

Designation of Hackney Carriage and Private Hire Wheelchair Accessible Vehicles

Section 154 of the Equality Act 2010 places the following legal duties on drivers of designated wheelchair accessible vehicles to carry out the following actions:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

In terms of defining what constituted 'mobility assistance' for the wheelchair passenger, Section 165 of the Equality Act 2010 describes it as assistance by the driver of a taxi or private hire vehicles to do the following:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

These duties in accordance with Section 165 of the Equality Act will apply from the 9 October 2017 to all drivers of designated wheelchair accessible vehicles, unless the driver has applied for an been granted a medical and physical exemption from compliance with these duties.

Applications for medical or physical exemptions must be applied for from the Council Licensing Team and only medical or physical examinations carried out by the Council's own Occupational Health Practitioner will be accepted as proof of a valid exemption. All examinations with the Council's Occupational Health Practitioner will be met by the driver concerned and the Council will not meet or accept any costs or expenses associated with such an application for exemption.

Any refusal by the Council to exempt a driver from the requirements of Section 165 of the Equality Act 2010 on medical and/or physical grounds can be appealed by way of lodging a written appeal to the Magistrates Court within 28 days of such a refusal being made. Full details of where to lodge any such appeal will be given at the that appropriate time.

The Equality Act 2010 makes it a criminal offence for a driver of a designated wheelchair accessible vehicle to fail to comply with the duties specified and any driver convicted would be liable to receive a level 3 fine which is currently £1,000.