



# Equality Act 2010

## 2010 CHAPTER 15

### PART 12

#### DISABLED PERSONS: TRANSPORT

#### CHAPTER 1

#### TAXIS, ETC.

#### **[<sup>F1</sup>164A Disabled passengers: duties of drivers**

- (1) This section imposes duties on the driver of a taxi or private hire vehicle which has been hired—
  - (a) by or for a disabled person, or
  - (b) by another person who wishes to be accompanied by a disabled person.
- (2) This section also imposes duties on the driver of a taxi or private hire vehicle if—
  - (a) the vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
  - (b) a person within subsection (1)(a) or (b) has indicated to the driver that the person wishes to travel on the service.
- (3) But this section does not impose duties on a driver in a case in which—
  - (a) the taxi or private hire vehicle is designated, and
  - (b) the disabled person is in a wheelchair.

For provision that applies in such a case, see section 165.

- (4) For the purposes of this section—
  - (a) a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167;
  - (b) “the passenger” means the disabled person concerned.

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*Changes to legislation: Equality Act 2010, Section 164A is up to date with all changes known to be in force on or before 10 April 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) View outstanding changes*

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- (5) The duties are—
- (a) to carry the passenger;
  - (b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
  - (c) if the passenger has with them any mobility aids, to carry the mobility aids;
  - (d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
  - (e) to give the passenger such mobility assistance as is reasonably required;
  - (f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).
- (6) For the purposes of this section “mobility aids” means any item the passenger uses to assist with their mobility but does not include—
- (a) a wheelchair, or
  - (b) an assistance dog (sections 168 and 170 make provision about the carrying of assistance dogs).
- (7) For the purposes of this section “mobility assistance” means assistance—
- (a) to enable the passenger to get into or out of the vehicle;
  - (b) to load the passenger’s luggage, wheelchair or mobility aids into or out of the vehicle.
- (8) This section does not require the driver—
- (a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one wheelchair on any one journey;
  - (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.
- (9) The driver of a taxi or private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.
- (10) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(a) or (d) to show that at the time of the alleged offence the person could not reasonably have known that the passenger was disabled.
- (12) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(b) or (c) to show that at the time of the alleged offence—
- (a) it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle, or
  - (b) it would not otherwise have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle.
- (13) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(e) to show that at the time of the alleged offence the person could not reasonably have known that the passenger required mobility assistance of the type required by the passenger.]

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### Textual Amendments

- F1** [S. 164A](#) inserted (28.6.2022) by [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(c. 29\)](#), [ss. 1\(2\)](#), [6\(2\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)