

LOCAL TRANSPORT ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 4: General provisions relating to passenger transport

Sections 55 and 56: Carrying of passengers in wheelchairs

159. These two sections amend the Disability Discrimination Act 1995 (“the DDA 1995”). Section 36 of that Act imposes certain duties which relate to the carrying of disabled persons who are in wheelchairs. The duties apply to any driver of a “regulated taxi” who does not hold a valid exemption certificate issued by the relevant taxi licensing authority. The term “regulated taxi” in this section carries the meaning given to it in regulations made under section 32 of the DDA 1995. No regulations have been made under section 32, and sections 32 to 36 have not been brought into force.
160. **Section 55** amends section 36 of the DDA 1995 so as to apply the duties to the drivers of “designated vehicles” that are being used to provide a local service within the meaning of section 2 of the TA 1985. It also makes provision for licensing authorities to exempt drivers on medical or physical grounds. “Designated vehicles” are defined as vehicles appearing on a list maintained by a licensing authority under the new section 36A of the DDA 1995, inserted by *subsection (2)* of section 56. Only vehicles meeting the conditions set out in subsection (2) of new section 36A may be included in such a list. These conditions include that the vehicle must be either a taxi or a PHV.
161. *Subsections (3) to (7)* of section 56 amend section 38 of the DDA 1995, so as to provide a right of appeal against the decision of a licensing authority to include a vehicle on such a list. *Subsection (8)* amends section 68(1) of that Act (interpretation), to provide that (for the purposes of sections 36, 36A and 38) the phrase “licensing authority” is to carry the meaning given in section 36A(6).
162. Section 70(3) of the DDA 1995 (commencement) provided for most provisions of that Act to come into force on a date or dates to be appointed by the Secretary of State. *Subsection (9)* of section 56 inserts a new subsection (2A), which provides that section 36 as it applies to designated vehicles, section 36A and section 38 as it extends to Scotland (section 38 is already in force in England and Wales) will instead come into force two months after the Local Transport Act 2008 receives Royal Assent. (This reflects the provision made by virtue of section 132 of the Act.)
163. The provisions of sections 55 and 56 extend to Great Britain.