

## Equality Act 2010

### Licensing, Bath & North East Somerset Council

### Hackney Carriage/Private Hire Driver

### Application for Medical Exemption Certificate

Please write legibly in **block capitals**, and ensure that your answers are inside the boxes and written in **black ink**. All questions must be answered. Incomplete forms will not be processed.

You may wish to keep a copy of the completed form for your records.

#### Section 1: Driver details

Full name:			
Date of birth:	/ /	Badge number:	
Home address:			
Daytime phone number:		Email address:	

#### Section 2: Exemption details

Which exemption(s) are you applying for? (*tick as applicable*)

- s.166(3) – Duty to load/assist passengers in wheelchairs (hackney carriage driver)  
 s.166(4) – Duty to load/assist passengers in wheelchairs (private hire driver)
- s.169 – Duty to carry assistance dogs in taxi (hackney carriage driver)  
 s.171 – Duty to carry assistance dogs in private hire vehicle (private hire driver)
- Lifetime exemption     Temporary exemption (please specify anticipated end date: \_\_\_\_\_)

#### Section 2: Medical/physical condition

Please summarise why you believe you should be issued a medical exemption certificate from the duties indicated above. Please include details of any applicable medical condition(s) or physical condition(s) that are relevant to this request, and how they affect your ability to safely carry out the duty(ies):

*Continue on a separate sheet if necessary*

### Section 3: Doctor(s) details

To enable the Council to consider your application, we require statements from a doctor treating you for the condition(s) you have mentioned above, confirming the impact of those conditions on your ability to work as a taxi/private hire driver, and on your ability to safely carry out the duties you have requested an exemption from. You will need to obtain these and submit them with your application.

I enclose a statement(s) from a doctor(s) treating me for the above-mentioned condition(s).

We may also need to contact your doctor(s) to obtain further information from them about your condition and treatment. Please provide their contact details below:

GP	Specialists/Consultants	
Name:	Name:	Name:
Address:	Address:	Address:
	Specialist/Consultant in:	Specialist/Consultant in:

I consent to B&NES Council contacting my doctor(s), and to the release of relevant medical information relating to this exemption application to B&NES Council.

*Please note: As part of the application process, you may be required to attend an assessment with an independent doctor or occupational therapist. A charge may be payable for this.*

### Section 4: Vehicle details

Please give details of the licensed vehicle(s) that you usually drive: *(Use a separate sheet for multiple vehicles)*

Plate number	HC/PH	Registration number	
Make/Model			
Vehicle type	<input type="checkbox"/> Saloon <input type="checkbox"/> Estate <input type="checkbox"/> MPV <input type="checkbox"/> Purpose Built		
Is this vehicle constructed/adapted to safely carry passengers in wheelchairs?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Does this vehicle have a privacy screen, separating the driver from passengers?			<input type="checkbox"/> Yes <input type="checkbox"/> No

### 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 unless and until I am granted and receive an exemption certificate.
- I consent to the Council making further medical enquiries to the doctors listed above.

Signed:		Print name:		Date:	
---------	--	-------------	--	-------	--

Please return your completed form, along with statements from your doctor(s), to:

**licensing@bathnes.gov.uk or B&NES Licensing, Lewis House, Bath, BA1 3JG**

## **Extracts 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.

### **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.

### **172 Appeals**

- (1) A person who is aggrieved by the refusal of a licensing authority in England and Wales to issue an exemption certificate under section 166, 169 or 171 may appeal to a magistrates' court before the end of the period of 28 days beginning with the date of the refusal.
- (2) A person who is aggrieved by the refusal of a licensing authority in Scotland to issue an exemption certificate under section 166 may appeal to the sheriff before the end of the period of 28 days beginning with the date of the refusal.
- (3) On an appeal under subsection (1) or (2), the magistrates' court or sheriff may direct the licensing authority to issue the exemption certificate to have effect for such period as is specified in the direction.
- (4) A person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 167 may appeal to a magistrates' court or, in Scotland, the sheriff before the end of the period of 28 days beginning with the date of the inclusion.