EXPLANATORY MEMORANDUM TO

THE EQUALITY ACT 2010 (TAXIS AND PRIVATE HIRE VEHICLES) (PASSENGERS IN WHEELCHAIRS – NOTICES OF EXEMPTION) REGULATIONS 2017

2017 No. 342

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 Section 165 of the Equality Act 2010 ("the Act") places duties on drivers of designated wheelchair accessible vehicles to provide assistance to passengers in wheelchairs. Section 166 of the Act includes provisions to enable a licensing authority to issue an exemption to a driver if they consider that driver has a medical or physical condition, which makes it impossible or unreasonably difficult for that driver to comply with the duties under section 165 of the Act. If a driver is exempt, the authority must issue that driver with an exemption certificate and the driver must display a notice of exemption in their vehicle. This instrument sets out the format and manner of display of the notice of exemption.

2.2 Notices of exemption may be produced by licensing authorities in accordance with this instrument. A limited quantity may also be made available by the Department for Transport.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Equality Act 2010 (Commencement No. 12) Order 2017 commenced sections 165 and 167 (in so far as they were not already in force). This Order comes into force on the 6th April 2017 and it can be found at legislation.gov.uk

4.2 These regulations are required in order to prescribe the form and manner of display of the notices of exemption for drivers exempted from the duties placed on them under section 165 of the Act.

5. Extent and Territorial Application

5.1 The extent of this instrument is Great Britain.

5.2 The territorial application of this instrument is Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The Act brought together into one Act several different pieces of legislation regarding discrimination, including disability discrimination. The Act included many of the taxi and private hire vehicle provisions which were in the Disability Discrimination Act 1995, but it also included some important changes.

7.2 Section 165 of the Act places certain duties on drivers of designated wheelchair accessible vehicles. Those duties are:

a) to carry the passenger while in the 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 reasonable comfort;

e) to give the passenger such mobility assistance as is reasonably required.

7.3 These duties will apply to drivers of designated taxis and designated private hire vehicles if the vehicle that they are driving appears on a list maintained by the local licensing authority under section 167 of the Act, unless they are exempt.

7.4 Licensing authorities can exempt a driver from the duties under section 165 of the Act if they consider that the driver has a medical or physical condition which makes it impossible or unreasonably difficult for the driver to comply with the duties under section 165 of the Act. If a driver is exempt, the authority must issue to the driver an exemption certificate and the driver must display a prescribed notice of exemption in the prescribed manner in their vehicle.

7.5 Prescribing the form and manner of display of the notices of exemption will mean that there will be a consistent and recognisable means for passengers in wheelchairs to discern whether a driver is exempt from the duties under section 165 of the Act.

Consolidation

7.6 None.

8. Consultation outcome

8.1 A targeted consultation was held over four weeks from 1st to 29th November 2016 focusing on the draft regulations and the statutory guidance aimed at licensing authorities. The consultation did not consider the policy intentions of Sections 165 to 167 of the Act, or the commencement of outstanding provisions as these had been consulted on previously.

8.2 Consultees indicated support for the approach being taken, whilst highlighting aspects of the draft guidance and Regulations which could be improved.

8.3 We subsequently made a number of changes to the guidance and Statutory Instrument, informed by the consultation responses received, including:

- clarifying on the notice itself that holders of exemption notices are exempt from all requirements under Section 165 of the Act;
- improving the layout of notices of exemption to aid visibility, including the size and format of the font; and
- updating the draft guidance.

9. Guidance

9.1 Guidance for licensing authorities has been provided on the regulations. This can be found at https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

9.2 Hard copies will be available upon request to the Department for Transport at Great Minster House, 33 Horseferry Road, London SW1P 4DR.

10. Impact

10.1 This instrument specifies the form of exemption notices and how they should be displayed. Since exempt drivers will be provided with exemption notices by their respective licensing authority we assess that there is no impact on business, charities or other voluntary organisations as a result of these provisions.

10.2 There will be a small cost to Government and local authorities from the printing of blank exemption notices conforming to the required specifications, and their provision to exempt drivers. The number of exempt drivers is likely to be no more than several hundred across Great Britain, and so this cost will be very minimal.

10.3 An Impact Assessment has not been prepared for this instrument. This is because an Impact Assessment was prepared for the Act in 2010 which can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243610/9780108508721.pdf

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 A review provision is not appropriate in this case since the regulations relate to accessibility for wheelchair passengers. The benefits to the passenger mean that they are able to see clearly which drivers of taxis and private hire vehicles are obliged under the duties of section 165 of the Act and which are not. This will also benefit taxis and private hire vehicle businesses with increased patronage.

13. Contact

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