



# Equality Act 2010

## 2010 CHAPTER 15

### PART 12

#### DISABLED PERSONS: TRANSPORT

#### CHAPTER 1

#### TAXIS, ETC.

PROSPECTIVE

#### 160 Taxi accessibility regulations

- (1) The Secretary of State may make regulations (in this Chapter referred to as “taxi accessibility regulations”) for securing that it is possible for disabled persons—
  - (a) to get into and out of taxis in safety;
  - (b) to do so while in wheelchairs;
  - (c) to travel in taxis in safety and reasonable comfort;
  - (d) to do so while in wheelchairs.
- (2) The regulations may, in particular, require a regulated taxi to conform with provision as to—
  - (a) the size of a door opening for the use of passengers;
  - (b) the floor area of the passenger compartment;
  - (c) the amount of headroom in the passenger compartment;
  - (d) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving.
- (3) The regulations may also—

*Status: Point in time view as at 01/10/2010. This version of this part contains provisions that are prospective.*

*Changes to legislation: Equality Act 2010, Part 12 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) require the driver of a regulated taxi which is plying for hire, or which has been hired, to comply with provisions as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;
  - (b) require the driver of a regulated taxi in which a disabled person is being carried while in a wheelchair to comply with provisions as to the position in which the wheelchair is to be secured.
- (4) The driver of a regulated taxi which is plying for hire or has been hired commits an offence—
- (a) by failing to comply with a requirement of the regulations, or
  - (b) if the taxi fails to conform with any provision of the regulations with which it is required to conform.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section—
- “passenger compartment” has such meaning as is specified in taxi accessibility regulations;
  - “regulated taxi” means a taxi to which taxi accessibility regulations are expressed to apply.

## 161 Control of numbers of licensed taxis: exception

- (1) This section applies if—
- (a) an application for a licence in respect of a vehicle is made under section 37 of the Town Police Clauses Act 1847,
  - (b) it is possible for a disabled person—
    - (i) to get into and out of the vehicle in safety,
    - (ii) to travel in the vehicle in safety and reasonable comfort, and
    - (iii) to do the things mentioned in sub-paragraphs (i) and (ii) while in a wheelchair of a size prescribed by the Secretary of State, and
  - (c) the proportion of taxis licensed in respect of the area to which the licence would (if granted) apply that conform to the requirement in paragraph (b) is less than the proportion that is prescribed by the Secretary of State.
- (2) Section 16 of the Transport Act 1985 (which modifies the provisions of the Town Police Clauses Act 1847 about hackney carriages to allow a licence to ply for hire to be refused in order to limit the number of licensed carriages) does not apply in relation to the vehicle; and those provisions of the Town Police Clauses Act 1847 are to have effect subject to this section.
- (3) In section 16 of the Transport Act 1985, after “shall” insert “ (subject to section 161 of the Equality Act 2010) ”.

### Commencement Information

**II** S. 161 partly in force; s. 161 not in force at Royal Assent see s. 216; s. 161 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(12)(a) (with art. 15)

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PROSPECTIVE

## 162 Designated transport facilities

- (1) The appropriate authority may by regulations provide for the application of any taxi provision (with or without modification) to—
  - (a) vehicles used for the provision of services under a franchise agreement, or
  - (b) drivers of such vehicles.
- (2) A franchise agreement is 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 facility, and
  - (b) which involve vehicles entering any part of the facility.
- (3) In this section—

“appropriate authority” means—

  - (a) in relation to transport facilities in England and Wales, the Secretary of State;
  - (b) in relation to transport facilities in Scotland, the Scottish Ministers;

“designated” means designated by order made by the appropriate authority;

“hire car” has such meaning as is prescribed by the appropriate authority;

“operator”, in relation to a transport facility, means a person who is concerned with the management or operation of the facility;

“taxi provision” means a provision of—

  - (a) this Chapter, or
  - (b) regulations made in pursuance of section 20(2A) of the Civic Government (Scotland) Act 1982,

which applies in relation to taxis or drivers of taxis;

“transport facility” means premises which form part of a port, airport, railway station or bus station.

<sup>F1</sup>(4) .....

### Textual Amendments

- F1** S. 162(4) omitted (31.12.2020) by virtue of [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)

PROSPECTIVE

## 163 Taxi licence conditional on compliance with taxi accessibility regulations

- (1) A licence for a taxi to ply for hire must not be granted unless the vehicle conforms with the provisions of taxi accessibility regulations with which a vehicle is required to conform if it is licensed.

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- (2) Subsection (1) does not apply if a licence is in force in relation to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.
- (3) The Secretary of State may by order provide for subsection (2) to cease to have effect on a specified date.
- (4) The power under subsection (3) may be exercised differently for different areas or localities.

PROSPECTIVE

## **164 Exemption from taxi accessibility regulations**

- (1) The Secretary of State may by regulations provide for a relevant licensing authority to apply for an order (an “exemption order”) exempting the authority from the requirements of section 163.
- (2) Regulations under subsection (1) may, in particular, make provision requiring an authority proposing to apply for an exemption order—
  - (a) to carry out such consultation as is specified;
  - (b) to publish its proposals in the specified manner;
  - (c) before applying for the order, to consider representations made about the proposal;
  - (d) to make the application in the specified form.

In this subsection “specified” means specified in the regulations.
- (3) An authority may apply for an exemption order only if it is satisfied—
  - (a) that, having regard to the circumstances in its area, it is inappropriate for section 163 to apply, and
  - (b) that the application of that section would result in an unacceptable reduction in the number of taxis in its area.
- (4) After consulting the Disabled Persons Transport Advisory Committee and such other persons as the Secretary of State thinks appropriate, the Secretary of State may—
  - (a) make an exemption order in the terms of the application for the order;
  - (b) make an exemption order in such other terms as the Secretary of State thinks appropriate;
  - (c) refuse to make an exemption order.
- (5) The Secretary of State may by regulations make provision requiring a taxi plying for hire in an area in respect of which an exemption order is in force to conform with provisions of the regulations as to the fitting and use of swivel seats.
- (6) Regulations under subsection (5) may make provision corresponding to section 163.
- (7) In this section—
 

“relevant licensing authority” means an authority responsible for licensing taxis in any area of England and Wales other than the area to which the Metropolitan Public Carriage Act 1869 applies;

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“swivel seats” has such meaning as is specified in regulations under subsection (5).

## 165 Passengers in wheelchairs

- (1) This section imposes duties on the driver of a designated taxi which has been hired—
  - (a) by or for a disabled person who is in a wheelchair, or
  - (b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.
- (2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.
- (3) For the purposes of this section—
  - (a) a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167;
  - (b) “the passenger” means the disabled person concerned.
- (4) The duties are—
  - (a) to carry the passenger while in the 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 reasonable comfort;
  - (e) to give the passenger such mobility assistance as is reasonably required.
- (5) Mobility assistance is assistance—
  - (a) to enable the passenger to get into or out of the vehicle;
  - (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - (c) to load the passenger's luggage into or out of the vehicle;
  - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- (6) This section does not require the driver—
  - (a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;
  - (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.
- (7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—
  - (a) the vehicle conformed to the accessibility requirements which applied to it, but

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- (b) it would not have been possible for the wheelchair to be carried safely in the vehicle.
- (10) In this section and sections 166 and 167 “private hire vehicle” means—
- (a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
  - (c) a vehicle licensed under an equivalent provision of a local enactment;
  - (d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

#### Commencement Information

- I2** S. 165 partly in force; s. 165 not in force at Royal Assent see s. 216; s. 165 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(12)(b) (with art. 15)

### 166 Passengers in wheelchairs: exemption certificates

- (1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 165 (an “exemption certificate”) if satisfied that it is appropriate to do so—
  - (a) on medical grounds, or
  - (b) on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.
- (2) An exemption certificate is valid for such period as is specified in the certificate.
- (3) The driver of a designated taxi is exempt from the duties imposed by section 165 if—
  - (a) an exemption certificate issued to the driver is in force, and
  - (b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.
- (4) The driver of a designated private hire vehicle is exempt from the duties imposed by section 165 if—
  - (a) an exemption certificate issued to the driver is in force, and
  - (b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.
- (5) For the purposes of this section, a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167.
- (6) In this section and section 167 “licensing authority”, in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area.

### 167 Lists of wheelchair-accessible vehicles

- (1) For the purposes of section 165, a licensing authority may maintain a list of vehicles falling within subsection (2).
- (2) A vehicle falls within this subsection if—

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- (a) it is either a taxi or a private hire vehicle, and
  - (b) it conforms to such accessibility requirements as the licensing authority thinks fit.
- (3) A licensing authority may, if it thinks fit, decide that a vehicle may be included on a list maintained under this section only if it is being used, or is to be used, by the holder of a special licence under that licence.
- (4) In subsection (3) “special licence” has the meaning given by section 12 of the Transport Act 1985 (use of taxis or hire cars in providing local services).
- (5) “Accessibility requirements” are requirements for securing that it is possible for disabled persons in wheelchairs—
  - (a) to get into and out of vehicles in safety, and
  - (b) to travel in vehicles in safety and reasonable comfort,either staying in their wheelchairs or not (depending on which they prefer).
- (6) The Secretary of State may issue guidance to licensing authorities as to—
  - (a) the accessibility requirements which they should apply for the purposes of this section;
  - (b) any other aspect of their functions under or by virtue of this section.
- (7) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (6).

#### Commencement Information

- I3** S. 167 partly in force; s. 167 not in force at Royal Assent see s. 216; s. 167(6) wholly in force and s. 167(1)-(5)(7) in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(12)(d)(e) (with art. 15)

## 168 Assistance dogs in taxis

- (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 an assistance dog, or
  - (b) by another person who wishes to be accompanied by a disabled person with an assistance dog.
- (2) The driver must—
  - (a) carry the disabled person's dog and allow it to remain with that person;
  - (b) not make any additional charge for doing so.
- (3) The driver of a taxi commits an offence by failing to comply with a duty imposed by this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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## **169 Assistance dogs in taxis: exemption certificates**

- (1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 168 (an “exemption certificate”) if satisfied that it is appropriate to do so on medical grounds.
- (2) In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the taxi which the person drives or those of any kind of taxi in relation to which the person requires the certificate.
- (3) An exemption certificate is valid—
  - (a) in respect of a specified taxi or a specified kind of taxi;
  - (b) for such period as is specified in the certificate.
- (4) The driver of a taxi is exempt from the duties imposed by section 168 if—
  - (a) an exemption certificate issued to the driver is in force with respect to the taxi, and
  - (b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.

The power to make regulations under paragraph (b) is exercisable by the Secretary of State.
- (5) In this section “licensing authority” means—
  - (a) in relation to the area to which the Metropolitan Public Carriage Act 1869 applies, Transport for London;
  - (b) in relation to any other area in England and Wales, the authority responsible for licensing taxis in that area.

## **170 Assistance dogs in private hire vehicles**

- (1) The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle—
  - (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.
- (2) The operator commits an offence by making an additional charge for carrying an assistance dog which is accompanying a disabled person.
- (3) The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator—
  - (a) if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - (b) the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In this section—
 

“driver” means a person who holds a licence under—



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- (a) section 13 of the Private Hire Vehicles (London) Act 1998 (“the 1998 Act”),
  - (b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), or
  - (c) an equivalent provision of a local enactment;
- “licensing authority”, in relation to any area in England and Wales, means the authority responsible for licensing private hire vehicles in that area;
- “operator” means a person who holds a licence under—
- (a) section 3 of the 1998 Act,
  - (b) section 55 of the 1976 Act, or
  - (c) an equivalent provision of a local enactment;
- “private hire vehicle” means a vehicle licensed under—
- (a) section 6 of the 1998 Act,
  - (b) section 48 of the 1976 Act, or
  - (c) an equivalent provision of a local enactment.

## **171 Assistance dogs in private hire vehicles: exemption certificates**

- (1) A licensing authority must issue a driver with a certificate exempting the driver from the offence under section 170(3) (an “exemption certificate”) if satisfied that it is appropriate to do so on medical grounds.
- (2) In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the private hire vehicle which the person drives or those of any kind of private hire vehicle in relation to which the person requires the certificate.
- (3) An exemption certificate is valid—
  - (a) in respect of a specified private hire vehicle or a specified kind of private hire vehicle;
  - (b) for such period as is specified in the certificate.
- (4) A driver does not commit an offence under section 170(3) if—
  - (a) an exemption certificate issued to the driver is in force with respect to the private hire vehicle, and
  - (b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.

The power to make regulations under paragraph (b) is exercisable by the Secretary of State.
- (5) In this section “driver”, “licensing authority” and “private hire vehicle” have the same meaning as in section 170.

## **172 Appeals**

- (1) A person who is aggrieved by the refusal of a licensing authority in England and Wales to issue an exemption certificate under section 166, 169 or 171 may appeal to a magistrates' court before the end of the period of 28 days beginning with the date of the refusal.

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- (2) A person who is aggrieved by the refusal of a licensing authority in Scotland to issue an exemption certificate under section 166 may appeal to the sheriff before the end of the period of 28 days beginning with the date of the refusal.
- (3) On an appeal under subsection (1) or (2), the magistrates' court or sheriff may direct the licensing authority to issue the exemption certificate to have effect for such period as is specified in the direction.
- (4) A person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 167 may appeal to a magistrates' court or, in Scotland, the sheriff before the end of the period of 28 days beginning with the date of the inclusion.

### **173 Interpretation**

- (1) In this Chapter—

“accessibility requirements” has the meaning given in section 167(5);

“assistance dog” means—

- (a) a dog which has been trained to guide a blind person;
- (b) a dog which has been trained to assist a deaf person;
- (c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
- (d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

“taxi”—

- (a) means a vehicle which is licensed under section 37 of the Town Police Clauses Act 1847 or section 6 of the Metropolitan Public Carriage Act 1869, and
- (b) in sections 162 and 165 to 167, also includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982,

but does not include a vehicle drawn by a horse or other animal;

“taxi accessibility regulations” has the meaning given by section 160(1).

- (2) A power to make regulations under paragraph (c) or (d) of the definition of “assistance dog” in subsection (1) is exercisable by the Secretary of State.

## **CHAPTER 2**

### PUBLIC SERVICE VEHICLES

### **174 PSV accessibility regulations**

- (1) The Secretary of State may make regulations (in this Chapter referred to as “PSV accessibility regulations”) for securing that it is possible for disabled persons—

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- (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 travel in such vehicles in safety and reasonable comfort.
- (2) The 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) In this section “public service vehicle” means a vehicle which is—
  - (a) adapted to carry more than 8 passengers, and
  - (b) a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;and in this Chapter “regulated public service vehicle” means a public service vehicle to which PSV accessibility regulations are expressed to apply.
- (4) The regulations may make different provision—
  - (a) as respects different classes or descriptions of vehicle;
  - (b) as respects the same class or description of vehicle in different circumstances.
- (5) The Secretary of State must not make regulations under this section or section 176 or 177 without consulting—
  - (a) the Disabled Persons Transport Advisory Committee, and
  - (b) such other representative organisations as the Secretary of State thinks fit.

## **175 Offence of contravening PSV accessibility regulations**

- (1) A person commits an offence by—
  - (a) contravening a provision of PSV accessibility regulations;
  - (b) using on a road a regulated public service vehicle which does not conform with a provision of the regulations with which it is required to conform;
  - (c) causing or permitting such a regulated public service vehicle to be used on a road.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) If an offence under this section committed by a body corporate is committed with the consent or connivance of, or is attributable to neglect on the part of, a responsible person, the responsible person as well as the body corporate is guilty of the offence.
- (4) In subsection (3) a responsible person, in relation to a body corporate, is—
  - (a) a director, manager, secretary or similar officer;
  - (b) a person purporting to act in the capacity of a person mentioned in paragraph (a);
  - (c) in the case of a body corporate whose affairs are managed by its members, a member.

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- (5) If, in Scotland, an offence committed by a partnership or an unincorporated association is committed with the consent or connivance of, or is attributable to neglect on the part of, a partner or person concerned in the management of the association, the partner or person as well as the partnership or association is guilty of the offence.

## **176 Accessibility certificates**

- (1) A regulated public service vehicle must not be used on a road unless—
- (a) a vehicle examiner has issued a certificate (an “accessibility certificate”) that such provisions of PSV accessibility regulations as are prescribed are satisfied in respect of the vehicle, or
  - (b) an approval certificate has been issued under section 177 in respect of the vehicle.
- (2) Regulations may make provision—
- (a) with respect to applications for, and the issue of, accessibility certificates;
  - (b) providing for the examination of vehicles in respect of which applications have been made;
  - (c) with respect to the issue of copies of accessibility certificates which have been lost or destroyed.
- (3) The operator of a regulated public service vehicle commits an offence if the vehicle is used in contravention of this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) A power to make regulations under this section is exercisable by the Secretary of State.
- (6) In this section “operator” has the same meaning as in the Public Passenger Vehicles Act 1981.

## **177 Approval certificates**

- (1) The Secretary of State may approve a vehicle for the purposes of this section if satisfied that such provisions of PSV accessibility regulations as are prescribed for the purposes of section 176 are satisfied in respect of the vehicle.
- (2) A vehicle which is so approved is referred to in this section as a “type vehicle”.
- (3) Subsection (4) applies if a declaration in the prescribed form is made by an authorised person that a particular vehicle conforms in design, construction and equipment with a type vehicle.
- (4) A vehicle examiner may issue a certificate in the prescribed form (an “approval certificate”) that it conforms to the type vehicle.
- (5) Regulations may make provision—
- (a) with respect to applications for, and grants of, approval under subsection (1);
  - (b) with respect to applications for, and the issue of, approval certificates;
  - (c) providing for the examination of vehicles in respect of which applications have been made;

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- (d) with respect to the issue of copies of approval certificates in place of certificates which have been lost or destroyed.
- (6) The Secretary of State may at any time withdraw approval of a type vehicle.
- (7) If an approval is withdrawn—
  - (a) no further approval certificates are to be issued by reference to the type vehicle; but
  - (b) an approval certificate issued by reference to the type vehicle before the withdrawal continues to have effect for the purposes of section 176.
- (8) A power to make regulations under this section is exercisable by the Secretary of State.
- (9) In subsection (3) “authorised person” means a person authorised by the Secretary of State for the purposes of that subsection.

### **178 Special authorisations**

- (1) The Secretary of State may by order authorise the use on roads of—
  - (a) a regulated public service vehicle of a class or description specified by the order, or
  - (b) a regulated public service vehicle which is so specified.
- (2) Nothing in sections 174 to 177 prevents the use of a vehicle in accordance with the order.
- (3) The Secretary of State may by order make provision for securing that provisions of PSV accessibility regulations apply to regulated public service vehicles of a description specified by the order, subject to any modifications or exceptions specified by the order.
- (4) An order under subsection (1) or (3) may make the authorisation or provision (as the case may be) subject to such restrictions and conditions as are specified by or under the order.
- (5) Section 207(2) does not require an order under this section that applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory instrument; but such an order is as capable of being amended or revoked as an order made by statutory instrument.

### **179 Reviews and appeals**

- (1) Subsection (2) applies if the Secretary of State refuses an application for the approval of a vehicle under section 177(1) and, before the end of the prescribed period, the applicant—
  - (a) asks the Secretary of State to review the decision, and
  - (b) pays any fee fixed under section 180.
- (2) The Secretary of State must—
  - (a) review the decision, and
  - (b) in doing so, consider any representations made in writing by the applicant before the end of the prescribed period.

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*Status: Point in time view as at 01/10/2010. This version of this part contains provisions that are prospective.*

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- (3) A person applying for an accessibility certificate or an approval certificate may appeal to the Secretary of State against the refusal of a vehicle examiner to issue the certificate.
- (4) An appeal must be made within the prescribed time and in the prescribed manner.
- (5) Regulations may make provision as to the procedure to be followed in connection with appeals.
- (6) On the determination of an appeal, the Secretary of State may—
  - (a) confirm, vary or reverse the decision appealed against;
  - (b) give directions to the vehicle examiner for giving effect to the Secretary of State's decision.
- (7) A power to make regulations under this section is exercisable by the Secretary of State.

## 180 Fees

- (1) The Secretary of State may charge such fees, payable at such times, as are prescribed in respect of—
  - (a) applications for, and grants of, approval under section 177(1);
  - (b) applications for, and the issue of, accessibility certificates and approval certificates;
  - (c) copies of such certificates;
  - (d) reviews and appeals under section 179.
- (2) Fees received by the Secretary of State must be paid into the Consolidated Fund.
- (3) The power to make regulations under subsection (1) is exercisable by the Secretary of State.
- (4) The regulations may make provision for the repayment of fees, in whole or in part, in such circumstances as are prescribed.
- (5) Before making the regulations the Secretary of State must consult such representative organisations as the Secretary of State thinks fit.

## 181 Interpretation

In this Chapter—

- “accessibility certificate” has the meaning given in section 176(1);
- “approval certificate” has the meaning given in section 177(4);
- “PSV accessibility regulations” has the meaning given in section 174(1);
- “regulated public service vehicle” has the meaning given in section 174(3).

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## CHAPTER 3

### RAIL VEHICLES

#### 182 Rail vehicle accessibility regulations

- (1) The Secretary of State may make regulations (in this Chapter referred to as “rail vehicle accessibility regulations”) for securing that it is possible for disabled persons—
  - (a) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
  - (b) to do so while in wheelchairs;
  - (c) to travel in such vehicles in safety and reasonable comfort;
  - (d) to do so while in wheelchairs.
- (2) The regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail 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 use of equipment fitted to, or carried by, vehicles;
  - (e) the toilet facilities to be provided in vehicles;
  - (f) the location and floor area of the wheelchair accommodation to be provided in vehicles;
  - (g) assistance to be given to disabled persons.
- (3) The regulations may contain different provision—
  - (a) as respects different classes or descriptions of rail vehicle;
  - (b) as respects the same class or description of rail vehicle in different circumstances;
  - (c) as respects different networks.
- (4) In this section—

“network” means any permanent way or other means of guiding or supporting rail vehicles, or any section of it;

“rail vehicle” means a vehicle constructed or adapted to carry passengers on a railway, tramway or prescribed system other than a vehicle used in the provision of a service for the carriage of passengers on the high-speed rail system or the conventional TEN rail system;

“regulated rail vehicle” means a rail vehicle to which provisions of rail vehicle accessibility regulations are expressed to apply.
- (5) In subsection (4)—

“conventional TEN rail system” and “high-speed rail system” have the meaning given in regulation 2(3) of the Railways (Interoperability) Regulations 2006 (S.I. 2006/397);

“prescribed system” means a system using a mode of guided transport (“guided transport” having the same meaning as in the Transport and Works Act 1992) that is specified in rail vehicle accessibility regulations;

“railway” and “tramway” have the same meaning as in the Transport and Works Act 1992.

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- (6) The Secretary of State must exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1 January 2020 every rail vehicle is a regulated rail vehicle.
- (7) Subsection (6) does not affect subsection (3), section 183(1) or section 207(4)(a).
- (8) Before making regulations under subsection (1) or section 183, the Secretary of State must consult—
  - (a) the Disabled Persons Transport Advisory Committee, and
  - (b) such other representative organisations as the Secretary of State thinks fit.

### **183 Exemptions from rail vehicle accessibility regulations**

- (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.
- (2) Authority under subsection (1)(a) or (b) may be for—
  - (a) a regulated rail vehicle that is specified or of a specified description,
  - (b) use in specified circumstances of a regulated rail vehicle, or
  - (c) use in specified circumstances of a regulated rail vehicle that is specified or of a specified description.
- (3) The Secretary of State may by regulations make provision as to exemption orders including, in particular, provision as to—
  - (a) the persons by whom applications for exemption orders may be made;
  - (b) the form in which applications are to be made;
  - (c) information to be supplied in connection with applications;
  - (d) the period for which exemption orders are to continue in force;
  - (e) the revocation of exemption orders.
- (4) After consulting the Disabled Persons Transport Advisory Committee and such other persons as the Secretary of State thinks appropriate, the Secretary of State may—
  - (a) make an exemption order in the terms of the application for the order;
  - (b) make an exemption order in such other terms as the Secretary of State thinks appropriate;
  - (c) refuse to make an exemption order.
- (5) The Secretary of State may make an exemption order subject to such conditions and restrictions as are specified.
- (6) “Specified” means specified in an exemption order.

### **184 Procedure for making exemption orders**

- (1) A statutory instrument that contains an order under section 183(1), if made without a draft having been laid before and approved by a resolution of each House of Parliament, is subject to annulment in pursuance of a resolution of either House.



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- (2) The Secretary of State must consult the Disabled Persons Transport Advisory Committee before deciding which of the parliamentary procedures available under subsection (1) is to be adopted in connection with the making of any particular order under section 183(1).
- (3) An order under section 183(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—
  - (a) regulations under subsection (4) are in force; and
  - (b) the making of the order without such laying and approval is in accordance with the regulations.
- (4) The Secretary of State may by regulations set out the basis on which the Secretary of State, when making an order under section 183(1), will decide which of the parliamentary procedures available under subsection (1) is to be adopted in connection with the making of the order.
- (5) Before making regulations under subsection (4), the Secretary of State must consult—
  - (a) the Disabled Persons Transport Advisory Committee; and
  - (b) such other persons as the Secretary of State considers appropriate.

#### **185 Annual report on exemption orders**

- (1) After the end of each calendar year the Secretary of State must prepare a report on—
  - (a) the exercise in that year of the power to make orders under section 183(1);
  - (b) the exercise in that year of the discretion under section 184(1).
- (2) A report under subsection (1) must (in particular) contain—
  - (a) details of each order made under section 183(1) in the year in question;
  - (b) details of consultation carried out under sections 183(4) and 184(2) in connection with orders made in that year under section 183(1).
- (3) The Secretary of State must lay before Parliament each report prepared under this section.

#### **186 Rail vehicle accessibility: compliance**

- (1) Schedule 20 (rail vehicle accessibility: compliance) has effect.
- (2) This section and that Schedule are repealed at the end of 2010 if the Schedule is not brought into force (either fully or to any extent) before the end of that year.

#### **Commencement Information**

**I4** [S. 186](#) partly in force; [s. 186\(2\)](#) in force at Royal Assent see [s. 216](#)

#### **187 Interpretation**

- (1) In this Chapter—

“rail vehicle” and “regulated rail vehicle” have the meaning given in section 182(4);

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“rail vehicle accessibility regulations” has the meaning given in section 182(1).

- (2) For the purposes of this Chapter a vehicle is used “for carriage” if it is used for the carriage of passengers.

## CHAPTER 4

### SUPPLEMENTARY

#### 188    **Forgery, etc.**

- (1) In this section “relevant document” means—
- (a) an exemption certificate issued under section 166, 169 or 171;
  - (b) a notice of a kind mentioned in section 166(3)(b), 169(4)(b) or 171(4)(b);
  - (c) an accessibility certificate (see section 176);
  - (d) an approval certificate (see section 177).
- (2) A person commits an offence if, with intent to deceive, the person—
- (a) forges, alters or uses a relevant document;
  - (b) lends a relevant document to another person;
  - (c) allows a relevant document to be used by another person;
  - (d) makes or has possession of a document which closely resembles a relevant document.
- (3) A person guilty of an offence under subsection (2) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.
- (4) A person commits an offence by knowingly making a false statement for the purpose of obtaining an accessibility certificate or an approval certificate.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**Status:**

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**Changes to legislation:**

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