

Disability Discrimination Act 1995

**The Public Service Vehicles
(Conduct of Drivers, Inspectors, Conductors
and Passengers) (Amendment) Regulations
2002
Guidance**

1. Introduction

The Government is committed to comprehensive and enforceable civil rights for disabled people. Achieving a fully accessible public transport system is a key element of that policy.

Section 40 of The Disability Discrimination Act (DDA) 1995 gives the Secretary of State a power to make regulations to ensure that public service vehicles are accessible to disabled people. The Government used these powers to bring the Public Service Vehicles Accessibility Regulations 2000 (S.I. 2000 No.1970) (“the 2000 Regulations”) into force on 30th August 2000.

To ensure that disabled people benefit fully from the 2000 Regulations the Government has amended The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 (S.I. 1990 No. 1020) (“the 1990 Regulations”). The amendments contained in The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) Regulations 2002 (S.I. 2002 No. 1724) came into force on 1 October 2002.

This document describes the amendments and provides guidance on their application. Changes are made to the conduct of:

- drivers, inspectors and conductors of all public service vehicles (PSVs) with respect to certain dogs that may accompany a disabled person (regulation 5);
- passengers with respect to disabled people in general and to certain disabled people’s dogs (regulation 6); and
- drivers and conductors of regulated public service vehicles with respect to wheelchair users and other disabled people (new Part IV, regulations 11 to 17).

The 1990 Regulations apply to all PSVs however, the new Part IV to these Regulations applies only to “regulated public service vehicles” i.e. vehicles to which the 2000 Regulations apply.

2. Changes applying to assistance dogs (regulations 5 and 6)

Regulation 5

There is a new requirement that **a driver, inspector or conductor must permit a disabled person to board and travel on a vehicle with a suitably trained dog**. It remains discretionary whether any other dog or other animal is allowed to travel.

Drivers, inspectors and conductors will be familiar with the needs of a blind or partially sighted person accompanied by a guide dog, which will be wearing a distinctive harness.

However, there are other dogs known as assistance dogs and hearing dogs, which may be accompanying a person whose disability may not be obvious. To ensure that dogs trained specifically to assist a disabled person are allowed to use public transport the regulations have been amended and now specify how these dogs can be identified. They should be wearing a jacket inscribed with the name of one of the following charities -

“Hearing Dogs for Deaf People”;

“Dogs for the Disabled”;

“Support Dogs”; or

“Canine Partners for Independence”.

Usually there will be no need to check these details but should that need arise it is worth noting that the owners of all these dogs will carry an identity card with the name of the relevant charity that has trained the dog.

Regulation 6

The existing provisions on the conduct of passengers allow a driver, inspector or conductor to direct a person to leave a vehicle if they are causing a nuisance, or if their condition is likely to be offensive, or if they may soil the vehicle or the clothing of other passengers. The regulation has been amended to remove **the right of a driver, inspector or conductor to direct a disabled**

person to leave the vehicle if they do so solely on the grounds that the person is disabled. The effect of this change is that a disabled person must be afforded equal treatment to that of any other passenger.

The amendment to regulation 5 ensures that certain dogs are allowed to travel with a disabled person and regulation 6 that a disabled person is not obliged to remove such a dog from a vehicle. To ensure the safety of passengers when a dog is carried a new requirement is introduced which **requires a disabled person to keep their dog clear of any gangway when directed to do so.**

This does not prevent a driver, inspector or conductor from refusing to carry a dog or from specifying any other conditions where a person, disabled or not, is, for example, carrying bulky or dangerous substances or should they wish to bring any other dog or other animal onto a vehicle.

3. New Part IV (regulations 11 to 17).

A new Part IV has been added **placing additional duties on drivers and conductors of “regulated public service vehicles”**. These are buses and coaches that are required to be accessible in accordance with the 2000 Regulations.

As a general guide the 2000 Regulations apply if a bus or coach is used on a local service or a scheduled service, and can carry more than 22 passengers.

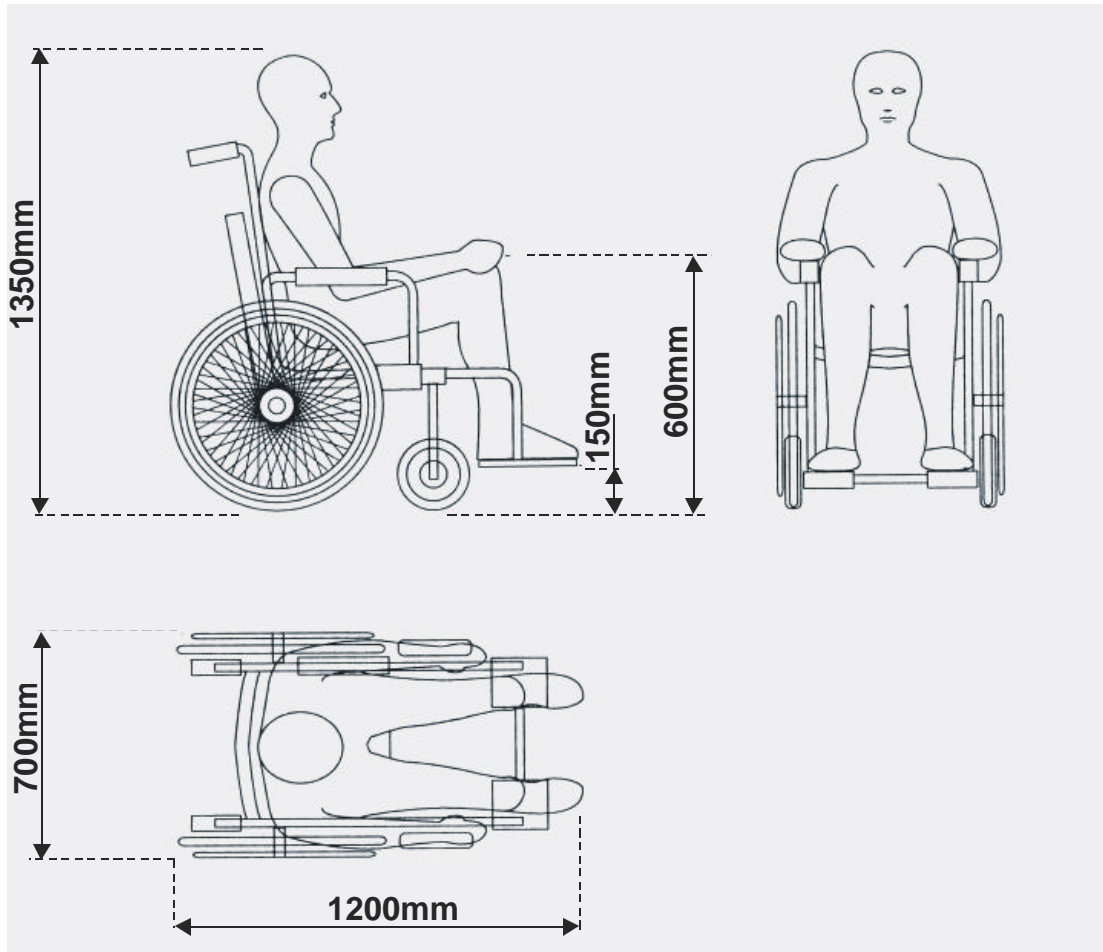
Note: Under the 2000 Regulations a coach is a vehicle that is not permitted to carry standing passengers.

Any bus or coach to which the 2000 Regulations apply will be issued with an accessibility certificate and if in doubt the vehicle operator will be able to identify these vehicles.

Part IV of the conduct regulations applies only to regulated public service vehicles because these have features designed specifically for disabled people. However, many other PSVs offer similar features for disabled people including wheelchair access and therefore it is good practice to follow the rules in Part IV for all vehicles wherever possible.

Wheelchair access

Where a “regulated public service vehicle” is wheelchair accessible it has been designed to accommodate a “reference wheelchair”. This is a wheelchair of a size large enough to represent the majority of wheelchairs currently in use. The reference wheelchair is illustrated below.



A driver or conductor must allow a wheelchair up to the size of a reference wheelchair to be carried. Electric wheelchairs should be treated the same as any other wheelchair but vehicles are not designed to carry scooters or any other wheelchair that cannot be safely carried in the wheelchair space.

A wheelchair user must only be carried if there is a wheelchair space available and the seating and standing capacity of the vehicle will not be exceeded.

Because buses can often carry more seated and/or standing passengers when the wheelchair space is unoccupied the

opportunity for a wheelchair user to travel may depend on other passengers and how full the vehicle is at the time. If there is space available and the seating and standing capacity will not be exceeded when the wheelchair space is occupied then any passengers in the wheelchair space should be asked to move. This may not be practical if, for example, the vehicle is nearing its capacity or passengers with baggage or a baby buggy are using the space.

Lifts and ramps

Wheelchair accessible vehicles are fitted with a lift, or a ramp (powered, manual or portable i.e. a detachable, usually folding ramp) stowed in a convenient place on the vehicle. **If a portable ramp is used, a driver or conductor must ensure at the start of the service that it is being carried on the vehicle.**

Whatever type of lift or ramp is provided, **a driver or conductor must be familiar with the method of operation and must always ensure that a lift or ramp is returned to its correct stowage position and is secure in that position before the vehicle is driven.** Power operated ramps will usually return to a safe stowage position automatically.

Power operated lifts and ramps will usually be provided with a means of manual operation in the event of a power failure and sometimes a separate tool is needed for this purpose. **A driver or conductor must ensure that any tool required for the manual operation of a lift or ramp is carried on the vehicle.** A driver or conductor must therefore know what tools are needed (if any), where they are located on the vehicle, and how to operate the lift or ramp manually.

When a wheelchair user wants to board or alight from a vehicle a driver or conductor must safely deploy the lift or ramp and, if it is a portable ramp, ensure that it is located in the correct position. It is essential that a lift or ramp is safely deployed. This includes:

- positioning the vehicle as close as possible to the kerb so that the ramp or lift can be deployed onto the pavement (where there is one);

- positioning and operating the device and any safety systems associated with it correctly. This may include correct placement of a portable ramp, ensuring that any handrails are in place (on a lift), and that safety devices are operating such as lift roll-off stops.
- monitoring the movement of a power-operated lift or ramp to minimise the risk of injury to passengers or other members of the public.

Safety of wheelchair users in transit

If a **wheelchair user** needs to travel seated in their wheelchair they **must only be carried in a wheelchair space and facing either forwards or rearwards according to the instructions or diagram for the use of the space**. Buses will usually be constructed with a backrest to enable a wheelchair to travel rearward facing. Coaches are likely to be designed for a forward facing wheelchair.

A driver or conductor must ensure that a wheelchair user can get in to and out of a wheelchair space. Depending on the design of the vehicle this may mean that seats are folded out of the way or any device such as a retractable rail (a folding arm) alongside the wheelchair space is moved out of the way.

Once the wheelchair user is in the wheelchair space **any retractable rail must be in its position to limit the movement of the wheelchair before the vehicle is driven. The driver or conductor should be prepared to offer assistance with such equipment**.

Where a wheelchair space is designed for a forward facing wheelchair it will be provided with a wheelchair restraint system. **A driver or conductor must ensure that a wheelchair restraint system is correctly attached in accordance with instructions provided on the vehicle before the vehicle is driven**. This may be a system comprising webbing straps or clamps that attach to the wheelchair frame.

Some coaches may be provided with seats in the wheelchair space that can be quickly dismantled or removed when the space is needed for a wheelchair user. **If, when removed, a seat is**

stowed on the vehicle it must either be in a locker or if it is in the passenger compartment it must **be secure so as not to be a danger to the driver or passengers.**

When a seat is returned to the wheelchair space it must be securely attached in position whether or not it is going to be used so as not to be a danger to passengers.

Kneeling systems and steps

Many buses and coaches are fitted with a kneeling system that lowers the body of the vehicle closer to the ground. Some may have a folding or a retractable step. These systems are usually fitted to ensure that the first step from the ground is not too high and difficult for disabled people.

A kneeling system or folding or retractable step must be operated so as to minimise the height of the first step from the ground if a disabled person is clearly about to board or alight from the vehicle or if the driver is requested to do so. Often it may not be apparent that a person has a disability be it permanent or temporary and they may have just as much difficulty alighting as they do when boarding. Therefore it is good practice to operate these systems at every stop. It is also likely that all passengers will board and alight more quickly if the step height is lower.

There may be reasons why it is not possible to operate the kneeling system or folding or retractable step in which case a driver or conductor may be excused for not doing so. For example if the height of the first step would not be reduced because the vehicle is next to a high kerb or in situations where damage to the vehicle may occur.

Doorways

Vehicles with two doorways are usually designed so that the front door is used as an entrance and the centre door as an exit. Often only one, usually the front door, will have a low first step height that is suitable for disabled people and which meets the requirements of the 2000 Regulations. Although passengers will usually board at the front door and alight through the centre door **a driver or conductor must allow a disabled person to use the door that meets the requirements of the 2000 Regulations as**

both entrance and exit. It may be necessary to allow extra time for them to do so as they may be going against the normal passenger flow.

Providing assistance

If a wheelchair user or any other disabled person requests assistance a driver or conductor must provide it (subject to certain conditions described below). It is also good practice to offer assistance. Providing some assistance can help ensure the safety of disabled passengers and give that all-important reassurance that may help keep the time taken for a disabled person to board or alight to a minimum. To assist in this process, it is important that all staff receive appropriate disability awareness training.

A wheelchair space, if it is intended for a forward facing wheelchair, will be fitted with a wheelchair user restraint system that will look like a seat belt. This should not be confused with the wheelchair restraint system for the wheelchair itself, which must be fitted. There is no legal requirement for a wheelchair user restraint system to be worn; however, it is good practice to encourage the wearing of a wheelchair user restraint system. Equally it is good practice to encourage all passengers to wear their seat belts for their own safety and security and that of other passengers.

A disabled person may not be able to apply the wheelchair user restraint or may not know how to wear it correctly. **A driver or conductor must offer assistance to the wheelchair user to enable them to wear the wheelchair user restraint system and ensure it is worn in accordance with instructions provided on the vehicle.** It is most important that it fits the user like a seat belt and is not held away from them by parts of the wheelchair. It may be necessary to pass the restraint through the arms of the wheelchair to achieve this. The driver or conductor should be familiar with the operation of the system.

Equipment fault or failure

A number of duties with respect to disabled people require the use of equipment fitted or supplied on the vehicle. **A driver or conductor must not allow a disabled person to board, alight or travel on a vehicle if a fault or failure of any equipment means that it is not safe to do so.** That does not prevent the use

of manual backup systems provided for use in the event of power failure nor does it mean that boarding should be denied if the nature of the equipment failure is such that it is safe for the disabled person to board, alight or travel on the vehicle.

In the case of a kneeling system, folding/retractable step or route and destination displays a driver or conductor will not be considered to have failed to fulfil a duty if there is a fault or failure of any such equipment that prevents it being used.

These systems may not have direct safety implications should they fail to operate but it should be remembered that the operation of a kneeling system is often needed to keep the slope of a ramp within acceptable limits. Should a kneeling system fail, greater care may be needed when a ramp is used. In most cases the driver or conductor should provide assistance to a wheelchair user in these circumstances.

Daily checks to ensure that equipment is working and early reporting of faults can help ensure the availability of vehicles and equipment for disabled people and help prevent problems arising when the vehicle is in service.

Route and destination displays

Drivers and conductors must ensure that the correct route number (if any) and the destination is correctly displayed in the positions provided on the vehicle.

If the route number and destination displays are provided with a means of illumination then they must be illuminated between sunset and sunrise.

If the vehicle is providing a temporary service (e.g. rail replacement) or is an emergency replacement vehicle on the route in question it may not be possible to display the route and destination in all the usual places. In such cases a temporary sign must be displayed and **must show the correct route number (if any) and the correct destination displayed on the front or nearside of the vehicle as close as practicable to the front entrance.** The route and destination need not be illuminated at night. These relaxations apply only for the first 21 days of operation of such services.

Allocation of duties

The Regulations place duties that fall to a driver and a conductor and it is clear that in the case of one-person operation they fall to the driver. In other cases the duty will usually fall to one or the other in accordance with the duties prescribed by the operator. **If the operator does not specify the person then both the driver and conductor have a responsibility to ensure the duties are fulfilled.**

Limitations to drivers and conductors duties

The Regulations require the operating or deploying of a kneeling system, a folding or retractable step, a lift or ramp, or the provision of assistance to a disabled person. In fulfilling any of these duties it is essential to take all reasonable care to ensure that the disabled person is safe when boarding or alighting.

There may be circumstances where there may be a risk to the health and safety of the driver or conductor, or to the disabled person, or to other passengers, or to the security of the vehicle. A driver or conductor must decide whether in such circumstances it is reasonable not to fulfil a particular duty.

Further Information

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