



### **Important information regarding the introduction of the Equality Act 2010 and its impact on taxi and PHV drivers**

The Equality Act 2010 includes some provisions relating specifically to taxis and private hire vehicles (PHVs) and disability.

Based on guidance issued by the Department for Transport (DfT) in September 2010, this Notice provides further information for London's taxi and PHV drivers. More detailed information about the Equality Act and its impact on the taxi and private hire trades can be found on the DfT website: [www.dft.gov.uk](http://www.dft.gov.uk).

#### **Duties on drivers to assist passengers in wheelchairs**

The new Act will place 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 TfL's list of 'designated vehicles'. TfL will provide further details in the coming weeks about which vehicles are designated as wheelchair accessible but it will certainly include all taxis.

These requirements will not come into force before April 2011 and the Government will make a further announcement in due course. However, before then 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.

#### **What are the duties?**

The duties being placed on the drivers of designated wheelchair accessible taxis and PHVs are:

- 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.

### **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 I have a back or other medical condition which makes it impossible for me to help a passenger in a wheelchair get into a cab?**

The 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 the duties outlined above.

If you drive a wheelchair accessible taxi or PHV and you want to apply for an exemption you will need to complete form TPH/209 and provide supporting medical evidence. The form can be obtained on request from London Taxi and Private Hire.

Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist (consultant) medical practitioner. It is therefore expected that evidence from a specialist will be provided with an exemption application.

Your application will be considered by TfL and you will be advised in writing of our decision. The legislation allows you to appeal to the magistrates' court within 28 days if TfL decides not to issue an exemption certificate.

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

The DfT will be issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from the duties. London Taxi and Private Hire will issue the Notices to exempted drivers in advance of the duties coming into force.

## **Guide Dogs**

On 1 October 2010 the duties placed on taxi and PHV drivers and on PHV operators to carry guide dogs and other assistance dogs transferred from the Disability Discrimination Act 1995 to the Equality Act 2010.

In practice, the duties will remain exactly the same as they are now.

Any driver who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. All existing Exemption Notices and Certificates issued under the Disability Discrimination Act will remain in force as though they had been made under the Equality Act 2010.

## **Disability Discrimination**

Notwithstanding the new duties that the Equality Act will introduce, it remains the law that drivers cannot discriminate against disabled people. Discrimination includes:

- refusing or deliberately not providing a service to a disabled person because they are disabled;
- offering a service at a lower standard or on different terms to a disabled person because they are disabled;
- failing to make reasonable adjustments for a disabled person.

To many disabled people taxis and PHVs are a vital link in the transport chain and expect taxis to stop for them when hailed; not to be charged for the time it takes to deploy wheelchair ramps; PHV operators to accept their booking; and drivers to offer assistance where it is required.

In maintaining the reputation of London's taxi and private hire trades, all drivers and operators are expected to provide the best possible customer service at all times.



**John Mason**  
**Director Taxi and Private Hire**

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