

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 16: General and Miscellaneous**

#### *Schedule 3: Services and public functions: exceptions*

#### **Part 9: Transport**

#### **Application to disability: [paragraph 32](#)**

##### **Effect**

749. [Paragraph 32](#) applies the exceptions listed in paragraphs 33 and 34 in relation to disability, thereby stipulating the extent to which providers of transport services are bound by the disability provisions of the Act.

##### **Background**

750. These provisions replicate the effect of provisions contained in the Disability Discrimination Act 1995.

#### **Transport by air: [paragraph 33](#)**

##### **Effect**

751. [Paragraph 33\(1\)](#) provides an exception to the prohibition of discrimination, so far as it relates to disability, in respect of the provision of services in connection with air transport.
752. [Paragraph 33\(2\)](#) ensures that there is no duplication where there would otherwise be an overlap between the disability provisions of the Act and Regulation (EC) No1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (“EC Regulation 1107/2006”).

##### **Background**

753. These provisions replicate the effect of provisions in the Disability Discrimination Act 1995.

##### **Examples**

- An airline is required to make reasonable adjustments to its booking services to ensure that they are accessible to disabled people. It is not required to make any structural adjustments to the cabin environment inside an aircraft by reason of the derogation in Article 4(1)(a) of EC Regulation 1107/2006.
- An airport owner charges a disabled person for wheelchair assistance to board an aircraft. This would be a breach of EC Regulation 1107/2006, so section 29 of the Act would not apply. However, if the same airport owner fails to make adjustments to allow disabled people to access car parks at the airport, this would fall within the scope of the Act.

**Transport by land: paragraph 34**

Effect

754. Paragraph 34 provides an exception from section 29 for all services of transporting people by land, except those listed. The definitions of the vehicles listed are contained in paragraph 4 of Schedule 2.

Background

755. This paragraph replicates the effect of provisions in the Disability Discrimination Act 1995.

Example

- A train operating company is required to provide a reasonable alternative when a disabled person is unable to access the buffet car due to his or her disability.