



# Equality Act 2010

## 2010 CHAPTER 15

### PART 12

#### DISABLED PERSONS: TRANSPORT

### CHAPTER 1

#### TAXIS, ETC.

#### **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—
  - (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;

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- (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)”.

## **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—

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- (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.

(4) For the purposes of section 2(2) of the European Communities Act 1972 (implementation of EU obligations), the Secretary of State may exercise a power conferred by this section on the Scottish Ministers.

### **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.
- (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.

### **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;

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(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;

“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
  - (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.

## **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.

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- (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—
  - (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).

### **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.

### **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

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- (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 (“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.
- (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.