

# **Regulatory Impact Assessment**

## **Disability Discrimination Act 1995 – Taxi Provisions**

### **The Taxi Drivers’ Licences (Carrying of Guide Dogs and Hearing Dogs) Scotland Regulations 2003**

#### **Issue and Objective**

To remove the discrimination encountered by people with disabilities who have assistance dogs when they wish to travel by taxi.

The Regulations will require licensing authorities to place a duty on the drivers of licensed taxis, through the conditions they attach to such licences at the time of issue or renewal, to carry guide and hearing dogs accompanying disabled people. Categories of dogs trained to assist disabled people other than guide or hearing dogs are also prescribed. In complying with this requirement the taxi driver must allow the dog to remain with the disabled person and is prohibited from making any additional charge for carrying the dog.

The Regulations also include provision for licensing authorities to issue taxi drivers with a notice exempting them from the requirement to carry such dogs on medical grounds. The information to be contained in the notice of the exemption and how it is to be displayed in the vehicle are also prescribed. In the event that a licensing authority turns down an application for exemption the Regulations allow for the applicant to appeal to the sheriff.

#### **Risk Assessment**

Some disabled people who require the use of an assistance dog to go about their everyday lives are refused the hire by taxi drivers. Those who are carried may be subject to an additional charge for doing so. Once implemented the Regulations will remove any such discrimination by making it an offence for a taxi driver to refuse to carry an assistance dog accompanying a disabled person and to make any additional charge for doing so. Exemption arrangements have been included to enable drivers with certain medical conditions to continue to drive taxis.

#### **Options**

Licensing authorities already have a discretionary regulatory power to attach such reasonable conditions to the licences of taxi drivers as they think fit. However these vary throughout the country. The Regulations will remove any such anomalies by requiring licensing authorities to attach the prescribed condition to the licences of all taxi drivers at the time of issue or renewal unless they are exempt on medical grounds. Given the problem which has been identified, and addressed in the Disability Discrimination Act 1995, a “do-nothing” or non-regulatory approach is not considered to be an option.

#### **Benefits**

The Regulations will ensure that disabled people, with dogs trained to assist them, will be able to travel in most taxis and be able to do so without incurring any additional charges for

the animal. However it is acknowledged that there may be some taxi drivers who have a medical condition which is caused or aggravated by contact with dogs and/or dog hair. Therefore provision has been made whereby such drivers can seek an exemption from complying with the Regulations.

### **Business sectors affected**

The total number of licensed taxi drivers in Scotland is estimated to be in the region of 25,000. It is not possible to estimate how many of these are likely to have a medical condition or suffer from an allergy that could be affected by coming into contact with dogs. However it is anticipated that the numbers whose condition is so serious that they will require an exemption from the requirement to carry assistance dogs will be extremely small. This is particularly so given that around one-third of the total number of taxis in Scotland are of the purpose-built variety which are fitted with a partition between the driver and the passenger compartment. Drivers of such vehicles are unlikely to require an exemption unless their medical condition or allergy is so severe as to cause a reaction.

### **Compliance Costs**

In considering an application for exemption a licensing authority may wish to obtain permission to contact the applicant's GP or specialist with a view to obtaining the necessary medical evidence. Alternatively, it may decide to require any driver applying for an exemption to undertake a medical examination before making a decision on whether a notice of exemption should be issued. Although the cost of any such medical examination is payable by the licensing authority these charges can be recovered through the various application and licensing fees the authority charges the trade by virtue of section 12 of the Civic Government (Scotland) Act 1982. A full medical examination can cost a licensing authority around £50 or £60, although a limited examination relating purely to the ability of a driver to carry dogs is likely to be lower. The cost to the trade will vary between local authority areas but as the exemption requirement is expected to be insignificant it is anticipated that overall the effect on fees will be negligible.

### **Impact on small and micro businesses**

As indicated above, any costs resulting from the Regulations will ultimately fall, via the application/licence fees, on the taxi trade, many of which are 'owner drivers' and self-employed. However very few drivers are likely to be affected and where additional costs are incurred by the trade in obtaining exemptions they can request that they are taken into consideration when taxi fares are next reviewed by the licensing authority.

### **Other costs**

As indicated above any additional costs incurred by the licensing authority are recoverable through fees charged to the trade. Although additional costs to the trade are anticipated as being insignificant, the trade can subsequently seek to recover any such costs when fares are next reviewed. Ultimately therefore the costs, if any, of removing discrimination encountered by disabled people with assistance dogs in travelling by taxi will be borne by the taxi travelling public generally.

## **Results of consultation**

A total of 247 copies of the draft Regulations, Guidance and Regulatory Impact Assessment were sent to the taxi trade, local authorities, disability groups and individuals. Copies were made available on tape, disc and large print. The papers were also accessible through the Scottish Executive Website. A total of 38 responses were received, of which 20 were from local authorities. The proposed Regulations were well received and their introduction supported, although it was recognised that some councils have already attached similar conditions to licences under their discretionary powers. As a result of the consultation and further consideration of the responses some minor changes were made to the draft documents.

## **Enforcement, Sanctions, Monitoring and Review**

It will be for individual licensing authorities to enforce the new condition of carrying assistance dogs as part of their existing taxi licensing responsibilities and to investigate any complaints received. Failure to comply with the new required condition of licence will be an offence under section 7(2) of the Civic Government (Scotland) Act 1982. Anyone found guilty of such an offence will, on summary conviction, be liable to a fine not exceeding level 3 on the standard scale (currently £1,000). Alternatively, it will be open to licensing authorities to consider the merits of suspending the licence of any taxi driver who breaches the requirement by virtue of the powers available to them at Schedule 1 paragraphs 11-12 of the 1982

A Review Regulatory Impact Assessment which will examine the actual impact the Regulations have had upon businesses, and consider whether any improvements or changes are necessary, will be undertaken within 10 years of these Regulations coming into effect.

## **Declaration**

**I have read the Regulatory Impact assessment and I am satisfied that the benefits justify the costs.**

Signed by the responsible Minister .....

Date.....

## **Contact Point**

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