

# The Equality Act 2010

Section 165 of the Equality Act 2010 imposes duties upon the drivers of designated vehicles when dealing with disabled passengers travelling in wheelchairs or a person who wishes to be accompanied by a disabled person in a wheelchair. Those duties are set out in Section 165(4) as follows:

- 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

Section 165(7) of the Act creates an offence where the driver of a designated taxi or private hire vehicle fails to comply with a duty imposed upon them under the section. This is punishable on summary conviction by a fine not exceeding scale 3 on the standard scale (currently £1,000)

Section 166 of the Act makes provision for licensing authorities to issue exemptions to drivers where they are satisfied it is appropriate to do so:

- On medical grounds; or
- On the ground that the person's physical conditions makes it impossible or unreasonably difficult for the person to comply with those duties.

A driver will only be exempt therefore if an exemption certificate has been issued and notice of exemption issued by the Council is exhibited on the vehicle in the prescribed manner. There are currently **no** drivers with exemptions.

Vehicles shown on this list are known to be capable of carrying a wheelchair of maximum size 120x70cm and max combined weight (passenger and chair) of 300kg. Some may be capable of carrying larger or heavier wheelchairs. However, this will be at the discretion of the driver.

If you feel that a driver has acted unlawfully by refusing to carry you please contact us online or telephone 01992 785593, with the following details:

- plate number (found on the rear of the vehicle)
- if possible, the driver's badge number. Drivers must wear their badges whilst at work.

Please note that the listed vehicles are those which can carry a person who remains seated in their wheelchair.

All vehicles licensed by Broxbourne Borough Council but **not listed** may be capable of carrying a passenger who can transfer from their wheelchair depending on the passenger's preference. All vehicles have sufficient boot space to accommodate a folded wheelchair. Drivers of these other licensed vehicles are not subject to section 165 of the Equality Act 2010.

We hold publish two lists, one which details all wheelchair accessible vehicles (including those solely used for example for school contracts) and one which holds contact details of drivers as they are able (subject to availability) to be booked for hire for members of the public.