



# Disability Discrimination Act 2005

## 2005 CHAPTER 13

### *Transport*

#### **5 Application of sections 19 to 21 of the 1995 Act to transport vehicles**

In the 1995 Act, after section 21 there is inserted—

#### **21ZA Application of sections 19 to 21 to transport vehicles**

- (1) Section 19(1) (a), (c) and (d) do not apply in relation to a case where the service is a transport service and, as provider of that service, the provider of services discriminates against a disabled person—
  - (a) in not providing, or in providing, him with a vehicle; or
  - (b) in not providing, or in providing, him with services when he is travelling in a vehicle provided in the course of the transport service.
- (2) For the purposes of section 21(1), (2) and (4), it is never reasonable for a provider of services, as a provider of a transport service—
  - (a) to have to take steps which would involve the alteration or removal of a physical feature of a vehicle used in providing the service;
  - (b) to have to take steps which would—
    - (i) affect whether vehicles are provided in the course of the service or what vehicles are so provided, or
    - (ii) where a vehicle is provided in the course of the service, affect what happens in the vehicle while someone is travelling in it.
- (3) Regulations may provide for subsection (1) or (2) not to apply, or to apply only to a prescribed extent, in relation to vehicles of a prescribed description.
- (4) In this section—

“transport service” means a service which (to any extent) involves transport of people by vehicle;

“vehicle” means a vehicle for transporting people by land, air or water, and includes (in particular)—

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- (a) a vehicle not having wheels, and
- (b) a vehicle constructed or adapted to carry passengers on a system using a mode of guided transport;

“guided transport” has the same meaning as in the Transport and Works Act 1992.”

## 6 Rail vehicles: application of accessibility regulations

- (1) In section 46 of the 1995 Act (rail vehicle accessibility regulations), before subsection (5) there is inserted—

“(4A) The Secretary of State shall exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1st January 2020 every rail vehicle is a regulated rail vehicle, but this does not affect the powers conferred by subsection (5) or section 47(1) or 67(2).”

- (2) In that section, for the definition in subsection (6) of “rail vehicle” there is substituted—

“;rail vehicle means a vehicle constructed or adapted to carry passengers on any railway, tramway or prescribed system;”.

- (3) For section 47(1) of the 1995 Act (rail vehicle accessibility regulations: power to exempt use of vehicles of specified descriptions or in specified circumstances) there is substituted—

“(1) The Secretary of State may by order (an “exemption order”)—

- (a) authorise the use for carriage of a regulated rail vehicle even though the vehicle does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform;
- (b) authorise a regulated rail vehicle to be used for carriage otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which use of the vehicle is required to conform.

(1A) Authority under subsection (1)(a) or (b) may be for—

- (a) any regulated rail vehicle that is specified or is of a specified description; or
- (b) use in specified circumstances of—
  - (i) any regulated rail vehicle, or
  - (ii) any regulated rail vehicle that is specified or is of a specified description.”

- (4) In the 1995 Act, after section 67 there is inserted—

### “67A Exercise of discretion under section 67(5A)

- (1) Before the Secretary of State decides which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of any particular order under section 47(1), he must consult the Disabled Persons Transport Advisory Committee.
- (2) An order under section 47(1) may be made without a draft of the instrument that contains it having been laid before, and approved by a resolution of, each House of Parliament only if—

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- (a) regulations under subsection (3) are in force; and
  - (b) the making of the order without such laying and approval is in accordance with the regulations.
- (3) Regulations may set out the basis on which the Secretary of State, when he comes to make an order under section 47(1), will decide which of the parliamentary procedures available under section 67(5A) is to be adopted in connection with the making of the order.
- (4) Before making regulations under subsection (3), the Secretary of State must consult—
- (a) the Disabled Persons Transport Advisory Committee; and
  - (b) such other persons as he considers appropriate.”
- (5) In the 1995 Act, after section 67A (which is inserted by subsection (4)) there is inserted—

**“67B Annual report on rail vehicle exemption orders**

- (1) The Secretary of State must after each 31st December prepare, in respect of the year that ended with that day, a report on—
- (a) the exercise in that year of the power to make orders under section 47(1); and
  - (b) the exercise in that year of the discretion under section 67(5A).
- (2) A report under subsection (1) must (in particular) contain—
- (a) details of each order made under section 47(1) in the year in respect of which the report is made; and
  - (b) details of consultation carried out under sections 47(3) and 67A(1) in connection with orders made in that year under section 47(1).
- (3) The Secretary of State must lay before each House of Parliament each report that he prepares under this section.”

**Commencement Information**

- II** S. 6 partly in force; s. 6 not in force at Royal Assent see s. 20(3); s. 6(3)-(5) in force for certain purposes at 5.12.2005 by S.I. 2005/2774, art. 3(d)

PROSPECTIVE

**7 Rail vehicles: accessibility compliance certificates**

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PROSPECTIVE

## 8 Rail vehicles: enforcement and penalties

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## 9 Recognition of disabled persons' badges issued outside Great Britain

In the Chronically Sick and Disabled Persons Act 1970 (c. 44), after section 21 there is inserted—

### “21A Recognition of badges issued outside Great Britain

- (1) For the purposes of this section and section 21B, a “recognised badge” means—
  - (a) a badge issued under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, or any provision replacing that section, as from time to time amended, or
  - (b) a badge issued under provisions of the law of any jurisdiction outside the United Kingdom that are specified in regulations made by the appropriate national authority.
- (2) In exercising the power under subsection (1)(b), the appropriate national authority may specify a provision only if it appears to the authority that badges issued under the provision are issued by reference to persons who are, or include, disabled persons.
- (3) A recognised badge may be displayed on a motor vehicle only in such circumstances and in such manner as may be prescribed by regulations made by the appropriate national authority.
- (4) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Act 1988) at a time when a badge purporting to be a recognised badge is displayed on the vehicle is guilty of an offence unless the badge is a recognised badge and is displayed in accordance with regulations made under subsection (3).
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Where it appears to a constable or enforcement officer that there is displayed on any motor vehicle a badge purporting to be a recognised badge, he may require any person who—
  - (a) is in the vehicle, or
  - (b) appears to have been in, or to be about to get into, the vehicle,
 to produce the badge for inspection.
- (7) The power conferred on an enforcement officer by subsection (6) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.

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- (8) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (6) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) In this section “enforcement officer” has the meaning given by section 21(4BB).

### **21B Recognised badges treated as badges under section 21 for certain purposes**

- (1) The concessions mentioned in subsection (2) shall apply in respect of vehicles lawfully displaying a recognised badge as they apply in respect of vehicles lawfully displaying a badge issued under section 21.
- (2) The concessions are—
  - (a) any exemption from an order under the Road Traffic Regulation Act 1984 given by reference to vehicles lawfully displaying a badge issued under section 21;
  - (b) any provision made in an order under that Act for the use of a parking place by such vehicles.
- (3) The appropriate national authority may by regulations provide that recognised badges are to be treated, for purposes specified in the regulations, as if they were badges issued under section 21.

### **21C Sections 21A and 21B: regulations and interpretation**

- (1) Any power to make regulations under section 21A or 21B—
  - (a) is exercisable by statutory instrument, and
  - (b) includes power—
    - (i) to make different provision for different cases, and
    - (ii) to make incidental, supplementary, transitional or consequential provision.
- (2) A statutory instrument containing regulations made under section 21A or 21B by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In sections 21A and 21B, “appropriate national authority” means—
  - (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the National Assembly for Wales.”

#### **Commencement Information**

**I2** S. 9 wholly in force at 30.3.2008; s. 9 not in force at Royal Assent see s. 20(3); s. 9 in force for E. at 30.6.2005 by S.I. 2005/1676, art. 3(a); s. 9 in force for W. at 30.3.2008 by S.I. 2007/3285, art. 2(a)

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