



Disability Discrimination Act 1995

1995 CHAPTER 50

PART V

PUBLIC TRANSPORT

Public service vehicles

40 PSV accessibility regulations.

- [^{F1}(1) The Secretary of State may make regulations (“PSV accessibility regulations”) for the purpose of securing that it is possible for disabled persons—
- (a) to get on to and off regulated public service vehicles in safety and without unreasonable difficulty (and, in the case of disabled persons in wheelchairs, to do so while remaining in their wheelchairs); and
 - (b) to be carried in such vehicles in safety and in reasonable comfort.
- (2) PSV accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated public service vehicles including provision as to—
- (a) the fitting of equipment to vehicles;
 - (b) equipment to be carried by vehicles;
 - (c) the design of equipment to be fitted to, or carried by, vehicles;
 - (d) the fitting and use of restraining devices designed to ensure the stability of wheelchairs while vehicles are moving;
 - (e) the position in which wheelchairs are to be secured while vehicles are moving.
- (3) Any person who—
- (a) contravenes or fails to comply with any provision of the PSV accessibility regulations,
 - (b) uses on a road a regulated public service vehicle which does not conform with any provision of the regulations with which it is required to conform, or
 - (c) causes or permits to be used on a road such a regulated public service vehicle,
- is guilty of an offence.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 40. (See end of Document for details)

- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (5) In this section—
- “public service vehicle” means a vehicle which is—
- (a) adapted to carry more than eight passengers; and
 - (b) a public service vehicle for the purposes of the ^{M1}Public Passenger Vehicles Act 1981;
- “regulated public service vehicle” means any public service vehicle to which the PSV accessibility regulations are expressed to apply.
- (6) Different provision may be made in regulations under this section—
- (a) as respects different classes or descriptions of vehicle;
 - (b) as respects the same class or description of vehicle in different circumstances.
- (7) Before making any regulations under this section or section 41 or 42 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.]

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 and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 24

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\(h\)](#)

Modifications etc. (not altering text)

- C1** [Ss. 40-45](#): 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. 40](#) fully in force at 21.1.2003; [s. 40](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 40](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969, art. 2](#); [s. 40](#) in force for N.I. at 21.1.2003 by [S.R. 2003/24, art. 2](#)

Marginal Citations

- M1** 1981 c.14.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 40.