



Llywodraeth Cymru
Welsh Government

PUBLICATION

Taxi and private hire vehicles: Equality Act medical exemption policy

Legal duties on licensed drivers when transporting disabled passengers.

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Hackney Carriage and Private Hire Driver Equality Act 2010 medical exemptions policy.

The Equality Act 2010 places a number of legal duties on licensed drivers when transporting disabled passengers.

Assistance dogs

The Equality Act 2010 places duties on both licensed Hackney Carriage and Private Hire Vehicle Drivers to carry guide, hearing and other assistance dogs accompanying disabled people, and to do so without additional charge.

These duties apply equally to dogs provided by UK charities affiliated with Assistance Dogs UK, equivalent overseas organisations, or assistance dogs which have been trained by their owners; and regardless of whether the dog is wearing a recognisable harness or jacket, or subject to formal certification. Where a prospective passenger informs a driver that a dog they wish to travel with is an assistance dog, this should be accepted at face value.

Assistance dogs are trained to ride with their owner in the main passenger compartment of a vehicle, usually lying at their feet, and the owner will instruct their dog to enter and exit the vehicle. Passengers with assistance dogs should

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be asked if they have any preference over which seat they sit in the vehicle – some may prefer to sit in the front passenger seat of a saloon vehicle, as the larger footwell can offer more space for the dog to sit in. Drivers should be prepared to provide any other reasonable assistance requested by the passenger; however it is unlikely that assistance dogs will require assistance in entering or exiting most vehicles beyond opening the passenger door. Drivers should not try to separate assistance dogs from their owners by insisting that the dog rides in a different part of the vehicle – doing so may cause distress to both the dog and the owner. Assistance dogs may ride in the rear load space of an estate car, if the dog’s owner consents to this.

Assistance dogs are bred and selected for their calm nature, and receive substantial specialist training before beginning their roles. They are subject to regular grooming and veterinary health checks. While we recognise that a number of drivers who are not experienced with dogs may feel uneasy at being in such close proximity to one, this does not constitute valid grounds for refusing to carry a passenger with an assistance dog. Similarly, religious beliefs also do not provide grounds for refusing to carry assistance dogs in taxis and private hire vehicles, nor other legal requirements under UK law.

Drivers with certain medical conditions that are aggravated by exposure to dogs may be exempted from these requirements on medical grounds.

Exemption from carrying assistance dogs which accompany disabled persons, can only be sought on medical grounds.

Therefore, applicants will need to demonstrate the grounds for applying this exemption by providing medical evidence to the licensing authority.

The main reasons a hackney carriage or private hire vehicle driver may wish to apply for a medical exemption are:

1. if they have a condition such as severe asthma, that is aggravated by contact with dogs;
2. if they are allergic to dogs; or
3. if they have an acute phobia to dogs.

The licensing authority, therefore, expects the number of drivers likely to be eligible for an exemption to be very low.

To apply for an exemption for the carriage of assistance dogs, Form A must be completed by a Specialist Medical Practitioner.

Examples of suitable medical professionals include, but are not limited to:

1. specialist / consultant
2. specialist nurse (for example, an asthma nurse)
3. practice nurses
4. the council's nominated independent doctor

In exceptional circumstances, but only where no other alternatives are available, the licensing authority may consider evidence from the applicant's General Practitioner.

The form must be accompanied by sufficient evidence of the allergy e.g. allergen test results, clinical history etc. A simple statement from a medical professional will not be considered as sufficient for the purpose of the exemption request.

If a driver has a chronic phobia to dogs, the licensing authority would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption.

The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

If an exemption from carrying assistance dogs is granted, an exemption certificate and badge as prescribed by law will be issued to the driver.

An exemption will be granted for a specified period of time as determined by the licensing authority.

Consideration will be given to the type of Hackney Carriage vehicle that will be driven. Particular consideration will be given to the interior of the vehicle, and whether the vehicle has a partition separating the driver from the assistance dog and passenger.

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The prescribed exemption badge must be clearly displayed at all times in any Hackney Carriage or Private Hire vehicle that the exempt driver will be driving, and made available to an Authorised Officer on request.

In the absence of a medical exemption certificate from the licensing authority, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog.

Wheelchairs

The Equality Act 2010 places duties on both licensed Hackney Carriage and Private Hire Vehicle Drivers who operate Wheelchair Accessible Vehicles to carry passengers in a wheelchair and provide assistance to ensure safety and reasonable comfort, and to do so without any additional charge.

The types of assistance that may be required include:

- If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get in and out of the vehicle and secure the wheelchair in accordance to the vehicle specification.
- 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 together with any luggage.

A driver who fails to comply with any of the above duties without valid defence will commit a criminal offence, and may be fined up to £1,000 for each offence on conviction. Offences may also lead to revocation or suspension of taxi licences.

A 'reference wheelchair' is defined in statute as having the following dimensions:

- Length: 1200mm (approx. 48") including footplates
- Width: 700mm (28")

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- Total seated height: 1350mm (54")
- Height of footrest: 150mm (6")

It is anticipated that the above dimensions for a reference wheelchair will cover the majority of manual wheelchairs – however, we recognise that some wheelchairs with specialist functionality, or motorised wheelchairs and mobility scooters, may exceed these dimensions and may not be able to be loaded and carried safely in all designated taxis. In such cases, drivers will be expected to assess whether the passenger can be safely carried in their vehicle, to carry the passenger if their safety and reasonable comfort can be assured, or to assist them in locating a suitable alternative vehicle otherwise, where this is practicable. Such circumstances may constitute a defence to an offence mentioned above.

In all cases, we expect drivers to treat passengers with respect and sensitivity, and to provide a clear explanation to the passenger as to why they have not been able to convey them.

Certain medical grounds may exist meaning the driver cannot provide assistance, for example where a person's physical condition makes it impossible, or reasonably difficult, to assist passengers in a particular type of wheelchair.

Given that the main reasons for a hackney carriage or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related injuries, which are not likely to be conducive to driving for long periods, the licensing authority expect the number of drivers likely to be eligible for an exemption to be low.

To apply for an exemption to the carriage of wheelchairs and offering assistance, Form B must be completed. The form must be completed by the applicant's General Practitioner or other Specialist Medical Practitioner, and must be accompanied by sufficient evidence such as a full diagnosis, details of ongoing investigations etc. A simple statement from a medical professional will not be considered as sufficient for the purpose of the exemption request. Any costs incurred in this process will be borne by the applicant.

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Licensing authority decision

The licensing authority will reach a decision based on the information from the medical form and associated reports. If the form or report is ambiguous in any way a decision will not be made and further information will be sought from the applicant's specialist medical practitioner seeking a clear response.

Applicants that have a temporary condition will be granted a time limited exemption certificate. If the applicant wishes to extend the period of exemption a further medical assessment (using the form in Appendix A) will need to be completed prior to the expiration of the exemption certificate.

If an extension to a temporary certificate has not been sought, drivers will be expected to resume normal duties under the Equality Act 2010 once the exemption certificate has been expired.

Drivers issued with a temporary medical exemption certificate must return it to the licensing authority within one working day after the expiry of the certificate.

Appeal

Any driver aggrieved by the licensing authority's decision to refuse the issue of a medical exemption certificate may appeal to the Magistrates' Court within 28 days of the date of the refusal.

About this document

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