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Statutory guidance

Access to taxis and private hire vehicles for disabled users

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Introduction

1. Status of this guidance

(1.1) This guidance has been updated from the version published in February 2017 to reflect the amendments made by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (“the 2022 Act”) to the Equality Act 2010. It provides both statutory and non-statutory guidance on the duties and offences under the taxi and private hire vehicle sections in the Equality Act 2010, including those introduced as a result of the 2022 Act, with updated text on the previously existing duties and offences. Therefore, this guidance should be used as a standalone (rather than alongside the 2017 guidance, which has now been withdrawn).

(1.2) The intention of this guidance is to assist local licensing authorities (“LLAs”) to implement the Equality Act 2010 provisions intended to assist disabled passengers in their use of taxi and private hire vehicle (“PHV”) services. It provides advice on designating vehicles as being wheelchair accessible, communicating with drivers and operators regarding their responsibilities, handling requests from drivers for exemptions from the mobility assistance requirements, and enforcing the duties.

(1.3) In this guidance ‘driver’ refers to both taxi and PHV drivers collectively. Where there is reference relevant to only one of the two, then we have specified either ‘taxi driver’ or ‘PHV driver’.

(1.4) This guidance is made up of both statutory and non-statutory guidance.

(1.4.1) Paragraphs 3.1 to 6.1 are statutory guidance issued under section 167(6) of the Equality Act 2010. These paragraphs constitute the Secretary of State for Transport’s formal guidance to LLAs in England, Wales and Scotland on the application of section 167 of the Equality Act 2010. LLAs must have regard to these paragraphs when undertaking relevant licensing activity.

(1.4.2) Paragraphs 7.1 – 17.4 are non-statutory guidance relating to sections 164A, 165, 165A, 166, and 167A of the Equality Act 2010. These paragraphs are intended to provide guidance on the duties and offences for drivers and operators, and, in the case of 166, for the LLA itself. We strongly encourage all LLAs to consider these paragraphs, so they can ensure drivers and operators in their area understand what is expected of them under the taxi and PHV sections of the Equality Act 2010.

(1.5) The following sections from the Equality Act 2010 are covered:

(1.5.1) Section 164A [Paragraphs 12.1 – 12.11]: provides duties on any driver to accept the carriage of any disabled person and to refrain from charging them extra for doing so. This section also provides duties on any non-exempt taxi or PHV driver to provide reasonable assistance to any disabled passenger.

(1.5.2) Section 165 [Paragraphs 12.1 – 12.11]: requires drivers of a designated wheelchair accessible taxi or PHV to carry a wheelchair user without charging extra, and any non-exempt driver to provide reasonable assistance to any wheelchair user.

(1.5.3) Section 165A [Paragraphs 13.1 – 13.5]: provides duties on any driver of a pre-booked taxi or PHV to assist any disabled person to identify and find the vehicle and to refrain from charging them extra for doing so, provided the driver is made aware that the passenger requires such assistance.

(1.5.4) Section 166 [Paragraphs 7.1 – 8.3]: places a duty on a LLA to issue an exemption certificate to a driver, if appropriate, so that they are exempt from the mobility assistance duties at sections 164A and 165.

(1.5.5) Section 167 [Paragraphs 3.1 – 6.1]: places a duty on a LLA to maintain and publish a list of designated wheelchair accessible taxis and PHVs.

(1.5.6) Section 167A [Paragraphs 15.1 – 15.3.2]: places offences on PHV operators who refuse or fail to provide a booking for a disabled person either because the person is disabled, or to prevent a driver from being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.

(1.5.7) Section 168 [Paragraphs 14.1 – 14.2]: places duties on taxi drivers to carry assistance dogs without extra charge.

(1.5.8) Section 170 [Paragraphs 14.1 – 14.2 and 16.1 – 16.2]: creates offences for PHV drivers and operators who fail or refuse a booking, or charge extra for a booking, from a disabled person because they will be accompanied by an assistance dog.

(1.6) LLAs should also familiarise themselves with the enforcement guidance relating to the duties and offences under the sections listed above [see paragraphs 17.1 – 17.4].

(1.7) This guidance is relevant to LLAs regardless of whether they previously maintained a list of designated vehicles under section 167 of the Equality Act 2010. The 2022 Act places a duty for all LLAs to maintain and publish such lists. Those that have not done so previously must now do so to ensure that they are compliant with the new requirements.

(1.8) Annex A provides:

(1.8.1) A series of lists to show which duties and offenses apply to a taxi or PHV driver, dependent on their vehicle and the passenger; and

(1.8.2) A list showing the offences which apply to PHV operators.

2. Implementation

(2.1) We want to ensure that the Equality Act 2010 has a positive impact on all disabled people, ensuring they are better informed about the accessibility of designated taxis and PHVs in their area, and are confident of receiving the assistance they need to travel safely.

(2.2) It is a driver and operator's responsibility to ensure they are compliant with their duties under the Equality Act 2010. To support them in understanding their duties, LLAs should make drivers and operators aware of the amended requirements and follow the necessary procedures to exempt drivers with certain physical or medical conditions from providing mobility assistance, where there is sufficient evidence of a need for exemption.

LLAs also should ensure that, where these do not already exist, they have developed procedures for maintaining and publishing a list of designated wheelchair accessible taxis and PHVs, including notifying vehicle owners if their vehicle is included on the list.

(2.3) As 2.3. As such, we encourage LLAs to put in place sensible and manageable procedures to ensure smooth and effective implementation of the updated Equality Act 2010. In particular, LLAs should:

- establish the data requirements and approach to creating and then publishing and maintaining their list of designated wheelchair accessible vehicles
- notify all drivers of their duties under the Equality Act 2010, with examples of what this will mean in practice

- provide drivers with sufficient notification of the new requirements to allow those eligible to apply for exemptions from the accessibility requirements

(2.4) Below are two examples of the type of processes an LLA may follow in relation to lists of designated wheelchair accessible vehicles and any driver exemption applications. These examples are indicative, and it will be down to each LLA to determine the actions they need to take to ensure the Equality Act 2010 is implemented effectively in their area.

Lists of designated wheelchair accessible vehicles:

- LLA reviews this guidance and considers whether its existing policies or approaches enable it to comply with the requirements
- collates relevant data from databases, such as vehicle licensing applications, to enable it to create a list of designated vehicles
- LLA informs all owners which, if any, of their vehicle(s) will be placed on the designated list and asks them to confirm whether they consider that any of their other vehicles should also be included on the list
- LLA collates relevant data which can be used to create and update a publicly viewable list of designated wheelchair accessible vehicles, using accessible formatting guidelines
- LLA publishes list of designated wheelchair accessible vehicles online and puts a process in place to respond to requests to provide the list in an alternative format

Driver exemptions:

- LLA reviews this guidance and considers whether its existing policies or approaches enable it to comply with the requirements to grant exemption certificates to applicable drivers in relation to the mobility assistance duties
- LLA establishes and communicates to drivers its policy for exempting drivers from the mobility assistance duties on medical grounds or physical condition
- LLA alerts all drivers to their new duties – including informing drivers with an existing exemption that their exemption now only covers the mobility assistance duties at sections 164A and 165
- drivers apply for exemptions, where necessary
- LLA reviews applications, and either issues an exemption certificate and notice or informs the applicant that their application has been rejected (and why) and that all duties shall apply to that applicant

Section 167: List of designated wheelchair accessible vehicles – statutory guidance for LLAs

3. Overview

(3.1) Section 167 of the Equality Act 2010 requires LLAs to maintain and publish a list of designated wheelchair accessible taxis and PHVs. The duties on drivers at section 165 of the Equality Act 2010 apply to drivers of vehicles included in such a list [see paragraphs 12.1 – 12.11 for guidance on section 165 duties and Annex A for a breakdown of the duties which apply to each section based on the driver and their vehicle].

4. Vehicles that can be designated

(4.1) We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.

(4.2) A vehicle must be added to an LLA's list of designated vehicles if it "conforms to such accessibility requirements as the licensing authority thinks fit". Vehicles placed on the list should be capable of carrying wheelchair users either in their wheelchair or in a passenger seat (depending on which the wheelchair user prefers), including allowing passengers to:

- get into and out of the vehicle in safety
- travel in the vehicle in safety and reasonable comfort

(4.3) This means that, to be placed on a LLA's list, a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The government recommends that a vehicle should be included in a LLA's list only if it would be possible for the user of a "reference wheelchair" to enter, leave, and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

The "reference wheelchair" is defined as 700mm in width, 1200mm in length, and 1350mm in height. A diagram of the "reference wheelchair" can be found on page 97 of the Department for Transport's 2022 Reference Wheelchair Standard and Transport Design (<https://www.gov.uk/government/publications/reference-wheelchair-standard-and-transport-design>) research report.

(4.4) By taking this approach LLAs will allow the duties at section 165 of the Equality Act 2010 to apply to more drivers than if LLAs only included vehicles capable of accommodating larger types of wheelchairs on their lists.

(4.5) The government recognises that this approach will mean that some types of wheelchair or mobility aids, such as powered wheelchairs and mobility scooters, may be unable to access some of the vehicles included in a LLA's list. The Equality Act 2010 recognises this possibility, and driver defences are in place at section 165 if it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle, or it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle.

(4.6) Any taxi or a PHV which conforms to the LLA's accessibility requirements must be published on the LLA's list under section 167 (unless its inclusion has been successfully appealed under section 172).

5. Preparing and publishing lists of designated vehicles

(5.1) Section 167 of the Equality Act 2010 requires LLAs to maintain and publish a list of designated wheelchair accessible taxis and PHVs.

(5.2) We recommend that this list is clearly marked as "designated in accordance with Section 167 of the Equality Act 2010."

(5.3) Lists should provide the following information:

- the make and model of the vehicle
- the licence number of the vehicle
- whether the vehicle is a taxi or private hire vehicle

- where it is easily accessible for the LLA to gather and the operator has given consent, the name of the vehicle's operator(s), their contact telephone number, and their email and/or website address
- information about the size and weight of wheelchairs that can be accommodated, including whether the vehicle can accommodate wheelchairs which are larger than the "reference wheelchair" standard

(5.4) We also recommend providing information on whether the vehicle can carry more than one wheelchair whilst the passengers are seated in their wheelchairs, and if so, how many.

(5.5) The Equality Act 2010 requires not only that lists are maintained, but that they are also published. In every case, lists should be made available online, and, unless it is unreasonably expensive or difficult to do so, in hard copy formats upon request. Where providing a list in hard copy format is considered unreasonably expensive or difficult, LLAs must still be mindful of their broader duties under the Equality Act 2010, including in relation to the provision of information in alternative accessible formats. We recommend communicating with the requestor to understand their specific needs and to identify how information could be tailored where applicable.

(5.6) In all cases, whether information is published online or in hard copy, we recommend that LLAs use the government's [guidance on publishing accessible documents](https://www.gov.uk/guidance/publishing-accessible-documents) (<https://www.gov.uk/guidance/publishing-accessible-documents>). Where it is provided online it should be straightforward for prospective passengers to find.

(5.7) If an LLA produces hard copy versions of lists, we recommend they establish a process to provide them upon request. The ability to request hard copy and alternative accessible versions of lists should be communicated clearly on LLA websites, including on pages relating to the online version, and hard copy versions should be provided without unreasonable delay.

(5.8) Before publishing, LLAs should ensure that vehicle owners are made aware of their vehicle(s) being included in the list. To avoid duplicate information requests to vehicle owners, LLAs should collect the data needed to maintain and publish lists under section 167 via licensing application forms.

(5.9) We recommend that the list is maintained on a rolling basis as new vehicles are licensed, with updated lists published at least every three months. This will ensure passengers can access relevant and up-to-date information in order to make informed journey choices, whilst enabling LLA resources to be managed appropriately.

6. Appeals

(6.1) Section 172 of the Equality Act 2010 enables an appeal against the decision of a LLA to include a vehicle on the designated list. That appeal should be made, for cases in England and Wales, to the Magistrates' Court or, for cases in Scotland, the sheriff, and must be made within 28 days of the vehicle(s) in question being included on the LLA's list.

Section 166: Driver exemptions – non-statutory guidance

7. Overview

(7.1) Some drivers may have a physical condition or medical grounds which make it impossible or unreasonably difficult for them to provide the sort of physical assistance which the mobility assistance duties in the Equality Act 2010 require.

(7.2) Section 166 requires LLA's to grant exemptions to applicable drivers specifically from the "mobility assistance" duties at 164A(5)(e) and 165(4)(e). This means that drivers with such exemption certificates are not exempt from any of the other duties at sections 164A, 165, or 165A. This applies to all such exemption certificates whether newly granted or previously held. We recommend that LLA's inform all drivers of this change.

(7.3) An exemption may be issued for as short or long a period as the LLA considers appropriate, bearing in mind the nature of the relevant physical or medical condition.

(7.4) Separately to the exemptions at section 166 of the Equality Act 2010, LLA's can also issue exemptions to drivers under sections 169 (for taxi drivers) and 171 (for PHV drivers) relating to the duties to carry assistance dogs (sections 168 and 170). A driver with a section 166 exemption is not exempt from the duties at sections 168 or 170 in relation to carrying assistance dogs. Likewise, a driver with a 169 or 171 exemption is not exempt from the mobility assistance duties at 164 or 165.

8. Assessing exemptions

(8.1) We recommend that LLA's make application forms available for drivers to apply for an exemption, setting out the supporting evidence they require applicants to submit.

As an absolute minimum, this evidence should be in the form of a letter or report from a general practitioner. However, decisions on exemptions are likely to be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant.

We therefore recommend that LLA's use independent medical assessors holding appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LLA's may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.

(8.2) If the application is successful, the LLA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. If the exemption notice is not displayed, the driver could be prosecuted if they do not comply with the relevant mobility assistance duties.

(8.3) If the application is unsuccessful, we recommend that the applicant is informed in writing within a reasonable timescale, with a clear explanation of the reasons for the decision and associated rights of appeal.

9. Exemption notices

(9.1) Where a driver of a designated vehicle has been exempted from the mobility assistance duties under sections 165 and 164A, it is the LLA's responsibility to provide the driver with an exemption notice compliant with the Equality Act 2010 (Taxis and Private Hire Vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017 (<https://www.legislation.gov.uk/ukxi/2017/342/made>). We intend in due course to amend these Regulations to provide that the exemption notice clearly sets out that the exemption applies only to the mobility assistance duties at sections 165 and 164A and not to any other part of sections 165 or 164A. In the meantime, an exemption remains valid if the notice complies with the Regulations as they stand.

(9.2) Only one exemption notice should be displayed in a vehicle at any one time. If a vehicle is used by multiple drivers, the driver who holds the exemption should remove the exemption notice from the windscreen and from sight of any potential passengers when they are not operating the vehicle.

10. Appeals

(10.1) Section 172 of the Equality Act 2010 enables drivers to appeal against an LLA's decision not to issue an exemption certificate. That appeal should be made to the Magistrates' Court in England or Wales, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the written refusal.

Duties on drivers – non-statutory guidance

11. Overview of duties on drivers

(11.1) Sections 164A, 165, 165A, 168, and 170 place duties on drivers to ensure that disabled people have specific rights and protections to access taxis and PHVs, to receive assistance when using these services, and to not be charged extra for doing so.

(11.2) We strongly encourage LLAs to provide drivers and operators with training on their duties, for example as part of existing driver-facing training. This should include messaging which explains that it is not relevant what type of disability or impairment a passenger has, only what requirements they have because of their disability or impairment.

(11.3) We recommend that the driver or operator asks every passenger whether they require assistance. For hired vehicles, this should be at the booking stage. For taxis, this should be when the vehicle is hailed or approached at the taxi rank or on the street.

Where applicable, service providers should also update booking websites and smartphone applications to collect this information from passengers, allowing, for example, a person with dementia to ask for assistance in locating the vehicle or a wheelchair user to state their intention to remain in their wheelchair while travelling. This will also give the driver or operator the opportunity to advise the passenger on how they will provide assistance, for example to explain how the vehicle's ramp will be used or to establish an appropriate place for a wheelchair user to enter the vehicle.

1. Sections 164A and 165: duties to carry and assist any disabled person

(12.1) 164A and 165 place duties on drivers to carry and assist disabled passengers without making, or proposing to make, an extra charge for doing so [see Annex A for a list of the duties]. Drivers who are subject to section 165 have an additional duty to carry the passenger whilst seated in their wheelchair

(12.2) The duties at section 164A apply to:

- drivers of any taxi or PHV which is not included on a LLA's list of designated wheelchair accessible vehicles, where the passenger is disabled, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel)
- drivers of any vehicle which is included on a designated list, where the passenger is disabled and not a wheelchair user

(12.3) The duties at section 165 apply to:

- drivers of any vehicle which is included on a designated list, where the passenger is in a wheelchair
- the vehicle has been hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair

(12.4) The application of section 164A or 165 is based on whether the vehicle is designated wheelchair accessible and the circumstances of the disabled passenger as follows:

- if the vehicle is non-designated and the passenger is a wheelchair user, then section 164A applies
- if the vehicle is non-designated and the passenger is a non-wheelchair user, then section 164A applies
- If the vehicle is designated and the passenger is a non-wheelchair user, then section 164A applies
- if the vehicle is designated and the passenger is a wheelchair user, then section 165 applies

(12.5) Where a driver has been exempted, they will not be required to comply with the duties in sections 164A and 165 to provide mobility assistance. Regardless of the design and content of their exemption certificate and notice, exempt drivers will not be exempt from any other relevant duty – including, for instance, to refrain from charging disabled passengers extra.

(12.6) Although each situation will be different, and reasonable mobility assistance will be subject to other applicable law – including health and safety legislation – we would expect drivers to provide basic assistance which could include, but may not be limited to:

- opening the passenger door
- folding manual wheelchairs and placing them in the luggage compartment
- installing the boarding ramp
- securing a mobility aid within the passenger compartment

(12.7) Depending on the weight of the wheelchair or mobility aid and the capability of the driver, reasonable mobility assistance could also include (but may not be limited to) pushing a manual wheelchair or light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

(12.8) A driver should, however, only touch a wheelchair or mobility aid or seek to provide physical assistance if the user gives permission for them to do so.

(12.9) We expect drivers to communicate with passengers when providing assistance, as this will be key to understanding a disabled person's needs. We recommend drivers:

- ask passengers what help they need
- listen to and understand the response, and then
- act on what they have been asked to do, seeking clarification, if necessary, on how to provide what is needed

(12.10) Whilst access to the vehicle may be dependent on the wheelchair or mobility aid itself, drivers should not carry any unessential items in the boot of the vehicle which could prevent a wheelchair or mobility aid from being stowed there, or (in the case of designated vehicles) carry any unessential items in the passenger seating area which could prevent a wheelchair user from travelling while seated in their wheelchair.

Additionally, drivers of designated vehicles should avoid carrying unessential items which would prevent a wheelchair or mobility aid from being carried in the passenger area of the vehicle.

(12.11) The requirement not to charge a disabled person extra means that a meter should not be activated before, or left running, whilst the driver performs duties required by the Equality Act 2010.

13. Section 165A: duties on drivers to assist a passenger to identify and find the vehicle

(13.1) Section 165A places duties on drivers to assist any disabled passenger to find or locate their pre-booked taxi or P.H.V. without making, or proposing to make, an additional charge for doing so.

(13.2) The section 165A duties apply to any pre-booked taxi driver and any P.H.V. driver, regardless of whether their vehicle is designated as being wheelchair accessible or not, provided:

- the vehicle has been hired by or for a disabled person, or by another person who intends to accompany a disabled person
- the driver of the P.H.V. or pre-booked taxi has been made aware before the start of the journey that the passenger requires assistance to identify and/or find that vehicle

(13.3) Authorities should encourage drivers and/or operators to ask every passenger at the booking stage whether (i) they require assistance and, if so, then (ii) what form of assistance that should be.

Drivers and operators should not attempt to identify a person's impairment or disability, only what type of assistance the driver needs to provide in order for the passenger to board, travel in, and alight from the vehicle in safety and reasonable comfort.

(13.4) In order to help fulfil the duties at section 165A, drivers should familiarise themselves with the most common communication methods a person may require in order to identify and/or find the vehicle. These communication methods include, but are not limited to:

- giving audio directions for a visually impaired passenger (calling the passenger once at the pick-up point)
- giving visual directions (for example, the colour and registration of the vehicle) for a hearing-impaired passenger
- repeating key information for a passenger with mental or cognitive impairments

(13.5) In practice the requirement not to charge a disabled person extra means that a meter should not be activated before, or left running, whilst the driver performs duties required by the Equality Act 2010.

14. Sections 168 and 170: duties on drivers to carry assistance dogs

(14.1) Sections 168 and 170 place duties on drivers of taxis (168) and P.H.V.s (170) to carry an assistance dog and allow them to remain with their user without making, or proposing to make, an additional charge for doing so.

(14.2) It is an offence for a driver to propose to make, as well as to make, an additional charge for carrying out the duties in these sections. For example, a driver must not add a surcharge to the meter for carrying an assistance dog. The taximeter should not be activated until both the passenger and assistance dog are properly settled, and the vehicle is ready to depart. Equally, the taximeter should be stopped as soon as the destination is reached, and before any unloading takes place.

Offences for P.H.V. operators

15. Section 167A: offences for P.H.V. operators not to refuse or fail a booking for a disabled person

(15.1) Section 167A makes it an offence for a P.H.V. operator to refuse or fail to accept a booking from, or on behalf of, a disabled person because (i) the person is disabled or (ii) to prevent a driver from being subject to the duties at sections 164A, 165, or 165A. It also makes it an offence for a P.H.V.

operator to make, or propose to make, an additional charge for carrying out of any duty imposed on the driver of the private hire vehicle under section 164A, 165 or 165A.

(15.2) LLA's should monitor operator compliance with these duties. It may be difficult to assess whether an offence has been committed by an operator who refuses a booking in order to avoid a PHV driver being made subject to a duty under sections 164A, 165, or 165A; for example, where a driver is medically fit to perform the duties but the operator refuses the booking on the basis that the assistance duties would extend the time taken to complete the booking with no extra financial gain.

An LLA may test the application of these offences as part of a test purchasing exercise (provided they have authorisations in place required by the Investigatory Powers Act 2016) or by using other data to understand trends in booking refusals by disabled people in comparison to non-disabled people.

(15.3) well as notifying operators of their legal requirements under section 167A, LLA's may also offer operators training on:

- all of the taxi and PHV provisions in the Equality Act 2010
- communicating with disabled people

16. Section 170: offences on PHV operators not to refuse or fail a booking for an assistance dog user

(16.1) Section 170 makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, an assistance dog user:

- because the person will be accompanied by an assistance dog or;
- to prevent a driver from being subject to the duties at section 170 [see paragraphs 14.1 – 14.2 for guidance on PHV drivers duties to carry assistance dogs]

(16.2) Operators should book trips for assistance dog users as they would for any other passenger, for example using the nearest driver to the point of pick-up, regardless of any preference that driver may have not to carry a dog.

Enforcement

17. Licensing measures and prosecution

(17.1) The government expects LLA's to take tough action where drivers or operators breach their duties under the Equality Act 2010.

(17.2) LLA's have wide-ranging powers to determine the rules by which taxis and PHV's in their respective areas may operate. We recommend that they use these powers to ensure that drivers or operators who discriminate against disabled passengers are held accountable.

(17.3) If a driver receives a conviction for breaching their duties under the Equality Act 2010, it would be appropriate for the LLA to review whether or not the driver remained a fit and proper person to hold a taxi or PHV driver's licence. The government's view is that a driver who wilfully failed to comply with their duties would be unlikely to remain a "fit and proper person".

(17.4) LLA's may also take appropriate action – such as suspension, revocation, or refusal to renew a licence – even where prosecution did not proceed but in which the LLA deemed that the driver treated a disabled passenger unreasonably.

Annex A: The duties on taxi drivers and PHV drivers and operators under the Equality Act 2010

Duties on drivers of non-designated wheelchair accessible taxi

Section 164A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To carry the passenger
- To carry their wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

These duties only apply if the taxi has been prebooked.

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 168

Disabled passenger

Assistance dog users.

Duties

- Carry the disabled person's dog and allow it to remain with that person
- Not make, or propose to make, any additional charge for doing so

Defences

There are no defences for this section.

Duties and offences on drivers of non-designated wheelchair accessible PHVs

Section 164A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To carry the passenger
- To carry their wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the PHV has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 170

Disabled passenger

Assistance dog users.

Offences

A driver commits an offence by:

- Failing or refusing to carry out a booking accepted by the operator:
 - If the booking is made by, on or behalf of, a disabled person
 - The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
- Making, or proposing to make, an additional charge for carrying an assistance dog

Defences

There are no defences for this section.

Duties on drivers of designated wheelchair accessible taxis

Section 164A

Disabled passenger

Any disabled passenger, apart from wheelchair users.

Duties

- To carry the passenger
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance

- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165

Disabled passenger

Wheelchair users.

Duties:

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take necessary steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- It would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

These duties only apply if the taxi has been prebooked:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 168

Disabled passenger

Assistance dog users.

Duties

- Carry the disabled person's dog and allow it to remain with that person
- Not make, or propose to make, any additional charge for doing so

Defences

There are no defences for this section.

Duties and offences on drivers of designated wheelchair accessible PHVs

Section 164A

Disabled passenger

Any disabled passenger, apart from wheelchair users

Duties

- To carry the passenger
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle

- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165

Disabled passenger

Wheelchair users.

Duties

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take necessary steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- It would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the P.H.V. has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 170

Disabled passenger

Assistance dog users.

Offences

- Failing or refusing to carry out a booking accepted by the operator:
 - If the booking is made by, on or behalf of, a disabled person
 - The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
- Making, or proposing to make, and additional charge for carrying an assistance dog

Defences

There are no defences for this section.

Offences on ~~PHV~~ operators

Section 167A

Disabled passenger

Any disabled passenger, including wheelchair users.

Offences

- Failing or refusing to accept a booking for the vehicle if:
 - The booking is made by, on or behalf of, a disabled person
 - The reason for the failure or refusal is:
 - That the person is disabled or
 - To prevent the driver from being made subject to a duty at sections 164A, 165, or 165A
- Making, or proposing to make, and additional charge for carrying out any duty on the driver under sections 164A, 165, or 165A

Defences

- It was reasonable not to have accepted the booking due to a lack of suitable vehicles

Section 170

Disabled passenger

Assistance dog users.

Offences

- Failing or refusing to accept a booking for the vehicle if:
 - the reason for the failure or refusal is:
 - That the person will be accompanied by an assistance dog
 - To prevent the driver from being made subject to a duty at section 170

- Making, or proposing to make, and additional charge for carrying an assistance dog

Defences

There are no defences for this section.

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