



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART V

#### PUBLIC TRANSPORT

VALID FROM 27/01/2009

#### *Taxis*

#### **32 Taxi accessibility regulations.**

- (1) The Secretary of State may make regulations (“taxi accessibility regulations”) for the purpose of securing that it is possible—
  - (a) for disabled persons—
    - (i) to get into and out of taxis in safety;
    - (ii) to be carried in taxis in safety and in reasonable comfort; and
  - (b) for disabled persons in wheelchairs—
    - (i) to be conveyed in safety into and out of taxis while remaining in their wheelchairs; and
    - (ii) to be carried in taxis in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Taxi accessibility regulations may, in particular—
  - (a) require any regulated taxi to conform with provisions of the regulations as to—
    - (i) the size of any door opening which is for the use of passengers;
    - (ii) the floor area of the passenger compartment;
    - (iii) the amount of headroom in the passenger compartment;
    - (iv) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving;

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- (b) require the driver of any regulated taxi which is plying for hire, or which has been hired, to comply with provisions of the regulations as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;
  - (c) require the driver of any regulated taxi in which a disabled person who is in a wheelchair is being carried (while remaining in his wheelchair) to comply with provisions of the regulations as to the position in which the wheelchair is to be secured.
- (3) The driver of a regulated taxi which is plying for hire, or which has been hired, is guilty of an offence if—
- (a) he fails to comply with any requirement imposed on him by the regulations; or
  - (b) the taxi fails to conform with any provision of the regulations with which it is required to conform.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) In this section—
- “passenger compartment” has such meaning as may be prescribed;
  - “regulated taxi” means any taxi to which the regulations are expressed to apply;
  - [<sup>F1</sup>“taxi” means a taxi within the meaning of the Taxis Act (Northern Ireland) 2008 which is licensed under section 13 of that Act for use in standing or plying for hire or reward or to carry passengers for hire or reward.]

#### Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### Textual Amendments

- F1** [S. 32\(5\)](#): definition of "taxi" (as modified for N.I. by Sch. 8 para. 16(2) of this Act) substituted (N.I.) (prosp.) by Taxis Act (Northern Ireland) (2008 c. 4 (N.I.)), ss. 58(1), 59, [Sch. 2 para. 3](#)

#### Marginal Citations

- M1** [1847 c.89](#).  
**M2** [1869 c.115](#).

### 33 Designated transport facilities.

- (1) In this section “a franchise agreement” means 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 transport facility; and
  - (b) which involve vehicles entering any part of that facility.
- (2) The [<sup>F2</sup>appropriate national authority] may by regulations provide for the application of any taxi provision in relation to—

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- (a) vehicles used for the provision of services under a franchise agreement; or  
(b) the drivers of such vehicles.
- (3) Any regulations under subsection (2) may apply any taxi provision with such modifications as the [<sup>F3</sup>authority making the regulations] considers appropriate.
- (4) In this section—  
[<sup>F4</sup>appropriate national authority means—  
(a) in relation to transport facilities in England and Wales, the Secretary of State, and  
(b) in relation to transport facilities in Scotland, the Scottish Ministers (but see subsection (5));]  
“designated” means designated for the purposes of this section by an order made by the [<sup>F2</sup>appropriate national authority];  
“hire car” has such meaning as may be [<sup>F5</sup>specified by regulations made by the appropriate national authority];  
“operator”, in relation to a transport facility, means any person who is concerned with the management or operation of the facility;  
“taxi provision” means any provision of—  
(a) this Act, or  
(b) regulations made in pursuance of section 20(2A) of the <sup>M3</sup>Civic Government (Scotland) Act 1982,  
which applies in relation to taxis or the drivers of taxis; and  
“transport facility” means any premises which form part of any port, airport, railway station or bus station.
- [<sup>F6</sup>(5) The Secretary of State may, for the purposes mentioned in section 2(2) of the European Communities Act 1972 (implementation of Community obligations etc. of the United Kingdom), exercise the powers conferred by this section on the Scottish Ministers.]

#### Extent Information

- E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### Textual Amendments

- F2** Words in s. 33(2)(4) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(2\)](#); S.I. 2005/2774, [art. 3\(j\)](#)
- F3** Words in s. 33(3) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(3\)](#); S.I. 2005/2774, [art. 3\(j\)](#)
- F4** S. 33(4): definition of "appropriate national authority" inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(4\)](#); S.I. 2005/2774, [art. 3\(j\)](#)
- F5** S. 33(4): words in definition of "prescribed" substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(5\)](#); S.I. 2005/2774, [art. 3\(j\)](#)
- F6** S. 33(5) inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(6\)](#); S.I. 2005/2774, [art. 3\(j\)](#)

#### Modifications etc. (not altering text)

- C1** S. 33: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1, 2, [Sch. 1](#) (with art. 7); S.I. 1998/3178, [art. 3](#)

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### Marginal Citations

M3 [1982 c.45.](#)

## 34 New licences conditional on compliance with taxi accessibility regulations.

- (1) No licensing authority shall grant a licence for a taxi to ply for hire unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed.
- (2) Subsection (1) does not apply if such a licence was in force with respect 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 such date as may be specified in the order.
- (4) Separate orders may be made under subsection (3) with respect to different areas or localities.

### Extent Information

E3 In its application to Northern Ireland, this section has effect as substituted by Sch. 8 para. 18; see [s. 70\(6\)](#)

## 35 Exemption from taxi accessibility regulations.

- (1) The Secretary of State may make regulations (“exemption regulations”) for the purpose of enabling any relevant licensing authority to apply to him for an order (an “exemption order”) exempting the authority from the requirements of section 34.
- (2) Exemption regulations may, in particular, make provision requiring a licensing authority proposing to apply for an exemption order—
  - (a) to carry out such consultations as may be prescribed;
  - (b) to publish the proposal in the prescribed manner;
  - (c) to consider any representations made to it about the proposal, before applying for the order;
  - (d) to make its application in the prescribed form.
- (3) A licensing authority may apply for an exemption order only if it is satisfied—
  - (a) that, having regard to the circumstances prevailing in its area, it would be inappropriate for the requirements of section 34 to apply; and
  - (b) that the application of section 34 would result in an unacceptable reduction in the number of taxis in its area.
- (4) After considering any application for an exemption order and consulting the Disabled Persons Transport Advisory Committee and such other persons as he considers appropriate, the Secretary of State may—
  - (a) make an exemption order in the terms of the application;
  - (b) make an exemption order in such other terms as he considers appropriate; or
  - (c) refuse to make an exemption order.

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- (5) The Secretary of State may by regulations (“swivel seat regulations”) make provision requiring any exempt 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) The Secretary of State may by regulations make provision with respect to swivel seat regulations similar to that made by section 34 with respect to taxi accessibility regulations.
- (7) In this section—
- “exempt taxi” means a taxi in relation to which section 34(1) would apply if the exemption order were not in force;
  - “relevant licensing authority” means a licensing authority responsible for licensing taxis in any area of England and Wales other than the area to which the <sup>M4</sup>Metropolitan Public Carriage Act 1869 applies; and
  - “swivel seats” has such meaning as may be prescribed.

#### Extent Information

- E4** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

#### Marginal Citations

- M4** 1869 c.115.

### 36 Carrying of passengers in wheelchairs.

- (1) This section imposes duties on the driver of a regulated taxi which has been hired—
- (a) by or for a disabled person who is in a wheelchair; or
  - (b) by a person who wishes such a disabled person to accompany him in the [<sup>F7</sup>vehicle].
- [<sup>F8</sup>(1A) This section also imposes duties on the driver of a designated vehicle other than a regulated taxi if—
- (a) the designated vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
  - (b) a person falling within paragraph (a) or (b) of subsection (1) has indicated to the driver that he wishes to travel on the service.]
- (2) In this section—
- “carry” means carry in the [<sup>F9</sup>vehicle] concerned; and
  - “the passenger” means the disabled person concerned.
- (3) The duties are—
- (a) to carry the passenger while he remains in his 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 in reasonable comfort;
  - (e) to give such assistance as may be reasonably required—

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- (i) to enable the passenger to get into or out of the <sup>F9</sup>vehicle];
  - (ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the <sup>F9</sup>vehicle] while in his wheelchair;
  - (iii) to load the passenger's luggage into or out of the <sup>F9</sup>vehicle];
  - (iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the <sup>F9</sup>vehicle].
- (4) Nothing in this section is to be taken to require the driver of any <sup>F9</sup>vehicle]—
- (a) except in the case of a <sup>F9</sup>vehicle] of a prescribed description, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey; or
  - (b) to carry any person in circumstances in which it would otherwise be lawful for him to refuse to carry that person.
- (5) A driver of a regulated taxi <sup>F10</sup>or designated vehicle] who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In any proceedings for an offence under this section, it is a defence for the accused to show that, even though at the time of the alleged offence
- <sup>F11</sup>(a) in the case of a regulated taxi,] the taxi conformed with those provisions of the taxi accessibility regulations with which it was required to conform,
  - <sup>F12</sup>(b) in the case of a designated vehicle, the vehicle conformed to the accessibility requirements which applied to it,]
- it would not have been possible for the wheelchair in question to be carried in safety in the <sup>F13</sup>vehicle].
- (7) If the licensing authority is satisfied that it is appropriate to exempt a person from the duties imposed by this section—
- (a) on medical grounds, or
  - (b) on the ground that his physical condition makes it impossible or unreasonably difficult for him to comply with the duties imposed on drivers by this section,
- it shall issue him with a certificate of exemption.
- (8) A certificate of exemption shall be issued for such period as may be specified in the certificate.
- (9) The driver of a regulated taxi is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force; and
  - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.
- <sup>F14</sup>(10) The driver of a designated vehicle is exempt from the duties imposed by this section if—
- (a) a certificate of exemption issued to him under this section is in force; and
  - (b) he is carrying the certificate on the vehicle.
- (11) The driver of a designated vehicle who is exempt under subsection (10) must show the certificate, on request, to a person falling within paragraph (a) or (b) of subsection (1).]

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[<sup>F15</sup>(12) In this section—

“designated vehicle” means a vehicle which appears on a list maintained under section 36A;

“licensing authority” has the meaning given by section 36A.]

#### Extent Information

- E5** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modification for Northern Ireland set out in Sch. 8 para. 20; see [s. 70\(6\)](#).

#### Textual Amendments

- F7** [S. 36\(1\)\(b\)](#): word "vehicle" substituted for "taxi" (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(2\)](#), [134\(2\)](#)
- F8** [S. 36\(1A\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(3\)](#), [134\(2\)](#)
- F9** [S. 36\(2\)\(3\)\(4\)](#): word "vehicle" substituted (E.W.S.) for "taxi" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(4\)](#), [134\(2\)](#)
- F10** Words in [s. 36\(5\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(5\)](#), [134\(2\)](#)
- F11** Words in [s. 36\(6\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), [134\(2\)](#)
- F12** Words in [s. 36\(6\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), [134\(2\)](#)
- F13** [S. 36\(6\)](#): word "vehicle" substituted (E.W.S.) for "taxi" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), [134\(2\)](#)
- F14** [S. 36\(10\)\(11\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(7\)](#), [134\(2\)](#)
- F15** [S. 36\(12\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(8\)](#), [134\(2\)](#)

#### Modifications etc. (not altering text)

- C2** [S. 36](#) modified (E.W.S.) (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}

#### Commencement Information

- I1** [S. 36](#) in force (27.1.2009) (E.W.S) so far as it applies to designated vehicles by virtue of [s. 70\(2A\)](#) (a) of this Act (as inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(9\)](#)), [134\(2\)](#)

### [<sup>F16</sup>**36A List of wheelchair-accessible vehicles providing local services**

- (1) 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,
  - (b) it is being used or is to be used by the holder of a special licence under that licence, and
  - (c) it conforms to such accessibility requirements as the licensing authority thinks fit.
- (3) “Accessibility requirements” are any requirements for the purpose of securing that it is possible for disabled persons in wheelchairs—
  - (a) to get into and out of vehicles in safety, or to be conveyed in safety into and out of vehicles while remaining in their wheelchairs; and

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- (b) to be carried in vehicles in safety and reasonable comfort (whether or not they wish to remain in their wheelchairs).
- (4) 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.
- (5) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (4).
- (6) In this section—
- “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;
- “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;
- “special licence” has the meaning given by section 12 of the Transport Act 1985 (use of taxis in providing local services);
- “taxi” includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982.]

#### Textual Amendments

**F16** S. 36A inserted (E.W.S.) (27.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. **56(2)(9)**, 134(2)

#### Modifications etc. (not altering text)

**C3** S. 36A modified (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}

### 37 Carrying of guide dogs and hearing dogs.

- (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 his guide dog or hearing dog, or
  - (b) by a person who wishes such a disabled person to accompany him in the taxi.
- (2) The disabled person is referred to in this section as “the passenger”.
- (3) The duties are—
- (a) to carry the passenger’s dog and allow it to remain with the passenger; and
  - (b) not to make any additional charge for doing so.



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- (4) A driver of a taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) If the licensing authority is satisfied that it is appropriate on medical grounds to exempt a person from the duties imposed by this section, it shall issue him with a certificate of exemption.
- (6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the taxi which the applicant drives or those of any kind of taxi in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
  - (a) with respect to a specified taxi or a specified kind of taxi; and
  - (b) for such period as may be specified in the certificate.
- (8) The driver of a taxi is exempt from the duties imposed by this section if—
  - (a) a certificate of exemption issued to him under this section is in force with respect to the taxi; and
  - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.
- (9) The Secretary of State may, for the purposes of this section, prescribe any other category of dog trained to assist a disabled person who has a disability of a prescribed kind.
- (10) This section applies in relation to any such prescribed category of dog as it applies in relation to guide dogs.
- (11) In this section—

“guide dog” means a dog which has been trained to guide a blind person;  
and  
“hearing dog” means a dog which has been trained to assist a deaf person.

#### **Extent Information**

- E6** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8 para. 21; see [s. 70\(6\)](#)

#### **Commencement Information**

- I2** [S. 37](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 37](#) in force for E.W. at 1.12.2000 for specified purposes and at 31.3.2001 for all other purposes by [S.I. 2000/2989](#), [art. 2\(a\)\(b\)](#); [s. 37](#) in force for N.I. at 1.6.2001 for specified purposes and at 1.8.2001 for all other purposes by [S.R. 2001/163](#), [art. 2\(1\)](#)

### **[<sup>F17</sup>37A Carrying of assistance dogs in private hire vehicles**

- (1) It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for a private hire vehicle—
  - (a) if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and

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- (b) the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.
- (2) It is an offence for the operator of a private hire vehicle to make an additional charge for carrying an assistance dog which is accompanying a disabled person.
- (3) It is an offence for the driver of a private hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle—
- (a) if the booking was made by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
  - (b) the reason for the failure or refusal is that the disabled person is accompanied by his assistance dog.
- (4) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) If the licensing authority is satisfied that it is appropriate on medical grounds to issue a certificate of exemption to a driver in respect of subsection (3) it must do so.
- (6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the private hire vehicle which the applicant drives or those of any kind of private hire vehicle in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
- (a) with respect to a specified private hire vehicle or a specified kind of private hire vehicle; and
  - (b) for such period as may be specified in the certificate.
- (8) No offence is committed by a driver under subsection (3) if—
- (a) a certificate of exemption issued to him under this section is in force with respect to the private hire vehicle; and
  - (b) the prescribed notice is exhibited on the private hire vehicle in the prescribed manner.
- (9) In this section—
- “assistance dog” means a dog which—
- (a) has been trained to guide a blind person;
  - (b) has been trained to assist a deaf person;
  - (c) has been trained by a prescribed charity to assist a disabled person who has a disability which—
    - (i) consists of epilepsy; or
    - (ii) otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
- “driver” means a person who holds a licence granted under—
- (a) section 13 of the Private Hire Vehicles (London) Act 1998 (c. 34) (“the 1998 Act”);
  - (b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (“the 1976 Act”); or
  - (c) an equivalent provision of a local enactment;

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“licensing authority”, in relation to any area of England and Wales, means the authority responsible for licensing private hire vehicles in that area;

“operator” means a person who holds a licence granted 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.]

#### Extent Information

- E7** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

#### Textual Amendments

- F17** [S. 37A](#) inserted (31.12.2003 for certain purposes and otherwise 31.3.2004 as respects private hire vehicles licensed in England and Wales, 1.1.2008 for certain purposes and otherwise 1.6.2008 as respects a private hire vehicle licensed by the Department of the Environment in Northern Ireland) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), ss. 1(1), 6(2); [S.I. 2003/3123, art. 2](#); [S.I. 2007/3477, art. 2](#)

#### Modifications etc. (not altering text)

- C4** [S. 37A](#) modified (E.W.S.) (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}

### 38 <sup>F18</sup> Appeals][<sup>F18</sup> Appeal against refusal of exemption certificate]

- (1) Any person who is aggrieved by the refusal of a licensing authority to issue an exemption certificate under [<sup>F19</sup>section 36, 37 or 37A] may appeal to [<sup>F20</sup>a magistrates’][<sup>F20</sup> the appropriate] court [<sup>F21</sup>or, in Scotland, the sheriff court] before the end of the period of 28 days beginning with the date of the refusal.
- (2) On an appeal to it under [<sup>F22</sup>subsection (1)][<sup>F22</sup>this section], the court may direct the licensing authority concerned to issue the appropriate certificate of exemption to have effect for such period as may be specified in the direction.
- (3) <sup>F23</sup> .....
- [<sup>F24</sup>(4) Any person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 36A may appeal to a magistrates' court or, in Scotland, the sheriff court before the end of the period of 28 days beginning with the date of the inclusion.
- (5) In this section “licensing authority” has the meaning given by section 36A.]

#### Extent Information

- E8** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see [s. 70\(6\)](#)

*Status: Point in time view as at 26/01/2009. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)*

### Textual Amendments

- F18** S. 38: heading "Appeals" substituted (E.W.S.) for "Appeal against refusal of exemption certificate." (26.1.2009) by virtue of [Local Transport Act 2008 \(c. 26\)](#), ss. {56(7)}, 134(2)
- F19** Words in s. 38(1) substituted (31.12.2003 for E.W.S for specified purposes, otherwise 31.3.2004 and 1.1.2008 for N.I. for certain purposes, otherwise 1.6.2008 for N.I.) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), ss. 3, 6(2); S.I. 2003/3123, [art. 2](#); S.I. 2007/3477, [art. 2](#)
- F20** Words "a magistrates" in s. 38 substituted for "the appropriate" (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 368\(2\)](#); S.I. 2005/910, [art. 3\(y\)](#)
- F21** Words in s. 38(1) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(4)}, 134(2)
- F22** S. 38(2): words "subsection (1)" substituted (E.W.S.) for "this section" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(5)}, 134(2)
- F23** S. 38(3) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, [Sch. 8 para. 368\(3\)](#), [Sch. 10](#); S.I. 2005/910, [art. 3\(y\)\(aa\)](#) and repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 c. 9 (N.I.), s. 106(2), [Sch. 1 para. 104\(1\)\(b\)](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, [art. 2\(k\)](#) (with [art. 3](#))
- F24** S. 38(4)(5) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(6)}, 134(2)

### Modifications etc. (not altering text)

- C5** S. 38 modified (E.W.S.) (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}

### Commencement Information

- I3** S. 38 wholly in force at 27.1.2009; s. 38 not in force at Royal Assent see s. 70(3)(6), [Sch. 8 para. 48\(1\)](#); s. 38 in force for E.W. at 1.12.2000 by S.I. 2000/2989, [art. 3](#); s. 38 in force for N.I. at 1.6.2001 by S.R. 2001/163, [art. 2\(2\)](#) and in force for S. (27.1.2009) by virtue of s. 70(2A)(c) of this Act (as inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(9)}, 134)

## 39 Requirements as to disabled passengers in Scotland.

- (1) Part II of the <sup>M5</sup>Civic Government (Scotland) Act 1982 (licensing and regulation) is amended as follows.
- (2) In subsection (4) of section 10 (suitability of vehicle for use as taxi)—
- after "authority" insert " — (a) "; and
  - at the end add " ; and
    - as not being so suitable if it does not so comply."
- (3) In section 20 (regulations relating to taxis etc.) after subsection (2) insert—
- "(2A) Without prejudice to the generality of subsections (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of section 1(2) of the <sup>M6</sup>Disability Discrimination Act 1995) and such provision may in particular prescribe—
- requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;
  - a date from which any such provision is to apply and the extent to which it is to apply; and

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*Status:* Point in time view as at 26/01/2009. This version of this cross heading contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Taxis. (See end of Document for details)

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(c) the circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,

and in this subsection—

“guide dog” means a dog which has been trained to guide a blind person;

“hearing dog” means a dog which has been trained to assist a deaf person; and

“other categories of dog” means such other categories of dog as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe.”

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**Extent Information**

**E9** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

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**Commencement Information**

**I4** S. 39 not in force at Royal Assent, see s. 70(3); s. 39 in force at 5.2.2003 in relation to Scotland by S.I. 2003/215, art. 2

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**Marginal Citations**

**M5** 1982 c. 45.

**M6** 1995 c.50.

**Status:**

Point in time view as at 26/01/2009. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995,  
Cross Heading: Taxis.