

Equality Act 2010 - Designated List of Wheelchair Accessible Taxis and Private Hire Vehicles (PHVs)

From 1 April 2017 The Equality Act 2010, sections 165 & 167 places duties on the drivers of designated wheelchair accessible taxis and PHVs to provide physical assistance to passengers in wheelchairs.

The duties will apply to the driver of any wheelchair accessible taxi or PHV which is on the licensing authority's list of "designated vehicles".

South Kesteven District Council will consider the detailed guidance issued by the Department for Transport about the accessibility requirements which licensing authorities should apply in relation to the provision and other aspects of our function under this new approach before making our decision on whether we will maintain a designated list and place all our wheelchair accessible vehicles on this list. If this proposal goes ahead, the following provisions will apply:

What are the duties?

Under the Equality Act 2010 drivers of what are termed Wheelchair Accessible Vehicles (WAVs) taxis and private hire vehicles (PHVs) have a duty to:

- to carry the passenger while in a 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.

Drivers will be liable to a fine if they refuse to do this.

What does mobility assistance mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance.

If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle.

If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle.

The driver must also offer to load the passenger's luggage into and out of the vehicle.

What if my licensing authority does not intend to keep a list of designated vehicles?

If a licensing authority does not intend to maintain a list of designated vehicles then the duties will not apply; the duties only apply to drivers of vehicles which are on the licensing authority's list of designated vehicles.

What if I have a back condition which makes it impossible for me to help a passenger in a wheelchair get into a cab?

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties.

It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

As an absolute minimum we expect the evidence provided should be in the form of a letter or report from your general practitioner.

Who decides if a driver is exempt?

The local licensing authority decides if a driver should be exempt from the duties.

What if the licensing authority says that I am ok to carry out the duties and I disagree?

The legislation allows a driver to appeal to the Magistrates' Court within 28 days if the licensing authority decides not to issue an exemption certificate.

How will passengers know that I am exempt from the duties to assist passengers?

The Department for Transport have issued special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

What is classed as a wheelchair accessible vehicle?

Wheelchair accessibility regulations for access to public transport use a specific "reference wheelchair". The reference wheelchair has:

- total length of 1200mm, including extra-long footplates
- total width of 700mm
- sitting height (from ground to top of head) of 1350mm
- height of footrest above floor of 150mm

The vehicle should be capable of carrying a passenger in their wheelchairs should they prefer.

Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance.

