SCOTTISH STATUTORY INSTRUMENTS

2003 No. 73

LICENCES AND LICENSING

The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003

Made - - - -	*6th February 2003*
Laid before the Scottish Parliament - - - -	*7th February 2003*
Coming into force - -	*3rd March 2003*

The Scottish Ministers, in exercise of the powers conferred by section 20(1) and (2A) of the Civic Government (Scotland) Act 1982(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 and shall come into force on 3rd March 2003.

(2) These Regulations extend to Scotland only.

Categories of dog

2.—(1) An assistance dog is prescribed as a category of dog for the purposes of section 20(2A) of the Civic Government (Scotland) Act 1982(**2**).

(2) "An assistance dog" means a dog which–

(a) is trained by a charity to assist a disabled person with a physical impairment for the purposes of section 1 of the Disability Discrimination Act 1995(**3**) which–

(i) consists of epilepsy; or

(ii) otherwise affects the mobility, manual dexterity, physical co-ordination of that person or the ability of that person to lift, carry or otherwise move everyday objects; and

(**1**) 1982 c. 45; subsection (1) of section 20 was amended by the Transport Act 1985 (c. 67), Schedule 7, paragraph 23(3); subsection (2A) was inserted by the Disability Discrimination Act 1995 (c. 50), section 39(3). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46) and the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750).

(**2**) Section 20(2A)(c) enables the prescription of other categories of dogs in addition to guide and hearing dogs.

(**3**) 1995 c. 50.

(b) at the time that the disabled person whom it is assisting hires a taxi, is wearing a jacket inscribed with the name of a charity.

Prescribed condition

3. The condition specified in regulation 4 below is hereby prescribed as a condition which a licensing authority shall impose in relation to taxi drivers' licences, but only in relation to those licences for which an application is made to a licensing authority on or after 3rd March 2003.

4. The condition referred to in regulation 3 above is that where the 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,

and the circumstances specified in regulation 5 below do not apply, 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.

5. The circumstances referred to in regulation 4 above are that–

(a) a notice of exemption in the form set out in the Schedule to these Regulations has been issued to the driver in accordance with the procedure set out in regulation 6 below and is in force; and

(b) that notice is exhibited either by–

(i) affixing it in a prominent position on the dashboard facing upwards; or

(ii) affixing it to the windscreen of the taxi, facing outwards.

Notices of exemption

6.—(1) The licensing authority shall issue to a person such a notice of exemption as is referred to in regulation 5(a) above (with such deletions as it considers appropriate) if the authority is satisfied that it is appropriate on medical grounds to exempt that person from the condition specified in regulation 4 above.

(2) In determining whether to issue such a notice of exemption to a person, the licensing authority shall, in particular, have regard to the physical characteristics of the taxi which that person drives.

(3) A notice of exemption shall be issued for such period as may be specified in it.

(4) If a licensing authority requires a person to undergo a medical examination for the purpose of enabling that licensing authority to be satisfied as mentioned in paragraph (1) above, that licensing authority shall meet the cost of that medical examination.

(5) For the purpose of the discharge of their functions under this regulation, every licensing authority shall reach a final decision within 3 months of receipt of an application for a notice of exemption.

Notification of decisions and giving of reasons

7.—(1) A licensing authority shall, within the period of 7 days beginning with the day on which that decision was made under regulation 6(5) above, send written notice of their decision to the person seeking a notice of exemption.

(2) Reasons for a decision referred to in paragraph (1) above shall be given by the licensing authority on a request being made to the authority by the person seeking a notice of exemption within the period of 28 days beginning with the day on which that decision was made.