

These notes refer to the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 (c.37) which received Royal Assent on 7th November 2002

PRIVATE HIRE VEHICLES (CARRIAGE OF GUIDE DOGS ETC.) ACT 2002

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 which received Royal Assent on 7th November 2002. They have been prepared by the Department for Transport in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require explanation or comment, none is given.

SUMMARY AND BACKGROUND

3. The Act amends the Disability Discrimination Act 1995. The Disability Discrimination Act 1995 ("the 1995 Act") provides for the carriage of disabled people, accompanied by guide dogs, hearing dogs or other assistance dogs in licensed taxis without additional charge. This Act introduces similar duties upon the operators and drivers of private hire vehicles (PHVs) in England, Wales and Northern Ireland to carry such dogs at no additional charge. For Scotland, the Act amends the Civic Government (Scotland) Act 1982 to secure similar duties.
4. The Act defines an assistance dog and provides both for exemptions from the duties for drivers with certain medical conditions and that a notice must be exhibited on the vehicle by exempt drivers.

THE ACT

5. The Act consists of 6 sections.

COMMENTARY ON SECTIONS

Section 1: Carrying of guide dogs, hearing dogs and other assistance dogs.

6. Subsection (1) inserts a new section 37A into the 1995 Act as follows.
 - 6.1 Subsections (1) and (3) of the new section 37A create two offences. The operator, or driver, of a PHV, will commit an offence if he refuses to accept a booking for or on behalf of a disabled person, or if he refuses to carry a disabled person, because that disabled person will be accompanied by a guide dog, hearing dog, or other assistance dog.
 - 6.2 Subsection (2) of the new section 37A makes it an offence for an operator to make an additional charge for carrying such a dog when accompanying a disabled person.

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- 6.3 Subsection (4) provides that a person guilty of an offence under any of subsections (1) to (3) may be fined. The amount of the fine must be no more than level 3 on the standard scale - currently £1,000.
- 6.4 Subsections (5), (6), (7) and (8) of the new section 37A provide for a PHV licensing authority to issue a certificate of exemption to a PHV driver from the requirements under subsection (3) on appropriate medical grounds, and set out to whom the certificate may be issued, how long it may last and how it should be exhibited on the vehicle.
7. Subsection (2) inserts a new paragraph 21A into Schedule 8 to the 1995 Act which modifies the Act in its application to Northern Ireland. The effect is to apply the new section 37A to Northern Ireland with the necessary modifications to the definitions of “licensing authority”, “driver”, “operator” and “private hire vehicle”, as required for consistency within Northern Ireland law.

Section 2: Carrying of guide dogs, hearing dogs and other assistance dogs: Scotland.

8. **Section 2** inserts three new subsections into section 20 of the Civic Government (Scotland) Act 1982. New subsection (2AA) allows Scottish Ministers to make regulations in relation to the carriage of guide dogs, hearing dogs and other categories of assistance dog (all as defined by section 20(2A) of the 1982 Act) accompanying disabled people in private hire vehicles. This will allow the provisions provided elsewhere in the Act for England and Wales to be introduced in Scotland. Section 20(2AA) enables Scottish Ministers to include in the regulations such requirements for the carriage of guide dogs, hearing dogs and other categories of assistance dog as they consider necessary, the date and extent to which they apply and the circumstances in which the driver or vehicle may be exempt from the requirements.
9. New subsection (2AB) allows Scottish Ministers to include in any regulations offence provisions with a maximum penalty of level 3 on the standard scale (in line with the provisions for England and Wales) for failing to comply with the regulations.
10. New Subsection (2AC) provides that such regulations are subject to the negative resolution procedure of the Scottish Parliament.

Sections 3 and 4: Appeals, forgery and false statements

11. The Act provides for appeals against refusal to issue an exemption certificate, and creates offences relating to forgery and false statements. This is achieved by amending the 1995 Act.

FINANCIAL EFFECTS OF THE ACT

12. The only costs as a result of this Act are in relation to the procedures for medical exemptions.

EFFECTS OF THE ACT ON PUBLIC SERVICE MANPOWER

13. Local licensing authorities will be responsible for handling the exemption process.

COMMENCEMENT

14. The provisions of the Act will come into force by order. Different days may be appointed for different purposes and different areas. This is to allow local flexibility in the introduction of the requirements.

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<i>Stage</i>	<i>Date</i>	<i>Hansard Reference</i>
House of Commons		
First Reading	5 December 2001 (Ten Minute Rule Bill)	Vol 376 Col 364
Second Reading	19 April 2002	Vol 383 Col 870
Standing Committee (C)	12 June 2002	
Report and Third Reading	19 July 2002	Vol 389 Col 558
House of Lords		
First Reading	22 July 2002	Vol 638 Col 42
Second Reading	11 October 2002	Vol 639 Col 572
Order of Commitment	28 October 2002	Vol 640 Col 12
Third Reading	1 November 2002	Vol 640 Col 423
Royal Assent	7 November 2002	Vol 640 Col 963