



**STATEMENT OF POLICY AND GUIDELINES
RELATING TO A WHEELCHAIR EXEMPTION
CERTIFICATE**

INTRODUCTION

The Government is committed to an accessible public transport system in which disabled people can enjoy the same opportunities to travel as other members of society. Hackney Carriage and Private Hire Vehicles are a vital link in the accessible transport chain and it is important that disabled people who use wheelchairs have confidence that the driver of a Hackney Carriage or Private Hire Vehicle will assist them at no extra charge.

The Equality Act 2010 places the following duties on the drivers of wheelchair accessible Private Hire and Hackney Carriage Vehicles:

- Carry a passenger while in a wheelchair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair separately
- 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.

EXEMPTION CERTIFICATES

Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.

Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt a driver from the duties to assist passengers in wheelchairs if we are satisfied that it is appropriate to do so on medical or physical grounds. The exemption will be valid in accordance with the recommendation of a medical professional taking into account the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties to assist wheelchair using passengers.

APPLICATION PROCESS FOR AN EXEMPTION CERTIFICATE

Any driver seeking an exemption must complete an application form. An application from a driver seeking a short term exemption must be supported by a Medical Assessment form completed by a General Practitioner in the medical practice to which the driver is registered. In accordance with Statutory Guidance a driver seeking a long term exemption may be required to obtain a medical assessment from a Specialist Medical Practitioner.

The application will be considered by a Licensing Officer. There may be circumstances where the officer considers it appropriate to refer the application to the Regulatory Panel.

If the exemption application is successful then the Licensing Authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. If the exemption application is unsuccessful the Licensing Authority will inform the applicant of the reason/s for the refusal within 14 days of the decision.

A driver may appeal against the decision of the Licensing Authority to refuse to issue an exemption certificate. That appeal should be made to the Magistrates Court within 28 days beginning with the date of the refusal.

Where a driver has been exempted from the duties under section 165 of the Equality Act 2010 to assist wheelchair using passengers, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Equality Act 2010. Only one exemption notice should be displayed in a vehicle at any one time.