



# Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002

## 2002 CHAPTER 37

### 1 Carrying of guide dogs, hearing dogs and other assistance dogs

[<sup>F1</sup>( 1 ) In the Disability Discrimination Act 1995 (“ the 1995 Act ”), the following section is inserted after section 37—

#### “ Carrying of assistance dogs in private hire vehicles

- (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.

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*Changes to legislation:* There are currently no known outstanding effects for the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002, Section 1. (See end of Document for details)

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- (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;
  - (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.”.

(2) In Schedule 8 to the 1995 Act (modification of Act in its application to Northern Ireland) the following paragraph is inserted after paragraph 21—

“21A (1) In section 37A(5) and (6) for “licensing authority” substitute “Department of the Environment”.

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(2) In section 37A(9) for the definitions of “driver”, “licensing authority”, “operator” and “private hire vehicle” substitute— “

“ driver ” means a person who holds a taxi driver’s licence under Article 79A of the Road Traffic (Northern Ireland) Order 1981 ( SI 1981/154 ( NI 1));

“ operator ” means a person who in the course of a business makes provision for the invitation or acceptance of bookings for a private hire vehicle;

“ private hire vehicle ” means a vehicle which—

(a) seats not more than 8 passengers in addition to the driver; and

(b) is licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 to carry passengers for hire (but not to stand or ply for hire). ”.]

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#### Textual Amendments

**F1** S. 1 repealed (E.W.S.) (1.10.2010) by 2010 c. 15, Sch. 27 Pt. 1 (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#)) (see S.I. 2010/2317, art. 2)

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#### Commencement Information

**I1** S. 1 in force at 1.6.2008 for N.I. so far as not already in force by [S.I. 2007/3477](#), [art. 2](#)

**I2** S. 1(1) in force at 31.3.2004 for E.W. so far as not already in force by [S.I. 2003/3123](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002, Section 1.