



**DRIVER AND VEHICLE LICENSING  
NORTHERN IRELAND**

**PROPOSALS WHICH WILL PLACE A DUTY ON DRIVERS OF LICENSED  
PRIVATE HIRE VEHICLES TO CARRY GUIDE, HEARING AND OTHER  
PRESCRIBED ASSISTANCE DOGS**

**CONSULTATION DOCUMENT**

**OCTOBER 2006**

# **DRIVER AND VEHICLE LICENSING NORTHERN IRELAND**

**Road Transport Licensing Division  
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**Your ref:**

**Our ref:**

**Date:       October 2006**

Dear Consultee

## **CONSULTATION ON THE CARRIAGE OF ASSISTANCE DOGS IN PRIVATE HIRE VEHICLES**

The Government intends to proceed with implementation of Section 37A of the Disability Discrimination Act 1995 which places a duty on licensed private hire vehicle (PHV) operators and drivers to carry guide, hearing and other prescribed assistance dogs, and to do so without charge.

The Act also makes provision for PHV drivers to seek exemption from this requirement on medical grounds only. The Disability Discrimination (Private Hire Vehicles) (Carrying of Guide Dogs etc) Regulations (Northern Ireland) 2006 will provide the mechanism for PHV drivers with medical conditions that are aggravated by contact with dogs to be exempt from the duty to carry assistance dogs.

The Department is also taking the opportunity to amend the Disability Discrimination (Taxis) (Carrying of Guide Dogs etc) Regulations 2001 in respect of the manner in which the exemption notice should be displayed by the exempted taxi driver. The notice must now be displayed on the windscreen as display on the dashboard is no longer permitted.

Your comments are invited on the enclosed package that will give effect to these provisions and should be forwarded in writing, by fax or by e-mail by 18 December 2006 to:

JIM DUMIGAN  
TAXI LICENSING SECTION  
ROAD TRANSPORT LICENSING DIVISION  
148-158 CORPORATION STREET  
BELFAST  
BT1 3DH.

E-mail responses should be made to;  
[jim.dumigan@doeni.gov.uk](mailto:jim.dumigan@doeni.gov.uk)

This document is also available on DVLNI's website at [www.dvlni.gov.uk](http://www.dvlni.gov.uk)

Alternative versions of the document including large type and audiocassette are available from the above address. The Department is happy to work with all of those wishing to participate in this consultation to ensure all views are taken on board.

A partial Regulatory Impact Assessment prepared for these proposals is enclosed. It would be helpful when replying, if you would indicate whether or not you have any specific comments on this document. Also enclosed is the draft legislation. This policy has been screened for equality impacts and none have been found.

We would like to take this opportunity to thank you in advance for your comments.

**ROAD TRANSPORT LICENSING DIVISION**

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## **1. CONSULTATION ARRANGEMENTS**

### **1.1 Purpose of Consultation**

The Department of the Environment intends to proceed with the implementation of Section 37 of the Disability Discrimination Act 1995 (DDA) which places a duty on drivers of licensed private hire vehicles to carry guide, hearing and other prescribed assistance dogs and to do so without charge. Similar provisions have been in place for drivers of licensed public hire vehicles since 1 August 2001. The Act also makes provision for drivers of private hire vehicles to seek exemption from this requirement on medical grounds only. The Disability Discrimination (Private Hire Vehicles) (Carrying of Guide Dogs etc) Regulations (Northern Ireland) 2006, will provide the mechanisms for drivers of licensed private hire vehicles with medical conditions that are aggravated by contact with dogs to be exempt from the duty to carry assistance dogs.

The Department is also availing of the opportunity to amend the Disability Discrimination (Taxis) (Carrying of Guide Dogs etc.) Regulations (Northern Ireland) 2001 in respect of the manner in which the exemption notice should be displayed by the exempted taxi driver. This notice must now be displayed on the windscreen; display on the dashboard is no longer permitted.

### **1.2 Consultees**

This consultation is aimed at people involved or connected with the taxi industry in Northern Ireland. We would welcome comments from them on any aspect of the consultation package but we would also be interested in the views of those individuals (or representative groups) dependant on assistance dogs. A full list of Consultees can be found at Appendix 4.

### **1.3 Confidentiality of Consultations – Freedom of Information Act 2000**

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom Of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. The right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have a responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to a consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office at,

Information Commissioner's Office – Northern Ireland  
Room 101  
Regus House  
33 Clarendon Dock  
Laganside  
BELFAST  
BTI 3BG  
Tel. (028) 9051 1270  
E-mail to [ni@ico.gsi.gov.uk](mailto:ni@ico.gsi.gov.uk)

or see their website at:

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **2 INTRODUCTION**

- 2.1 The Government is committed to an accessible public transport system in which people with disabilities can enjoy the same opportunities to travel as other members of society. Taxis licensed as private hire vehicles are a vital link in the accessible transport chain and it is important that disabled people who use guide, hearing or other prescribed assistance dogs, have confidence that they can book a licensed private hire vehicle (PHV) which will carry them and their dog at no extra charge.
- 2.2 The regulations at Appendix 2, on which this Consultation exercise is based, will provide a mechanism for drivers of private hire vehicles with medical conditions that are aggravated by contact with dogs, to be exempt from the duty imposed upon them by the Disability Discrimination Act 1995 to carry guide, hearing and other assistance dogs accompanying people with disabilities.

## **3 ISSUES TO CONSIDER**

The scope of this consultation is restricted to the implementation of the process of medical exemption only. Within that context we would welcome comments on any

aspect of the proposals but we would also like you, in particular, to address the following questions:

- Does the timetable for implementation allow enough time for PHV drivers to apply for the medical exemption? We are proposing that the Regulations will come into force in the early part of 2007 and there will be a period of 3 months for medical exemption certificates to be issued before the duty is implemented..
- The results of the Partial Regulatory Impact Assessment (See Appendix 1) indicate that the costs of this requirement will be borne by a small number of PHV drivers and that the costs will, therefore, be low. Do you consider that to be a realistic assessment?

## **4 THE DUTIES**

### **4.1 New Duties on Private Hire Vehicle Operators**

From the early part of 2007 PHV operators will have a duty under Section 37A of the DDA to:

- accept bookings made by or on behalf of a disabled person who is accompanied by a guide, hearing or prescribed assistance dog;
- accept bookings made by a person who will be accompanied in the private hire vehicle by such a disabled person; and
- not make an additional charge for carrying the disabled passenger's assistance dog.

### **4.2 New Duties on Private Hire Vehicles Drivers**

From early 2007 a driver of a licensed PHV which has been hired:

(a) by or for a disabled person with their guide, hearing or prescribed assistance dog;

or

(b) by a person who will be accompanied in the PHV by such a disabled person;

will have a duty under Section 37A of the DDA to:

(a) carry the disabled passenger's assistance dog and allow it to remain with the passenger; and

(b) not to make any additional charge for doing so.

#### 4.3 **Types of Dog Covered**

Sections 37A of the DDA refers to guide, hearing and any other category of dog trained to assist a disabled person who has a disability which consists of epilepsy or affects mobility, manual dexterity, physical co-ordination, ability to lift, carry or move everyday objects.

"An assistance dog" is defined in the Regulations as a dog which is trained by specified charities, i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a PHV is wearing a jacket inscribed with the name of one of those charities.

These three charities are registered with the Charity Commission under the following

	<b>Registration Numbers</b>
Dogs for the Disabled	700454
Support Dogs	1017237
Canine Partners for Independence	803680

## **5 MEDICAL EXEMPTIONS**

### **5.1 Exemptions**

To enable drivers with medical conditions that would be aggravated by carrying dogs to continue in the trade, Section 37A of the DDA makes provision for the Department as the Licensing Authority to grant exemptions and to issue drivers with Exemption Certificates. The Regulations prescribe the Notice of Exemption and how it must be displayed in the vehicle.

### **5.2 Applying for Exemption**

Drivers of PHV's seeking an exemption will have to make application to the Department. A sample application form is at Appendix 5.

### **5.3 Medical conditions**

The main reasons a PHV driver may wish to apply for a medical exemption are likely to be if they have a condition, such as severe asthma, that is aggravated by contact with dogs; if they are allergic to dogs; or if they have an acute phobia to dogs.

According to the Department of Health, approximately 4% of the adult population has asthma which is sufficiently severe to require regular medical supervision. However, it is important to note that not everyone with asthma will be affected by contact with dogs. There are no statistics on the prevalence of other related allergies or phobias to dogs. It may also be that treatment will be available for these conditions to make them less severe.

Based on the number of public hire drivers who have applied for a similar exemption, applications from eligible PHV drivers are expected to be small. The Department

plans to monitor the number of exemptions issued over the coming years to see what trends emerge.

#### 5.4 **Proof of medical condition**

Drivers will need to provide medical evidence to support their application. If a driver has severe asthma or has a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. However, it is for the Department to determine what evidence is acceptable to grant an exemption.

If a driver has a chronic phobia to dogs, we would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption.

New PHV drivers and those over a certain age are already required by the Department to undergo a full medical examination to determine their fitness to drive. If the driver is seeking an exemption, the assessment relating to the ability to carry dogs could form part of the existing system.

An example medical report is at Appendix 6.

#### 5.5 **Certificate of Exemption**

Section 37A (1)(5) of the DDA places a duty on the Department to issue a certificate of exemption to a driver where it is satisfied that it is appropriate to do so on medical grounds. The certificates needs to have regard to the following considerations:

## 5.6 **Specifying the type of private hire vehicle**

Section 37A (1)(6) of the DDA requires the Department, in determining whether to issue a certificate of exemption, to have regard to the physical characteristics of the PHV. For example, where a vehicle is fitted with a partition between the driver and passenger compartment, the driver is unlikely to warrant an exemption unless his or her condition is so severe as to cause a reaction by contact with dog hair when entering the passenger compartment, for example, to clean it.

Section 37A (1)(7)(a) of the DDA provides for a certificate of exemption to be issued in relation to a "specified private hire vehicle" or a "specified kind of private hire vehicle". A specified PHV will be specified by its registration number. A 'specified kind of private hire vehicle', will be either:

- (a) any vehicle with a fixed partition segregating the driver from the passenger compartment; or
- (b) any vehicle without a fixed partition segregating the driver from the passenger compartment.

## 5.7 **Period of exemption**

Section 37A (1)(7)(b) states that the certificate of exemption should include the period to which the exemption applies. In some cases this will be for the life of the driver's PHV licence. However, if the exemption is given in relation to the "kind of private hire vehicle" driven, the Department will take into account, when considering the life of the exemption, whether the driver may change to another kind of vehicle for which

the exemption would not be required. It is also possible that some treatment may be available to the driver, for example, to overcome a phobia to dogs.

An example of a certificate of exemption is at Appendix 7.

## **5.8 Notice of Exemption**

For the purposes of Section 37A (1)(8)(b) of the DDA, a PHV driver who has been issued a Certificate of Exemption by the Department, must exhibit a Notice of Exemption in their vehicle.

The Notice of Exemption and how it must be displayed in the vehicle are set out in the Regulations. The form of the Notice of Exemption is contained in the Schedule and is reproduced in the Regulations at Appendix 2.

The driver of the PHV must exhibit the Notice of Exemption by fixing it to the windscreen; display on the dashboard is not permitted.

## **5.9 Appeals against refusal to grant an exemption**

Under Section 38 of the DDA, any person who is aggrieved by the refusal of the Department to issue an exemption certificate under Section 37A(1) has a right to appeal against the decision to a Magistrate's Court within 28 days of the date of refusal.

## **6. ENFORCEMENT**

The enforcement of the general Section 37A(1) duties will be the responsibility of the Department and will be incorporated into the existing PHV licensing enforcement regime.

A PHV driver who fails to comply with a duty to carry guide, hearing or prescribed assistance dogs will, under Section 37A(1)(4) of the DDA, be guilty of an offence and liable to a fine not exceeding level 3 (currently £1,000) on the standard scale on conviction.

The DDA also contains standard provisions relating to forgery and false statements in respect of exemption certificates. For the purposes of Section 49 of the DDA:

"A person is guilty of an offence if, with intent to deceive, he:-

- (a) forges, alters or uses a relevant document;
- (b) lends a relevant document to any other person;
- (c) allows a relevant document to be used by any other person; or
- (d) makes or has in his possession any document which closely resembles a relevant document."

A person who is found guilty of an offence under Section 49(2) of the DDA will be liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000). In addition, on conviction on indictment, the person will be liable to a term of imprisonment not exceeding two years, or to a fine, or both.

**PARTIAL REGULATORY IMPACT ASSESSMENT (RIA)**

A RIA is a policy tool to assess the impact, in terms of costs and benefits, of any proposals that affect business, charities or voluntary bodies. This section also explains how the proposals fit in with relevant Government policies.

**Risk Assessment**

If the provisions of the Act were to be implemented without an associated exemption procedure, drivers of PHVs with medical conditions that are aggravated by contact with dogs or who are allergic to or have a chronic phobia of dogs, could be forced to leave the trade or be fined for contravening the duty.

According to Department of Health figures, around 4% of the adult population have asthma sufficiently severe to require regular medical supervision. However, not everyone with asthma will be affected by contact with dogs. There are no statistics on the prevalence of dog allergy or phobia available, but we would expect applications on dog phobia grounds to be supported by a report from a psychiatrist or clinical psychologist.

**OPTIONS**

**Option 1** - "Do nothing" – Make no provision to exempt PHV drivers from the duties in the Act on medical grounds.

**Option 2** - "Introduce an exemption procedure" – Make it possible for drivers with certain medical conditions to refuse carriage of assistance dogs after the duty to do so has been implemented.

Benefits

**Option 1** - Individuals travelling with assistance dogs would expect to be able to travel in all PHVs without exception.

**Option 2** - Drivers with medical conditions, such as severe asthma, that are aggravated by contact with dogs and/or dog hair will be able to refuse carriage of assistance dogs but continue in the trade without contravening the duty in the Act.

Benefits will also arise from:

- Improved personal mobility for disabled people.
- While it is not possible to quantify these benefits accurately in financial terms, over time PHV drivers could expect to see increasing numbers of assistance dog users hiring their services.

### **Consistency with the Government's policy on civil rights for disabled people**

The Government's 1997 manifesto commitment was:

"We will seek to end unjustifiable discrimination wherever it exists. For example, we support comprehensive, enforceable civil rights for disabled people against discrimination in society or at work, developed in partnership with all interested parties."

This was reinforced in the 2001 manifesto, which states:

"Our ambition is to enable people with disabilities to play a full part in the community. We are now committed to extending basic rights and opportunities, as indicated in our response to the Disability Rights Task Force."

It also commits to:

"Change in our public services so that they better advance equality of opportunity".

The 10 Year Plan for Transport sets out that the Government is committed to public transport that is accessible to disabled people. The plan states:

"Building in accessibility for disabled people in all new investment is a condition of public money being spent. Local authorities and transport operators should ensure that the transport needs of disabled people are factored into their plans and that the full benefits of improved public transport are accessible to all".

Public transport plays a major role in providing independent mobility for disabled people. Within the public transport sector, existing legislation requires (over time) the design and provision of fully accessible bus and rail vehicles with, in due course, similar requirements for the taxi industry. These improvements need to be accompanied by an associated 'right of access' that is both consistent and well understood.

### **Business sectors affected**

The total number of PHV drivers in Northern Ireland is approximately 2500. It is not possible to determine how many of these are likely to apply for exemption, although the numbers are expected to be extremely small.

### **Compliance costs**

**Option 1** - There would be no compliance costs associated with implementation of the Act for either drivers or operators.

**Option 2** - Existing drivers applying for an exemption will be required to meet any cost associated with the medical evidence required by the Department. The Department will be responsible for deciding what evidence is deemed acceptable to grant an exemption. Estimates suggest that the collation of this evidence will cost an average of £50.00. Similar costs are expected for the medical evidence necessary to support an application on phobia grounds.

However, new PHV drivers and those over a certain age are already required by the Department to undergo a full medical examination to determine their fitness to drive. If the driver is seeking an exemption, the assessment relating to the ability to carry guide dogs could form part of this existing system.

As the expected number of applications for exemption from existing drivers is very small, it is not envisaged that these proposals will present a significant call on any medical professional's time or engender an additional bureaucratic burden.

It is envisaged that the exemption regime will be implemented in the early part of 2007 and will allow sufficient time for drivers to apply for and receive exemptions before the duty to carry guide dogs is implemented..

### **Equality/Fairness**

The main impact will be on small businesses. Many private hire vehicle drivers are 'owner drivers' and self employed. However, since very few drivers are likely to be affected, the costs will be low. There is no exemption available to operators so there are no associated costs.

The Small Business Service has seen the proposals and is content that the implications for small businesses have been correctly assessed and do not represent a significant additional burden.

It is not expected that the Regulations will have any significant impact in rural areas when compared to other areas.

### **Competition assessment**

There are no competition issues for the proposals.

### **Enforcement and sanctions**

The enforcement procedures are included in the Act and are not the subject of the Regulations. This will be the responsibility of the Department and will be included in the existing regime for private hire vehicle licensing.

A PHV driver who fails to comply with the duty to carry assistance dogs will be guilty of an offence and liable to a fine not exceeding level 3 (currently £1,000) on the standard scale of conviction. A person found guilty of an offence relating to forgery will be liable, on summary conviction, to a fine not exceeding the statutory minimum (currently £5,000). In addition, on conviction or indictment, the person will be liable to a term of imprisonment not exceeding two years, or to a fine, or both.

### **Monitoring and review**

The Department will monitor all exemption certificates issued to see if any trends emerge. The effectiveness of the Regulations will be measured by the ability of disabled people to

travel with assistance dogs in PHVs without difficulty based on the number of prosecutions brought by licensing authority.

## STATUTORY RULES OF NORTHERN IRELAND

2006 No.

## DISABLED PERSONS

**The Disability Discrimination (Private Hire Vehicles)  
(Carrying of Guide Dogs etc.) Regulations (Northern Ireland)**

2006

*Made*

2006

*Coming into operation in accordance with regulation 1(1)*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by section 37A(8)(b) and (9) of the Disability Discrimination Act 1995(a):

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Disability Discrimination (Private Hire Vehicles) (Carrying of Guide Dogs etc.) Regulations (Northern Ireland) 2006 and shall come into operation for the purposes of—

- (a) this regulation and regulation 2(1) on [operative date]; and
- (b) all other provisions on [**operative date**].

(2) In these Regulations “the 1995 Act” means the Disability Discrimination Act 1995.

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Notices of exemption**

**2.**— (1) The prescribed notice of exemption for the purposes of section 37A (8)(b) of the 1995 Act shall be the notice set out in the Schedule.

(2) The prescribed manner of exhibiting a notice of exemption for the purposes of section 37A(8)(b) of the 1995 Act shall be—

- (a) by displaying it —
  - (i) on the nearside of, and immediately behind, the windscreen of the private hire vehicle facing outwards; and
  - (ii) in a manner that readily permits its removal; and
- (b) so that—
  - (i) its front is clearly visible from the outside of the private hire vehicle; and
  - (ii) its back is clearly visible from the driver’s seat of the private hire vehicle.

**Prescribed charities**

**3.**— Each of the following is a prescribed charity for the purposes of the definition of an assistance dog in section 37A(9) of the 1995 Act —

- (a) “Dogs for the Disabled” registered with the Charity Commission under registration number 700454;
- (b) “Support Dogs” registered with the Charity Commission under registration number 1017237; and
- (c) “Canine Partners for Independence” registered with the Charity Commission under registration number 803680.

(a) 1995 c. 50; section 37A was inserted by section 1(1) of the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 (c. 37) and modified in its application to Northern Ireland by paragraph 21A of Schedule 8 (paragraph 21A was inserted by section 1(2) of that Act); see section 68(1) as substituted by paragraph 47(1) of the said Schedule 8 for the definition of “prescribed” and “regulations”

(b) 1954 c 33 (N.I.)

Sealed with the Official Seal of the Department of the Environment on  
2006.

(L.S.)  
Environment

A senior officer of the Department of the

**1. Form of front of notice of exemption**

DEPARTMENT OF THE ENVIRONMENT  
SECTION 37A DISABILITY DISCRIMINATION ACT 1995

**NOTICE OF EXEMPTION**

Driver's full name .....

Licence No. ....

**The person named above is exempt from carrying guide dogs, hearing dogs, or assistance dogs in the private hire vehicle specified at "A" below or in a kind of private hire vehicle specified at "B" below.**

**A** Registration number of specified private hire vehicle\* .....

**B** Kind of private hire vehicle\*

(a) Private hire vehicle with fixed partition segregating the driver from the passenger compartment\*

(b) Private hire vehicle without fixed partition segregating the driver from the passenger compartment\*

**ED**

This notice expires on .....

\*Delete as appropriate

**2. Form of back of notice of exemption**

**WARNING**

Only the driver named overleaf may display this notice when driving the vehicle. The notice may also remain on display when the vehicle is parked provided it has been driven by, and is to be driven by, the named driver. Otherwise the named driver must remove the notice.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 37A of the Disability Discrimination Act 1995 (“the 1995 Act”) imposes a duty on licensed private hire vehicle drivers and operators in relation to the carriage, without additional charge, of an assistance dog when it accompanies a disabled person. It also provides that a private hire vehicle driver may be exempted from this obligation on medical grounds.

These Regulations, which apply to private hire vehicles, prescribe the form of the notice of exemption which must be displayed by an exempted driver and the manner of its display in the private hire vehicle.

The Regulations also prescribe the charities for the purposes of the definition of assistance dog in Section 37A(9) of the 1995 Act.

2006 No.

**DISABLED PERSONS**

**The Disability Discrimination (Taxis)  
(Carrying of Guide Dogs etc.) (Amendment) Regulations (Northern Ireland)  
2006**

*Made*

*2006*

**Coming into operation**

**2006**

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by section 37 (8)(b) of the Disability Discrimination Act 1995(a):

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Disability Discrimination (Taxis) (Carrying of Guide Dogs etc.) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on ~~XXXXXXXXXX~~ 2006.

(2) In these Regulations “the principal Regulations” means the Disability Discrimination (Taxis) (Carrying of Guide Dogs etc.) Regulations (Northern Ireland) 2001(b).

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Amendment to regulation 2 (notices of exemption)**

2.— In regulation 2 of the principal Regulations, for paragraph (2) there shall be substituted—

“(2) The prescribed manner of exhibiting a notice of exemption for the purposes of section 37(8)(b) of the 1995 Act shall be—

(a) by displaying it —

(i) on the nearside of, and immediately behind, the windscreen of the taxi facing outwards; and

(ii) in a manner that readily permits its removal; and

(b) so that—

(i) its front is clearly visible from the outside of the taxi; and

(ii) its back is clearly visible from the driver’s seat of the taxi.”.

**Amendment to the Schedule**

3.— In the Schedule to the principal Regulations for paragraph 2 there shall be substituted—

**“2. Form of back of notice of exemption**

**WARNING**

Only the driver named overleaf may display this notice when driving the vehicle. The notice may also remain on display when the vehicle is parked provided it has been driven by, and is to be driven by, the named driver. Otherwise the named driver must remove the notice.”.

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(a) 1995 c. 50; section 37 is modified in its application to Northern Ireland by paragraph 21 of Schedule 8; see section 68(1) as substituted by paragraph 47(1) of the said Schedule 8 for the definition of “prescribed” and “regulations”  
(b) S.R. 2001 No. 169  
(c) 1954 c 33 (N.I.)

Sealed with the Official Seal of the Department of the Environment on  
2006.

(L.S.)  
Environment

A senior officer of the Department of the

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 37 of the Disability Discrimination Act 1995 imposes a duty on taxi drivers to carry an assistance dog, without additional charge, when it accompanies a disabled person. It also provides that a taxi driver may be exempted from this obligation on medical grounds.

These Regulations amend the Disability Discrimination (Taxis) (Carrying of Guide Dogs etc.) Regulations (Northern Ireland) 2001 in respect of the manner in which the exemption notice should be displayed by the exempted taxi driver. The notice must now be displayed on the windscreen; display on the dashboard is no longer permitted.

The Regulations also amend the wording on the back of the notice of exemption to ensure that the notice is not on display when someone other than the exempted driver is driving the vehicle.

## DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS

### The Legal Background

3.1 Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

### Equality Screening of proposed legislation

3.2 In relation to the categories listed in Section 75, the proposal put forward in this Consultation Paper was screened against the criteria laid down in the Equality Commission for Northern Ireland's Statutory Guidance for this purpose.

3.3 The results of the screening exercise are as follows:

**On which categories will the proposal have an impact?**

The Regulations will impact upon those licensed drivers of private hire vehicles deemed medically unfit to come into contact with assistance dogs etc. These drivers will be legally obliged to display a notice of exemption, issued by the Department of the Environment, in their vehicles.

**Who is responsible for (a) devising and (b) delivering the policy eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?**

The Regulations will be UK wide and the Department for Transport has taken the policy lead. In Northern Ireland it will be the Department of the Environment through Driver and Vehicle Licensing's Road Transport Licensing Division (RTLTD) that will be responsible for delivery of the policy and the issue of exemption certificates. The twin issues of policy and legislation have been agreed between the 2 Departments, while the DOE has been responsible for undertaking the Section 75 "Screening Analysis".

**What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?**

There are no linkages to other NI Departments/NDPBs in relation to this policy/legislation. There may however be the occasion whenever the Department may have to refer to its medical advisers on such matters, but as the number of exemptions that will issue is expected to be very small, these should be rare.

**Is there any evidence of higher or lower participation or uptake by different groups within any of the Section 75 groupings?**

Similar legislation in place for drivers of public hire taxis has provided no evidence to suggest a higher or lower participation or uptake by the Section 75 groups.

**Is there evidence that different groups have different needs, experiences, issues and priorities in relation to this particular proposal?**

No. Nothing meaningful can be added.

**Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?**

The introduction of these Regulations presents a level playing field for the drivers of private hire vehicle with their public hire counterparts. Prior to this legislation, only public hire drivers were entitled to apply for exemption certificates.

**Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies or this type create problems specific to them?**

The Department by introducing these Regulations has reduced the possibility of problems arising. At the time of consultation on the earlier legislation (Assistance Dog etc in Public Hire Vehicles) the Department was requested by some of the Section 75 Groups (and others) to give consideration to extending similar provisions to Private Hire Vehicles and this is now being done.

3.4 Having screened the proposal against the criteria set out in the paragraph above, there is no evidence that the Regulations will have potential implications for equality of opportunity for any of the Section 75 categories.

**LIST OF CONSULTEES**

- Northern Ireland MPs
- MLAs
- Northern Ireland Political Parties
- Northern Ireland MEPs
- NI Members of the House of Lords
- City/Borough/District Councils
- North West Taxi Proprietors Association
- Belfast Public Hire Taxis Association
- West Belfast Taxis (Transport) Ltd
- North Belfast Taxi Association
- Belfast Private Hire Proprietors Association
- Limavady Taxi Association
- Newry Taxi Association
- Causeway Taxi Association
- Mid-Ulster Taxi Association
- Belfast City Airport Taxis
- Derry Taxi Association
- Education & Library Boards
- Equality Commission for Northern Ireland
- Equality Forum for Northern Ireland
- Police Service for Northern Ireland
- Policing Board
- Police Federation
- Northern Ireland Human Rights Commission
- Road Safety Council for Northern Ireland
- RoSPA
- Departmental Information Officer
- General Consumer Council for Northern Ireland
- Departmental Information Officer
- NI Local Government Association
- Disability Action
- Rural Development Council
- Rural Community Network
- Northern Ireland Courts Service
- The Guide Dogs for the Blind Association
- Royal National Institute for the Blind
- Royal National Institute for Deaf People
- Mencap
- Community Relations Council
- Commissioner for Children and Young People
- NI Resident Magistrates Association
- Office of Law Reform

- HM Council of County Court Judges
- Law Centre, NI
- Institute of Professional Legal Studies, QUB
- Head of the School of Law, UUI
- Head of the School of Law, QUB
- Law Society of NI
- Belfast Solicitor's Association
- Help the Aged
- NI Court Service
- Age Concern
- The Blind Centre for NI
- NSPCC
- British Deaf Association, NI
- North West Forum of People with Disabilities
- Sense (NI)
- Employer's Forum on Disability
- Down's Syndrome Association
- Barnados NI
- Save the Children
- Bryson House
- Northern Ireland Association for Mental Health
- Northern Ireland Association of Citizens Advice Bureau
- Northern Ireland Council for Voluntary Action
- Northern Ireland Council for Ethnic Minorities
- Northern Ireland Ombudsman
- Northern Ireland Chamber of Trade
- Northern Ireland Chamber of Commerce & Industry
- Federation of Small Businesses
- CBI, NI
- Institute of Directors, NI
- NIPSA
- NUS – USI Northern Ireland
- Translink
- Northern Ireland Transport Advisory Committee
- Community Transport Association
- Clerk of Petty Sessions
- Office of the Director of Public Prosecutions
- Road Safety Council of NI
- Deaf Senior Citizens NI
- Department for Social Development
- Department of Agriculture & Rural Development
- Department of Culture Arts & Leisure
- Department of Education for NI
- Department of Employment & Learning
- Department of Finance & Personnel
- Department of Health, Social Services & Public Safety.

Example Exemption Application Form

Exemption, on medical grounds, from the duties placed on private hire vehicle (PHV) drivers by Section 37A of the Disability Discrimination Act 1995

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Tel No: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

PHV Driver Licence Number: \_\_\_\_\_

**Type of PHV driven** (please tick):

PHV with a fixed partition between driver and passenger compartment

PHV without a fixed compartment between driver and passenger compartment

If driving a single vehicle, please enter Registration Number:

\_\_\_\_\_

Please state the medical reason why you are applying for an exemption:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This will need to be verified by a medical practitioner. Are you willing to undergo a medical in connection with this application? (please tick):

Yes

No

Do you consent to relevant medical information being released to the licensing authority? (please tick):

Yes

No

Medical Practitioner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Tel No: \_\_\_\_\_

And/or Specialist's Name: \_\_\_\_\_

Are you applying for (please tick):

Lifetime exemption                      Yes                         No  

Temporary exemption                      Yes                         No  

If "Yes", please state the period for which you would want the exemption to last:

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please send the completed application form to (name and address of                      licensing authority).

## Example Medical Assessment Form

Obligations on Licensed Private Hire Vehicle (PHV) Drivers to Carry Guide, Hearing and other Assistance Dogs – Medical Exemption.

### **Background**

The Government is committed to an accessible public transport system in which disabled people can enjoy the same opportunities to travel as other members of society. PHVs are a vital link in the accessible transport chain and it is important that disabled people who use guide, hearing and other assistance dogs can have confidence that the PHV they hire will accept them and carry their dogs at no extra charge.

From early 2007, licensed PHV drivers will have a legal duty to carry guide, hearing and other prescribed assistance dogs accompanying a disabled person who has hired their PHV and to do so without charge. These provisions are made under Section 37A of the Disability Discrimination Act 1995.

However, to enable drivers with certain medical conditions that are aggravated by exposure to dogs to drive or continue to drive PHVs, the law includes provisions for drivers to be exempted from these duties on medical grounds.

The licensing authority is responsible for issuing Exemption Certificates and needs to be satisfied that it is appropriate to do so on medical grounds. In determining whether to issue an exemption certificate, the licensing authority will also have to consider the physical characteristics of the PHV driven by the applicant, e.g. whether the vehicle has a fixed partition segregating the driver from the passenger compartment.

Please complete the following and send to:

Licensing Authority: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

### **Obligations on Licensed PHV drivers to Carry Guide, Hearing and Other Prescribed Assistance Dogs – Medical Exemption**

For completion by a Medical Practitioner:

Patient's Name: \_\_\_\_\_

PHV Driver Licence Number: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Post Code: \_\_\_\_\_

Medical Practitioner: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Post Code: \_\_\_\_\_

In your opinion, does this person have a medical condition that is aggravated by exposure to dogs? (please tick):  
Yes  No

If "Yes", please give details of the condition (and attach copies of any relevant medical reports):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In your opinion, is this person's medical condition so severe that he/she should be exempt from carrying dogs in their vehicle if (please tick):

The vehicle has no fixed partition between the driver and the passenger compartment:  
Yes  No

The vehicle has a fixed partition between the driver and the passenger compartment:  
Yes  No

Medical Practitioner's signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Medical Practitioner's Stamp:

Example Certificate of Exemption

**Certificate of exemption for the purpose of Section 37A of the Disability Discrimination Act 1995**

Name of Licensing Authority: \_\_\_\_\_

Driver's Name: \_\_\_\_\_

PHV Driver Licence Number: \_\_\_\_\_

The driver named in this certificate is exempt on medical grounds from carrying guide, hearing and other prescribed assistance dogs in the PHV specified or a PHV of the kind specified below.

**Specified PHV \*** \_\_\_\_\_ (vehicle registration No.)

**Kind(s) of PHV \***

**PHV with fixed partition segregating the driver from the passenger compartment\***

**PHV without fixed partition segregating the driver from the passenger compartment\***

\*Delete as appropriate

This certificate expires on: \_\_\_\_\_

**Warning**

This certificate may only be used by a named driver. A prescribed Notice of Exemption must be obtained from the licensing authority and exhibited on the PHV(s) specified in this certificate in the prescribed manner.