

# Equality Act 2010

## 2010 CHAPTER 15

### PART 12

#### DISABLED PERSONS: TRANSPORT

### CHAPTER 1

#### TAXIS, ETC.

#### **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.

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*Changes to legislation: Equality Act 2010, Section 165 is up to date with all changes known to be in force on or before 19 July 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (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.

#### **Commencement Information**

- 11** S. 165 partly in force; s. 165 not in force at Royal Assent see s. 216; s. 165 in force for certain purposes at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(12\)\(b\)](#) (with [art. 15](#))
- 12** S. 165 in force at 6.4.2017 in so far as not already in force by [S.I. 2017/107](#), [art. 2\(a\)](#)

**Changes to legislation:**

Equality Act 2010, Section 165 is up to date with all changes known to be in force on or before 19 July 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 140B(1) words omitted by [S.I. 2019/469 Sch. 1 para. 17\(6\)](#)
- s. 209(3)(e) inserted by [2018 anaw 2 Sch. 1 para. 19\(4\)](#)
- Sch. 3 para. 17(4)(d) and word omitted by [S.I. 2019/305 reg. 5\(7\)\(b\)\(iii\)\(dd\)](#)
- Sch. 17 para. 6AA and cross-heading inserted by [2018 anaw 2 Sch. 1 para. 19\(5\)\(f\)](#)
- Sch. 17 para. 6F inserted by [2018 anaw 2 Sch. 1 para. 19\(5\)\(h\)](#)
- Sch. 17 para. 3A(1)(a)(b) substituted for words by [2018 anaw 2 Sch. 1 para. 19\(5\)\(d\)\(i\)](#)