



Disability Discrimination Act 1995

1995 CHAPTER 50

PART V

PUBLIC TRANSPORT

Taxis

32 Taxi accessibility regulations.

- [^{F1}(1) The [^{F2}Department of the Environment] may make regulations (“taxi accessibility regulations”) for the purpose of securing that it is possible—
- (a) for disabled persons—
 - (i) to get into and out of taxis in safety;
 - (ii) to be carried in taxis in safety and in reasonable comfort; and
 - (b) for disabled persons in wheelchairs—
 - (i) to be conveyed in safety into and out of taxis while remaining in their wheelchairs; and
 - (ii) to be carried in taxis in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Taxi accessibility regulations may, in particular—
- (a) require any regulated taxi to conform with provisions of the regulations as to—
 - (i) the size of any door opening which is for the use of passengers;
 - (ii) the floor area of the passenger compartment;
 - (iii) the amount of headroom in the passenger compartment;
 - (iv) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving;
 - (b) require the driver of any regulated taxi which is plying for hire, or which has been hired, to comply with provisions of the regulations as to the carrying

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

- of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;
- (c) require the driver of any regulated taxi in which a disabled person who is in a wheelchair is being carried (while remaining in his wheelchair) to comply with provisions of the regulations as to the position in which the wheelchair is to be secured.
- (3) The driver of a regulated taxi which is plying for hire, or which has been hired, is guilty of an offence if—
- (a) he fails to comply with any requirement imposed on him by the regulations; or
- (b) the taxi fails to conform with any provision of the regulations with which it is required to conform.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) In this section—
- “passenger compartment” has such meaning as may be prescribed;
- “regulated taxi” means any taxi to which the regulations are expressed to apply;
- [^{F3}“taxi” means a vehicle which—
- (a) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to stand or ply for hire; and
- (b) seats not more than 8 passengers in addition to the driver]]

Extent Information

- E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only. It incorporates the modifications for N.I. set out in Sch. 8 para. 16; see [s. 70\(6\)](#)

Textual Amendments

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F2** Words in [s. 32\(1\)](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 16(1) of this Act
- F3** Words in [s. 32\(1\)](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 16(2) of this Act

Modifications etc. (not altering text)

- C1** [Ss. 32-34](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9](#))

Commencement Information

- I1** [S. 32](#) in force (N.I.) (18.9.2015) by [S.R. 2015/333](#), [art. 2](#)

PROSPECTIVE

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

- [^{F4}(1) In this section “a franchise agreement” means a contract entered into by the operator of a designated transport facility for the provision by the other party to the contract of hire car services—
- (a) for members of the public using any part of the transport facility; and
 - (b) which involve vehicles entering any part of that facility.
- (2) The [^{F5}appropriate national authority] may by regulations provide for the application of any taxi provision in relation to—
- (a) vehicles used for the provision of services under a franchise agreement; or
 - (b) the drivers of such vehicles.
- (3) Any regulations under subsection (2) may apply any taxi provision with such modifications as the [^{F6}authority making the regulations] considers appropriate.
- (4) In this section—
- [^{F7}appropriate national authority means—
 - (a) in relation to transport facilities in England and Wales, the Secretary of State, and
 - (b) in relation to transport facilities in Scotland, the Scottish Ministers (but see subsection (5));] - “designated” means designated for the purposes of this section by an order made by the [^{F5}appropriate national authority];
 - “hire car” has such meaning as may be [^{F8}specified by regulations made by the appropriate national authority];
 - “operator”, in relation to a transport facility, means any person who is concerned with the management or operation of the facility;
 - “taxi provision” means any provision of—
 - (a) this Act, or
 - (b) regulations made in pursuance of section 20(2A) of the ^{M1}Civic Government (Scotland) Act 1982, - which applies in relation to taxis or the drivers of taxis; and
 - “transport facility” means any premises which form part of any port, airport, railway station or bus station.
- [^{F9}(5) The Secretary of State may, for the purposes mentioned in section 2(2) of the European Communities Act 1972 (implementation of Community obligations etc. of the United Kingdom), exercise the powers conferred by this section on the Scottish Ministers.]]

Extent Information

- E2** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 17; see [s. 70\(6\)](#)

Textual Amendments

- F4** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

- F5** Words in s. 33(2)(4) substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(2)**; S.I. 2005/2774, **art. 3(j)**
- F6** Words in s. 33(3) substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(3)**; S.I. 2005/2774, **art. 3(j)**
- F7** S. 33(4): definition of "appropriate national authority" inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(4)**; S.I. 2005/2774, **art. 3(j)**
- F8** S. 33(4): words in definition of "prescribed" substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(5)**; S.I. 2005/2774, **art. 3(j)**
- F9** S. 33(5) inserted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 26(6)**; S.I. 2005/2774, **art. 3(j)**

Modifications etc. (not altering text)

- C2** S. 33: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
- C3** Ss. 32-34: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9)

Marginal Citations

- M1** 1982 c.45.

PROSPECTIVE

34 New licences conditional on compliance with taxi accessibility regulations.

- [^{F10}(1) The Department of the Environment shall not grant a public service vehicle licence under Article 61 of the Road Traffic (Northern Ireland) Order 1981 for a taxi unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed
- (2) Subsection (1) does not apply if such a licence was in force with respect to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.
- (3) The Department of the Environment may by order provide for subsection (2) to cease to have effect on such date as may be specified in the order]

Extent Information

- E3** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only. It incorporates the modifications for N.I. set out in Sch. 8 para. 18; see s. 70(6)

Textual Amendments

- F10** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by Equality Act 2010 (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**

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Modifications etc. (not altering text)

- C4** Ss. 32-34: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9](#))

PROSPECTIVE

35 Exemption from taxi accessibility regulations.

^{F11}

Extent Information

- E4** In the application of the Act to Northern Ireland, this section is omitted; see [s. 70\(6\)](#), [Sch. 8 paras. 1, 19](#)

Textual Amendments

- F11** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

36 Carrying of passengers in wheelchairs.

[^{F12}(1) This section imposes duties on the driver of a regulated taxi which has been hired—
(a) by or for a disabled person who is in a wheelchair; or
(b) by a person who wishes such a disabled person to accompany him in the [^{F13}vehicle].

[^{F14}(1A) This section also imposes duties on the driver of a designated vehicle other than a regulated taxi if—

- (a) the designated vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
(b) a person falling within paragraph (a) or (b) of subsection (1) has indicated to the driver that he wishes to travel on the service.]

(2) In this section—

“carry” means carry in the [^{F15}vehicle] concerned; and
“the passenger” means the disabled person concerned.

(3) The duties are—

- (a) to carry the passenger while he remains in his wheelchair;
(b) not to make any additional charge for doing so;
(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
(d) to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort;
(e) to give such assistance as may be reasonably required—

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- (i) to enable the passenger to get into or out of the [F15vehicle];
 - (ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the [F15vehicle] while in his wheelchair;
 - (iii) to load the passenger's luggage into or out of the [F15vehicle];
 - (iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the [F15vehicle].
- (4) Nothing in this section is to be taken to require the driver of any [F15vehicle]—
- (a) except in the case of a [F15vehicle] of a prescribed description, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey; or
 - (b) to carry any person in circumstances in which it would otherwise be lawful for him to refuse to carry that person.
- (5) A driver of a regulated taxi [F16or designated vehicle] who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In any proceedings for an offence under this section, it is a defence for the accused to show that, even though at the time of the alleged offence
- [F17(a) in the case of a regulated taxi,] the taxi conformed with those provisions of the taxi accessibility regulations with which it was required to conform,
 - [F18(b) in the case of a designated vehicle, the vehicle conformed to the accessibility requirements which applied to it,] it would not have been possible for the wheelchair in question to be carried in safety in the [F19vehicle].
- (7) If the licensing authority is satisfied that it is appropriate to exempt a person from the duties imposed by this section—
- (a) on medical grounds, or
 - (b) on the ground that his physical condition makes it impossible or unreasonably difficult for him to comply with the duties imposed on drivers by this section, it shall issue him with a certificate of exemption.
- (8) A certificate of exemption shall be issued for such period as may be specified in the certificate.
- (9) The driver of a regulated taxi is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force; and
 - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.
- [F20(10) The driver of a designated vehicle is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force; and
 - (b) he is carrying the certificate on the vehicle.
- (11) The driver of a designated vehicle who is exempt under subsection (10) must show the certificate, on request, to a person falling within paragraph (a) or (b) of subsection (1).]
- [F21(12) In this section—

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“designated vehicle” means a vehicle which appears on a list maintained under section 36A;

“licensing authority” has the meaning given by section 36A.]]

Extent Information

- E5** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modification for Northern Ireland set out in Sch. 8 para. 20; see s. 70(6).

Textual Amendments

- F12** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)
- F13** S. 36(1)(b): word "vehicle" substituted for "taxi" (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(2\)](#), 134(2)
- F14** S. 36(1A) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(3\)](#), 134(2)
- F15** S. 36(2)(3)(4): word "vehicle" substituted (E.W.S.) for "taxi" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(4\)](#), 134(2)
- F16** Words in s. 36(5) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(5\)](#), 134(2)
- F17** Words in s. 36(6) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), 134(2)
- F18** Words in s. 36(6) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), 134(2)
- F19** S. 36(6): word "vehicle" substituted (E.W.S.) for "taxi" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), 134(2)
- F20** S. 36(10)(11) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(7\)](#), 134(2)
- F21** S. 36(12) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(8\)](#), 134(2)

Modifications etc. (not altering text)

- C5** S. 36 modified (E.W.S.) (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}
- C6** [Ss. 36-38](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9)

Commencement Information

- I2** S. 36 in force (27.1.2009) (E.W.S.) so far as it applies to designated vehicles by virtue of s. 70(2A)(a) of this Act (as inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(9)}, 134(2))

[^{F22}36A List of wheelchair-accessible vehicles providing local services

^{F23}

Textual Amendments

- F22** S. 36A inserted (E.W.S.) (27.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 56\(2\)\(9\)](#), 134(2)
- F23** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

37 Carrying of guide dogs and hearing dogs.

- [^{F24}(1) This section imposes duties on the driver of a taxi which has been hired—
- (a) by or for a disabled person who is accompanied by his guide dog or hearing dog, or
 - (b) by a person who wishes such a disabled person to accompany him in the taxi.
- (2) The disabled person is referred to in this section as “the passenger”.
- (3) The duties are—
- (a) to carry the passenger’s dog and allow it to remain with the passenger; and
 - (b) not to make any additional charge for doing so.
- (4) A driver of a taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) If the licensing authority is satisfied that it is appropriate on medical grounds to exempt a person from the duties imposed by this section, it shall issue him with a certificate of exemption.
- (6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the taxi which the applicant drives or those of any kind of taxi in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
- (a) with respect to a specified taxi or a specified kind of taxi; and
 - (b) for such period as may be specified in the certificate.
- (8) The driver of a taxi is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force with respect to the taxi; and
 - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.
- (9) The Secretary of State may, for the purposes of this section, prescribe any other category of dog trained to assist a disabled person who has a disability of a prescribed kind.
- (10) This section applies in relation to any such prescribed category of dog as it applies in relation to guide dogs.
- (11) In this section—
- “guide dog” means a dog which has been trained to guide a blind person;
and
“hearing dog” means a dog which has been trained to assist a deaf person.]

Extent Information

- E6** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 21; see [s. 70\(6\)](#)

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

Textual Amendments

F24 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

Modifications etc. (not altering text)

C7 [Ss. 36-38](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9](#))

Commencement Information

I3 [S. 37](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 37](#) in force for E.W. at 1.12.2000 for specified purposes and at 31.3.2001 for all other purposes by [S.I. 2000/2989](#), [art. 2\(a\)](#) ([b](#)); [s. 37](#) in force for N.I. at 1.6.2001 for specified purposes and at 1.8.2001 for all other purposes by [S.R. 2001/163](#), [art. 2\(1\)](#)

[^{F25}37A Carrying of assistance dogs in private hire vehicles

[^{F26}(1) It is an offence for the operator of a [^{F27}taxi] to fail or refuse to accept a booking for a [^{F27}taxi]—

- (a) if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
 - (b) the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.
- (2) It is an offence for the operator of a [^{F27}taxi] to make an additional charge for carrying an assistance dog which is accompanying a disabled person.
- (3) It is an offence for the driver of a [^{F27}taxi] to fail or refuse to carry out a booking accepted by the operator of the vehicle—
- (a) if the booking was made by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
 - (b) the reason for the failure or refusal is that the disabled person is accompanied by his assistance dog.
- (4) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) If the [^{F28}Department of the Environment] is satisfied that it is appropriate on medical grounds to issue a certificate of exemption to a driver in respect of subsection (3) it must do so.
- (6) In determining whether to issue a certificate of exemption, the [^{F28}Department of the Environment] shall, in particular, have regard to the physical characteristics of the [^{F27}taxi] which the applicant drives or those of any kind of [^{F27}taxi] in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
- (a) with respect to a specified [^{F27}taxi] or a specified kind of [^{F27}taxi]; and
 - (b) for such period as may be specified in the certificate.

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- (8) No offence is committed by a driver under subsection (3) if—
- (a) a certificate of exemption issued to him under this section is in force with respect to the ^[F27]taxi; and
 - (b) the prescribed notice is exhibited on the ^[F27]taxi in the prescribed manner.
- (9) In this section—
- “assistance dog” means a dog which—
- (a) has been trained to guide a blind person;
 - (b) has been trained to assist a deaf person;
 - (c) has been trained by a prescribed charity to assist a disabled person who has a disability which—
 - (i) consists of epilepsy; or
 - (ii) otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
- ^[F29]“booking” means a taxi booking within the meaning given by section 57(1) of the Taxis Act (Northern Ireland) 2008;]
- ^[F30]“driver” means a person who holds a taxi driver's licence granted under—
- (a) Article 79A of the Road Traffic (Northern Ireland) Order 1981; or
 - (b) section 23 of the Taxis Act (Northern Ireland) 2008;]

“licensing authority”, in relation to any area of England and Wales, means the authority responsible for licensing private hire vehicles in that area;

^[F31]“operator” means a person who holds an operator's licence granted under section 2 of the Taxis Act (Northern Ireland) 2008;]

^[F32]“^[F27]taxi” means a vehicle which—

 - (a) seats not more than 8 passengers in addition to the driver; and
 - (b) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to carry passengers for hire (but not to stand or ply for hire).]]]

Extent Information

- E7** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. It incorporates the modifications applying to Northern Ireland set out in Sch. 8 para. 21A; see [s. 70\(6\)](#)

Textual Amendments

- F25** [S. 37A](#) inserted (31.12.2003 for certain purposes and otherwise 31.3.2004 as respects private hire vehicles licensed in England and Wales, 1.1.2008 for certain purposes and otherwise 1.6.2008 as respects a private hire vehicle licensed by the Department of the Environment in Northern Ireland) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), ss. 1(1), 6(2); [S.I. 2003/3123](#), [art. 2](#); [S.I. 2007/3477](#), [art. 2](#)
- F26** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F27** Words in [s. 37A](#) substituted (N.I.) (31.5.2016) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\)](#) (N.I.), s. 59, {Sch. 2 para. 5(a)}; [S.R. 2015/389](#), [art. 2\(3\)](#), [Sch. Pt. 3](#)
- F28** Words in [s. 37A\(5\)\(6\)](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 21A of this Act

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

- F29** S. 37A(9): definition of "booking" inserted (N.I.) (31.5.2016) by [Taxis Act \(Northern Ireland\) 2008](#) (c. 4 (N.I.)), s. 59, **Sch. 2 para. 5(b)(ii)**; S.R. 2015/389, art. 2(3), Sch. Pt. 3
- F30** S. 37A(9): definition of "driver" substituted (N.I.) (31.5.2016) by [Taxis Act \(Northern Ireland\) 2008](#) (c. 4 (N.I.)), s. 59, **Sch. 2 para. 5(b)(i)**; S.R. 2015/389, art. 2(3), Sch. Pt. 3
- F31** S. 37A(9): definition of "operator" substituted (N.I.) (31.5.2016) by [Taxis Act \(Northern Ireland\) 2008](#) (c. 4 (N.I.)), s. 59, **Sch. 2 para. 5(b)(iii)**; S.R. 2015/389, art. 2(3), Sch. Pt. 3
- F32** Definition in s. 37A(9) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 21A of this Act

Modifications etc. (not altering text)

- C8** [Ss. 36-38](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016](#) (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9)

38 [\[^{F33}Appeals\]\[^{F33}Appeal against refusal of exemption certificate\]](#)

[\[^{F34}\(1\)](#) Any person who is aggrieved by the refusal of [\[^{F35}the Department of the Environment\]](#) to issue an exemption certificate under [\[^{F36}section 36, 37 or 37A\]](#) may appeal to [\[^{F37}a magistrates'\] court \[^{F38}, a court of summary jurisdiction\]\[^{F39}or, in Scotland, the sheriff court\]](#) before the end of the period of 28 days beginning with the date of the refusal.

(2) On an appeal to it under [\[^{F40}subsection \(1\)\]\[^{F40}this section\]](#), the court may direct the [\[^{F41}Department of the Environment\]](#) to issue the appropriate certificate of exemption to have effect for such period as may be specified in the direction.

(3) ^{F42}

[\[^{F43}\(4\)](#) Any person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 36A may appeal to a magistrates' court or, in Scotland, the sheriff court before the end of the period of 28 days beginning with the date of the inclusion.

(5) In this section "licensing authority" has the meaning given by section 36A.]]

Extent Information

- E8** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only. It incorporates the modifications for Northern Ireland set out in Sch. 8 para. 22; see [s. 70\(6\)](#)

Textual Amendments

- F33** [S. 38](#): heading "Appeals" substituted (E.W.S.) for "Appeal against refusal of exemption certificate." (26.1.2009) by virtue of [Local Transport Act 2008](#) (c. 26), ss. {56(7)}, 134(2)
- F34** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010](#) (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), **art. 16**); [S.I. 2010/2317](#), **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), **art. 2(h)**
- F35** Words in [s. 38\(1\)](#) substituted (N.I.) by virtue of Sch. 8 para. 22(1) of this Act
- F36** Words in [s. 38\(1\)](#) substituted (31.12.2003 for E.W.S for specified purposes, otherwise 31.3.2004 and 1.1.2008 for N.I. for certain purposes, otherwise 1.6.2008 for N.I.) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002](#) (c. 37), ss. 3, 6(2); [S.I. 2003/3123](#), **art. 2**; [S.I. 2007/3477](#), **art. 2**
- F37** Words "a magistrates'" in [s. 38](#) substituted for "the appropriate" (1.4.2005) by [Courts Act 2003](#) (c. 39), ss. 109(1), 110, **Sch. 8 para. 368(2)**; [S.I. 2005/910](#), **art. 3(y)**

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

- F38** S. 38(1): Words "a court of summary jurisdiction" substituted (N.I.) (31.10.2016) for "the appropriate court" by Justice Act (Northern Ireland) 2015 c. 9 (N.I.), s. 106(2), **Sch. 1 para. 104(1)(a)** (with Sch. 8 para. 1); S.R. 2016/387, **art. 2(k)** (with art. 3)
- F39** Words in s. 38(1) inserted (E.W.S.) (26.1.2009) by Local Transport Act 2008 (c. 26), ss. {56(4)}, 134(2)
- F40** S. 38(2): words "subsection (1)" substituted (E.W.S.) for "this section" (26.1.2009) by Local Transport Act 2008 (c. 26), ss. {56(5)}, 134(2)
- F41** Words in s. 38(2) substituted (N.I.) by virtue of Sch. 8 para. 22(2) of this Act
- F42** S. 38(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 368(3), **Sch. 10**; S.I. 2005/910, **art. 3(y)(aa)** and repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 c. 9 (N.I.), s. 106(2), Sch. 1 para. 104(1)(b) (with Sch. 8 para. 1); S.R. 2016/387, **art. 2(k)** (with art. 3)
- F43** S. 38(4)(5) inserted (E.W.S.) (26.1.2009) by Local Transport Act 2008 (c. 26), ss. {56(6)}, 134(2)

Modifications etc. (not altering text)

- C9** S. 38 modified (E.W.S.) (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. {3}, {4 Table}
- C10** Ss. 36-38: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9)

Commencement Information

- I4** S. 38 wholly in force at 27.1.2009; s. 38 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 38 in force for E.W. at 1.12.2000 by S.I. 2000/2989, **art. 3**; s. 38 in force for N.I. at 1.6.2001 by S.R. 2001/163, **art. 2(2)** and in force for S. (27.1.2009) by virtue of s. 70(2A)(c) of this Act (as inserted (E.W.S.) (26.1.2009) by Local Transport Act 2008 (c. 26), ss. {56(9)}, 134)

39 Requirements as to disabled passengers in Scotland.

F44

Extent Information

- E9** In its application to Northern Ireland, this section is omitted; see s. 70(6), Sch. 8 para. 23

Textual Amendments

- F44** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by Equality Act 2010 (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995,
Cross Heading: Taxis.