

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12: Disabled Persons: Transport

Chapter 2: Public service vehicles

Section 174: PSV accessibility regulations

Effect

563. This section enables the Secretary of State to make public service vehicle accessibility regulations specifying the technical standards applying to buses and coaches, to provide greater accessibility to disabled passengers including when seated in a wheelchair. The requirements can relate to the construction, use and maintenance of the vehicle, to the design and carriage of equipment, and to wheelchair restraints and wheelchair position.

Background

564. This section replicates the provisions of section 40 of the Disability Discrimination Act 1995.

Example

- Buses and coaches must meet certain technical standards in respect of equipment and design to ensure accessibility by disabled passengers. If accessibility features, such as handrails or other aids, were present when the vehicle was approved but have subsequently been removed, the bus must not be used on the road.

Section 175: Offence of contravening PSV accessibility regulations

Effect

565. This section makes it an offence to fail to comply with the requirements of the regulations or to use or allow to be used on the road a public service vehicle which does not meet the requirements of the regulations. If an offence is found to have been committed by or with the consent of a responsible person, such as a director, manager or company secretary, that individual, as well as the company, is guilty of the offence.

566. The offence is punishable by a fine of (currently up) to £2,500.

Background

567. This section replicates the offence provisions of section 40 of the Disability Discrimination Act 1995.

Example

- A bus has an accessibility feature removed and is subsequently used on a registered service. By using, or permitting the vehicle to be used in this condition, an offence is committed and may lead to the driver and the operator being convicted of the offence and a fine of up to £2,500 being imposed.

Section 176: Accessibility certificates

Effect

568. This section requires a regulated public service vehicle to have an accessibility certificate to demonstrate that it meets the requirements of the public service vehicle accessibility regulations (see section 174), or an approval certificate (see section 177), before it can be used on a road. It also allows the Secretary of State to make regulations relating to applications and the issue (or copies) of accessibility certificates and providing for vehicle examinations.

Background

569. This section replicates the provisions contained in section 41 of the Disability Discrimination Act 1995.

Example

- A bus must have an accessibility certificate showing that it conforms to requirements about accessibility features, for example, ramps, handrails and wheelchair spaces. The certificate shows that the bus meets the minimum acceptable standard to enable disabled passengers to get on and off it and be carried on it in reasonable safety and comfort.

Section 177: Approval certificates

Effect

570. This section allows the Secretary of State to approve a public service vehicle as a “type vehicle” if the relevant technical requirements are met, and the issue of an approval certificate if a particular vehicle conforms with a “type vehicle”. This allows a design of vehicle to be approved as meeting the technical and accessibility requirements. It also contains a power for the Secretary of State to make regulations relating to applications and the issue (or copies) of approval certificates and providing for vehicle examinations.
571. The Secretary of State can withdraw approval for a “type vehicle” at any time. When this happens, no further approval certificates may be issued. The certificates issued prior to withdrawal remain valid.

Background

572. This section replicates the provisions contained in section 42 of the Disability Discrimination Act 1995.

Example

- A particular bus manufacturer’s chassis in combination with a body is approved as a “type vehicle”, and approval certificates are issued in respect of buses conforming to this design. Modifications are subsequently made to the “type vehicle” which mean that it no longer meets the technical requirements, so its approval as a “type vehicle” is withdrawn and no approval certificates will be issued in respect of buses conforming to the modified design.

Section 178: Special authorisations

Effect

573. This section contains a power for the Secretary of State to authorise the use of a public service vehicle in certain circumstances where such a vehicle may not meet the requirements of regulations under section 174. It also allows restrictions or conditions to be placed on the use of such vehicles.

Background

574. This section replicates the provisions contained in section 43 of the Disability Discrimination Act 1995.

Example

- A new design of vehicle, which does not conform to the current accessibility regulations, is to be trialled. The Secretary of State makes an order allowing the use of the vehicle in a restricted environment, specifying the permitted areas and times of operation, so that its performance can be tested.

Section 179: Reviews and appeals

Effect

575. If the Secretary of State refuses to approve a vehicle as a “type vehicle”, this section allows the applicant to ask the Secretary of State to review of the decision on payment of a fee. It also gives a right of appeal to the Secretary of State against any refusal to issue an accessibility or approval certificate. It also allows the Secretary of State to set out the appeals procedure in regulations.

Background

576. This section replicates the provisions contained in section 44 of the Disability Discrimination Act 1995.

Example

- A vehicle manufacturer is refused approval of a new bus design as a “type vehicle”. The manufacturer asks the Secretary of State to review the decision and pays the required fee. The Secretary of State must review the decision and any supporting written evidence or representations, and can confirm, vary or reverse the original decision.

Section 180: Fees

Effect

577. This section contains a power for the Secretary of State make fees regulations and to charge fees in accordance with them for processing applications for approval as a “type vehicle”, processing accessibility and approval certificates, issuing duplicate certificates and conducting reviews and appeals. Fees are not likely to be greater than the amount needed to cover costs. The section allows provision for repaying fees in whole or part in certain circumstances, for example, on a successful appeal.

Background

578. This section replicates the provisions contained in section 45 of the Disability Discrimination Act 1995.

*These notes refer to the Equality Act 2010 (c.15)
which received Royal Assent on 8 April 2010*

Example

- An applicant may have to pay a fee for accessibility and approval certificates for a public service vehicle, to cover the cost of dealing with the application and inspection process.

Section 181: Interpretation

Effect

579. This section explains the meaning of the terms, “accessibility certificate”, “approval certificate”, “PSV accessibility regulations” and “regulated public service vehicle”.