

WHEELCHAIR ACCESSIBLE SPSV GRANT SCHEME 2015 (WAV15)

INFORMATION GUIDE FOR WAV15 GRANT SCHEME APPLICANTS

This document is not a legal document and does not purport to be a legal interpretation of the relevant legislation

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1 Definitions

“**2013 Act**” means Taxi Regulation Act 2013;

“**Applicant**” means a person (individual or a company where a designated driver is proposed) who signs the application form for the wheelchair accessible vehicle grant scheme (form WAV15A);

“**Approved Applicant**” means an Applicant who receives a Provisional Grant Letter;

“**Authority**” means the National Transport Authority;

“**Provisional Grant Letter**” means a letter in which the Authority offers to make available to the Approved Applicant a Grant;

“**Grant**” means the sum or sums of money being made available by the Authority to the Approved Applicant pursuant to, and in accordance with, the Provisional Grant Letter and these Terms and Conditions;

“**Owner**” means, in relation to a wheelchair accessible SPSV, any of:

the Registered Owner of the wheelchair accessible SPSV; or

the person whom a member of An Garda Síochána or an officer of the Authority can reasonably ascertain keeps or has possession or charge or control, whether actual or constructive (including arising from a leasing or similar arrangement) of the wheelchair accessible SPSV;

“**Recipient**” means an Applicant who receives or is in the process of receiving a Grant;

“**Service**” or “**Services**” means the carriage or intended carriage for reward of persons who travel while seated in a wheelchair, and other persons travelling with such person, in accordance with the Small Public Service Vehicles Regulations;

“**Services Period**” means the aggregate of:

the period of thirty-six (36) months from the date of issue of the Grant to the Recipient’s nominated bank account; and

to the extent of paragraph 8.3 applies, the period during which the wheelchair accessible SPSV is not being used in the provision of Services;

“**Small Public Service Vehicle**” or “**SPSV**” has the meaning assigned to it by section 2 of the 2013 Act;

“**SPSV Regulations**” means the Taxi Regulation (Small Public Service Vehicle) Regulations 2015;

“**Specified Event**” means any event or circumstance specified as such in paragraph 6.2 (Cancellation and Repayment);

“**SPSV Driver Licence**” means a licence to drive an SPSV granted to an individual in accordance with the SPSV Regulations;

“**Tax**” means any tax, levy, impost, duty or other charge or withholding of a similar nature (including any penalty or interest payable in connection with any failure to pay or any delay in paying any of the same);

“**Wheelchair Accessible SPSV Licence**” means a licence granted in accordance with the SPSV Regulations in respect of a wheelchair accessible SPSV;

“**Wheelchair Accessible SPSV**” means a wheelchair accessible taxi or a wheelchair accessible hackney (having the meanings assigned in accordance with the SPSV Regulations);

“**WAV**” means a wheelchair accessible taxi or a wheelchair accessible hackney (having the meanings assigned in accordance with the SPSV Regulations);

“**Working Day**” means a day (other than a Saturday or Sunday or public holiday) on which banks are open for general business in Ireland.

2 Background

2.1 The legislative background, against which the National Transport Authority operates, in the area of small public service vehicle regulation, incorporates the Taxi Regulation Act 2013 and the Taxi Regulation (Small Public Service Vehicle) Regulations 2015.

2.2 The key objectives of the 2013 Act include the promotion of a quality service by small public service vehicles and their drivers and the promotion of access to small public service vehicles by persons with disabilities.

2.3 The number of wheelchair accessible taxis and hackneys has declined from a high of 1,600 vehicles in 2008 to 930 vehicles in May 2015. This reduction in the availability of wheelchair accessible vehicles is causing significant challenges in the provision of services to people with mobility impairments.

2.4 To address this issue, in 2014 the Authority amended the regulations governing wheelchair accessible SPSVs as follows:

- A reduced minimum size standard applies to wheelchair accessible vehicles. Vehicles must be capable of carrying at least one adult passenger plus an occupied wheelchair while in wheelchair mode, and at least four passengers in non-wheelchair mode;
- Wheelchair accessible vehicles entering the fleet are allowed to operate up to 15 years of age;
- Wheelchair accessible vehicles already in the fleet on 1st April 2014 are allowed to operate (on their current licence) without an age limit, subject to passing vehicle licence renewal inspections;
- Holders of a standard taxi licence may exchange that vehicle licence for a wheelchair accessible taxi licence and avail of the higher permissible vehicle age limit for the wheelchair accessible taxi. For such an exchange, the proposed wheelchair accessible taxi must be under six years of age; and
- An operator who exchanges a standard taxi licence for a wheelchair accessible taxi licence may also revert to the standard taxi licence after the Services Period.

3 Duration of scheme and funding level

3.1 The WAV15 Grant Scheme commences on **01 July 2015** and applications will be considered on a first received basis, subject to an application being satisfactorily completed, until the available funds are expended.

The last date for the receipt by the Authority of applications for the WAV15 Grant Scheme is **30 October 2015**. The closing date for the WAV15 Grant Scheme is **30 November 2015**, meaning the proposed wheelchair accessible vehicle must have passed its initial suitability test and have received a licence by that date in order to qualify for the Grant.

The available funding is €500,000. While initially there will be no regional distribution limits, the Authority reserves the right to introduce such limits. Once the available funding is depleted, the WAV15 Grant Scheme will close.

4 Who can avail of the scheme?

4.1 This scheme is available nationwide to:-

- Applicants for new wheelchair accessible vehicle licences;
- existing wheelchair accessible vehicle licence holders who wish to upgrade their current wheelchair accessible vehicle with a replacement vehicle; and
- existing operators who wish to exchange their standard taxi licence for a wheelchair accessible taxi licence either on conversion of their current vehicle or the purchase of a wheelchair accessible vehicle (retaining the future right to swap back).

5 Level of grant

5.1 The levels of grant payable by the Authority are as follows:

- | | | |
|---|---|---------|
| • New Wheelchair Accessible Vehicle (<3,000kms and <3 months old) | - | €10,000 |
| • Wheelchair Accessible Vehicle less than one year of age | - | € 8,000 |
| • Wheelchair Accessible Vehicle less than two years of age | - | € 6,500 |
| • Wheelchair Accessible Vehicle less than three years of age | - | € 5,000 |
| • Wheelchair Accessible Vehicle less than four years of age | - | € 4,000 |
| • Wheelchair Accessible Vehicle less than five years of age | - | € 3,500 |
| • Wheelchair Accessible Vehicle less than six years of age | - | € 3,000 |

6 Scheme requirements

6.1 The Applicant must:

- 6.1.1 hold a valid tax clearance certificate;
- 6.1.2 confirm that the Applicant has no prosecutions or complaints (in respect of SPSV operation) upheld against them in the six months preceding the application date;
- 6.1.3 agree that the Applicant will undertake, a half-day SPSV related disability awareness training course, which will be available free of charge from the Authority;
- 6.1.4 agree to register their contact details on a website nominated by the Authority for the taking of bookings and provision of Services for wheelchair accessible vehicles;
- 6.1.5 agree to install and operate a smartphone app, when same is provided free of charge by the Authority or its agent;
- 6.1.6 obtain and maintain SPSV insurance as set out in the 2013 Act and the SPSV Regulations or subsequent legislation;
- 6.1.7 ensure that the proposed vehicle complies with the standards established for wheelchair accessible vehicles as set out in the SPSV Regulations; and
- 6.1.8 be the registered owner of the proposed vehicle, or be legally entitled to the use and possession of the proposed vehicle (such as a lease or hire purchase agreement) for a period of not less than 12 months from the date of the application.

7 Approved Disability Awareness Training

It is a condition of receipt of any portion of the Grant that Applicant must either undertake the free half day SPSV specific disability awareness training provided by the Authority or provide evidence that they have completed a SPSV specific disability awareness training course during the three years prior to the application date.

No Grant will be released by the Authority without having received confirmation of successful completion of such a course in a manner satisfactory to the Authority.

8 Circumstances in which the grant will be liable to be repaid by the Applicant to the Authority

The Grant will be required to be repaid to the Authority under the following circumstances:

- Where a wheelchair accessible service is not being delivered in accordance with the licensing conditions; or
- Where booking records as per the SPSV Regulations are not provided to the Authority within ten working days of a request from the Authority; or
- Where the vehicle licence falls inactive at any point during the following three years after payment of the grant; or
- Where the operator changes the vehicle within three years of grant (such that the vehicle exits the fleet); or
- Where the wheelchair accessible licence holder swaps back to a standard taxi licence within 36 months of receipt of the grant.

9 Application Process

9.1 There are essentially six steps to the application process:

- 1) Check that as Applicant you fulfil the criteria set out at section 6 and ensure you read and understand the Terms and Conditions of the WAV15 Grant Scheme (available on the "Forms and Guides" section of our website www.nationaltransport.ie)

Download and complete in full the Application Form WAV15 (also available on the "Forms and Guides" section of our website).

Return it to "WAV15 Applications, National Transport Authority, PO Box 436, City North Business Park, Tuam Road, Galway" for consideration, which will be on a first received basis, until the available funds are expended, subject to the application being satisfactorily completed. Include a copy of your disability awareness training certificate, if you already have one, for verification by the Authority.

This application must be received by **30 October 2015** to be considered.

If successful, a Provisional Grant Letter, including the Terms and Conditions, will issue to the Applicant. This Provisional Grant Letter is valid until the earliest of 3 calendar months, 30 November 2015 or the funds are expended.

If your application is unsuccessful we will contact you to provide the reason. You may need to submit further information, so please allow plenty of time for this possibility and subsequent additional processing.

We would strongly urge you not to purchase a vehicle prior to receipt of a Provisional Grant Letter.

- 2) If you receive a Provisional Grant Letter, you should arrange to have a Technical Assessor's Full Report completed on your proposed vehicle and submit it with a new vehicle licence application form (VL1) to "WAV15, Technical Assessors Report, National Transport Authority, PO Box 436, City North Business Park, Tuam Road, Galway".

The latest versions of the VL1, Technical Assessor's Full Report Template and Guidance Notes, together with our Information Guides in relation to the Initial Suitability Inspection for WAV inspections, provide relevant information and identify where further details can be obtained if required (available in the "Forms & Guides" section our website at www.nationaltransport.ie)

When the Authority has reviewed these documents, you will be contacted informing you of the next steps, this could be a request for further information or you will be invited to book a vehicle inspection and start the normal vehicle licensing process. *Please do not call to book an inspection before this step is completed.*

Where there are any queries as to the technical standards or required vehicle test data necessary, please have your assessor contact Neill Anderson in Technical Standards at the National Transport Authority – 01 881 5519.

- 3) Book an Initial Suitability Inspection at one of the network of SPSV inspection centres for the vehicle you have had converted or have purchased in line with the wheelchair accessible vehicle standards as set out in the SPSV Regulations (Information and Booking Line 0761 06 4000)
- 4) Once the vehicle successfully completes the Initial Suitability Inspection, book your training course. Contact details will be set out in your Provisional Grant Letter.
- 5) Having completed the training course, forward the certificate, together with the completed Grant Payment Request Form supplied with your Provisional Grant Letter to: "WAV15 Payment, National Transport Authority, Dún Scéine, Harcourt Lane, Dublin 2".
- 6) Once the Taxi Section confirms that all information provided is acceptable, the grant monies will be issued to your nominated bank account within 20 Working Days.

10 How to apply for a wheelchair accessible vehicle grant

Before filling out the application form, please ensure you have the following to hand:

- PPS number (individual) or company registration number;
- SPSV driver licence details;
- Tax Clearance certificate (TC2) details; and

- Where SPSV specific Disability Awareness training has been completed by the Applicant in the preceding 3 years, a copy of the certificate of completion, including the date of completion and course provider details.

In completing the application form, you should be aware of the following:-

- The Applicant accepts that the Authority reserves the right to reject/approve an application for a Grant under the scheme.
- The Applicant grants permission to the Authority to verify any and all information provided on or with the application form.
- The Applicant accepts that if they submit an incomplete application, it will be rejected and returned and that they will be required to re-apply.
- Any Provisional Grant Letter is valid until the earliest of 3 calendar months from the date of issue, 30 November 2015 or the funds are depleted.
- It is the licence-holder's responsibility to notify the Authority of any change regarding contact details.
- The Applicant's agreement with the Authority in the event of a Provisional Grant Letter offer being accepted will comprise Provisional Grant Letter, the Terms and Conditions, the payment request form, the training certificate and the completed application form. The Applicant shall comply with and agrees to be bound by the provisions of the said documentation. The Authority will use the information provided for the purpose of administering the SPSV licensing system and in order to perform the functions assigned to the Authority by the 2013 Act, as amended, and SPSV Regulations including the maintenance of a public register of SPSVs. Information provided will be shared with certain authorised third parties where necessary in order to carry out our functions and for the purposes of law enforcement. The Authority is registered with the Office of the Data Protection Commissioner and all information sharing will be performed in accordance with the Data Protection Acts 1988 and 2003.
- In the event of any breach by the Applicant of the Terms and Conditions of the WAV15 Grant Scheme and where the Applicant has received payment pursuant to the Scheme, the Authority shall, among its remedies against the Applicant, be entitled to demand the complete repayment of the grant in full or pro-rata, as appropriate, and the Applicant agrees to comply with any such demand within one month of the date of the letter from the Authority containing such demand.
- The Authority reserves the right to review or supplement the Terms and Conditions of the scheme after the Applicant's submission of an application and shall not incur any liability for such revision or supplementation.

11 Compliance

The Authority Compliance Officers will follow up directly with every Grant Recipient to ensure that the vehicle is being used to provide the Services appropriately.