



Disability Discrimination Act 1995

1995 CHAPTER 50

PART V

PUBLIC TRANSPORT

Taxis

32 Taxi accessibility regulations

- (1) The Secretary of State may make regulations (“taxi accessibility regulations”) for the purpose of securing that it is possible—
 - (a) for disabled persons—
 - (i) to get into and out of taxis in safety;
 - (ii) to be carried in taxis in safety and in reasonable comfort; and
 - (b) for disabled persons in wheelchairs—
 - (i) to be conveyed in safety into and out of taxis while remaining in their wheelchairs; and
 - (ii) to be carried in taxis in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Taxi accessibility regulations may, in particular—
 - (a) require any regulated taxi to conform with provisions of the regulations as to—
 - (i) the size of any door opening which is for the use of passengers;
 - (ii) the floor area of the passenger compartment;
 - (iii) the amount of headroom in the passenger compartment;
 - (iv) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving;
 - (b) require the driver of any regulated taxi which is plying for hire, or which has been hired, to comply with provisions of the regulations as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;

- (c) require the driver of any regulated taxi in which a disabled person who is in a wheelchair is being carried (while remaining in his wheelchair) to comply with provisions of the regulations as to the position in which the wheelchair is to be secured.
- (3) The driver of a regulated taxi which is plying for hire, or which has been hired, is guilty of an offence if—
- (a) he fails to comply with any requirement imposed on him by the regulations; or
 - (b) the taxi fails to conform with any provision of the regulations with which it is required to conform.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) In this section—
- “passenger compartment” has such meaning as may be prescribed;
 - “regulated taxi” means any taxi to which the regulations are expressed to apply;
 - “taxi” means a vehicle licensed under—
 - (a) section 37 of the Town Police Clauses Act 1847, or
 - (b) section 6 of the Metropolitan Public Carriage Act 1869,
 but does not include a taxi which is drawn by a horse or other animal.

33 Designated transport facilities

- (1) In this section “a franchise agreement” means a contract entered into by the operator of a designated transport facility for the provision by the other party to the contract of hire car services—
- (a) for members of the public using any part of the transport facility; and
 - (b) which involve vehicles entering any part of that facility.
- (2) The Secretary of State may by regulations provide for the application of any taxi provision in relation to—
- (a) vehicles used for the provision of services under a franchise agreement; or
 - (b) the drivers of such vehicles.
- (3) Any regulations under subsection (2) may apply any taxi provision with such modifications as the Secretary of State considers appropriate.
- (4) In this section—
- “designated” means designated for the purposes of this section by an order made by the Secretary of State;
 - “hire car” has such meaning as may be prescribed;
 - “operator”, in relation to a transport facility, means any person who is concerned with the management or operation of the facility;
 - “taxi provision” means any provision of—
 - (a) this Act, or
 - (b) regulations made in pursuance of section 20(2A) of the Civic Government (Scotland) Act 1982,
 which applies in relation to taxis or the drivers of taxis; and

“transport facility” means any premises which form part of any port, airport, railway station or bus station.

34 New licences conditional on compliance with taxi accessibility regulations

- (1) No licensing authority shall grant a licence for a taxi to ply for hire unless the vehicle conforms with those provisions of the taxi accessibility regulations with which it will be required to conform if licensed.
- (2) Subsection (1) does not apply if such a licence was in force with respect to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.
- (3) The Secretary of State may by order provide for subsection (2) to cease to have effect on such date as may be specified in the order.
- (4) Separate orders may be made under subsection (3) with respect to different areas or localities.

35 Exemption from taxi accessibility regulations

- (1) The Secretary of State may make regulations (“exemption regulations”) for the purpose of enabling any relevant licensing authority to apply to him for an order (an “exemption order”) exempting the authority from the requirements of section 34.
- (2) Exemption regulations may, in particular, make provision requiring a licensing authority proposing to apply for an exemption order—
 - (a) to carry out such consultations as may be prescribed;
 - (b) to publish the proposal in the prescribed manner;
 - (c) to consider any representations made to it about the proposal, before applying for the order;
 - (d) to make its application in the prescribed form.
- (3) A licensing authority may apply for an exemption order only if it is satisfied—
 - (a) that, having regard to the circumstances prevailing in its area, it would be inappropriate for the requirements of section 34 to apply; and
 - (b) that the application of section 34 would result in an unacceptable reduction in the number of taxis in its area.
- (4) After considering any application for an exemption order and consulting the Disabled Persons Transport Advisory Committee and such other persons as he considers appropriate, the Secretary of State may—
 - (a) make an exemption order in the terms of the application;
 - (b) make an exemption order in such other terms as he considers appropriate; or
 - (c) refuse to make an exemption order.
- (5) The Secretary of State may by regulations (“swivel seat regulations”) make provision requiring any exempt taxi plying for hire in an area in respect of which an exemption order is in force to conform with provisions of the regulations as to the fitting and use of swivel seats.

- (6) The Secretary of State may by regulations make provision with respect to swivel seat regulations similar to that made by section 34 with respect to taxi accessibility regulations.
- (7) In this section—
- “exempt taxi” means a taxi in relation to which section 34(1) would apply if the exemption order were not in force;
- “relevant licensing authority” means a licensing authority responsible for licensing taxis in any area of England and Wales other than the area to which the Metropolitan Public Carriage Act 1869 applies; and
- “swivel seats” has such meaning as may be prescribed.

36 Carrying of passengers in wheelchairs

- (1) This section imposes duties on the driver of a regulated taxi which has been hired—
- (a) by or for a disabled person who is in a wheelchair; or
 - (b) by a person who wishes such a disabled person to accompany him in the taxi.
- (2) In this section—
- “carry” means carry in the taxi concerned; and
- “the passenger” means the disabled person concerned.
- (3) The duties are—
- (a) to carry the passenger while he remains in his wheelchair;
 - (b) not to make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort;
 - (e) to give such assistance as may be reasonably required—
 - (i) to enable the passenger to get into or out of the taxi;
 - (ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the taxi while in his wheelchair;
 - (iii) to load the passenger’s luggage into or out of the taxi;
 - (iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the taxi.
- (4) Nothing in this section is to be taken to require the driver of any taxi—
- (a) except in the case of a taxi of a prescribed description, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey; or
 - (b) to carry any person in circumstances in which it would otherwise be lawful for him to refuse to carry that person.
- (5) A driver of a regulated taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In any proceedings for an offence under this section, it is a defence for the accused to show that, even though at the time of the alleged offence the taxi conformed with those provisions of the taxi accessibility regulations with which it was required to conform, it would not have been possible for the wheelchair in question to be carried in safety in the taxi.

- (7) If the licensing authority is satisfied that it is appropriate to exempt a person from the duties imposed by this section—
 - (a) on medical grounds, or
 - (b) on the ground that his physical condition makes it impossible or unreasonably difficult for him to comply with the duties imposed on drivers by this section, it shall issue him with a certificate of exemption.
- (8) A certificate of exemption shall be issued for such period as may be specified in the certificate.
- (9) The driver of a regulated taxi is exempt from the duties imposed by this section if—
 - (a) a certificate of exemption issued to him under this section is in force; and
 - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.

37 Carrying of guide dogs and hearing dogs

- (1) This section imposes duties on the driver of a taxi which has been hired—
 - (a) by or for a disabled person who is accompanied by his guide dog or hearing dog, or
 - (b) by a person who wishes such a disabled person to accompany him in the taxi.
- (2) The disabled person is referred to in this section as “the passenger”.
- (3) The duties are—
 - (a) to carry the passenger’s dog and allow it to remain with the passenger; and
 - (b) not to make any additional charge for doing so.
- (4) A driver of a taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) If the licensing authority is satisfied that it is appropriate on medical grounds to exempt a person from the duties imposed by this section, it shall issue him with a certificate of exemption.
- (6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the taxi which the applicant drives or those of any kind of taxi in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
 - (a) with respect to a specified taxi or a specified kind of taxi; and
 - (b) for such period as may be specified in the certificate.
- (8) The driver of a taxi is exempt from the duties imposed by this section if—
 - (a) a certificate of exemption issued to him under this section is in force with respect to the taxi; and
 - (b) the prescribed notice of his exemption is exhibited on the taxi in the prescribed manner.

- (9) The Secretary of State may, for the purposes of this section, prescribe any other category of dog trained to assist a disabled person who has a disability of a prescribed kind.
- (10) This section applies in relation to any such prescribed category of dog as it applies in relation to guide dogs.
- (11) In this section—
 “guide dog” means a dog which has been trained to guide a blind person;
 and
 “hearing dog” means a dog which has been trained to assist a deaf person.

38 Appeal against refusal of exemption certificate

- (1) Any person who is aggrieved by the refusal of a licensing authority to issue an exemption certificate under section 36 or 37 may appeal to the appropriate court before the end of the period of 28 days beginning with the date of the refusal.
- (2) On an appeal to it under this section, the court may direct the licensing authority concerned to issue the appropriate certificate of exemption to have effect for such period as may be specified in the direction.
- (3) “Appropriate court” means the magistrates' court for the petty sessions area in which the licensing authority has its principal office.

39 Requirements as to disabled passengers in Scotland

- (1) Part II of the Civic Government (Scotland) Act 1982 (licensing and regulation) is amended as follows.
- (2) In subsection (4) of section 10 (suitability of vehicle for use as taxi)—
 (a) after “authority” insert “— (a)”; and
 (b) at the end add “; and
 (b) as not being so suitable if it does not so comply.”
- (3) In section 20 (regulations relating to taxis etc.) after subsection (2) insert—
 “(2A) Without prejudice to the generality of subsections (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of section 1(2) of the Disability Discrimination Act 1995) and such provision may in particular prescribe—
 (a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;
 (b) a date from which any such provision is to apply and the extent to which it is to apply; and
 (c) the circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,
 and in this subsection—
 “guide dog” means a dog which has been trained to guide a blind person;

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“hearing dog” means a dog which has been trained to assist a deaf person; and

“other categories of dog” means such other categories of dog as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe.”

Public service vehicles

40 PSV accessibility regulations

- (1) The Secretary of State may make regulations (“PSV accessibility regulations”) for the purpose of 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 be carried in such vehicles in safety and in reasonable comfort.
- (2) PSV accessibility 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) Any person who—
 - (a) contravenes or fails to comply with any provision of the PSV accessibility regulations,
 - (b) uses on a road a regulated public service vehicle which does not conform with any provision of the regulations with which it is required to conform, or
 - (c) causes or permits to be used on a road such a regulated public service vehicle, is guilty of an offence.
- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (5) In this section—

“public service vehicle” means a vehicle which is—

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

“regulated public service vehicle” means any public service vehicle to which the PSV accessibility regulations are expressed to apply.
- (6) Different provision may be made in regulations under this section—
 - (a) as respects different classes or descriptions of vehicle;
 - (b) as respects the same class or description of vehicle in different circumstances.

- (7) Before making any regulations under this section or section 41 or 42 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

41 Accessibility certificates

- (1) A regulated public service vehicle shall not be used on a road unless—
- (a) a vehicle examiner has issued a certificate (an “accessibility certificate”) that such provisions of the PSV accessibility regulations as may be prescribed are satisfied in respect of the vehicle; or
 - (b) an approval certificate has been issued under section 42 in respect of the vehicle.
- (2) The Secretary of State may make regulations—
- (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 in place of certificates which have been lost or destroyed.
- (3) If a regulated public service vehicle is used in contravention of this section, the operator of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section “operator” has the same meaning as in the Public Passenger Vehicles Act 1981.

42 Approval certificates

- (1) Where the Secretary of State is satisfied that such provisions of the PSV accessibility regulations as may be prescribed for the purposes of section 41 are satisfied in respect of a particular vehicle he may approve the vehicle for the purposes of this section.
- (2) A vehicle which has been so approved is referred to in this section as a “type vehicle”.
- (3) Subsection (4) applies where a declaration in the prescribed form has been made by an authorised person that a particular vehicle conforms in design, construction and equipment with a type vehicle.
- (4) A vehicle examiner may, after examining (if he thinks fit) the vehicle to which the declaration applies, issue a certificate in the prescribed form (“an approval certificate”) that it conforms to the type vehicle.
- (5) The Secretary of State may make regulations—
- (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 his approval of a type vehicle.

- (7) Where an approval is withdrawn—
 - (a) no further approval certificates shall be issued by reference to the type vehicle; but
 - (b) any approval certificate issued by reference to the type vehicle before the withdrawal shall continue to have effect for the purposes of section 41.
- (8) In subsection (3) “authorised person” means a person authorised by the Secretary of State for the purposes of that subsection.

43 Special authorisations

- (1) The Secretary of State may by order authorise the use on roads of—
 - (a) any regulated public service vehicle of a class or description specified by the order, or
 - (b) any regulated public service vehicle which is so specified,and nothing in section 40, 41 or 42 prevents the use of any vehicle in accordance with the order.
- (2) Any such authorisation may be given subject to such restrictions and conditions as may be specified by or under the order.
- (3) The Secretary of State may by order make provision for the purpose of securing that, subject to such restrictions and conditions as may be specified by or under the order, provisions of the PSV accessibility regulations apply to regulated public service vehicles of a description specified by the order subject to such modifications or exceptions as may be specified by the order.

44 Reviews and appeals

- (1) Subsection (2) applies where—
 - (a) the Secretary of State refuses an application for the approval of a vehicle under section 42(1); and
 - (b) before the end of the prescribed period, the applicant asks the Secretary of State to review the decision and pays any fee fixed under section 45.
- (2) The Secretary of State shall—
 - (a) review the decision; and
 - (b) in doing so, consider any representations made to him in writing, before the end of the prescribed period, by the applicant.
- (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 such a 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 such directions as he thinks fit to the vehicle examiner for giving effect to his decision.

45 Fees

- (1) Such fees, payable at such times, as may be prescribed may be charged by the Secretary of State in respect of—
 - (a) applications for, and grants of, approval under section 42(1);
 - (b) applications for, and the issue of, accessibility certificates and approval certificates;
 - (c) copies of such certificates;
 - (d) reviews and appeals under section 44.
- (2) Any such fees received by the Secretary of State shall be paid by him into the Consolidated Fund.
- (3) Regulations under subsection (1) may make provision for the repayment of fees, in whole or in part, in such circumstances as may be prescribed.
- (4) Before making any regulations under subsection (1) the Secretary of State shall consult such representative organisations as he thinks fit.

Rail vehicles

46 Rail vehicle accessibility regulations

- (1) The Secretary of State may make regulations (“rail vehicle accessibility regulations”) for the purpose of securing that it is possible—
 - (a) for disabled persons—
 - (i) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;
 - (ii) to be carried in such vehicles in safety and in reasonable comfort; and
 - (b) for disabled persons in wheelchairs—
 - (i) to get on to and off such vehicles in safety and without unreasonable difficulty while remaining in their wheelchairs, and
 - (ii) to be carried in such vehicles in safety and in reasonable comfort while remaining in their wheelchairs.
- (2) Rail vehicle accessibility regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail 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 use of equipment fitted to, or carried by, vehicles;
 - (e) the toilet facilities to be provided in vehicles;
 - (f) the location and floor area of the wheelchair accommodation to be provided in vehicles;
 - (g) assistance to be given to disabled persons.
- (3) If a regulated rail vehicle which does not conform with any provision of the rail vehicle accessibility regulations with which it is required to conform is used for carriage, the operator of the vehicle is guilty of an offence.

- (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (5) Different provision may be made in rail vehicle accessibility regulations—
- (a) as respects different classes or descriptions of rail vehicle;
 - (b) as respects the same class or description of rail vehicle in different circumstances;
 - (c) as respects different networks.
- (6) In this section—
- “network” means any permanent way or other means of guiding or supporting rail vehicles or any section of it;
 - “operator”, in relation to any rail vehicle, means the person having the management of that vehicle;
 - “rail vehicle” means a vehicle—
 - (a) constructed or adapted to carry passengers on any railway, tramway or prescribed system; and
 - (b) first brought into use, or belonging to a class of vehicle first brought into use, after 31st December 1998;
 - “regulated rail vehicle” means any rail vehicle to which the rail vehicle accessibility regulations are expressed to apply; and
 - “wheelchair accommodation” has such meaning as may be prescribed.
- (7) In subsection (6)—
- “prescribed system” means a system using a prescribed mode of guided transport (“guided transport” having the same meaning as in the Transport and Works Act 1992); and
 - “railway” and “tramway” have the same meaning as in that Act.
- (8) The Secretary of State may by regulations make provision as to the time when a rail vehicle, or a class of rail vehicle, is to be treated, for the purposes of this section, as first brought into use.
- (9) Regulations under subsection (8) may include provision for disregarding periods of testing and other prescribed periods of use.
- (10) For the purposes of this section and section 47, a person uses a vehicle for carriage if he uses it for the carriage of members of the public for hire or reward at separate fares.
- (11) Before making any regulations under subsection (1) or section 47 the Secretary of State shall consult the Disabled Persons Transport Advisory Committee and such other representative organisations as he thinks fit.

47 Exemption from rail vehicle accessibility regulations

- (1) The Secretary of State may by order (an “exemption order”) authorise the use for carriage of any regulated rail vehicle of a specified description, or in specified circumstances, even though that vehicle does not conform with the provisions of the rail vehicle accessibility regulations with which it is required to conform.
- (2) Regulations may make provision with respect to exemption orders including, in particular, provision as to—

- (a) the persons by whom applications for exemption orders may be made;
 - (b) the form in which such applications are to be made;
 - (c) information to be supplied in connection with such applications;
 - (d) the period for which exemption orders are to continue in force;
 - (e) the revocation of exemption orders.
- (3) After considering any application for an exemption order and consulting the Disabled Persons Transport Advisory Committee and such other persons as he considers appropriate, the Secretary of State may—
- (a) make an exemption order in the terms of the application;
 - (b) make an exemption order in such other terms as he considers appropriate;
 - (c) refuse to make an exemption order.
- (4) An exemption order may be made subject to such restrictions and conditions as may be specified.
- (5) In this section “specified” means specified in an exemption order.

*Supplemental***48 Offences by bodies corporate etc**

- (1) Where an offence under section 40 or 46 committed by a body corporate is committed with the consent or connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity, he as well as the body corporate is guilty of the offence.
- (2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) Where, in Scotland, an offence under section 40 or 46 committed by a partnership or by an unincorporated association other than a partnership is committed with the consent or connivance of, or is attributable to any neglect on the part of, a partner in the partnership or (as the case may be) a person concerned in the management or control of the association, he, as well as the partnership or association, is guilty of the offence.

49 Forgery and false statements

- (1) In this section “relevant document” means—
- (a) a certificate of exemption issued under section 36 or 37;
 - (b) a notice of a kind mentioned in section 36(9)(b) or 37(8)(b);
 - (c) an accessibility certificate; or
 - (d) an approval certificate.
- (2) A person is guilty of an offence if, with intent to deceive, he—
- (a) forges, alters or uses a relevant document;
 - (b) lends a relevant document to any other person;
 - (c) allows a relevant document to be used by any other person; or
 - (d) makes or has in his possession any document which closely resembles a relevant document.
- (3) A person who is guilty of an offence under subsection (2) is liable—

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- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) A person who knowingly makes a false statement for the purpose of obtaining an accessibility certificate or an approval certificate is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.