

Dual Driver/Hackney Carriage Driver/Private Hire Driver Assistance Dog - Exemption Application Form Equality Act 2010

Sections 168 & 170 of the Equality Act 2010 place duties on the drivers of hackney carriages (taxis) and private hire vehicles to carry assistance dogs in the vehicle. The duties are set out in the attached extract from the Act.

A driver of a taxi or a private hire 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, Sections 169 & 171 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.

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	
------------------------------------	--	------------------------------	--	-------------------------------	--

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	<i>(continue on a separate sheet if necessary)</i>				
Vehicle type	<input type="checkbox"/> Saloon <input type="checkbox"/> Estate <input type="checkbox"/> MPV <input type="checkbox"/> Minibus/van <input type="checkbox"/> Other: _____				
Does this vehicle have a privacy screen, separating the driver from passengers?					<input type="checkbox"/> Yes <input type="checkbox"/> No

Section 3: Exemption details

Which exemption are you applying for? <i>(tick as applicable)</i>
<input type="checkbox"/> s.169 – Duty to carry assistance dogs in taxi (hackney carriage driver) <input type="checkbox"/> s.171 – Duty to carry assistance dogs in private hire vehicle (private hire driver)
<input type="checkbox"/> Lifetime exemption <input type="checkbox"/> Temporary exemption <i>(please specify anticipated end date):</i>

Section 4: Medical condition

State in the box below why you are applying for exemption from the duties indicated above; including details of the medical conditions that are relevant to this application:

(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
--	---	--

Extract from the Equality Act 2010

168 Assistance dogs in taxis

- (1) This section imposes duties on the driver of a taxi which has been hired—
 - (a) by or for a disabled person who is accompanied by an assistance dog, or
 - (b) by another person who wishes to be accompanied by a disabled person with an assistance dog.
- (2) The driver must—
 - (a) carry the disabled person's dog and allow it to remain with that person;
 - (b) not make any additional charge for doing so.
- (3) The driver of a taxi commits an offence by failing to comply with a duty imposed by this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

169 Assistance dogs in taxis: exemption certificates

- (1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 168 (an “exemption certificate”) if satisfied that it is appropriate to do so on medical grounds.
- (2) In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the taxi which the person drives or those of any kind of taxi in relation to which the person requires the certificate.
- (3) An exemption certificate is valid—
 - (a) in respect of a specified taxi or a specified kind of taxi;
 - (b) for such period as is specified in the certificate.
- (4) The driver of a taxi is exempt from the duties imposed by section 168 if—
 - (a) an exemption certificate issued to the driver is in force with respect to the taxi, and
 - (b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.

The power to make regulations under paragraph (b) is exercisable by the Secretary of State.

- (5) In this section “licensing authority” means—
 - (a) in relation to the area to which the Metropolitan Public Carriage Act 1869 applies, Transport for London;
 - (b) in relation to any other area in England and Wales, the authority responsible for licensing taxis in that area.

170 Assistance dogs in private hire vehicles

- (1) The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle—
 - (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
 - (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.
- (2) The operator commits an offence by making an additional charge for carrying an assistance dog which is accompanying a disabled person.
- (3) The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator—
 - (a) if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and

- (b) the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In this section—
- “driver” means a person who holds a licence under—
 - (a) section 13 of the Private Hire Vehicles (London) Act 1998 (“the 1998 Act”),
 - (b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), or
 - (c) an equivalent provision of a local enactment;
 - “licensing authority” , in relation to any area in England and Wales, means the authority responsible for licensing private hire vehicles in that area;
 - “operator” means a person who holds a licence under—
 - (a) section 3 of the 1998 Act,
 - (b) section 55 of the 1976 Act, or
 - (c) an equivalent provision of a local enactment;
 - “private hire vehicle” means a vehicle licensed under—
 - (a) section 6 of the 1998 Act,
 - (b) section 48 of the 1976 Act, or
 - (c) an equivalent provision of a local enactment.

171 Assistance dogs in private hire vehicles: exemption certificates

- (1) A licensing authority must issue a driver with a certificate exempting the driver from the offence under section 170(3) (an “exemption certificate”) if satisfied that it is appropriate to do so on medical grounds.
- (2) In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the private hire vehicle which the person drives or those of any kind of private hire vehicle in relation to which the person requires the certificate.
- (3) An exemption certificate is valid—
- (a) in respect of a specified private hire vehicle or a specified kind of private hire vehicle;
 - (b) for such period as is specified in the certificate.
- (4) A driver does not commit an offence under section 170(3) if—
- (a) an exemption certificate issued to the driver is in force with respect to the private hire vehicle, and
 - (b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.

The power to make regulations under paragraph (b) is exercisable by the Secretary of State.

- (5) In this section “driver”, “licensing authority” and “private hire vehicle” have the same meaning as in section 170.