

Dual Driver/Hackney Carriage Driver/Private Hire Driver Wheelchair Accessible Vehicle - Exemption Application Form Equality Act 2010

The Council maintains a list of designated wheelchair accessible vehicles in accordance with Section 167, Equality Act 2010. Section 165 of the Act places duties on the drivers of designated wheelchair accessible hackney carriages and private hire vehicles. (The duties are set out in the attached extracts from the Act) A driver of a designated vehicle commits an offence by failing to comply with one or more of the duties and could be liable on conviction to a fine of up to £1000.

However, Section 166 of the Act allows licensing authorities to exempt drivers from these duties, if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Please complete the form in **block capitals**, and ensure that your answers are inside the boxes and written in **black ink**. All sections must be completed.

Please indicate below which Licensing Authority you are applying to for exemption

Tunbridge Wells Borough Council		Maidstone Borough Council		Sevenoaks District Council	
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Section 1: Driver details

Full name:					
Date of birth:		Badge number:			
Home address:					
Telephone number:		Email address:			

Section 2: Vehicle details

Plate number		Registration number			
Make & Model					

(continue on a separate sheet if necessary)

Section 3: Exemption details

Which exemption are you applying for? <i>(tick as applicable)</i>	
<input type="checkbox"/> s.166(3) - Duty to load/assist passengers in wheelchairs (hackney carriage driver)	
<input type="checkbox"/> s.166(4) - Duty to load/assist passengers in wheelchairs (private hire driver)	
<input type="checkbox"/> Lifetime exemption	<input type="checkbox"/> Temporary exemption <i>(please specify anticipated end date):</i>

Section 4: Medical/physical condition

State in the box below why you are applying for exemption from the duties indicated above; including details of any medical or physical conditions that are relevant to this application and how they affect your ability to safely carry out those duties:

(continue on a separate sheet if necessary)

The attached Medical Assessment Form must be completed by a GP or Consultant who is treating you for the conditions described above and who has full access to your medical history.

The Council may also need to contact your GP or Consultant to obtain further information about your condition and treatment. Please confirm your consent below.

- I consent to licensing officers contacting the GP or Consultant and to the release of relevant medical information relating to this application to the Council.

Section 5: Declaration and signatures

- The information I have given in this form is true and accurate in all material respects.
- I understand that making an application for an exemption certificate does not guarantee that an exemption will be granted and that I must continue to carry out the statutory duties until I am granted and receive an exemption certificate.

Signed:

Name:

Date:

Please return your completed forms to the relevant licensing authority:

Licensing Team Tunbridge Wells Borough Council Town Hall Royal Tunbridge Wells Kent TN1 1RS	Licensing Team Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ	Licensing Team Sevenoaks District Council Council Offices Argyle Road Sevenoaks Kent TN13 1HG
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Extract from the Equality Act 2010

165 Passengers in wheelchairs

- (1) This section imposes duties on the driver of a designated taxi which has been hired—
 - (a) by or for a disabled person who is in a wheelchair, or
 - (b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.
- (2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.
- (3) For the purposes of this section—
 - (a) a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167;
 - (b) “the passenger” means the disabled person concerned.
- (4) The duties are—
 - (a) to carry the passenger while in the wheelchair;
 - (b) not to make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) to give the passenger such mobility assistance as is reasonably required.
- (5) Mobility assistance is assistance—
 - (a) to enable the passenger to get into or out of the vehicle;
 - (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - (c) to load the passenger's luggage into or out of the vehicle;
 - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- (6) This section does not require the driver—
 - (a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;
 - (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.
- (7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—
 - (a) the vehicle conformed to the accessibility requirements which applied to it, but
 - (b) it would not have been possible for the wheelchair to be carried safely in the vehicle.
- (10) In this section and sections 166 and 167 “private hire vehicle” means—
 - (a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
 - (c) a vehicle licensed under an equivalent provision of a local enactment;

- (d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

166 Passengers in wheelchairs: exemption certificates

- (1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 165 (an “exemption certificate”) if satisfied that it is appropriate to do so—
 - (a) on medical grounds, or
 - (b) on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.
- (2) An exemption certificate is valid for such period as is specified in the certificate.
- (3) The driver of a designated taxi is exempt from the duties imposed by section 165 if—
 - (a) an exemption certificate issued to the driver is in force, and
 - (b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.
- (4) The driver of a designated private hire vehicle is exempt from the duties imposed by section 165 if—
 - (a) an exemption certificate issued to the driver is in force, and
 - (b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.
- (5) For the purposes of this section, a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167.
- (6) In this section and section 167 “licensing authority” , in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area.