**Hackney Carriage / Private Hire Driver**

**Application for an Exemption Certificate - Equality Act 2010**

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| Section 1: Driver details |
| Full name: |  |
| Date of birth: |  |
| Licence number: | LN/ |
| Home address: |  |
| Telephone number: |  |
| Email address: |  |

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| Section 2: Exemption details |
| Which exemption(s) are you applying for? (tick as applicable) |
| 🞎 **Section 166 Disabled passengers: exemption certificates**A certificate exempting you from ‘’the mobility assistance duties’’ being the duty mentioned in section 164A(5)(e) and 165(4)(e):* **164A Disabled passengers**: duties of drivers –

(5)(e) to give the passenger such mobility assistance as is reasonably required* **165 Disabled passengers in wheelchairs**: duties of drivers of designated vehicles –

(4)(e) to give the passenger such mobility assistance as is reasonably required. |
| 🞎 **Section 169 Assistance dogs in taxis: exemption certificates**A certificate exempting you from the duties imposed by section 168:* **168 Assistance dogs in taxis**
1. This section imposes duties on the driver of a taxi which has been hired-
	1. by or for a disabled person who is accompanied by an assistance dog,

Or* 1. by another person who wishes to be accompanied by a disabled person with an assistance dog.
1. The driver must –
	1. carry the disabled person’s dog and allow it to remain with that person;
	2. not make, or propose to make, any additional charge for doing so
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| Section 3: Period of exemption |
| How long do you require an exemption? (tick one option below) |
| 🞎 Temporary exemption until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (specify the anticipated end date) 🞎Until your next medical due date🞎 Lifetime exemption |

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| Section 4: Medical / physical condition |
| Please summarise why you believe you should be issued an exemption certificate from the duties indicated above. Please include details of any applicable medical condition(s) that are relevant to this request, and how they affect your ability to safely carry out the duty/duties. |
| Continue on a separate sheet if necessary |

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| Section 5: Evidence in support of your application |
| To enable the Council to consider your application we require statements from a doctor treating you for the condition(s) you have mentioned above which confirm the impact of those conditions on your ability to work as a hackney carriage / private hire driver and on your ability to safely carry out the duties for which you are requesting an exemption. You will need to obtain these documents and submit them with your application. |
| 🞎 I have enclosed evidence from the doctor(s) treating me for the condition(s) detailed above |

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| Section 6: Doctors details |
| Please provide the name and address of your GP and where applicable, the specialist / consultant treating you for the conditions detailed above. |
| **GP** | **Specialist / Consultant** |
| Name:  | Name:  | Name:  |
| Address: | Address: | Address: |
| Specialist / Consultant in:  | Specialist / Consultant in: |
| Section 7: Vehicle details (continue on a separate sheet if necessary) |
| Plate number: |  | Registration number: |  |
| Vehicle make: |  | Model: |  |

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| Section 8: Consent, declaration and signature  |
| Please read the following statements carefully and then sign the form to indicate your agreement |
| * I consent to Doncaster Council making further medical enquiries to the doctor(s) listed above.
* I consent to the doctors listed above to release relevant medical information to Doncaster Council which relates to this application for an exemption.
* I understand that I may be required to attend an assessment with an independent doctor or occupational therapist and that I am responsible for any fees payable.
* I understand that until such time that Doncaster Council determines my application and I am notified of the decision in writing, I must continue to carry out the statutory duties.
* The information I have given in this form is true and accurate in all material respects.
 |
| **Signature** | **Name Printed** | **Date** |
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**Extracts from the Equality Act 2010**

**164A Disabled passengers: duties of drivers**

(1) This section imposes duties on the driver of a taxi or private hire vehicle which has been hired—

(a) by or for a disabled person, or

(b) by another person who wishes to be accompanied by a disabled person.

(2) This section also imposes duties on the driver of a taxi or private hire vehicle if—

(a) the vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and

(b) a person within subsection (1)(a) or (b) has indicated to the driver that the person wishes to travel on the service.

(3) But this section does not impose duties on a driver in a case in which—

(a) the taxi or private hire vehicle is designated, and

(b) the disabled person is in a wheelchair.

For provision that applies in such a case, see section 165.

(4) 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.

(5) The duties are—

(a) to carry the passenger;

(b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;

(c) if the passenger has with them any mobility aids, to carry the mobility aids;

(d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;

(e) to give the passenger such mobility assistance as is reasonably required;

(f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

(6) For the purposes of this section “mobility aids” means any item the passenger uses to assist with their mobility but does not include—

(a) a wheelchair, or

(b) an assistance dog (sections 168 and 170 make provision about the carrying of assistance dogs).

(7) For the purposes of this section “mobility assistance” means assistance—

(a) to enable the passenger to get into or out of the vehicle;

(b) to load the passenger’s luggage, wheelchair or mobility aids into or out of the vehicle.

(8) 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 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.

(9) The driver of a taxi or private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

(10) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(a) or (d) to show that at the time of the alleged offence the person could not reasonably have known that the passenger was disabled.

(12) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(b) or (c) to show that at the time of the alleged offence—

(a) it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle, or

(b) it would not otherwise have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle.

(13) It is a defence for a person charged with an offence under subsection (9) in relation to the duty mentioned in subsection (5)(e) to show that at the time of the alleged offence the person could not reasonably have known that the passenger required mobility assistance of the type required by the passenger.”

**165 Disabled passengers in wheelchairs: duties of drivers of designated vehicles**

(1) This section imposes duties on the driver of a designated taxi or designated private hire vehicle 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.

(2A) This section also imposes duties on the driver of a designated taxi or designated private hire vehicle if—

(a) the vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and

(b) a person within subsection (1)(a) or (b) has indicated to the driver that the person wishes to travel on the service

(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;

(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(ca) if the passenger has with them any mobility aids, to carry the mobility aids;

(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.

(f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

(4A) For the purposes of this section “mobility aids” means any item the passenger uses to assist with their mobility but does not include—

(a) a wheelchair, or

(b) an assistance dog (sections 168 and 170 make provision about the carrying of assistance dogs).

(5) For the purposes of this section “mobility assistance’’ means 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 or mobility aids 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 an offence under subsection (7) in relation to the duty mentioned in subsection (4)(a) or (c) 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.

(9A) It is a defence for a person charged with an offence under subsection (7) in relation to the duty mentioned in subsection (4)(ca) to show that at the time of the alleged offence—

(a) it would not have been possible for the mobility aids to be carried safely in the vehicle, or

(b) it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

**165A Disabled passengers: assistance to identify and find vehicle**

(1) This section imposes duties on the driver of a private hire vehicle or pre-booked taxi where the following two conditions are met.

(2) The first condition is that the private hire vehicle or pre-booked taxi has been hired—

(a) by or for a disabled person, or

(b) by another person who wishes to be accompanied by a disabled person.

(3) The second condition is that the driver of the private hire vehicle or pre-booked taxi has been made aware before the start of the passenger’s journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

(4) For the purposes of this section—

(a) a taxi is “pre-booked” if it has been hired otherwise than as a result of plying or standing for hire;

(b) “the passenger” means the disabled person concerned.

(5) The duties are—

(a) to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired;

(b) not to make, or propose to make, any additional charge for complying with the duty mentioned in paragraph (a).

(6) The driver of a private hire vehicle or pre-booked taxi commits an offence by failing to comply with a duty imposed on the driver by this section.

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**166 Disabled passengers: exemption certificates**

(1) A licensing authority must issue a person with a certificate exempting the person from the mobility assistance duties (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.

(2A) For the purposes of this section “the mobility assistance duties” means—

(a) the duty mentioned in section 164A(5)(e), and

(b) the duty mentioned in section 165(4)(e).

(3) The driver of a taxi is exempt from the mobility assistance duties 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 private hire vehicle is exempt from the mobility assistance duties 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.

(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, or propose to 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—

(i) that the disabled person will be accompanied by an assistance dog, or

(ii) to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by this section.

(2) The operator or driver of a private hire vehicle commits an offence by making, or proposing to make, 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

(b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976, 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;

**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” and ‘’licensing authority’’ 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.

**173 Interpretation**

(1) In this Chapter—

“accessibility requirements” has the meaning given in section 167(5);

“assistance dog” means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

“operator”, in relation to a private hire vehicle—

(a) means a person who holds a licence under—

(i) section 55 of the Local Government (Miscellaneous Provisions) Act 1976,

(ii) section 3 of the Private Hire Vehicles (London) Act 1998, or

(iii) a provision of a local enactment equivalent to the provision mentioned in sub-paragraph (i) or (ii); and

(b) in section 167A, also includes a person who holds a licence under Part I of the Civic Government (Scotland) Act 1982 in relation to the use of premises for the carrying on of a business which consists to any extent of the taking of bookings, by any means of communication, from members of the public for the hire of a private hire car licenced under section 10 of that Act;

“private hire vehicle”—

(a) means a vehicle licensed under—

(i) section 48 of the Local Government (Miscellaneous Provisions) Act 1976,

(ii) section 7 of the Private Hire Vehicles (London) Act 1998, or

(iii) a provision of a local enactment equivalent to the provision mentioned in sub-paragraph (i) or (ii); and

(b) in sections 164A to 167A, also includes a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;

“taxi”—

(a) means a vehicle which is licensed under section 37 of the Town Police Clauses Act 1847 or section 6 of the Metropolitan Public Carriage Act 1869, and

(b) in sections 162 and 164A to 167, also includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982,

but does not include a vehicle drawn by a horse or other animal;

“taxi accessibility regulations” has the meaning given by section 160(1).

(2) A power to make regulations under paragraph (c) or (d) of the definition of “assistance dog” in subsection (1) is exercisable by the Secretary of State.

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**Reference Wheelchair –**

(as defined in schedule 1 of the Public Service Vehicle accessibility Regulations 2000)

