) 2020

S.R. 2020 No. 190

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 using section 2(2) of the European Communities Act 1972 and sections 13(3) and (5), 20 and 56(1) and (2) of the Taxis Act (Northern Ireland) 2008 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of these Regulations is to amend the Taxi Licensing Regulations (Northern Ireland) 2015 (the "2015 Regulations") to extend arrangements put in place for the automatic renewal of existing taxi licences due to the COVID-19 (coronavirus) public health emergency. The initial arrangements were implemented via the Taxi Licensing (Amendment) (Coronavirus) Regulations (Northern Ireland) 2020.

2.2. These Regulations allow for the the automatic renewal for a further 6 months of those taxi licences that have already been automatically renewed for a 6 month period under the initial arrangements.

2.3. In addition, any taxi licence granted before 10th October 2020 that expires between 9th March 2020 and 31st May 2021 may now be automatically renewed for a maximum period of 12 months.

2.4. All taxi licences automatically renewed as a result of these Regulations will be granted free of charge, without any prior inspection or testing of the vehicle and are subject to the additional conditions prescribed for such licences in Schedule 1A to the 2015 Regulations. The aggregate period for which any consecutive automatic renewal licences are granted must not exceed 12 months for any taxi.

2.5. These arrangements will apply for a limited time (ending in May 2021) while the effects of the COVID-19 emergency continue to adversely affect the ability of the Driver and Vehicle Agency to perform its vehicle inspection and testing role.

3. Background

3.1. The 2015 Regulations originally provided for the granting of an annual taxi licence under section 13 of the Taxis Act (Northern Ireland) 2008 only following inspection and testing of the taxi concerned. However the current public health

emergency caused by the COVID-19 pandemic meant that all Driver and Vehicle Agency (DVA) testing centres had to be closed in March 2020 for the protection of both customers and staff.

3.2. This closure meant that it was not possible to inspect or test taxis in advance of the grant of a new taxi licence. However taxis were subsequently 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). The Department therefore made the Taxi Licensing (Amendment) (Coronavirus) Regulations (Northern Ireland) 2020 to provide for the automatic renewal of a taxi licence during the emergency, without further inspection and testing, in order to facilitate the continued operation of taxi businesses.

3.3. While some vehicle testing has now resumed, all the DVA testing centres that are open are operating at a significantly reduced capacity, again for the protection of both customers and staff. Some centres remain repurposed as COVID-19 testing centres.

3.4. These Regulations therefore provide for the continuation and extension of arrangements for the automatic renewal of a taxi licence, without a further inspection and test. However these arrangements do not apply to vehicles being registered as taxis for the first time. It remains the case that such vehicles must be appropriately inspected and tested before a taxi licence can be granted.

3.5. In addition to the standard and other conditions that may apply to any renewed taxi licence, the additional conditions set out in the Schedule 1A to the 2015 Regulations will apply to all automatically renewed licences. 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.

3.6. 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 further urgent action. However, taxi and insurance industry representatives continue to be regularly engaged by the Department in relation to the impact of the COVID-19 emergency on taxi

operations and what can be done to mitigate its effects and to ensure that taxis can continue to operate effectively at this time.

4.2. Insurers continue to expect that all motorists comply with their legal obligation to keep their vehicle in a roadworthy condition at all times. PSNI have also been contacted and they have again reiterated the critical importance of all owners and drivers taking responsibility for the maintenance and condition of their vehicles in the absence of an official testing regime.

5. Equality Impact

5.1. The Regulations will apply equally to all taxi licences falling due for renewal during the period effected by the current COVID-19 emergency. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998. No differential impact was identified for any group and a full equality impact assessment was considered unnececessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been completed given the need to take further urgent action to address the effects of the COVID-19 public health emergency. These Regulations ensure that existing taxis can continue to operate during the emergency period. The partial resumption of vehicle testing will allow new vehicles to be tested and licensed as taxis.

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 of the implementation of these Regulations is £1.2m.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that this Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

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.