



Department
for Transport

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Dear Local Licensing Authority officers,

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022: Actions required of local authorities ahead of coming into force on 28 June

On 28 June, the [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (“The 2022 Act”) will take effect in England, Scotland, and Wales¹. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.

We will shortly publish a revised version of our 2017 guidance, [Access for Wheelchair Users to Taxis and Private Hire Vehicles](#), for licensing authorities. This will set out our advice and recommendations on implementing the duties under the taxi and PHV section of the Equality Act. However, given the tight timescales, I wanted to write to you now to highlight the key actions you will need to take in advance of the new requirements applying on 28 June.

Lists of Wheelchair Accessible Vehicles (WAVs)

From 28 June, **all** licensing authorities must maintain and publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties at section 165 on providing assistance to wheelchair users and refraining from charging extra for this.

For those authorities which don't already maintain **and** publish such a list, we recommend you start preparing as soon as possible to comply by:

¹ The Act received Royal Assent on 28 April.

- Collating details of the WAVs in the taxi and PHV fleets you regulate, ensuring that respective drivers and operators are aware of their vehicles' inclusion, and the practical implications of this; and
- Once ready, publish the list or lists on your website, ensuring that content is accessible to disabled users and is easily discoverable.

When considering which vehicles to include on your list, you should pay regard to the [2017 guidance](#).

Exemptions

Currently, drivers of designated WAVs may apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties. Exemptions are currently granted from all of the duties at section 165.

As a result of the new Act, from 28 June:

- All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).
- Both existing and new exemption notices, when displayed correctly, will exempt a driver **only** from the **mobility assistance** duties at sections 164a and 165 – meaning, for example, that a driver's medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

We recommend you prepare by:

- Ensuring you have an appropriate and transparent policy in place for inviting applications and then issuing exemption certificates and notices, where you are satisfied that it is appropriate to do so on medical or physical grounds. We recommend that drivers provide evidence to support their application, preferably from an independent medical professional.
- Informing all of the drivers you license that they will shortly be subject to the new duties introduced by the 2022 Act, and that any who consider themselves medically or physically unfit to perform the mobility assistance duties and who do not already hold an exemption should contact the authority to seek an exemption as a matter of urgency.
- Informing drivers who currently hold an exemption notice that the notice will continue to remain valid until replaced or withdrawn by the authority, and that, regardless of the notice wording, from 28 June it will exempt drivers **only** from the **mobility assistance** duties at new sections 164a and 165.

New requirements for drivers and operators

The existing legislation requires drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. From 28 June, **all** taxi and PHV drivers and operators – regardless of whether the vehicle is wheelchair accessible – will be subject to duties under the Equality Act. The main changes are set out below.

Taxi and PHV drivers will be required to:

- Accept the carriage of **any** disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

PHV operators will be required to:

- Accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.

Further information on these duties can be found in the 2022 Act's [Explanatory Notes](#).

We recommend you prepare by:

- Communicating with operators and drivers to ensure that they understand the new requirements, and the enforcement action the authority will take in response to any non-compliance.
- Updating any internal guidance you may use to support both reactive and proactive enforcement of the Equality Act provisions.

Disabled people should be able to travel by taxis and PHVs free from any fear of discriminatory treatment. The changes introduced through the 2022 Act will provide disabled passengers with the reassurance that they will receive appropriate assistance, wherever they travel, without being charged extra, and I am grateful to you for taking prompt action to ensure these duties are implemented effectively.

Yours sincerely,



Ruth Harper
Deputy Director, Accessible and Inclusive Travel