



Disability Discrimination Act 1995

1995 CHAPTER 50

PART V

PUBLIC TRANSPORT

Taxis

38 [F1 Appeals][F1 Appeal against refusal of exemption certificate]

[F2](1) Any person who is aggrieved by the refusal of [F3 the Department of the Environment] to issue an exemption certificate under [F4 section 36, 37 or 37A] may appeal to [F5 a magistrates' court [F6, a court of summary jurisdiction][F7 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 [F8 subsection (1)][F8 this section], the court may direct the [F9 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) [F10]

[F11](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

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 Northern Ireland set out in Sch. 8 para. 22; see s. 70(6)

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 38. (See end of Document for details)

Textual Amendments

- F1** 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)
- F2** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27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\(h\)](#)
- F3** Words in s. 38(1) substituted (N.I.) by virtue of Sch. 8 para. 22(1) of this Act
- F4** 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](#)
- F5** 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\(y\)](#)
- F6** 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](#))
- F7** Words in s. 38(1) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(4)}, 134(2)
- F8** 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)
- F9** Words in s. 38(2) substituted (N.I.) by virtue of Sch. 8 para. 22(2) of this Act
- F10** 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](#))
- F11** 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)

- C1** 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}
- C2** [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

- I1** 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)

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 38.