



STATUTORY INSTRUMENTS.

S.I. No. 458 of 2013



TAXI REGULATION ACT 2003 (LOCAL AREA HACKNEY)
REGULATIONS 2013

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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 (Local Area Hackney) Regulations 2013.
2. These Regulations come into operation on 30th November 2013.
3. In these Regulations—

“Authority” means the National Transport Authority;

“date of first registration” means the date on which the vehicle in question was first registered in whichever country the vehicle was first registered;

“hackney” means a vehicle in respect of which a hackney licence has been granted in accordance with regulations made under section 82 of the Road Traffic Act 1961 or section 34 of the Taxi Regulation Act 2003;

“hackney regulations” means the regulations made under section 82 of the Road Traffic Act 1961 and section 34 of the Taxi Regulation Act 2003 insofar as such regulations apply to hackneys;

“Commissioner” means the Commissioner of the Garda Síochána;

“local area hackney” means a vehicle that is licensed to operate as hackney in respect of a specified area;

“local area hackney licence” means a small public service vehicle licence granted in respect of a local area hackney’;

“small public service vehicle” has the meaning given to it in section 3 of the Road Traffic Act 1961;

“small public service vehicle licence” means a licence in respect of a small public service vehicle granted in accordance with regulations made under section 82 of the Road Traffic Act 1961 or section 34 of the Taxi Regulation Act 2003; and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd December, 2013.*

“SPSV driver regulations” means the regulations made under section 82 of the Road Traffic Act 1961 and section 34 of the Taxi Regulation Act 2003 insofar as such regulations apply to drivers of small public service vehicles.

4. Subject to Regulations 5 to 12, the hackney regulations shall apply to local area hackneys.

5. The Authority may grant or renew a local area hackney licence where the Authority is satisfied that—

- (a) there is a demand for local area hackney services in the area in respect of which the licence is sought, and
- (b) the public transport needs of the area in respect of which the licence is sought are not being adequately met by existing public transport services.

6. In considering whether to grant or renew a local area hackney licence, the Authority shall have regard to—

- (a) the public transport needs of the area in respect of which the licence is sought,
- (b) any existing public transport services in the area in respect of which the licence is sought and the likely impact of a local area hackney service on such existing services,
- (c) any other proposals for public transport services in the area in respect of which the licence is sought,
- (d) any transport demand analysis accompanying the application or otherwise available to the Authority, and
- (e) such other information as the Authority considers relevant.

7. The fee payable to the Authority in respect of an application for the grant or renewal of a local area hackney licence is €50.

8. An application for the grant or renewal of a local area hackney licence shall be accompanied by—

- (a) confirmation in writing—
 - (i) from an established organisation representing local businesses in the area, or
 - (ii) from a community group concerned for social and welfare needs of one or more communities, which has been granted an exemption from income tax under section 207 of the Taxes Consolidation Act 1997, by the Revenue Commissioners,

of the need for such local area hackney service in the proposed area; and

- (b) an analysis of the need for such local area hackney service in the proposed area carried out by or on behalf of the local authority in whose administrative area the local area hackney service is proposed to be provided and written confirmation from that local authority that there is a need for such local area hackney service in the proposed area.

9. The requirements of the hackney regulations in relation to the luggage capacity of a hackney shall not apply to local area hackneys.

10. A local area hackney licence renewed under these Regulations shall remain in force until the earlier of—

- (a) where the licence is renewed before the expiry date specified on the licence, the expiry of a period of one year from such expiry date,
- (b) where the licence is renewed after the expiry date specified on the licence, the expiry of a period of one year from the date on which the licence is renewed,
- (c) the tenth anniversary of the date of first registration of the vehicle to which the licence relates,
- (d) the surrender or revocation of the licence,
- (e) the licence holder ceasing to be legally entitled to the use and possession of the vehicle to which the licence relates, or
- (f) the date falling three years after the date on which the licence was first granted.

11. The holder of a local area hackney licence shall—

- (a) ensure that the vehicle associated with such licence is available for hire as a local area hackney in the area in respect of which the licence is granted,
- (b) not, during the term of such licence, hold, or apply for the grant of, a small public service vehicle licence in respect of a different vehicle,
- (c) not advertise the provision of local area hackney services outside of the area in respect of which the licence is granted.

12. A local area hackney licence shall not be transferred to another person.

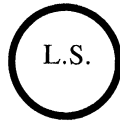
13. Subject to Regulations 14 to 19, the SPSV driver regulations shall apply to drivers of local area hackneys.

14. A person shall not drive a local area hackney for the carriage of passengers for reward unless he or she holds—
- (a) a valid licence to drive small public service vehicles granted in accordance with regulations made under section 82 of the Road Traffic Act 1961 or section 34 of the Taxi Regulation Act 2003, or
 - (b) a valid licence to drive a local area hackney.
15. The Commissioner may grant or renew a licence to drive a local area hackney provided that, at the time of application,—
- (a) the applicant holds a local area hackney licence, or
 - (b) the Authority has made a conditional offer of the grant of a local area hackney licence to the applicant.
16. The fee payable to the Authority in respect of an application for the grant or renewal of a licence to drive a local area hackney is €20.
17. Provided that the applicant is resident in the area in respect of which the local area hackney licence relates, an applicant for a licence to drive a local area hackney shall not be required to undertake the Small Public Service Vehicles Skills Development Programme (within the meaning of the Taxi Regulation Act 2003 (Small Public Service Vehicle Skills Development Programme and Driver Licence Fee) Regulations 2009 (S.I. No. 166 of 2009)).
18. A licence to drive a local area hackney shall remain in force until the earlier of—
- (a) the third anniversary of the date of the grant of the licence, and
 - (b) the date of the surrender or revocation of the licence.
19. The holder of a licence to drive a local area hackney shall not drive a small public service vehicle, other than such local area hackney, for the carriage of passengers for reward.
20. The Taxi Regulation Act 2003 (Grant of Taxi Licences) (Amendment) Regulations 2010 (S.I. No 250 of 2010) are amended by substituting for Regulation 2 the following—
- “2. In respect of an application for the grant of a small public service vehicle licence, other than a limousine licence, the Authority may grant such a licence only where—
- (a) the vehicle the subject of the application complies with the specifications relating to wheelchair accessible taxis or wheelchair accessible hackneys, as appropriate, contained in the Road Traffic (Public Service Vehicles) Regulations 1963

to 2003 and Regulations made under section 34 of the Taxi Regulation Act 2003 (No. 25 of 2003), or

(b) the applicant has applied for a local area hackney licence in accordance with the Taxi Regulation Act 2003 (Local Area Hackney) Regulations 2013.”.

21. In the issue or renewal of any local area hackney licence, the Authority shall specify the relevant area in respect of which the local area hackney licence is being granted.



GIVEN under the seal of the National Transport Authority,
25 November 2013.

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 introduce new categories of small public service vehicle licence and driver licence in relation to local area hackneys. A local area hackney may be licensed in respect of a particular area where the Authority is satisfied that there is a public transport need for local area hackney services in that area.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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