



# Equality Act 2010

## 2010 CHAPTER 15

### PART 12 **E+W+S**

#### DISABLED PERSONS: TRANSPORT

### CHAPTER 1 **E+W+S**

#### TAXIS, ETC.

PROSPECTIVE

#### 160 Taxi accessibility regulations **E+W+S**

- (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*Status: Point in time view as at 28/06/2022. This version of this chapter contains provisions that are prospective.*

*Changes to legislation: Equality Act 2010, Chapter 1 is up to date with all changes known to be in force on or before 07 May 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 E+W+S

- (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 **E+W+S**

- (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 **E+W+S**

- (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 **E+W+S**

- (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).

## [<sup>F2</sup>164A Disabled passengers: duties of drivers **E+W+S**

- (1) This section imposes duties on the driver of a taxi or private hire vehicle which has been hired—
  - (a) by or for a disabled person, or
  - (b) by another person who wishes to be accompanied by a disabled person.
- (2) This section also imposes duties on the driver of a taxi or private hire vehicle if—
  - (a) the vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
  - (b) a person within subsection (1)(a) or (b) has indicated to the driver that the person wishes to travel on the service.
- (3) But this section does not impose duties on a driver in a case in which—
  - (a) the taxi or private hire vehicle is designated, and
  - (b) the disabled person is in a wheelchair.

For provision that applies in such a case, see section 165.
- (4) 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.
- (5) The duties are—
  - (a) to carry the passenger;
  - (b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
  - (c) if the passenger has with them any mobility aids, to carry the mobility aids;
  - (d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
  - (e) to give the passenger such mobility assistance as is reasonably required;
  - (f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).
- (6) For the purposes of this section “mobility aids” means any item the passenger uses to assist with their mobility but does not include—
  - (a) a wheelchair, or
  - (b) an assistance dog (sections 168 and 170 make provision about the carrying of assistance dogs).
- (7) For the purposes of this section “mobility assistance” means assistance—
  - (a) to enable the passenger to get into or out of the vehicle;
  - (b) to load the passenger’s luggage, wheelchair or mobility aids into or out of the vehicle.
- (8) 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 wheelchair on any one journey;

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- (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.
- (9) The driver of a taxi or private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.
- (10) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(a) or (d) to show that at the time of the alleged offence the person could not reasonably have known that the passenger was disabled.
- (12) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(b) or (c) to show that at the time of the alleged offence—
  - (a) it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle, or
  - (b) it would not otherwise have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle.
- (13) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(e) to show that at the time of the alleged offence the person could not reasonably have known that the passenger required mobility assistance of the type required by the passenger.]

#### Textual Amendments

- F2** S. 164A inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), ss. 1(2), 6(2)

#### 165 [F3]Disabled passengers in wheelchairs: duties of drivers of designated vehicles] **E+W+S**

- (1) This section imposes duties on the driver of a designated taxi [F4]or designated private hire vehicle] 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.

F5(2) .....

[F6(2A) This section also imposes duties on the driver of a designated taxi or designated private hire vehicle if—

- (a) the vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
- (b) a person within subsection (1)(a) or (b) has indicated to the driver that the person wishes to travel on the service.]
- (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.

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- (4) The duties are—
- (a) to carry the passenger while in the wheelchair;
  - <sup>F7</sup>(b) . . . . .
  - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
  - <sup>F8</sup>(ca) if the passenger has with them any mobility aids, to carry the mobility aids;]
  - (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.
  - <sup>F9</sup>(f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).]
- <sup>F10</sup>(4A) For the purposes of this section “mobility aids” means any item the passenger uses to assist with their mobility but does not include—
- (a) a wheelchair, or
  - (b) an assistance dog (sections 168 and 170 make provision about the carrying of assistance dogs).]
- (5) <sup>F11</sup>[For the purposes of this section “mobility assistance” means] 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 <sup>F12</sup>[or mobility aids] 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 <sup>F13</sup>[an offence under subsection (7) in relation to the duty mentioned in subsection (4)(a) or (c)] to show that at the time of the alleged offence—
- (a) the vehicle conformed to the accessibility requirements which applied to it, but
  - (b) it would not have been possible for the wheelchair to be carried safely in the vehicle.
- <sup>F14</sup>(9A) It is a defence for a person charged with an offence under subsection (7) in relation to the duty mentioned in subsection (4)(ca) to show that at the time of the alleged offence—
- (a) it would not have been possible for the mobility aids to be carried safely in the vehicle, or

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- (b) it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle.]

<sup>F15</sup>(10) . . . . .

#### Textual Amendments

- F3** S. 165 heading substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(a\), 6\(2\)](#)
- F4** Words in s. 165(1) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(b\), 6\(2\)](#)
- F5** S. 165(2) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(c\), 6\(2\)](#)
- F6** S. 165(2A) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(d\), 6\(2\)](#)
- F7** S. 165(4)(b) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(e\)\(i\), 6\(2\)](#)
- F8** S. 165(4)(ca) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(e\)\(ii\), 6\(2\)](#)
- F9** S. 165(4)(f) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(e\)\(iii\), 6\(2\)](#)
- F10** S. 165(4A) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(f\), 6\(2\)](#)
- F11** Words in s. 165(5) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(g\)\(i\), 6\(2\)](#)
- F12** Words in s. 165(5)(c) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(g\)\(ii\), 6\(2\)](#)
- F13** Words in s. 165(9) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(h\), 6\(2\)](#)
- F14** S. 165(9A) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(i\), 6\(2\)](#)
- F15** S. 165(10) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 1\(3\)\(j\), 6\(2\)](#)

#### 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)
- I3** S. 165 in force at 6.4.2017 in so far as not already in force by [S.I. 2017/107, art. 2\(a\)](#)

#### <sup>F16</sup>165A Disabled passengers: assistance to identify and find vehicle **E+W+S**

- (1) This section imposes duties on the driver of a private hire vehicle or pre-booked taxi where the following two conditions are met.
- (2) The first condition is that the private hire vehicle or pre-booked taxi has been hired—
  - (a) by or for a disabled person, or
  - (b) by another person who wishes to be accompanied by a disabled person.
- (3) The second condition is that the driver of the private hire vehicle or pre-booked taxi has been made aware before the start of the passenger’s journey in the vehicle that the passenger requires assistance to identify or find that vehicle.
- (4) For the purposes of this section—



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- (a) a taxi is “pre-booked” if it has been hired otherwise than as a result of plying or standing for hire;
  - (b) “the passenger” means the disabled person concerned.
- (5) The duties are—
- (a) to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired;
  - (b) not to make, or propose to make, any additional charge for complying with the duty mentioned in paragraph (a).
- (6) The driver of a private hire vehicle or pre-booked taxi commits an offence by failing to comply with a duty imposed on the driver by this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

#### Textual Amendments

**F16** S. 165A inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), ss. 1(4), 6(2)

### 166 [F17Disabled passengers]: exemption certificates **E+W+S**

- (1) A licensing authority must issue a person with a certificate exempting the person from the [F18mobility assistance duties] (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.

[F19(2A) For the purposes of this section “the mobility assistance duties” means—

- (a) the duty mentioned in section 164A(5)(e), and
- (b) the duty mentioned in section 165(4)(e).]

(3) The driver of a F20... taxi is exempt from the [F21mobility assistance duties] 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 F22... private hire vehicle is exempt from the [F23mobility assistance duties] 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.

F24(5) .....

(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.

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**Textual Amendments**

- F17** Words in s. 166 heading substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(2\), 6\(2\)](#)
- F18** Words in s. 166(1) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(3\), 6\(2\)](#)
- F19** S. 166(2A) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(4\), 6\(2\)](#)
- F20** Word in s. 166(3) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(5\)\(a\), 6\(2\)](#)
- F21** Words in s. 166(3) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(5\)\(b\), 6\(2\)](#)
- F22** Word in s. 166(4) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(6\)\(a\), 6\(2\)](#)
- F23** Words in s. 166(4) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(6\)\(b\), 6\(2\)](#)
- F24** S. 166(5) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 2\(7\), 6\(2\)](#)

**167 Lists of wheelchair-accessible vehicles E+W+S**

- (1) For the purposes of section 165, a licensing authority [<sup>F25</sup>must] maintain [<sup>F26</sup>and publish] a list of vehicles falling within subsection (2).
- (2) A vehicle falls within this subsection if—
  - (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.
- <sup>F27</sup>(3) .....
- <sup>F28</sup>(4) .....
- (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;
  - <sup>F29</sup>(aa) how a list under subsection (1) is to be maintained and published;]
  - (b) any other aspect of their functions under or by virtue of this section.
- (7) A licensing authority <sup>F30</sup>... must have regard to any guidance issued under subsection (6).

**Textual Amendments**

- F25** Word in s. 167(1) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 3\(2\)\(a\), 6\(2\)](#)

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- F26** Words in s. 167(1) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 3\(2\)\(b\), 6\(2\)](#)
- F27** S. 167(3) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 3\(3\), 6\(2\)](#)
- F28** S. 167(4) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 3\(3\), 6\(2\)](#)
- F29** S. 167(6)(aa) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 3\(4\), 6\(2\)](#)
- F30** Words in s. 167(7) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 3\(5\), 6\(2\)](#)

#### Commencement Information

- I4** 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](#))
- I5** S. 167(1)-(5) (7) in force at 6.4.2017 in so far as not already in force by [S.I. 2017/107, art. 2\(b\)](#)

### [<sup>F31</sup>167A Disabled passengers: duties of operators of private hire vehicles **E+W+S**]

- (1) The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle 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
  - the reason for the failure or refusal is—
    - that the passenger has a disability, or
    - to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.
- (2) The operator of a private hire vehicle commits an offence by making, or proposing to make, an additional charge for the carrying out of any duty imposed on the driver of the private hire vehicle under section 164A, 165 or 165A.
- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) It is a defence for a person charged with an offence under subsection (1) to show that it was reasonable not to have accepted the booking due to a lack of suitable vehicles.
- (5) In this section “the passenger” means the disabled person concerned.]

#### Textual Amendments

- F31** [S. 167A](#) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 4, 6\(2\)](#)

### 168 Assistance dogs in taxis **E+W+S**

- (1) This section imposes duties on the driver of a taxi which has been hired—
- by or for a disabled person who is accompanied by an assistance dog, or

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- (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 [<sup>F32</sup>, or propose to 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.

#### Textual Amendments

**F32** Words in s. 168(2)(b) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\), ss. 5\(2\), 6\(2\)](#)

### 169 Assistance dogs in taxis: exemption certificates E+W+S

- (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 E+W+S

- (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

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- [<sup>F33</sup>(b) the reason for the failure or refusal is—
- (i) that the disabled person will be accompanied by an assistance dog, or
  - (ii) to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by this section.]
- (2) The operator [<sup>F34</sup>or driver of a private hire vehicle] commits an offence by making [<sup>F35</sup>, or proposing to make,] 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—
  - (a) section 13 of the Private Hire Vehicles (London) Act 1998 <sup>F36</sup> ...,
  - (b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 <sup>F37</sup> ..., 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;
- <sup>F38</sup> ...  
<sup>F38</sup> ...

#### Textual Amendments

- F33** S. 170(1)(b) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (c. 29), [ss. 5\(3\)\(a\)](#), 6(2)
- F34** Words in s. 170(2) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (c. 29), [ss. 5\(3\)\(b\)\(i\)](#), 6(2)
- F35** Words in s. 170(2) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (c. 29), [ss. 5\(3\)\(b\)\(ii\)](#), 6(2)
- F36** Words in s. 170(5) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (c. 29), [ss. 5\(3\)\(c\)\(i\)](#), 6(2)
- F37** Words in s. 170(5) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (c. 29), [ss. 5\(3\)\(c\)\(ii\)](#), 6(2)
- F38** Words in s. 170(5) omitted (28.6.2022) by virtue of [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (c. 29), [ss. 5\(3\)\(c\)\(iii\)](#), 6(2)

## 171 Assistance dogs in private hire vehicles: exemption certificates **E+W+S**

- (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.

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- (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” <sup>[F39]</sup> and “licensing authority” have the same meaning as in section 170.

#### **Textual Amendments**

**F39** Words in s. 171(5) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 5\(4\)](#), [6\(2\)](#)

## **172 Appeals** E+W+S

- (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.
- (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** E+W+S

- (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;

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- (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;
    - [<sup>F40</sup>“operator”, in relation to a private hire vehicle—
    - (a) means a person who holds a licence under—
      - (i) section 55 of the Local Government (Miscellaneous Provisions) Act 1976,
      - (ii) section 3 of the Private Hire Vehicles (London) Act 1998, or
      - (iii) a provision of a local enactment equivalent to the provision mentioned in sub-paragraph (i) or (ii); and
    - (b) in section 167A, also includes a person who holds a licence under Part I of the Civic Government (Scotland) Act 1982 in relation to the use of premises for the carrying on of a business which consists to any extent of the taking of bookings, by any means of communication, from members of the public for the hire of a private hire car licenced under section 10 of that Act;
- “private hire vehicle”—
- (a) means a vehicle licensed under—
    - (i) section 48 of the Local Government (Miscellaneous Provisions) Act 1976,
    - (ii) section 7 of the Private Hire Vehicles (London) Act 1998, or
    - (iii) a provision of a local enactment equivalent to the provision mentioned in sub-paragraph (i) or (ii); and
  - (b) in sections 164A to 167A, also includes a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;]
- “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 [<sup>F41</sup>164A] 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.

#### Textual Amendments

**F40** Words in s. 173(1) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), **ss. 5(5)(a)**, 6(2)

**F41** Word in s. 173(1) substituted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), **ss. 5(5)(b)**, 6(2)

**Status:**

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