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Equality Act 2010

2010 CHAPTER 15

PART 12

DISABLED PERSONS: TRANSPORT

VALID FROM 01/10/2010

CHAPTER 2

PUBLIC SERVICE VEHICLES

174 PSV accessibility regulations

- (1) The Secretary of State may make regulations (in this Chapter referred to as “PSV accessibility regulations”) for 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 travel in such vehicles in safety and reasonable comfort.
- (2) The 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) In this section “public service vehicle” means a vehicle which is—

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- (a) adapted to carry more than 8 passengers, and
- (b) a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;

and in this Chapter “regulated public service vehicle” means a public service vehicle to which PSV accessibility regulations are expressed to apply.

- (4) The regulations may make different provision—
 - (a) as respects different classes or descriptions of vehicle;
 - (b) as respects the same class or description of vehicle in different circumstances.
- (5) The Secretary of State must not make regulations under this section or section 176 or 177 without consulting—
 - (a) the Disabled Persons Transport Advisory Committee, and
 - (b) such other representative organisations as the Secretary of State thinks fit.

175 Offence of contravening PSV accessibility regulations

- (1) A person commits an offence by—
 - (a) contravening a provision of PSV accessibility regulations;
 - (b) using on a road a regulated public service vehicle which does not conform with a provision of the regulations with which it is required to conform;
 - (c) causing or permitting such a regulated public service vehicle to be used on a road.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) If an offence under this section committed by a body corporate is committed with the consent or connivance of, or is attributable to neglect on the part of, a responsible person, the responsible person as well as the body corporate is guilty of the offence.
- (4) In subsection (3) a responsible person, in relation to a body corporate, is—
 - (a) a director, manager, secretary or similar officer;
 - (b) a person purporting to act in the capacity of a person mentioned in paragraph (a);
 - (c) in the case of a body corporate whose affairs are managed by its members, a member.
- (5) If, in Scotland, an offence committed by a partnership or an unincorporated association is committed with the consent or connivance of, or is attributable to neglect on the part of, a partner or person concerned in the management of the association, the partner or person as well as the partnership or association is guilty of the offence.

176 Accessibility certificates

- (1) A regulated public service vehicle must not be used on a road unless—
 - (a) a vehicle examiner has issued a certificate (an “accessibility certificate”) that such provisions of PSV accessibility regulations as are prescribed are satisfied in respect of the vehicle, or

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- (b) an approval certificate has been issued under section 177 in respect of the vehicle.
- (2) Regulations may make provision—
 - (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 which have been lost or destroyed.
- (3) The operator of a regulated public service vehicle commits an offence if the vehicle is used in contravention of this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) A power to make regulations under this section is exercisable by the Secretary of State.
- (6) In this section “operator” has the same meaning as in the Public Passenger Vehicles Act 1981.

177 Approval certificates

- (1) The Secretary of State may approve a vehicle for the purposes of this section if satisfied that such provisions of PSV accessibility regulations as are prescribed for the purposes of section 176 are satisfied in respect of the vehicle.
- (2) A vehicle which is so approved is referred to in this section as a “type vehicle”.
- (3) Subsection (4) applies if a declaration in the prescribed form is made by an authorised person that a particular vehicle conforms in design, construction and equipment with a type vehicle.
- (4) A vehicle examiner may issue a certificate in the prescribed form (an “approval certificate”) that it conforms to the type vehicle.
- (5) Regulations may make provision—
 - (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 approval of a type vehicle.
- (7) If an approval is withdrawn—
 - (a) no further approval certificates are to be issued by reference to the type vehicle; but
 - (b) an approval certificate issued by reference to the type vehicle before the withdrawal continues to have effect for the purposes of section 176.
- (8) A power to make regulations under this section is exercisable by the Secretary of State.

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- (9) In subsection (3) “authorised person” means a person authorised by the Secretary of State for the purposes of that subsection.

178 Special authorisations

- (1) The Secretary of State may by order authorise the use on roads of—
- (a) a regulated public service vehicle of a class or description specified by the order, or
 - (b) a regulated public service vehicle which is so specified.
- (2) Nothing in sections 174 to 177 prevents the use of a vehicle in accordance with the order.
- (3) The Secretary of State may by order make provision for securing that provisions of PSV accessibility regulations apply to regulated public service vehicles of a description specified by the order, subject to any modifications or exceptions specified by the order.
- (4) An order under subsection (1) or (3) may make the authorisation or provision (as the case may be) subject to such restrictions and conditions as are specified by or under the order.
- (5) Section 207(2) does not require an order under this section that applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory instrument; but such an order is as capable of being amended or revoked as an order made by statutory instrument.

179 Reviews and appeals

- (1) Subsection (2) applies if the Secretary of State refuses an application for the approval of a vehicle under section 177(1) and, before the end of the prescribed period, the applicant—
- (a) asks the Secretary of State to review the decision, and
 - (b) pays any fee fixed under section 180.
- (2) The Secretary of State must—
- (a) review the decision, and
 - (b) in doing so, consider any representations made in writing by the applicant before the end of the prescribed period.
- (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 the 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 directions to the vehicle examiner for giving effect to the Secretary of State's decision.

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- (7) A power to make regulations under this section is exercisable by the Secretary of State.

180 Fees

- (1) The Secretary of State may charge such fees, payable at such times, as are prescribed in respect of—
- (a) applications for, and grants of, approval under section 177(1);
 - (b) applications for, and the issue of, accessibility certificates and approval certificates;
 - (c) copies of such certificates;
 - (d) reviews and appeals under section 179.
- (2) Fees received by the Secretary of State must be paid into the Consolidated Fund.
- (3) The power to make regulations under subsection (1) is exercisable by the Secretary of State.
- (4) The regulations may make provision for the repayment of fees, in whole or in part, in such circumstances as are prescribed.
- (5) Before making the regulations the Secretary of State must consult such representative organisations as the Secretary of State thinks fit.

181 Interpretation

In this Chapter—

- “accessibility certificate” has the meaning given in section 176(1);
“approval certificate” has the meaning given in section 177(4);
“PSV accessibility regulations” has the meaning given in section 174(1);
“regulated public service vehicle” has the meaning given in section 174(3).

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