



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART V

#### PUBLIC TRANSPORT

##### *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;
  - (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;
  - “taxi” means a vehicle licensed under—
    - (a) section 37 of the Town Police Clauses Act 1847, or
    - (b) section 6 of the Metropolitan Public Carriage Act 1869,
 but does not include a taxi which is drawn by a horse or other animal.

### **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 Secretary of State may by regulations provide for the application of any taxi provision in relation to—
- (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 Secretary of State considers appropriate.
- (4) In this section—
- “designated” means designated for the purposes of this section by an order made by the Secretary of State;
  - “hire car” has such meaning as may be prescribed;
  - “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 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.

### **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.

### **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.
- (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 Metropolitan Public Carriage Act 1869 applies; and
- “swivel seats” has such meaning as may be prescribed.

### **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 taxi.
- (2) In this section—
- “carry” means carry in the taxi 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—
    - (i) to enable the passenger to get into or out of the taxi;
    - (ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the taxi while in his wheelchair;
    - (iii) to load the passenger’s luggage into or out of the taxi;
    - (iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the taxi.
- (4) Nothing in this section is to be taken to require the driver of any taxi—
- (a) except in the case of a taxi 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 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 the taxi conformed with those provisions of the taxi accessibility regulations with which it was required to conform, it would not have been possible for the wheelchair in question to be carried in safety in the taxi.

- (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.

### **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.
- (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.

### **38 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 section 36 or 37 may appeal to the appropriate court before the end of the period of 28 days beginning with the date of the refusal.
- (2) On an appeal to it under 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) “Appropriate court” means the magistrates' court for the petty sessions area in which the licensing authority has its principal office.

### **39 Requirements as to disabled passengers in Scotland**

- (1) Part II of the 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)—  
     (a) after “authority” insert “— (a)”; and  
     (b) at the end add “; and  
         (b) 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 Disability Discrimination Act 1995) and such provision may in particular prescribe—  
     (a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;  
     (b) a date from which any such provision is to apply and the extent to which it is to apply; and  
     (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;

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

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“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.”