

The Disability Discrimination Act 1995 (DDA)

What does it mean for taxi and Private Hire Vehicle Operators and Drivers?

The Government is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.

Taxis and Private Hire Vehicles (PHVs) are a vital link in the accessible transport chain and disabled people tend to use them more frequently than the general public¹.

There are two sections of the DDA that have implications for taxi and PHV operators and drivers:

Part 3

Part 3 of the DDA gives disabled people a "right of access" to goods, services and facilities. Transport infrastructure, such as stations and airports, is already covered by these provisions but there is a specific exemption for transport services. This means that none of these provisions currently apply to taxis or PHVs.

However, the Government has included measures to remove this exemption in the forthcoming Disability Discrimination Bill. It is proposed to lift the transport exemption for public transport (trains, buses, coaches, taxis and PHVs), car hire, breakdown and leisure and tourism transport services. Consultation on the draft regulations giving effect to these measures will be undertaken in due course.

Once enacted, it will be illegal for taxi and PHV operators and drivers to:

- **discriminate** against disabled people - for example by refusing to allow a wheelchair user to board a taxi, even though the vehicle might otherwise be accessible to them;
- treat disabled people **less favourably** - for example by charging more for a service; or
- fail to make a **reasonable adjustment** to the way they provide their service - for example by having a pen and paper available to assist communication with deaf or hearing impaired passengers.

The Disability Rights Commission will be producing a new Code of Practice outlining what the new duties will mean for transport service providers as they already have for other service providers (see Bibliography). We expect this to be available around 12 months in advance of the new duties being implemented. NATPHLEO have been asked to join the Reference Group being set up by the DRC to inform the development of the Code.

¹ Attitudes of Disabled People to Public Transport, MORI (on behalf of the Disabled Persons Transport Advisory Committee), 2002. Available from www.dptac.gov.uk/research/act/index.htm.

Part 5

Part 5 of the DDA allows the Government to make regulations requiring all new land-based public transport vehicles - trains, buses, coaches and taxis - to be accessible to disabled people, including those who need to remain in wheelchairs. Regulations are already in place for trains, buses and coaches and proposals for taxis have been announced². There are no powers to introduce accessibility regulations for PHVs.

It is important to note that drivers of licensed taxis and operators and drivers of licensed PHVs already have a duty to carry assistance dogs and accept bookings (in the case of PHV operators) under Sections 37 and 37A of the DDA. More information on these duties can be found in the Department's suite of literature (see Bibliography).

Bibliography

Carriage of Assistance Dogs in Taxis - Guidance for Licensing Authorities, DETR, November 2000. Available from www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_503287.hcsp

Carriage of Assistance Dogs in PHVs - Guidance for Licensing Authorities, DfT, November 2003. Also available from www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_026627.hcsp

Disability Discrimination Act 1995, TSO, 1995, £9.55, ISBN 0-10-545095-2. Also available from www.hmso.gov.uk/acts/acts1995/1995050.htm

Draft Disability Discrimination Bill, Department for Work and Pensions, December 2003, £15.50, Cm 6058, ISBN 0-10-160582-X. Also available from www.disability.gov.uk/legislation/ddb/draft-ddb.asp

Rights of Access to Goods, Facilities, Services and Premises - Code of Practice, Disability Rights Commission, May 2002, £13.95, ISBN 0-11-702860-6. Also available from www.drc-gb.org/publicationsandreports/publicationdetails.asp?id=223§ion=access

Useful Contacts

DfT Mobility and Inclusion Unit - 020 7944 8021 (www.dft.gov.uk)
DfT Buses and Taxis Division - 020 7944 2278 (www.dft.gov.uk)
Disability Rights Commission - 08457 622633 (www.drc.org.uk)

² Written Statement made in the House of Commons on 28 October 2003 by Tony McNulty, Parliamentary Under-Secretary of State for Transport. Available from www.dft.gov.uk/stellent/groups/dft_mobility/documents/page/dft_mobility_025242-01.hcsp#P20_442