

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL  
20 MARCH 2003**

**THE TAXI DRIVERS' LICENCES (CARRYING OF GUIDE DOGS AND  
HEARING DOGS) (SCOTLAND) REGULATIONS 2003**

**Report by Director of Community Services**

**1. PURPOSE OF REPORT**

- 1.1 To advise the Panel of changes in the legislation relative to the carrying of guide dogs, hearing dogs and assistance dogs.

**2. BACKGROUND**

- 2.1 The Taxi Driver's Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 have been made in terms of the Civic Government (Scotland) Act 1982, as amended, and came into force on 3 March 2003.

**3. DISCUSSION**

- 3.1 The Regulations place a duty on the Licensing Authority to impose a condition on all taxi drivers licences to the effect that the drivers must carry a disabled passenger's guide dog, hearing dog or assistance dog. The Regulations provide that a taxi driver must allow the dog to remain with the disabled person and not make any charge for carrying the dog.
- 3.2 They also prescribe certain dogs aiding people with epilepsy, and people with certain general physical disabilities, as dogs to which this obligation applies.
- 3.3 The Regulations further provide that a taxi driver may be exempted from carrying such dogs on medical grounds (such a severe asthma) and prescribe the form of the exemption notice which must, in those circumstances, be displayed on or in the taxi.
- 3.4 In terms of Regulation 4, the following condition must be attached to any Taxi Driver's Licence granted or renewed after 3 March 2003.

'Where a taxi has been hired –

- (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or

- (b) by a person who wishes such a disabled person to accompany that person in the taxi,

the driver of the taxi shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

This condition shall not apply where a notice of exemption has been issued to the taxi driver, the notice of exemption is in force and the notice is exhibited on or in the taxi.'

- 3.5 It should be noted that, at present the Regulations apply only to licensed taxi drivers. However, it is anticipated that similar legislation relating to private hire car drivers will be introduced in the near future.
- 3.5 It may therefore be appropriate for the Panel to consider attaching the same condition to Private Hire Drivers Licences, in terms of the powers contained in Paragraph 5(2) of Schedule I to the Civic Government (Scotland) Act 1982.
- 3.6 The Scottish Executive has prepared advice notes for both Taxi Drivers and for Disabled people and copies are attached at Appendix 1 to this report.
- 3.7 Copies of the advice notes will be made available to all licensed operators for their information and that of their drivers.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Nil

#### **5 LEGAL IMPLICATIONS**

- 5.1 Approval of the recommendations will ensure that the Council complies with the new statutory duty imposed by the Taxi Driver's Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003, in relation to Taxi Drivers. It will also promote consistency between taxi drivers and private hire car drivers until such time as similar legislation is brought forward in relation to private hire car drivers.
- 5.2 Paragraph 5(2) of Schedule I to the Civic Government (Scotland) Act 1982, allows the Council, as licensing authority, to impose on a licence such reasonable conditions as it thinks fit.
- 5.3 If the recommendations are agreed, the additional condition will fall to be imposed upon each new licence at the time of grant or on each existing licence at the time of renewal, over a maximum period of three years.

#### **6. POLICY IMPLICATIONS**

6.1 Nil.

## **7. CONCLUSIONS**

7.1 The Taxi Driver's Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 came into force on 3 March 2003. They place a duty on the Licensing Authority to impose a condition on all taxi drivers licences to the effect that the drivers must carry a disabled passenger's guide dog, hearing dog or assistance dog. The Regulations provide that a taxi driver must allow the dog to remain with the disabled person and not make any charge for carrying the dog.

7.2 The regulations further provide that a taxi driver may be exempted from carrying such dogs on medical grounds (such a severe asthma) and prescribe the form of the exemption notice which must, in those circumstances, be displayed on or in the taxi.

## **8. RECOMMENDATIONS**

8.1 It is recommended that:-

- (i) The licensing Panel agree to the imposition of a condition on all taxi drivers' licences in accordance with the Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003.
- (ii) The Licensing Panel consider whether to impose a similar condition on all private hire car drivers' licences.

William Stafford  
**Director of Community Services**

26 February 2003

WS/GS

### **LIST OF BACKGROUND PAPERS**

1. The Taxi Driver's Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003

Any person wishing to inspect any of the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail on [john.crawford@east-ayrshire.gov.uk](mailto:john.crawford@east-ayrshire.gov.uk).