

*Status: Point in time view as at 01/10/2012.*

*Changes to legislation: Equality Act 2010, Paragraph 3 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### SERVICES AND PUBLIC FUNCTIONS: REASONABLE ADJUSTMENTS

##### *Special provision about transport*

- 3 (1) This paragraph applies where A is concerned with the provision of a service which involves transporting people by land, air or water.
- (2) It is never reasonable for A to have to take a step which would—
- (a) involve the alteration or removal of a physical feature of a vehicle used in providing the service;
  - (b) affect whether vehicles are provided;
  - (c) affect what vehicles are provided;
  - (d) affect what happens in the vehicle while someone is travelling in it.
- (3) But, for the purpose of complying with the first or third requirement, A may not rely on sub-paragraph (2)(b), (c) or (d) if the vehicle concerned is—
- (a) a hire-vehicle designed and constructed for the carriage of passengers, comprising more than 8 seats in addition to the driver's seat and having a maximum mass not exceeding 5 tonnes,
  - (b) a hire-vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes,
  - (c) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or section 7 of the Private Hire Vehicles (London) Act 1998 (or under a provision of a local Act corresponding to either of those provisions),
  - (d) a private hire car (within the meaning of section 23 of the Civic Government (Scotland) Act 1982),
  - (e) a public service vehicle (within the meaning given by section 1 of the Public Passenger Vehicles Act 1981),
  - (f) a vehicle built or adapted to carry passengers on a railway or tramway (within the meaning, in each case, of the Transport and Works Act 1992),
  - (g) a taxi,
  - (h) a vehicle deployed to transport the driver and passengers of a vehicle that has broken down or is involved in an accident, or
  - (i) a vehicle deployed on a system using a mode of guided transport (within the meaning of the Transport and Works Act 1992).
- (4) In so far as the second requirement requires A to adopt a reasonable alternative method of providing the service to disabled persons, A may not, for the purpose of complying with the requirement, rely on sub-paragraph (2)(b), (c) or (d) if the vehicle is within sub-paragraph (3)(h).

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- (5) A may not, for the purpose of complying with the first, second or third requirement rely on sub-paragraph (2) of this paragraph if A provides the service by way of a hire-vehicle built to carry no more than 8 passengers.
- (6) For the purposes of sub-paragraph (5) in its application to the second requirement, a part of a vehicle is to be regarded as a physical feature if it requires alteration in order to facilitate the provision of—
  - (a) hand controls to enable a disabled person to operate braking and accelerator systems in the vehicle, or
  - (b) facilities for the stowage of a wheelchair.
- (7) For the purposes of sub-paragraph (6)(a), fixed seating and in-built electrical systems are not physical features; and for the purposes of sub-paragraph (6)(b), fixed seating is not a physical feature.
- (8) In the case of a vehicle within sub-paragraph (3), a relevant device is not an auxiliary aid for the purposes of the third requirement.
- (9) A relevant device is a device or structure, or equipment, the installation, operation or maintenance of which would necessitate making a permanent alteration to, or which would have a permanent effect on, the internal or external fabric of the vehicle.
- (10) Regulations may amend this paragraph so as to provide for sub-paragraph (2) not to apply, or to apply only so far as is prescribed, in relation to vehicles of a prescribed description.

#### **Commencement Information**

- II** [Sch. 2 para. 3](#) wholly in force at 1.9.2012; [para. 3](#) not in force at Royal assent see [s. 216](#); [para. 3](#) in force at 1.10.2010 for certain purposes by [S.I. 2010/2317](#), [art. 2\(3\)](#); [para. 3](#) in force so far as not already in force at 1.9.2012 by [S.I. 2012/2184](#), [art. 2\(a\)](#)

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