**The duties on PHV drivers under the Equality Act 2010**

**Duties and offences on drivers of non-designated wheelchair accessible PHVs**

Section 164A

Disabled passenger - Any disabled passenger, including wheelchair users.

**Duties**

* to carry the passenger
* to carry their wheelchair (e.g. in the boot of the vehicle)
* to carry their mobility aids
* to take reasonable steps to carry the passenger in safety and reasonable comfort
* to provide reasonable mobility assistance
* not to make, or propose to make, any charge for carrying out the above duties

**Defences**

* that the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
* it would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
* it would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
* the driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165A

Disabled passenger - Any disabled passenger, including wheelchair users.

**Duties**

* to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
* not to make, or propose to make, any additional charge for complying with the above duty

**Defences**

* the driver of the PHV has not 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

Section 170

Disabled passenger - Assistance dog users.

**Offences**

A driver commits an offence by:

* failing or refusing to carry out a booking accepted by the operator:
  + if the booking is made by, on or behalf of, a disabled person
  + the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
* making, or proposing to make, and additional charge for carrying an assistance dog

**Defences**

There are no defences for this section.

**Duties and offences on drivers of designated wheelchair accessible PHVs**

Section 164A

Disabled passenger - Any disabled passenger, apart from wheelchair users

**Duties**

* to carry the passenger
* to carry their mobility aids
* to take reasonable steps to carry the passenger in safety and reasonable comfort
* to provide reasonable mobility assistance
* not to make, or propose to make, any charge for carrying out the above duties

**Defences**

* that the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
* it would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
* it would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
* the driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165

Disabled passenger - Wheelchair users.

**Duties**

* to carry the passenger while in the wheelchair
* if the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
* to carry their mobility aids
* to take necessary steps to carry the passenger in safety and reasonable comfort
* to provide reasonable mobility assistance
* not to make, or propose to make, any charge for carrying out the above duties

**Defences**

* it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
* it would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

Section 165A

Disabled passenger - Any disabled passenger, including wheelchair users.

**Duties**

* to take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
* not to make, or propose to make, any additional charge for complying with the above duty

**Defences**

* the driver of the PHV has not 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

Section 170

Disabled passenger - Assistance dog users.

**Offences**

* failing or refusing to carry out a booking accepted by the operator:
* if the booking is made by, on or behalf of, a disabled person
* the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
* making, or proposing to make, and additional charge for carrying an assistance dog

**Defences**

There are no defences for this section.