



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;

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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—
- he fails to comply with any requirement imposed on him by the regulations; or
 - 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;
- [^{F1}“taxi” means a taxi within the meaning of the Taxis Act (Northern Ireland) 2008 which is licensed under section 13 of that Act for use in standing or plying for hire or reward or to carry passengers for hire or reward.]

Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

- F1** S. 32(5): definition of “taxi” (as modified for N.I. by Sch. 8 para. 16(2) of this Act) substituted (N.I.) (prosp.) by Taxis Act (Northern Ireland) (2008 c. 4 (N.I)), ss. 58(1), 59, **Sch. 2 para. 3**

Marginal Citations

- M1** 1847 c.89.
M2 1869 c.115.

PROSPECTIVE

33 Designated transport facilities.

- [^{F2}(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—
- for members of the public using any part of the transport facility; and
 - which involve vehicles entering any part of that facility.
- (2) The [^{F3}appropriate national authority] may by regulations provide for the application of any taxi provision in relation to—
- vehicles used for the provision of services under a franchise agreement; or
 - the drivers of such vehicles.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

(3) Any regulations under subsection (2) may apply any taxi provision with such modifications as the [^{F4}authority making the regulations] considers appropriate.

(4) In this section—

[^{F5}appropriate national authority means—

(a) in relation to transport facilities in England and Wales, the Secretary of State, and

(b) in relation to transport facilities in Scotland, the Scottish Ministers (but see subsection (5));]

“designated” means designated for the purposes of this section by an order made by the [^{F3}appropriate national authority];

“hire car” has such meaning as may be [^{F6}specified by regulations made by the appropriate national authority];

“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 ^{M3}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.

[^{F7}(5) The Secretary of State may, for the purposes mentioned in section 2(2) of the European Communities Act 1972 (implementation of Community obligations etc. of the United Kingdom), exercise the powers conferred by this section on the Scottish Ministers.]]

Extent Information

E2 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 17; see s. 70(6)

Textual Amendments

- F2** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F3** Words in s. 33(2)(4) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(2\)](#); [S.I. 2005/2774](#), [art. 3\(j\)](#)
- F4** Words in s. 33(3) substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(3\)](#); [S.I. 2005/2774](#), [art. 3\(j\)](#)
- F5** S. 33(4): definition of “appropriate national authority” inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(4\)](#); [S.I. 2005/2774](#), [art. 3\(j\)](#)
- F6** S. 33(4): words in definition of “prescribed” substituted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(5\)](#); [S.I. 2005/2774](#), [art. 3\(j\)](#)
- F7** S. 33(5) inserted (E.W.S.) (5.12.2005) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(1), 20(3)-(6), [Sch. 1 para. 26\(6\)](#); [S.I. 2005/2774](#), [art. 3\(j\)](#)

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 33: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
- C2** Ss. 32-34: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016](#) (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9)

Marginal Citations

- M3** 1982 c.45.

PROSPECTIVE

34 New licences conditional on compliance with taxi accessibility regulations.

- [^{F8}(1) The Department of the Environment shall not grant a public service vehicle licence under Article 61 of the Road Traffic (Northern Ireland) Order 1981 for a taxi 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 Department of the Environment may by order provide for subsection (2) to cease to have effect on such date as may be specified in the order]

Extent Information

- E3** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only. It incorporates the modifications for N.I. set out in Sch. 8 para. 18; see [s. 70\(6\)](#)

Textual Amendments

- F8** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, **Schs. 1-16**); S.I. 2011/1066, **art. 2(h)**

Modifications etc. (not altering text)

- C3** Ss. 32-34: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016](#) (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9)

PROSPECTIVE

35 Exemption from taxi accessibility regulations.

^{F9}

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Extent Information

- E4** In the application of the Act to Northern Ireland, this section is omitted; see [s. 70\(6\)](#), [Sch. 8 paras. 1, 19](#)

Textual Amendments

- F9** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

36 Carrying of passengers in wheelchairs.

[^{F10}(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 [^{F11}vehicle].

[^{F12}(1A) This section also imposes duties on the driver of a designated vehicle other than a regulated taxi if—

- (a) the designated vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
- (b) a person falling within paragraph (a) or (b) of subsection (1) has indicated to the driver that he wishes to travel on the service.]

(2) In this section—

- “carry” means carry in the [^{F13}vehicle] 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 [^{F13}vehicle];
 - (ii) if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the [^{F13}vehicle] while in his wheelchair;
 - (iii) to load the passenger’s luggage into or out of the [^{F13}vehicle];
 - (iv) if the passenger does not wish to remain in his wheelchair, to load the wheelchair into or out of the [^{F13}vehicle].

(4) Nothing in this section is to be taken to require the driver of any [^{F13}vehicle]—

- (a) except in the case of a [^{F13}vehicle] 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.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (5) A driver of a regulated taxi [^{F14}or designated vehicle] 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
- [^{F15}(a) in the case of a regulated taxi,] the taxi conformed with those provisions of the taxi accessibility regulations with which it was required to conform,
- [^{F16}(b) in the case of a designated vehicle, the vehicle conformed to the accessibility requirements which applied to it,] it would not have been possible for the wheelchair in question to be carried in safety in the [^{F17}vehicle].
- (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.
- [^{F18}(10) The driver of a designated vehicle 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) he is carrying the certificate on the vehicle.
- (11) The driver of a designated vehicle who is exempt under subsection (10) must show the certificate, on request, to a person falling within paragraph (a) or (b) of subsection (1).]
- [^{F19}(12) In this section—
- “designated vehicle” means a vehicle which appears on a list maintained under section 36A;
- “licensing authority” has the meaning given by section 36A.]]

Extent Information

E5 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modification for Northern Ireland set out in Sch. 8 para. 20; see [s. 70\(6\)](#).

Textual Amendments

F10 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I.](#)

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**
- F11** S. 36(1)(b): word "vehicle" substituted for "taxi" (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(2)**, 134(2)
- F12** S. 36(1A) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(3)**, 134(2)
- F13** S. 36(2)(3)(4): word "vehicle" substituted (E.W.S.) for "taxi" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(4)**, 134(2)
- F14** Words in s. 36(5) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(5)**, 134(2)
- F15** Words in s. 36(6) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(6)**, 134(2)
- F16** Words in s. 36(6) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(6)**, 134(2)
- F17** S. 36(6): word "vehicle" substituted (E.W.S.) for "taxi" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(6)**, 134(2)
- F18** S. 36(10)(11) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(7)**, 134(2)
- F19** S. 36(12) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 55(8)**, 134(2)

Modifications etc. (not altering text)

- C4** S. 36 modified (E.W.S.) (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}
- C5** **Ss. 36-38**: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9)

Commencement Information

- I1** S. 36 in force (27.1.2009) (E.W.S) so far as it applies to designated vehicles by virtue of s. 70(2A)(a) of this Act (as inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(9)}, 134(2))

[^{F20}36A List of wheelchair-accessible vehicles providing local services

^{F21}]

Textual Amendments

- F20** S. 36A inserted (E.W.S.) (27.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 56(2)(9)**, 134(2)
- F21** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**

37 Carrying of guide dogs and hearing dogs.

- [^{F22}(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.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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.]

Extent Information

- E6** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 21; see s. 70(6)

Textual Amendments

- F22** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)

Modifications etc. (not altering text)

- C6** [Ss. 36-38](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9)

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Commencement Information

- I2** S. 37 not in force at Royal Assent see s. 70(3)(6), Sch. 8 para. 48(1); s. 37 in force for E.W. at 1.12.2000 for specified purposes and at 31.3.2001 for all other purposes by S.I. 2000/2989, art. 2(a)(b); s. 37 in force for N.I. at 1.6.2001 for specified purposes and at 1.8.2001 for all other purposes by S.R. 2001/163, art. 2(1)

[^{F23}37A Carrying of assistance dogs in private hire vehicles

- [^{F24}(1) It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for a private hire vehicle—
- (a) if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
 - (b) the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.
- (2) It is an offence for the operator of a private hire vehicle to make an additional charge for carrying an assistance dog which is accompanying a disabled person.
- (3) It is an offence for the driver of a private hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle—
- (a) if the booking was made by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
 - (b) the reason for the failure or refusal is that the disabled person is accompanied by his assistance dog.
- (4) A person who is guilty of an offence under this section is 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 issue a certificate of exemption to a driver in respect of subsection (3) it must do so.
- (6) In determining whether to issue a certificate of exemption, the licensing authority shall, in particular, have regard to the physical characteristics of the private hire vehicle which the applicant drives or those of any kind of private hire vehicle in relation to which he requires the certificate.
- (7) A certificate of exemption shall be issued—
- (a) with respect to a specified private hire vehicle or a specified kind of private hire vehicle; and
 - (b) for such period as may be specified in the certificate.
- (8) No offence is committed by a driver under subsection (3) if—
- (a) a certificate of exemption issued to him under this section is in force with respect to the private hire vehicle; and
 - (b) the prescribed notice is exhibited on the private hire vehicle in the prescribed manner.
- (9) In this section—
- “assistance dog” means a dog which—
- (a) has been trained to guide a blind person;
 - (b) has been trained to assist a deaf person;

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

(c) has been trained by a prescribed charity to assist a disabled person who has a disability which—

- (i) consists of epilepsy; or
- (ii) otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

“driver” means a person who holds a licence granted under—

- (a) section 13 of the Private Hire Vehicles (London) Act 1998 (c. 34) (“the 1998 Act”);
- (b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (“the 1976 Act”); or
- (c) an equivalent provision of a local enactment;

“licensing authority”, in relation to any area of England and Wales, means the authority responsible for licensing private hire vehicles in that area;

“operator” means a person who holds a licence granted under—

- (a) section 3 of the 1998 Act;
- (b) section 55 of the 1976 Act; or
- (c) an equivalent provision of a local enactment;

“private hire vehicle” means a vehicle licensed under—

- (a) section 6 of the 1998 Act;
- (b) section 48 of the 1976 Act; or
- (c) an equivalent provision of a local enactment.]]

Extent Information

- E7** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only. It has effect subject to the modifications for N.I. set out in Sch. 8 para. 21A; see s. 70(6)

Textual Amendments

- F23** S. 37A inserted (31.12.2003 for certain purposes and otherwise 31.3.2004 as respects private hire vehicles licensed in England and Wales, 1.1.2008 for certain purposes and otherwise 1.6.2008 as respects a private hire vehicle licensed by the Department of the Environment in Northern Ireland) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), ss. 1(1), 6(2); S.I. 2003/3123, [art. 2](#); S.I. 2007/3477, [art. 2](#)
- F24** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, [art. 16](#)); S.I. 2010/2317, [art. 2\(15\)\(f\)](#) (with arts. 4-25, [Schs. 1-16](#)); S.I. 2011/1066, [art. 2\(h\)](#)

Modifications etc. (not altering text)

- C7** S. 37A modified (E.W.S.) (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}
- C8** Ss. 36-38: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9\(2\)](#))

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

38 ^{F25} Appeals^{F25} Appeal against refusal of exemption certificate

^{F26}(1) Any person who is aggrieved by the refusal of ^{F27}the Department of the Environment] to issue an exemption certificate under ^{F28}section 36, 37 or 37A] may appeal to ^{F29}a magistrates' court^{F29} the appropriate] court ^{F30}or, in Scotland, the sheriff court] before the end of the period of 28 days beginning with the date of the refusal.

(2) On an appeal to it under ^{F31}subsection (1)]^{F31}this section], the court may direct the ^{F32}Department of the Environment] to issue the appropriate certificate of exemption to have effect for such period as may be specified in the direction.

(3) ^{F33}.....

^{F34}(4) Any person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 36A may appeal to a magistrates' court or, in Scotland, the sheriff court before the end of the period of 28 days beginning with the date of the inclusion.

(5) In this section “licensing authority” has the meaning given by section 36A.]]

Extent Information

E8 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 22; see [s. 70\(6\)](#)

Textual Amendments

- F25** [S. 38](#): heading "Appeals" substituted (E.W.S.) for "Appeal against refusal of exemption certificate." (26.1.2009) by virtue of [Local Transport Act 2008 \(c. 26\)](#), ss. {56(7)}, 134(2)
- F26** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F27** Words in [s. 38\(1\)](#) substituted (N.I.) by virtue of Sch. 8 para. 22(1) of this Act
- F28** Words in [s. 38\(1\)](#) substituted (31.12.2003 for E.W.S for specified purposes, otherwise 31.3.2004 and 1.1.2008 for N.I. for certain purposes, otherwise 1.6.2008 for N.I.) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), ss. 3, 6(2); [S.I. 2003/3123](#), [art. 2](#); [S.I. 2007/3477](#), [art. 2](#)
- F29** Words "a magistrates'" in [s. 38](#) substituted for "the appropriate" (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 368\(2\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F30** Words in [s. 38\(1\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(4)}, 134(2)
- F31** [S. 38\(2\)](#): words "subsection (1)" substituted (E.W.S.) for "this section" (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(5)}, 134(2)
- F32** Words in [s. 38\(2\)](#) substituted (N.I.) by virtue of Sch. 8 para. 22(2) of this Act
- F33** [S. 38\(3\)](#) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, [Sch. 8 para. 368\(3\)](#), [Sch. 10](#); [S.I. 2005/910](#), [art. 3\(y\)\(aa\)](#) and repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 c. 9 (N.I.), s. 106(2), [Sch. 1 para. 104\(1\)\(b\)](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), [art. 2\(k\)](#) (with [art. 3](#))
- F34** [S. 38\(4\)\(5\)](#) inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(6)}, 134(2)

Modifications etc. (not altering text)

C9 [S. 38](#) modified (E.W.S.) (27.11.2009) by [The Local Services \(Operation by Licensed Hire Cars\) Regulations 2009 \(S.I. 2009/2863\)](#), regs. {3}, {4 Table}

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

C10 Ss. 36-38: transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

Commencement Information

I3 S. 38 wholly in force at 27.1.2009; s. 38 not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); s. 38 in force for E.W. at 1.12.2000 by [S.I. 2000/2989](#), **art. 3**; s. 38 in force for N.I. at 1.6.2001 by [S.R. 2001/163](#), **art. 2(2)** and in force for S. (27.1.2009) by virtue of [s. 70\(2A\)\(c\)](#) of this Act (as inserted (E.W.S.) (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. {56(9)}, 134)

39 Requirements as to disabled passengers in Scotland.

F35

Extent Information

E9 In its application to Northern Ireland, this section is omitted; see [s. 70\(6\)](#), [Sch. 8 para. 23](#)

Textual Amendments

F35 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), **art. 16**); [S.I. 2010/2317](#), **art. 2(15)(f)** (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), **art. 2(h)**

Public service vehicles

40 PSV accessibility regulations.

[^{F36}(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

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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 ^{M4}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.]

Extent Information

- E10** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 24

Textual Amendments

- F36** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

Modifications etc. (not altering text)

- C11** [Ss. 40-45](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9](#))

Commencement Information

- I4** [S. 40](#) fully in force at 21.1.2003; [s. 40](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 40](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#); [s. 40](#) in force for N.I. at 21.1.2003 by [S.R. 2003/24](#), [art. 2](#)

Marginal Citations

- M4** [1981 c.14](#).

41 Accessibility certificates.

[^{F37}(1) A regulated public service vehicle shall not be used on a road unless—

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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 ^{M5}Public Passenger Vehicles Act 1981.]

Extent Information

E11 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 25

Textual Amendments

F37 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

Modifications etc. (not altering text)

C12 [Ss. 40-45](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9)

Commencement Information

I5 [S. 41](#) fully in force at 21.1.2003; [s. 41](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 41](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969, art. 2](#); [s. 41](#) in force for N.I. at 21.1.2003 by [S.R. 2003/24, art. 2](#)

Marginal Citations

M5 [1981 c.14](#).

42 Approval certificates.

[^{F38}(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.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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.]

Extent Information

E12 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 26

Textual Amendments

F38 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

Modifications etc. (not altering text)

C13 [Ss. 40-45](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9](#))

Commencement Information

I6 [S. 42](#) fully in force at 21.1.2003; [s. 42](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 42](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#); [s. 42](#) in force for N.I. at 21.1.2003 by [S.R. 3003/24](#), [art. 2](#)

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

43 Special authorisations.

- [^{F39}(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.]

Extent Information

- E13** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 27

Textual Amendments

- F39** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)

Modifications etc. (not altering text)

- C14** [Ss. 40-45](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9](#))

Commencement Information

- I7** [S. 43](#) fully in force at 21.1.2003; [s. 43](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 43](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969](#), [art. 2](#); [s. 43](#) in force for N.I. at 21.1.2003 by [S.R. 3003/24](#), [art. 2](#)

44 Reviews and appeals.

- [^{F40}(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

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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.]

Extent Information

E14 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 28

Textual Amendments

F40 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

Modifications etc. (not altering text)

C15 [Ss. 40-45](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), [art. 1\(2\)](#), [Sch. 5 Pt. 2](#) (with [art. 9](#))

Commencement Information

I8 [S. 44](#) fully in force at 21.1.2003; [s. 44](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 44](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969, art. 2](#); [s. 44](#) in force for N.I. at 21.1.2003 by [S.R. 3003/24, art. 2](#)

45 Fees.

- [^{F41}(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.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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.]

Extent Information

E15 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only and also has effect subject to the modifications for Northern Ireland set out in Sch. 8 para. 29

Textual Amendments

F41 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

Modifications etc. (not altering text)

C16 [Ss. 40-45](#): transfer of functions (N.I.) (8.5.2016) from the Department of the Environment to the Department for Infrastructure by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9)

Commencement Information

I9 [S. 45](#) fully in force at 21.1.2003; [s. 45](#) not in force at Royal Assent see [s. 70\(3\)\(6\)](#), [Sch. 8 para. 48\(1\)](#); [s. 45](#) in force for E.W.S. at 30.8.2000 by [S.I. 2000/1969, art. 2](#); [s. 45](#) in force for N.I. at 21.1.2003 by [S.R. 3003/24, art. 2](#)

Rail vehicles

46 Rail vehicle accessibility regulations.

[^{F42}(1) The [^{F43}Department of the Environment] 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;

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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) ^{F44}
- (4) ^{F44}
- [^{F45}(4A) The Department for Regional Development shall exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1st January 2020 every rail vehicle is a regulated rail vehicle, but this does not affect the powers conferred by subsection (5) or section 47(1) or 67(2).]
- (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;
- ^{F46}
- [^{F47}“rail vehicle” means a vehicle constructed or adapted to carry passengers by rail;]
- “regulated rail vehicle” means any rail vehicle to which [^{F48}provisions of] rail vehicle accessibility regulations are expressed to apply; and
- “wheelchair accommodation” has such meaning as may be prescribed.
- (7) ^{F49}
- (8) ^{F50}
- (9) ^{F50}
- (10) ^{F50}
- (11) Before making any regulations under subsection (1) or section 47 the [^{F43}Department of the Environment] shall consult [^{F51}such representative organisations as it thinks fit].]

Extent Information

E16 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 30. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Textual Amendments

- F42** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F43** Words in s. 46 substituted (N.I.) by virtue of s. 70(6), Sch. 8 paras. 1, 30(1)
- F44** S. 46(3)(4) repealed (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), art. 1, Sch. 1 para. 21(a), [Sch. 2](#); [S.R. 2013/216](#), art. 2(b)(c)
- F45** S. 46(4A) inserted (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, [8\(1\)](#); [S.R. 2013/216](#), art. 2(a)
- F46** S. 46(6): definition of "operator" repealed (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), art. 1, [Sch. 2](#); [S.R. 2013/216](#), art. 2(c)
- F47** S. 46(6) definition of "rail vehicle" substituted (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, [8\(2\)](#); [S.R. 2013/216](#), art. 2(a)
- F48** Words in s. 46(6) substituted (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), art. 1, [Sch. 1 para. 21\(b\)](#); [S.R. 2013/216](#), art. 2(b)
- F49** S. 46(7) omitted (N.I.) by virtue of s. 70(6), Sch. 8 para. 30(3) of this Act
- F50** S. 46(8)-(10) repealed (N.I.) (2.9.2013) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), art. 1, [Sch. 2](#); [S.R. 2013/216](#), art. 2(c)
- F51** Words in s. 46(11) substituted (N.I.) by virtue of s. 70(6), Sch. 8 para. 30(4) of this Act

Modifications etc. (not altering text)

- C17** S. 46: transfer of certain functions (N.I.) (1.12.1999) by [S.R. 1999/481](#), art. 6(d), [Sch. 4 Pt. IV](#)

47 Exemption from rail vehicle accessibility regulations.

- [^{F52}[^{F53}(1) The Department for Regional Development may by order (an “exemption order”)—
- (a) authorise the use for carriage of a regulated rail vehicle even though the vehicle does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform;
 - (b) authorise a regulated rail vehicle to be used for carriage otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which use of the vehicle is required to conform.
- (1A) Authority under subsection (1)(a) or (b) may be for—
- (a) any regulated rail vehicle that is specified or is of a specified description; or
 - (b) use in specified circumstances of—
 - (i) any regulated rail vehicle, or
 - (ii) any regulated rail vehicle that is specified or is of a specified description.]
- (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.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (3) After considering any application for an exemption order and consulting [^{F54}such persons as it] considers appropriate, the [^{F55}Department of the Environment] may—
 - (a) make an exemption order in the terms of the application;
 - (b) make an exemption order in such other terms as [^{F56}it] 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.]

Extent Information

E17 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only. Prior to that repeal, different versions of this section had been created for N.I. and E.W.S. respectively to reflect the different amendment history for each jurisdiction. This version is based on the N.I. version as it stood at the date of the repeal. It incorporates the N.I. modifications set out in Sch. 8 para. 31. It does not reflect the history of E.W.S. effects prior to the 2010 repeal, which can be found in earlier versions.

Textual Amendments

- F52** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F53** [S. 47\(1\)\(1A\)](#) substituted (N.I.) (2.9.2013) for [s. 47\(1\)](#) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), [arts. 1](#), 8(3); [S.R. 2013/216](#), [art. 2\(a\)](#)
- F54** Words in [s. 47\(3\)](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 31(2) of this Act
- F55** Words in [s. 47](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 31(1) of this Act
- F56** Words in [s. 47\(3\)](#) substituted (N.I.) by virtue of [s. 70\(6\)](#), Sch. 8 para. 31(2) of this Act

Modifications etc. (not altering text)

- C18** [S. 47](#): transfer of certain functions (N.I.) (1.12.1999) by [S.R. 1999/481](#), [art. 6\(d\)](#), [Sch. 4 Pt. IV](#)

PROSPECTIVE

[^{F57}47A Rail vehicle accessibility compliance certificates **E+W+S**

- [^{F58}(1) A regulated rail vehicle to which this subsection applies shall not be used for carriage unless a rail vehicle accessibility compliance certificate is in force for the vehicle.
- (2) Subsection (1) applies to a regulated rail vehicle if the vehicle—
 - (a) is prescribed; or
 - (b) is of a prescribed class or description.
 - (3) A rail vehicle accessibility compliance certificate is a certificate that the Secretary of State is satisfied that the regulated rail vehicle conforms with those provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (4) A rail vehicle accessibility compliance certificate may provide that it is subject to conditions specified in the certificate.
- (5) Subsection (6) applies where—
 - (a) the Secretary of State refuses an application for the issue of a rail vehicle accessibility compliance certificate for a regulated rail vehicle; 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 47C.
- (6) 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.]]

Extent Information

E18 This section extended to England, Wales and Scotland only; a separate s. 47A exists for Northern Ireland only.

Textual Amendments

F57 Ss. 47A-47C inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {7(1)}, 20(3)-(6)

F58 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F77}47A Rail vehicle accessibility compliance certificates **N.I.**

- (1) A regulated rail vehicle to which this subsection applies shall not be used for carriage unless a rail vehicle accessibility compliance certificate is in force for the vehicle.
- (2) Subsection (1) applies to a regulated rail vehicle if the vehicle—
 - (a) is prescribed; or
 - (b) is of a prescribed class or description.
- (3) A rail vehicle accessibility compliance certificate is a certificate that the Department for Regional Development is satisfied that the regulated rail vehicle conforms with those provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (4) A rail vehicle accessibility compliance certificate may provide that it is subject to conditions specified in the certificate.
- (5) Subsection (6) applies where—
 - (a) the Department for Regional Development refuses an application for the issue of a rail vehicle accessibility compliance certificate for a regulated rail vehicle; and
 - (b) before the end of the prescribed period, the applicant asks the Department for Regional Development to review the decision and pays any fee fixed under section 47C.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (6) The Department for Regional Development shall—
- (a) review the decision; and
 - (b) in doing so, consider any representations made to it in writing, before the end of the prescribed period, by the applicant.]

Textual Amendments

F77 Ss. 47A-47C inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **9(1)**

PROSPECTIVE

[^{F57} **47B Rail vehicle accessibility compliance certificates: supplementary** **E+W+S**

[^{F59}(1) Regulations may make provision with respect to rail vehicle accessibility compliance certificates.

- (2) The provision that may be made under subsection (1) includes (in particular)—
- (a) provision for certificates to be issued on application;
 - (b) provision specifying conditions to which certificates are subject;
 - (c) provision as to the period for which certificates are to continue in force or as to circumstances in which certificates are to cease to be in force;
 - (d) provision (other than provision of a kind mentioned in paragraph (c)) dealing with failure to comply with a condition to which a certificate is subject;
 - (e) provision for the withdrawal of certificates issued in error;
 - (f) provision for the correction of errors in certificates;
 - (g) provision with respect to the issue of copies of certificates in place of certificates which have been lost or destroyed;
 - (h) provision for the examination of a rail vehicle before a certificate is issued in respect of it.
- (3) In making provision of the kind mentioned in subsection (2)(a), regulations under subsection (1) may (in particular)—
- (a) make provision as to the persons by whom applications may be made;
 - (b) make provision as to the form in which applications are to be made;
 - (c) make provision as to information to be supplied in connection with an application, including (in particular) provision requiring the supply of a report of a compliance assessment.
- (4) For the purposes of this section, a “compliance assessment” is an assessment of a rail vehicle against provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (5) In requiring a report of a compliance assessment to be supplied in connection with an application, regulations under subsection (1) may make provision as to the person who has to have carried out the assessment, and may (in particular) require that the assessment be one carried out by a person who has been appointed by the Secretary of State to carry out compliance assessments (an “appointed assessor”).

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (6) For the purposes of any provisions in regulations under subsection (1) with respect to the supply of reports of compliance assessments carried out by appointed assessors, regulations under that subsection—
- (a) may make provision about appointments of appointed assessors, including (in particular)—
 - (i) provision for an appointment to be on application or otherwise than on application;
 - (ii) provision as to who may be appointed;
 - (iii) provision as to the form of applications for appointment;
 - (iv) provision as to information to be supplied with applications for appointment;
 - (v) provision as to terms and conditions, or the period or termination, of an appointment; and
 - (vi) provision for terms and conditions of an appointment, including any as to its period or termination, to be as agreed by the Secretary of State when making the appointment;
 - (b) may make provision authorising an appointed assessor to charge fees in connection with, or incidental to, its carrying-out of a compliance assessment, including (in particular)—
 - (i) provision restricting the amount of a fee;
 - (ii) provision authorising fees that contain a profit element; and
 - (iii) provision for advance payment of fees;
 - (c) may make provision requiring an appointed assessor to carry out a compliance assessment, and to do so in accordance with any procedures that may be prescribed, if prescribed conditions, which may include conditions as to the payment of fees to the assessor, are satisfied;
 - (d) shall make provision for the referral to the Secretary of State of disputes between—
 - (i) an appointed assessor carrying out a compliance assessment, and
 - (ii) the person who requested the assessment,
 relating to which provisions of rail vehicle accessibility regulations the vehicle is to be assessed against or to what amounts to conformity with any of those provisions.
- (7) In subsection (6)(b) to (d) “compliance assessment” includes pre-assessment activities (for example, a consideration of how the outcome of a compliance assessment would be affected by the carrying-out of particular proposed work).]]

Extent Information

E19 This section extended to England, Wales and Scotland only; a separate s. 47B exists for Northern Ireland only.

Textual Amendments

F57 Ss. 47A-47C inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {7(1)}, 20(3)-(6)

F59 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I.](#)

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**

[^{F77}47B Rail vehicle accessibility compliance certificates: supplementary N.I.]

- (1) Regulations may make provision with respect to rail vehicle accessibility compliance certificates.
- (2) The provision that may be made under subsection (1) includes (in particular)—
 - (a) provision for certificates to be issued on application;
 - (b) provision specifying conditions to which certificates are subject;
 - (c) provision as to the period for which certificates are to continue in force or as to circumstances in which certificates are to cease to be in force;
 - (d) provision (other than provision of a kind mentioned in paragraph (c)) dealing with failure to comply with a condition to which a certificate is subject;
 - (e) provision for the withdrawal of certificates issued in error;
 - (f) provision for the correction of errors in certificates;
 - (g) provision with respect to the issue of copies of certificates in place of certificates which have been lost or destroyed;
 - (h) provision for the examination of a rail vehicle before a certificate is issued in respect of it.
- (3) In making provision of the kind mentioned in subsection (2)(a), regulations under subsection (1) may (in particular)—
 - (a) make provision as to the persons by whom applications may be made;
 - (b) make provision as to the form in which applications are to be made;
 - (c) make provision as to information to be supplied in connection with an application, including (in particular) provision requiring the supply of a report of a compliance assessment.
- (4) For the purposes of this section, a compliance assessment is an assessment of a rail vehicle against provisions of rail vehicle accessibility regulations with which the vehicle is required to conform.
- (5) In requiring a report of a compliance assessment to be supplied in connection with an application, regulations under subsection (1) may make provision as to the person who has to have carried out the assessment, and may (in particular) require that the assessment be one carried out by a person who has been appointed by the Department for Regional Development to carry out compliance assessments (an “appointed assessor”).
- (6) For the purposes of any provisions in regulations under subsection (1) with respect to the supply of reports of compliance assessments carried out by appointed assessors, regulations under that subsection—
 - (a) may make provision about appointments of appointed assessors, including (in particular)—
 - (i) provision for an appointment to be on application or otherwise than on application;
 - (ii) provision as to who may be appointed;
 - (iii) provision as to the form of applications for appointment;

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (iv) provision as to information to be supplied with applications for appointment;
 - (v) provision as to terms and conditions, or the period or termination, of an appointment; and
 - (vi) provision for terms and conditions of an appointment, including any as to its period or termination, to be as agreed by the Department for Regional Development when making the appointment;
 - (b) may make provision authorising an appointed assessor to charge fees in connection with, or incidental to, its carrying-out of a compliance assessment, including (in particular)—
 - (i) provision restricting the amount of a fee;
 - (ii) provision authorising fees that contain a profit element; and
 - (iii) provision for advance payment of fees;
 - (c) may make provision requiring an appointed assessor to carry out a compliance assessment, and to do so in accordance with any procedures that may be prescribed, if prescribed conditions, which may include conditions as to the payment of fees to the assessor, are satisfied;
 - (d) shall make provision for the referral to the Department for Regional Development of disputes between—
 - (i) an appointed assessor carrying out a compliance assessment, and
 - (ii) the person who requested the assessment,
 relating to which provisions of rail vehicle accessibility regulations the vehicle is to be assessed against or to what amounts to conformity with any of those provisions.
- (7) In subsection (6)(b) to (d) “compliance assessment” includes pre-assessment activities (for example, a consideration of how the outcome of a compliance assessment would be affected by the carrying-out of particular proposed work).]

Textual Amendments

F77 Ss. 47A-47C inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **9(1)**

PROSPECTIVE

[^{F57}47C Rail vehicle accessibility compliance certificates: fees **E+W+S**

- [^{F60}(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 the issue of, rail vehicle accessibility compliance certificates;
 - (b) copies of such certificates;
 - (c) reviews under section 47A;
 - (d) referrals of disputes under provision that, in accordance with section 47B(6) (d), is contained in regulations under section 47B(1).

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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.]]

Extent Information

E20 This section extended to England, Wales and Scotland only; a separate s. 47C exists for Northern Ireland only.

Textual Amendments

F57 Ss. 47A-47C inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {7(1)}, 20(3)-(6)

F60 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F77}47C Rail vehicle accessibility compliance certificates: fees **N.I.**

- (1) Such fees, payable at such times, as may be prescribed may be charged by the Department for Regional Development in respect of—
 - (a) applications for, and the issue of, rail vehicle accessibility compliance certificates;
 - (b) copies of such certificates;
 - (c) reviews under section 47A;
 - (d) referrals of disputes under provision that, in accordance with section 47B(6) (d), is contained in regulations under section 47B(1).
- (2) Any such fees received by the Department for Regional Development shall be paid by it 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 Department for Regional Development shall consult such representative organisations as it thinks fit.]

Textual Amendments

F77 Ss. 47A-47C inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), [arts. 1](#), [9\(1\)](#)

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

PROSPECTIVE

[^{F61}47D Penalty for using rail vehicle without accessibility compliance certificate E+W+S]

[^{F62}If a regulated rail vehicle to which section 47A(1) applies is used for carriage at a time when no rail vehicle accessibility compliance certificate is in force for the vehicle, the Secretary of State may require the operator of the vehicle to pay a penalty.]]

Extent Information

E21 This section extended to England, Wales and Scotland only; a separate s. 47D exists for Northern Ireland only.

Textual Amendments

F61 Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F62 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with [arts. 4-25, Schs. 1-16](#)); [S.I. 2011/1066, art. 2\(h\)](#)

[^{F78}47D Penalty for using rail vehicle without accessibility compliance certificate N.I.]

If a regulated rail vehicle to which section 47A(1) applies is used for carriage at a time when no rail vehicle accessibility compliance certificate is in force for the vehicle, the Department for Regional Development may require the operator of the vehicle to pay a penalty.]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

[^{F61}47E Penalty for using rail vehicle that does not conform with accessibility regulations E+W+S]

[^{F63}(1) Where it appears to the Secretary of State that a regulated rail vehicle does not conform with a provision of rail vehicle accessibility regulations with which the vehicle is required to conform, the Secretary of State may give to the operator of the vehicle a notice—

- (a) identifying the vehicle, the provision and how the vehicle fails to conform with the provision; and

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (b) specifying the improvement deadline.
- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (3) Subsection (4) applies where—
- (a) the Secretary of State has given a notice under subsection (1);
 - (b) the improvement deadline specified in the notice has passed; and
 - (c) it appears to the Secretary of State that the vehicle still does not conform with the provision identified in the notice.
- (4) The Secretary of State may give to the operator a further notice—
- (a) identifying the vehicle, the provision and how the vehicle fails to conform to the provision; and
 - (b) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
- (a) the Secretary of State has given a notice under subsection (4) to the operator of a regulated rail vehicle, and
 - (b) the vehicle is used for carriage at a time after the final deadline when the vehicle does not conform with the provision identified in the notice,
- the Secretary of State may require the operator to pay a penalty.]]

Extent Information

E22 This section extended to England, Wales and Scotland only; a separate s. 47E exists for Northern Ireland only.

Textual Amendments

F61 *Ss. 47D-47M* inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F63 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F78}47E Penalty for using rail vehicle that does not conform with accessibility regulations **N.I.**

- (1) Where it appears to the Department for Regional Development that a regulated rail vehicle does not conform with a provision of rail vehicle accessibility regulations with which the vehicle is required to conform, that Department may give to the operator of the vehicle a notice—
- (a) identifying the vehicle, the provision and how the vehicle fails to conform with the provision; and

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (b) specifying the improvement deadline.
- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (3) Subsection (4) applies where—
 - (a) the Department for Regional Development has given a notice under subsection (1);
 - (b) the improvement deadline specified in the notice has passed; and
 - (c) it appears to the Department for Regional Development that the vehicle still does not conform with the provision identified in the notice.
- (4) The Department for Regional Development may give to the operator a further notice—
 - (a) identifying the vehicle, the provision and how the vehicle fails to conform to the provision; and
 - (b) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
 - (a) the Department for Regional Development has given a notice under subsection (4) to the operator of a regulated rail vehicle, and
 - (b) the vehicle is used for carriage at a time after the final deadline when the vehicle does not conform with the provision identified in the notice,
 the Department for Regional Development may require the operator to pay a penalty.]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

[^{F61}47F **Penalty for using rail vehicle otherwise than in conformity with accessibility regulations** **E+W+S**

- [^{F64}(1) Where it appears to the Secretary of State that a regulated rail vehicle has been used for carriage otherwise than in conformity with a provision of rail vehicle accessibility regulations with which use of the vehicle is required to conform, the Secretary of State may give to the operator of the vehicle a notice—
- (a) identifying the provision and how it was breached;
 - (b) identifying which of the regulated rail vehicles operated by the operator is or are covered by the notice; and
 - (c) specifying the improvement deadline.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (3) Subsection (4) applies where—
 - (a) the Secretary of State has given a notice under subsection (1);
 - (b) the improvement deadline specified in the notice has passed; and
 - (c) it appears to the Secretary of State that a vehicle covered by the notice has after that deadline been used for carriage otherwise than in conformity with the provision identified in the notice.
- (4) The Secretary of State may give to the operator a further notice—
 - (a) identifying the provision and how it was breached;
 - (b) identifying which of the regulated rail vehicles covered by the notice under subsection (1) is or are covered by the further notice; and
 - (c) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
 - (a) the Secretary of State has given a notice under subsection (4), and
 - (b) a vehicle covered by the notice is at a time after the final deadline used for carriage otherwise than in conformity with the provision identified in the notice,the Secretary of State may require the operator of the vehicle to pay a penalty.
- (7) For the purposes of subsection (1), a vehicle is operated by a person if that person is the operator of the vehicle.]]

Extent Information

E23 This section extended to England, Wales and Scotland only; a separate s. 47F exists for Northern Ireland only.

Textual Amendments

F61 Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F64 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F78}47F **Penalty for using rail vehicle otherwise than in conformity with accessibility regulations** **N.I.**

- (1) Where it appears to the Department for Regional Development that a regulated rail vehicle has been used for carriage otherwise than in conformity with a provision of rail

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

vehicle accessibility regulations with which use of the vehicle is required to conform, that Department may give to the operator of the vehicle a notice—

- (a) identifying the provision and how it was breached;
 - (b) identifying which of the regulated rail vehicles operated by the operator is or are covered by the notice; and
 - (c) specifying the improvement deadline.
- (2) The improvement deadline specified in a notice under subsection (1) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (3) Subsection (4) applies where—
- (a) the Department for Regional Development has given a notice under subsection (1);
 - (b) the improvement deadline specified in the notice has passed; and
 - (c) it appears to that Department that a vehicle covered by the notice has after that deadline been used for carriage otherwise than in conformity with the provision identified in the notice.
- (4) The Department for Regional Development may give to the operator a further notice—
- (a) identifying the provision and how it was breached;
 - (b) identifying which of the regulated rail vehicles covered by the notice under subsection (1) is or are covered by the further notice; and
 - (c) specifying the final deadline.
- (5) The final deadline specified in a notice under subsection (4) may not be earlier than the end of the prescribed period beginning with the day when the notice is given to the operator.
- (6) If—
- (a) the Department for Regional Development has given a notice under subsection (4), and
 - (b) a vehicle covered by the notice is at a time after the final deadline used for carriage otherwise than in conformity with the provision identified in the notice,
- that Department may require the operator of the vehicle to pay a penalty.
- (7) For the purposes of subsection (1), a vehicle is operated by a person if that person is the operator of the vehicle.]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- [^{F65}(1) Where the Secretary of State has reasonable grounds for suspecting that a regulated rail vehicle may not conform with provisions of rail vehicle accessibility regulations with which it is required to conform, a person authorised by the Secretary of State—
- (a) may inspect the vehicle for conformity with the provisions;
 - (b) for the purpose of exercising his power under paragraph (a)—
 - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
 - (ii) may enter the vehicle; and
 - (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person’s control as are necessary to enable the power to be exercised.
- (2) Where the Secretary of State has given a notice under section 47E(1) or (4), a person authorised by the Secretary of State—
- (a) may inspect the vehicle concerned for conformity with the provision specified in the notice;
 - (b) for the purpose of exercising his power under paragraph (a)—
 - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
 - (ii) may enter the vehicle; and
 - (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person’s control as are necessary to enable the power to be exercised.
- (3) A person exercising power under subsection (1) or (2) shall, if required to do so, produce evidence of his authority to exercise the power.
- (4) Where a person obstructs the exercise of power under subsection (1), the Secretary of State may, for purposes of section 47E(1) or 47F(1), draw such inferences from the obstruction as appear proper.
- (5) Where—
- (a) a person obstructs the exercise of power under subsection (2), and
 - (b) the obstruction occurs before a notice under section 47E(4) is given in respect of the vehicle concerned,
- the Secretary of State may treat section 47E(3)(c) as satisfied in the case concerned.
- (6) Where a person obstructs the exercise of power under subsection (2) and the obstruction occurs—
- (a) after a notice under section 47E(4) has been given in respect of the vehicle concerned, and
 - (b) as a result of the operator, or a person who acts on his behalf, behaving in a particular way with the intention of obstructing the exercise of the power,
- the Secretary of State may require the operator of the vehicle to pay a penalty.
- (7) In this section “inspect” includes test.]]

Extent Information

E24 This section extended to England, Wales and Scotland only; a separate s. 47G exists for Northern Ireland only.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Textual Amendments

- F61** Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)
- F65** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F78} 47G Sections 47E and 47F: inspection of rail vehicles **N.I.**

- (1) Where the Department for Regional Development has reasonable grounds for suspecting that a regulated rail vehicle may not conform with provisions of rail vehicle accessibility regulations with which it is required to conform, a person authorised by that Department—
 - (a) may inspect the vehicle for conformity with the provisions;
 - (b) for the purpose of exercising his power under paragraph (a)—
 - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
 - (ii) may enter the vehicle; and
 - (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.
- (2) Where the Department for Regional Development has given a notice under section 47E(1) or (4), a person authorised by that Department—
 - (a) may inspect the vehicle concerned for conformity with the provision specified in the notice;
 - (b) for the purpose of exercising his power under paragraph (a)—
 - (i) may enter premises if he has reasonable grounds for suspecting the vehicle to be at those premises, and
 - (ii) may enter the vehicle; and
 - (c) for the purpose of exercising his power under paragraph (a) or (b), may require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power to be exercised.
- (3) A person exercising power under subsection (1) or (2) shall, if required to do so, produce evidence of his authority to exercise the power.
- (4) Where a person obstructs the exercise of power under subsection (1), the Department for Regional Development may, for purposes of section 47E(1) or 47F(1), draw such inferences from the obstruction as appear proper.
- (5) Where a person—
 - (a) obstructs the exercise of power under subsection (2), and
 - (b) the obstruction occurs before a notice under section 47E(4) is given in respect of the vehicle concerned,
 the Department for Regional Development may treat section 47E(3)(c) as satisfied in the case concerned.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (6) Where a person obstructs the exercise of power under subsection (2) and the obstruction occurs—
- (a) after a notice under section 47E(4) has been given in respect of the vehicle concerned, and
 - (b) as a result of the operator, or a person who acts on his behalf, behaving in a particular way with the intention of obstructing the exercise of the power,
- the Department for Regional Development may require the operator of the vehicle to pay a penalty.
- (7) In this section “inspect” includes test.]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by The Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1, **10(1)**

PROSPECTIVE

[^{F61}47H Sections 47E and 47F: supplementary powers **E+W+S**

- [^{F66}(1) For the purposes of section 47E, the Secretary of State may give notice to a person requiring the person to supply the Secretary of State, by a time specified in the notice, with a vehicle number or other identifier for a rail vehicle—
- (a) of which that person is the operator; and
 - (b) which is described in the notice.
- (2) The time specified in a notice given to a person under subsection (1) may not be earlier than the end of 14 days beginning with the day when the notice is given to the person.
- (3) If a person to whom a notice is given under subsection (1) does not comply with the notice by the time specified in the notice, the Secretary of State may require the person to pay a penalty.
- (4) Where the Secretary of State has given a notice to a person under section 47E(1) or (4) or 47F(1) or (4), the Secretary of State may request that person to supply the Secretary of State, by a time specified in the request, with a statement detailing the steps taken in response to the notice.
- (5) The time specified in a request under subsection (4) must—
- (a) if the request relates to a notice under section 47E(1) or 47F(1), be no earlier than the improvement deadline; and
 - (b) if the request relates to a notice under section 47E(4) or 47F(4), be no earlier than the final deadline.
- (6) Where a request under subsection (4)—
- (a) relates to a notice under section 47E(1) or 47F(1), and
 - (b) is not complied with by the time specified in the request,
- the Secretary of State may treat section 47E(3)(c) or (as the case may be) section 47F(3)(c) as being satisfied in the case concerned.]]

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Extent Information

E25 This section extended to England, Wales and Scotland only; a separate s. 47H exists for Northern Ireland only.

Textual Amendments

F61 Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F66 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F78} 47H Sections 47E and 47F: supplementary powers **N.I.**

- (1) For the purposes of section 47E, the Department for Regional Development may give notice to a person requiring the person to supply the Department for Regional Development, by a time specified in the notice, with a vehicle number or other identifier for a rail vehicle—
 - (a) of which that person is the operator; and
 - (b) which is described in the notice.
- (2) The time specified in a notice given to a person under subsection (1) may not be earlier than the end of 14 days beginning with the day when the notice is given to the person.
- (3) If a person to whom a notice is given under subsection (1) does not comply with the notice by the time specified in the notice, the Department for Regional Development may require the person to pay a penalty.
- (4) Where the Department for Regional Development has given a notice to a person under section 47E(1) or (4) or 47F(1) or (4), that Department may request that person to supply that Department, by a time specified in the request, with a statement detailing the steps taken in response to the notice.
- (5) The time specified in a request under subsection (4) must—
 - (a) if the request relates to a notice under section 47E(1) or 47F(1), be no earlier than the improvement deadline; and
 - (b) if the request relates to a notice under section 47E(4) or 47F(4), be no earlier than the final deadline.
- (6) Where a request under subsection (4)—
 - (a) relates to a notice under section 47E(1) or 47F(1), and
 - (b) is not complied with by the time specified in the request,
 the Department for Regional Development may treat section 47E(3)(c) or (as the case may be) section 47F(3)(c) as being satisfied in the case concerned.]

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

[^{F61}47J Penalties under sections 47D to 47H: amount, due date and recovery **E+W+S**

[^{F67}(1) In this section “penalty” means a penalty under any of sections 47D to 47H.

(2) The amount of a penalty—

- (a) must not exceed the maximum prescribed for the purposes of this subsection; and
- (b) must not exceed 10 per cent of the turnover of the person on whom it is imposed.

(3) For the purposes of subsection (2)(b), a person’s turnover shall be determined in accordance with regulations.

(4) A penalty must be paid to the Secretary of State before the end of the prescribed period.

(5) Any sum payable to the Secretary of State as a penalty may be recovered by the Secretary of State as a debt due to him.

(6) In proceedings under subsection (5) for enforcement of a penalty, no question may be raised as to—

- (a) liability to the imposition of the penalty; or
- (b) its amount.

(7) Any sum paid to the Secretary of State as a penalty shall be paid by him into the Consolidated Fund.

(8) The Secretary of State shall issue a code of practice specifying matters to be considered in determining the amount of a penalty.

(9) The Secretary of State may from time to time revise the whole or any part of the code and issue the code as revised.

(10) Before issuing the first or a revised version of the code, the Secretary of State shall lay a draft of that version before Parliament.

(11) After laying the draft of a version of the code before Parliament, the Secretary of State may bring that version of the code into operation by order.

(12) The Secretary of State shall have regard to the code (in addition to any other matters he thinks relevant)—

- (a) when imposing a penalty; and
- (b) when considering under section 47K(6) a notice of objection under section 47K(4).]]

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Extent Information

E26 This section extended to England, Wales and Scotland only; a separate s. 47J exists for Northern Ireland only.

Textual Amendments

F61 Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F67 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F78} 47J Penalties under sections 47D to 47H: amount, due date and recovery **N.I.**

- (1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) The amount of a penalty—
 - (a) must not exceed the maximum prescribed for the purposes of this subsection; and
 - (b) must not exceed 10 per cent of the turnover of the person on whom it is imposed.
- (3) For the purposes of subsection (2)(b), a person's turnover shall be determined in accordance with regulations.
- (4) A penalty must be paid to the Department for Regional Development before the end of the prescribed period.
- (5) Any sum payable to the Department for Regional Development as a penalty may be recovered by that Department as a debt due to it.
- (6) In proceedings under subsection (5) for enforcement of a penalty, no question may be raised as to—
 - (a) liability to the imposition of the penalty; or
 - (b) its amount.
- (7) Any sum paid to the Department for Regional Development as a penalty shall be paid by it into the Consolidated Fund.
- (8) The Department for Regional Development shall issue a code of practice specifying matters to be considered in determining the amount of a penalty.
- (9) The Department for Regional Development may from time to time revise the whole or any part of the code and issue the code as revised.
- (10) Before issuing the first or a revised version of the code, the Department for Regional Development shall lay a draft of that version before the Assembly.
- (11) After laying the draft of a version of the code before the Assembly, the Department for Regional Development may bring that version of the code into operation by order.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (12) The Department for Regional Development shall have regard to the code (in addition to any other matters it thinks relevant)—
- (a) when imposing a penalty; and
 - (b) when considering under section 47K(6) a notice of objection under section 47K(4).]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

[^{F61}47K Penalties under sections 47D to 47H: procedure **E+W+S**

- [^{F68}(1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) If the Secretary of State decides that a person is liable to a penalty, the Secretary of State must notify the person of the decision.
- (3) A notification under subsection (2) must—
- (a) state the Secretary of State’s reasons for deciding that the person is liable to the penalty;
 - (b) state the amount of the penalty;
 - (c) specify the date before which, and the manner in which, the penalty must be paid; and
 - (d) include an explanation of the steps that the person may take if he objects to the penalty.
- (4) Where a person to whom a notification under subsection (2) is issued objects on the ground that—
- (a) he is not liable to the imposition of a penalty, or
 - (b) the amount of the penalty is too high,
- the person may give a notice of objection to the Secretary of State.
- (5) A notice of objection must—
- (a) be in writing;
 - (b) give the objector’s reasons; and
 - (c) be given before the end of the prescribed period.
- (6) Where the Secretary of State receives a notice of objection to a penalty in accordance with this section, he shall consider it and—
- (a) cancel the penalty;
 - (b) reduce the penalty; or
 - (c) determine to do neither of those things.
- (7) Where the Secretary of State considers under subsection (6) a notice of objection under subsection (4), he shall—

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (a) inform the objector of his decision before the end of the prescribed period or such longer period as he may agree with the objector; and
- (b) if he reduces the penalty, notify the objector of the reduced amount.]]

Extent Information

E27 This section extended to England, Wales and Scotland only; a separate s. 47K exists for Northern Ireland only.

Textual Amendments

F61 Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F68 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#))

[^{F78} 47K Penalties under sections 47D to 47H: procedure **N.I.**

- (1) In this section “penalty” means a penalty under any of sections 47D to 47H.
- (2) If the Department for Regional Development decides that a person is liable to a penalty, that Department must notify the person of the decision.
- (3) A notification under subsection (2) must—
 - (a) state that Department's reasons for deciding that the person is liable to the penalty;
 - (b) state the amount of the penalty;
 - (c) specify the date before which, and the manner in which, the penalty must be paid; and
 - (d) include an explanation of the steps that the person may take if he objects to the penalty.
- (4) Where a person to whom a notification under subsection (2) is issued objects on the ground that—
 - (a) he is not liable to the imposition of a penalty, or
 - (b) the amount of the penalty is too high,
 the person may give a notice of objection to the Department for Regional Development.
- (5) A notice of objection must—
 - (a) be in writing;
 - (b) give the objector's reasons; and
 - (c) be given before the end of the prescribed period.
- (6) Where the Department for Regional Development receives a notice of objection to a penalty in accordance with this section, that Department shall consider it and—
 - (a) cancel the penalty;
 - (b) reduce the penalty; or
 - (c) determine to do neither of those things.

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (7) Where the Department for Regional Development considers under subsection (6) a notice of objection under subsection (4), it shall—
- (a) inform the objector of its decision before the end of the prescribed period or such longer period as it may agree with the objector; and
 - (b) if it reduces the penalty, notify the objector of the reduced amount.]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

PROSPECTIVE

[^{F61}47L Penalties under sections 47D to 47H: appeals **E+W+S**

- [^{F69}(1) A person may appeal to the court against a penalty imposed on him under any of sections 47D to 47H on the ground that—
- (a) he is not liable to the imposition of a penalty; or
 - (b) the amount of the penalty is too high.
- (2) On an appeal under this section, the court may—
- (a) allow the appeal and cancel the penalty;
 - (b) allow the appeal and reduce the penalty; or
 - (c) dismiss the appeal.
- (3) An appeal under this section shall be a re-hearing of the Secretary of State’s decision to impose a penalty, and shall be determined having regard to—
- (a) any code of practice under section 47J which has effect at the time of the appeal; and
 - (b) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware).
- (4) An appeal may be brought by a person under this section against a penalty whether or not—
- (a) he has given notice of objection under section 47K(4); or
 - (b) the penalty has been reduced under section 47K(6).
- (5) A reference in this section to “the court” is a reference—
- (a) in England and Wales, to a county court; and
 - (b) in Scotland, to the sheriff.
- (6) The sheriff may transfer proceedings under this section to the Court of Session.
- (7) Where the sheriff has made a determination under subsection (2), any party to the proceedings may appeal on a point of law, either to the Sheriff Principal or to the Court of Session, against that determination.]]

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

Extent Information

E28 This section extended to England, Wales and Scotland only; a separate s. 47L exists for Northern Ireland only.

Textual Amendments

F61 Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F69 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

[^{F78} 47L Penalties under sections 47D to 47H: appeals **N.I.**

- (1) A person may appeal to the county court against a penalty imposed on him under any of sections 47D to 47H on the ground that—
 - (a) he is not liable to the imposition of a penalty; or
 - (b) the amount of the penalty is too high.
- (2) On an appeal under this section, the county court may—
 - (a) allow the appeal and cancel the penalty;
 - (b) allow the appeal and reduce the penalty; or
 - (c) dismiss the appeal.
- (3) An appeal under this section shall be a re-hearing of the decision of the Department for Regional Development to impose a penalty, and shall be determined having regard to—
 - (a) any code of practice under section 47J which has effect at the time of the appeal; and
 - (b) any other matters which the county court thinks relevant (which may include matters of which the Department for Regional Development was unaware).
- (4) An appeal may be brought by a person under this section against a penalty whether or not—
 - (a) he has given notice of objection under section 47K(4); or
 - (b) the penalty has been reduced under section 47K(6).]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, [10\(1\)](#)

PROSPECTIVE

[^{F61} 47M Sections 46 to 47H: interpretation **E+W+S**

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

[^{F70}(1) In sections 46 to 47H “operator”, in relation to any rail vehicle, means the person having the management of that vehicle.

(2) For the purposes of those sections, a person uses a vehicle for carriage if he uses it for the carriage of passengers.

(3) Where an exemption order under section 47 authorises use of a rail vehicle even though the vehicle does not conform with a provision of rail vehicle accessibility regulations, references in sections 47A to 47G to provisions of rail vehicle accessibility regulations with which the vehicle is required to conform do not, in the vehicle’s case, include that provision.]]

Extent Information

E29 This section extended to England, Wales and Scotland only; a separate s. 47M exists for Northern Ireland only.

Textual Amendments

F61 Ss. 47D-47M inserted (E.W.S.) (prosp.) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. {8(1)}, 20(3)-(6)

F70 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with [arts. 4-25, Schs. 1-16](#)); [S.I. 2011/1066, art. 2\(h\)](#)

[^{F78}**47M Sections 46 to 47H: interpretation** **N.I.**

(1) In sections 46 to 47H “operator”, in relation to any rail vehicle, means the person having the management of that vehicle.

(2) For the purposes of those sections, a person uses a vehicle for carriage if he uses it for the carriage of passengers.

(3) Where an exemption order under section 47 authorises use of a rail vehicle even though the vehicle does not conform with a provision of rail vehicle accessibility regulations, references in sections 47A to 47G to provisions of rail vehicle accessibility regulations with which the vehicle is required to conform do not, in the vehicle’s case, include that provision.]

Textual Amendments

F78 Ss. 47D-47H, 47J-47M inserted (N.I.) (prosp.) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, **10(1)**

Supplemental

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- [^{F71}(1) Where an offence under section 40 [^{F72}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) ^{F73}]

Extent Information

E30 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to Northern Ireland only. It incorporates the modifications for N.I. set out in Sch. 8 para. 32; see s. 70(6)

Textual Amendments

F71 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with [arts. 4-25](#), [Schs. 1-16](#)); [S.I. 2011/1066](#), [art. 2\(h\)](#)

F72 Words in s. 48(1) repealed (E.W.S.) (22.2.2010 for certain purposes, otherwise 6.4.2010) by [Disability Discrimination Act 2005 \(c. 13\)](#), ss. 19(2), 20(3)-(6), [Sch. 2](#); [S.I. 2010/341](#), [art. 2\(1\)\(c\)\(2\)\(c\)](#)

F73 S. 48(3) omitted (N.I.) by virtue of Sch. 8 para. 32 of this Act, see s. 70(6)

Commencement Information

I10 S. 48 fully in force at 21.1.2003; s. 48 not in force at Royal Assent see s. 70(3)(6), [Sch. 8 para. 48\(1\)](#); s. 48 in force for certain purposes (E.W.S.) at 13.5.1998 by [S.I. 1998/1282](#), [art. 2](#); s. 48 in force for certain purposes (N.I.) at 13.5.1998 by [S.R. 1998/183](#), [art. 2](#); s. 48 in force (E.W.S.) at 30.8.2000 to the extent not previously in force by [S.I. 2000/1969](#), [art. 2](#); s. 48 in force (N.I.) at 21.1.2003 to the extent not previously in force by [S.R. 2003/24](#), [art. 2](#)

49 Forgery and false statements.

- [^{F74}(1) In this section “relevant document” means—
- (a) a certificate of exemption issued under section [^{F75}section 36, 37 or 37A];
 - (b) a notice of a kind mentioned in [^{F76}section 36(9)(b), 37(8)(b) or 37A(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—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;

Status: Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V. (See end of Document for details)

- (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.]

Extent Information

E31 Following the repeal of this Act for E.W.S. by the Equality Act 2010, this section now extends to N.I. only.

Textual Amendments

F74 Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279, art. 16](#)); [S.I. 2010/2317, art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066, art. 2\(h\)](#)

F75 Words in [s. 49\(1\)\(a\)](#) substituted (31.12.2003 for certain purposes and otherwise 31.3.2004 as respects private hire vehicles licensed in England and Wales, 1.1.2008 for certain purposes and otherwise 1.6.2008 as respects a private hire vehicle licensed by the Department of the Environment in Northern Ireland) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), ss. 4(2), 6(2); [S.I. 2003/3123, art. 2](#); [S.I. 2007/3477, art. 2](#)

F76 Words in [s. 49\(1\)\(b\)](#) substituted (31.12.2003 for certain purposes and otherwise 31.3.2004 as respects private hire vehicles licensed in England and Wales, 1.1.2008 for certain purposes and otherwise 1.6.2008 as respects a private hire vehicle licensed by the Department of the Environment in Northern Ireland) by [Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002 \(c. 37\)](#), ss. 4(3), 6(2); [S.I. 2003/3123, art. 2](#); [S.I. 2007/3477, art. 2](#)

Commencement Information

I11 [S. 49](#) not in force at Royal Assent see [s. 70\(2\)\(3\)](#); [s. 49](#) in force for E.W.S. for certain purposes at 6.4.2005 by [S.I. 2005/1122, art. 2](#); [s. 49](#) in force for N.I. for certain purposes at 3.6.2008 by [S.R. 2008/236, art. 2](#)

Status:

Point in time view as at 02/09/2013. This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part V.