

EXPLANATORY MEMORANDUM TO:

THE DISABILITY DISCRIMINATION ACT 1995 (TAXIS)(CARRIAGE OF GUIDE DOGS ETC.)(ENGLAND AND WALES)(AMENDMENT) REGULATIONS 2006

2006 No. 1616

THE DISABILITY DISCRIMINATION ACT 1995 (PRIVATE HIRE VEHICLES)(CARRIAGE OF GUIDE DOGS ETC.)(ENGLAND AND WALES)(AMENDMENT) REGULATIONS 2006

2006 No. 1617

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

These Instruments respectively amend regulations 2(2) of the Disability Discrimination Act 1995 (Taxis)(Carrying of Guide Dogs etc.)(England and Wales Regulations) Regulation 2000 (“the 2000 Regulations”) and the Disability Discrimination Act 1995 (Private Hire Vehicles)(Carrying of Guide Dogs etc.)(England and Wales Regulations) Regulations 2003 (“the 2003 Regulations”). The amendments prescribe changes in the manner in which the notice of exemption is required to be displayed on the windscreen of a taxi or private hire vehicle.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 Regulation 2(2) of the 2000 Regulations was reported, in the Committee’s Second Report for 2000/2001, for an unexpected use of the enabling powers to prescribe a form of notice with material on both sides but then to prescribe that it be exhibited in a way in which only one side is visible. It was also noted by the Committee that it was not apparent how the warning, which appeared to be directed at drivers other than the exempted one, would be effective whilst the notice was affixed in a manner in which the warning was not visible. The Committee further noted that the legislation did not appear to require the removal of notices when the exempted driver was not driving.

3.2 Regulation 2(2) of, and the Schedules to, the 2003 Regulations were reported, in the Committee’s Eighth Report for 2003/2004, for defective drafting. The Committee noted that the warning on the back of the prescribed notice set out in the Schedules did not contain a reminder to the exempted driver that he should not leave it on display when not driving the vehicle. Further, regulation 2(2) contained no provisions to require that the notice should be affixed in a manner which made it easily removable.

3.3 The Instruments covered by this memorandum address these issues so that the notice is only to be displayed in the windscreen facing outwards, so that both sides are visible and that it may be easily removed. (The notice is further required to be displayed on the nearside of the windscreen so that it can be viewed by a disabled person from the safety of the pavement.) The warning on the reverse of the notice

now requires the exempted driver to remove the notice when the vehicle is to be driven by a non-exempted driver.

4. Legislative Background

The Instruments are respectively made under sections 37(8)(b) or 37A(8)(b) and 67(2) of the Disability Discrimination Act 1995 (“the DDA”).

5. Extent

The provisions in these Instruments apply to England and Wales.

6. European Convention on Human Rights

As the Instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 The Government is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and private hire vehicles are a vital link in the transport chain. It is important that disabled people who use guide, hearing or other assistance dogs can have confidence that drivers will accept them and their assistance dog and carry their dog at no extra charge.

7.2 Sections 37 and 37A of the DDA impose a duty on all licensed taxi drivers or private hire vehicle drivers to carry, without additional charge, a guide, hearing and other prescribed assistance dogs accompanying a disabled person in the vehicle, unless the licensing authority has exempted the driver on medical grounds.

7.3 Where a driver of a licensed taxi or private hire vehicle is exempted from the duties imposed by sections 37 and 37A he is issued with a notice of exemption. The exemption is only effective if the notice of exemption is displayed on the vehicle in the prescribed manner.

7.4 Due to the minor nature of this regulatory change no public consultation exercise was considered necessary.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

The official within the Department for Transport who can be contacted with any queries on these Instruments is Richard Creese, the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR; Tel: 0207 944 4915 or e-mail: Richard.creese@dft.gsi.gov.uk.