



# Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

## 2022 CHAPTER 29

### 1 Duties of drivers

- (1) The Equality Act 2010 is amended as follows.
- (2) After section 164 (exemption from taxi accessibility regulations) insert—

#### **“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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*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, Section 1. (See end of Document for details)*

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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

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of the alleged offence the person could not reasonably have known that the passenger required mobility assistance of the type required by the passenger.”

- (3) In section 165 (passengers in wheelchairs)—
- (a) for the heading substitute “Disabled passengers in wheelchairs: duties of drivers of designated vehicles”;
  - (b) in subsection (1), after “taxi” insert “or designated private hire vehicle”;
  - (c) omit subsection (2);
  - (d) before subsection (3) insert—
    - “(2A) This section also imposes duties on the driver of a designated taxi or designated 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.”;
  - (e) in subsection (4)—
    - (i) omit paragraph (b);
    - (ii) after paragraph (c) insert—
      - “(ca) if the passenger has with them any mobility aids, to carry the mobility aids.”;
    - (iii) after paragraph (e) insert—
      - “(f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).”;
  - (f) after subsection (4) insert—
    - “(4A) 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).”;
  - (g) in subsection (5)—
    - (i) for “Mobility assistance is” substitute “For the purposes of this section “mobility assistance” means”;
    - (ii) in paragraph (c), after “luggage” insert “or mobility aids”;
  - (h) in subsection (9), for “the offence” substitute “an offence under subsection (7) in relation to the duty mentioned in subsection (4)(a) or (c)”;
  - (i) after subsection (9) insert—
    - “(9A) It is a defence for a person charged with an offence under subsection (7) in relation to the duty mentioned in subsection (4)(ca) to show that at the time of the alleged offence—
      - (a) it would not have been possible for the mobility aids to be carried safely in the vehicle, or
      - (b) it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle.”;
  - (j) omit subsection (10).
- (4) After section 165 insert—

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**“165A Disabled passengers: assistance to identify and find vehicle**

- (1) This section imposes duties on the driver of a private hire vehicle or pre-booked taxi where the following two conditions are met.
- (2) The first condition is that the private hire vehicle or pre-booked taxi has been hired—
  - (a) by or for a disabled person, or
  - (b) by another person who wishes to be accompanied by a disabled person.
- (3) The second condition is that the driver of the private hire vehicle or pre-booked taxi has been made aware before the start of the passenger’s journey in the vehicle that the passenger requires assistance to identify or find that vehicle.
- (4) For the purposes of this section—
  - (a) a taxi is “pre-booked” if it has been hired otherwise than as a result of plying or standing for hire;
  - (b) “the passenger” means the disabled person concerned.
- (5) The duties are—
  - (a) to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired;
  - (b) not to make, or propose to make, any additional charge for complying with the duty mentioned in paragraph (a).
- (6) The driver of a private hire vehicle or pre-booked taxi commits an offence by failing to comply with a duty imposed on the driver by this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

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**Commencement Information**

**II** S. 1 in force at 28.6.2022, see s. 6(2)

**Status:**

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**Changes to legislation:**

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