

Commencement of sections 165 and 167 of the Equality Act 2010

Department for Transport

RPC rating: **validated**

Description of proposal

This proposal brings into effect sections 165 and 167 of the Equality Act 2010 and imposes new duties on the drivers of designated wheelchair accessible taxis and private hire vehicles. These new duties include requiring drivers to provide appropriate assistance to passengers in wheelchairs and prohibiting drivers from charging extra fares to disabled passengers. Although these duties are already broadly expected under the Equality Act, the commencement of sections 165 and 167 supplements those provisions.

Impacts of proposal

This assessment imposes new duties on drivers of wheelchair accessible taxis and private hire vehicles and makes it a criminal offence to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance (unless the driver is exempt from this requirement) or to charge them extra.

The assessment suggests that the number of drivers affected is likely to be small but also impossible to quantify because *“the provisions rely on local authorities preparing lists of wheelchair accessible vehicles that operate in their area, as only drivers of those vehicles are subject to the new requirement.”* It also states that any transitional costs or impacts on business will be minimal because the prohibited acts were already illegal under the Equality Act.

Therefore, the Department has not attempted to monetise these costs.

Quality of submission

The analysis presented by the Department is proportionate and sufficient for the RPC to validate the assessment as fit for purpose. However, the assessment could be improved by providing a clearer description of the evidence supporting the Department's assumption that any impact on business will be minimal.

Issues addressed following RPC's initial review

The RPC identified two issues with the IA as initially submitted that rendered it unfit for purpose. Following the RPC's initial review, the Department submitted a revised IA that responds to the points below:

1. **Evidence base** – the assessment states that “*Any driver or company that may have chosen to charge extra to transport passengers in wheelchairs in the past will be impacted by these provisions*” but it does not estimate this impact. The IA should monetise the cost to drivers related to this provision or explain why it is likely to be negligible, given that it is permitted under existing regulations.
2. **Businesses affected** – the assessment needs to be clearer about who is affected by this measure. It states “*Any driver or company that may have chosen to charge extra to transport passengers in wheelchairs in the past will be impacted by these provisions*” and that it will also affect “*drivers of designated wheelchair accessible taxis and private hire vehicles.*” These appear to identify two different groups; the IA should adopt a single definition.

The Department has now explained that charging extra for passengers with wheelchairs was already illegal under those provisions of Equality Act that were already in force and that therefore only a very small number of non-compliant drivers would have imposed such charges. These new provisions do not result in any material change to the law and therefore any additional impacts will apply only to non-compliant businesses.

The RPC can therefore validate this amended assessment as fit for purpose.

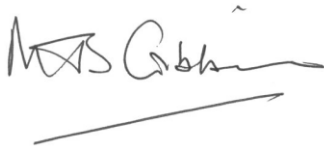
Departmental assessment

Classification	Qualifying regulatory provision (IN)
Equivalent annual net cost to business (EANDCB)	Zero for reporting purposes
Business net present value	Zero for reporting purposes

RPC assessment

Classification	Qualifying regulatory provision (IN)
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Equivalent annual net cost to business (EANDCB)	Zero for reporting purposes
Business Impact Target (BIT) Score	Zero for reporting purposes



Michael Gibbons CBE, Chairman