



# **List of Wheelchair Accessible Taxi and Private Hire Vehicles Guidance for Drivers**

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## Introduction

The Equality Act 2010 provides Local Authorities with the discretion to produce a list of designated wheelchair accessible taxi and private hire vehicles. Drivers of those vehicles listed are required to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra. The Department for Transport recommended that Local Authorities adopted these lists as it will enable wheelchair users to travel with confidence.

At the meeting of the Regulatory Functions Board on 31 October 2018, the Board decided to adopt a list of designated wheelchair accessible taxi and private hire vehicles under the Equality Act 2010.

The list is scheduled to be published on **31 May 2019**. From the date of publication, drivers of those vehicles listed will be required to comply with the statutory duties detailed in the below section on "Driver Responsibilities". A driver who fails to comply with the statutory duties will be committing an offence unless they have an exemption granted by the Regulatory Functions Board.

## List of designated vehicles

On 31 May 2019, Renfrewshire Council will publish on its website a list of all designated wheelchair accessible taxi and private hire vehicles. The list will provide the following details for each vehicle:

- Licence number;
- The make, model and colour of the vehicle;
- Whether the vehicle is a taxi or private hire car;
- The name of the operator; and
- A contact telephone number to enable the public to make bookings (if provided by the operator).

This information is being made publicly available to assist wheelchair users to hire vehicles that meet their needs and to make them aware of their rights. The list will be kept under review by Renfrewshire Council to ensure it is up to date.

## Driver Responsibilities

Once the list of designated wheelchair accessible taxis and private hire vehicles has been published, the drivers of designated vehicles will have the following legal duties:

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

The Equality Act 2010 defines mobility assistance as:

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

All drivers should familiarise themselves with the obligations imposed by the above duties.

It should be noted that drivers are required to take necessary steps to ensure that wheelchair passengers are carried in safety and reasonable comfort. Accordingly, drivers should ensure that they are satisfied that they know how to use the restraint harness or mechanism correctly and safely in the vehicle(s) they drive and are able to load and unload a wheelchair safely. All safety restraints available must be offered to all wheelchair passengers including seatbelt restraints designed for wheelchair passengers.

It will be a criminal offence for a driver of a designated vehicle to fail to comply with the above duties unless an exemption has been granted by the Regulatory Functions Board.

## Applying for exemptions

### Exemption requirements

Renfrewshire Council can only issue exemption certificates if satisfied that:

- There are medical grounds why a driver cannot perform the statutory duties; or
- The drivers' physical condition makes it impossible or unreasonably difficult for the driver to comply with the statutory duties.

The maximum length of time that exemption will be granted is the duration of a current licence. When a driver renews a licence, they must also make an application for a new exemption if they wish to remain exempt from the statutory duties.

## Process for exemption

Drivers who wish to apply for an exemption must complete the application form which is available on the Council's website. Applications should be accompanied by medical reports which provide full details on why the grounds for exemption applies to the driver.

Applications for exemptions will be referred to the Regulatory Functions Board for determination. The Council may also refer applicants to occupational health consultants to assess a drivers' fitness to carry out the statutory duties.

If an exemption is not granted by the Regulatory Functions Board then drivers will be entitled to appeal the decision to the Sheriff Court. The below section on "Appeals" provides further information.

**If a driver drives a vehicle that is not on the list of designated wheelchair accessible taxi or private hire vehicles (ie the vehicle driven is not wheelchair accessible) then an exemption is not required.**

## Medical evidence

Any application for an exemption should be accompanied by medical reports which provide full details on why the grounds for exemption applies to the driver. When the reason for exemption relates to a long-term condition, it is preferable that evidence comes from professionals who are specifically trained in the relevant medical area. A letter from a general practitioner may not be sufficient evidence that the grounds for exemption apply.

## Completing the exemption application form

The application form for exemption ask drivers to provide information including contact details, details on the licence held and the ground which the driver believes applies to them.

In addition to the general information, the following specific questions are asked:

- Length of exemption applied for:  
*Most applications for exemptions will be for the full period of licence. However, there may be situations where there are short term medical grounds (such as a minor injury) which results in a driver being unable to comply with the statutory duty. In these circumstances, the driver should tick the shorter period and specify the length.*

- Provide details of the medical evidence:

*The details which should be provided here are the name of the doctor/specialist who has provided a report and the date of the report. This will allow the Council to ensure that all the reports have been received and help minimise any unnecessary delay.*

## Demonstrating exemptions

If an exemption is granted by the Regulatory Functions Board then an exemption certificate and a notice of exemption for display will be issued.

The notice of exemption must be displayed in the wheelchair accessible vehicle when driven by a driver who has been issued an exemption certificate. Failure to display the notice of exemption may result in prosecution if the driver does not comply with the statutory duties.

Only a driver who has been issued an exemption certificate is entitled to display a notice of exemption. A driver who has not been issued an exemption certificate must not display another drivers' notice of exemption when driving.

## Appeals

Section 172 of the Equality Act enables drivers to appeal against the decision of Renfrewshire Council not to issue an exemption certificate. The appeal should be made to the Sheriff Court and must be made within 28 days beginning with the date of refusal.