



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART V

#### PUBLIC TRANSPORT

##### *Public service vehicles*

#### **40 PSV accessibility regulations**

- (1) The Secretary of State may make regulations (“PSV accessibility regulations”) for the purpose of securing that it is possible for disabled persons—
  - (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 be carried in such vehicles in safety and in reasonable comfort.
- (2) PSV accessibility 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) Any person who—
  - (a) contravenes or fails to comply with any provision of the PSV accessibility regulations,
  - (b) uses on a road a regulated public service vehicle which does not conform with any provision of the regulations with which it is required to conform, or
  - (c) causes or permits to be used on a road such a regulated public service vehicle, is guilty of an offence.

- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (5) In this section—
- “public service vehicle” means a vehicle which is—
    - (a) adapted to carry more than eight passengers; and
    - (b) a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;
  - “regulated public service vehicle” means any public service vehicle to which the PSV accessibility regulations are expressed to apply.
- (6) Different provision may be made in regulations under this section—
- (a) as respects different classes or descriptions of vehicle;
  - (b) as respects the same class or description of vehicle in different circumstances.
- (7) Before making any regulations under this section or section 41 or 42 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

#### **41 Accessibility certificates**

- (1) A regulated public service vehicle shall not be used on a road unless—
- (a) a vehicle examiner has issued a certificate (an “accessibility certificate”) that such provisions of the PSV accessibility regulations as may be prescribed are satisfied in respect of the vehicle; or
  - (b) an approval certificate has been issued under section 42 in respect of the vehicle.
- (2) The Secretary of State may make regulations—
- (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 in place of certificates which have been lost or destroyed.
- (3) If a regulated public service vehicle is used in contravention of this section, the operator of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section “operator” has the same meaning as in the Public Passenger Vehicles Act 1981.

#### **42 Approval certificates**

- (1) Where the Secretary of State is satisfied that such provisions of the PSV accessibility regulations as may be prescribed for the purposes of section 41 are satisfied in respect of a particular vehicle he may approve the vehicle for the purposes of this section.
- (2) A vehicle which has been so approved is referred to in this section as a “type vehicle”.
- (3) Subsection (4) applies where a declaration in the prescribed form has been made by an authorised person that a particular vehicle conforms in design, construction and equipment with a type vehicle.

- (4) A vehicle examiner may, after examining (if he thinks fit) the vehicle to which the declaration applies, issue a certificate in the prescribed form (“an approval certificate”) that it conforms to the type vehicle.
- (5) The Secretary of State may make regulations—
  - (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;
  - (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 his approval of a type vehicle.
- (7) Where an approval is withdrawn—
  - (a) no further approval certificates shall be issued by reference to the type vehicle; but
  - (b) any approval certificate issued by reference to the type vehicle before the withdrawal shall continue to have effect for the purposes of section 41.
- (8) In subsection (3) “authorised person” means a person authorised by the Secretary of State for the purposes of that subsection.

#### **43 Special authorisations**

- (1) The Secretary of State may by order authorise the use on roads of—
  - (a) any regulated public service vehicle of a class or description specified by the order, or
  - (b) any regulated public service vehicle which is so specified,and nothing in section 40, 41 or 42 prevents the use of any vehicle in accordance with the order.
- (2) Any such authorisation may be given subject to such restrictions and conditions as may be specified by or under the order.
- (3) The Secretary of State may by order make provision for the purpose of securing that, subject to such restrictions and conditions as may be specified by or under the order, provisions of the PSV accessibility regulations apply to regulated public service vehicles of a description specified by the order subject to such modifications or exceptions as may be specified by the order.

#### **44 Reviews and appeals**

- (1) Subsection (2) applies where—
  - (a) the Secretary of State refuses an application for the approval of a vehicle under section 42(1); and
  - (b) before the end of the prescribed period, the applicant asks the Secretary of State to review the decision and pays any fee fixed under section 45.
- (2) The Secretary of State shall—
  - (a) review the decision; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in doing so, consider any representations made to him in writing, before the end of the prescribed period, by the applicant.
- (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 such a 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 such directions as he thinks fit to the vehicle examiner for giving effect to his decision.

#### **45 Fees**

- (1) Such fees, payable at such times, as may be prescribed may be charged by the Secretary of State in respect of—
  - (a) applications for, and grants of, approval under section 42(1);
  - (b) applications for, and the issue of, accessibility certificates and approval certificates;
  - (c) copies of such certificates;
  - (d) reviews and appeals under section 44.
- (2) Any such fees received by the Secretary of State shall be paid by him into the Consolidated Fund.
- (3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.
- (4) Before making any regulations under subsection (1) the Secretary of State shall consult such representative organisations as he thinks fit.