



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART V

#### PUBLIC TRANSPORT

##### *Taxis*

### **36 Carrying of passengers in wheelchairs.**

[<sup>F1</sup>(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>F2</sup>vehicle].

[<sup>F3</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>F4</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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*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 36. (See end of Document for details)*

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- (i) to enable the passenger to get into or out of the [F<sup>4</sup>vehicle];
  - (ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the [F<sup>4</sup>vehicle] while in his wheelchair;
  - (iii) to load the passenger's luggage into or out of the [F<sup>4</sup>vehicle];
  - (iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the [F<sup>4</sup>vehicle].
- (4) Nothing in this section is to be taken to require the driver of any [F<sup>4</sup>vehicle]—
- (a) except in the case of a [F<sup>4</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 [F<sup>5</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
- [F<sup>6</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,
  - [F<sup>7</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 [F<sup>8</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.
- [F<sup>9</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).]
- [F<sup>10</sup>(12) In this section—

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

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

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#### **Extent Information**

- E1** 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\(6\)](#).

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#### **Textual Amendments**

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)
- F2** 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)
- F3** S. 36(1A) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(3\)](#), 134(2)
- F4** 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)
- F5** Words in s. 36(5) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(5\)](#), 134(2)
- F6** Words in s. 36(6) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), 134(2)
- F7** Words in s. 36(6) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(6\)](#), 134(2)
- F8** 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)
- F9** S. 36(10)(11) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(7\)](#), 134(2)
- F10** S. 36(12) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 55\(8\)](#), 134(2)

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

- C1** 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}
- C2** [Ss. 36-38](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9)

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#### **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. 56\(9\)](#)), 134(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 36.