



Chronically Sick and Disabled Persons Act 1970

1970 CHAPTER 44

Miscellaneous provisions

20 Use of invalid carriages on highways

- (1) In the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions—
- (a) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway;
 - (b) if the vehicle is mechanically propelled, it shall be treated for the purposes of the Road Traffic Act 1960, the Road Traffic Act 1962, the Road Traffic Regulation Act 1967 and Part I of the Road Safety Act 1967 as not being a motor vehicle; and
 - (c) whether or not the vehicle is mechanically propelled, it shall be exempted from the requirements of the Road Transport Lighting Act 1957.

- (2) In this section—

" footway " means a way which is a footway, footpath or bridleway within the meaning of the Highways Act 1959; and in its application to Scotland means a way over which the public has a right of passage on foot only or a bridleway within the meaning of section 47 of the Countryside (Scotland) Act 1967;

" invalid carriage " means a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability;

" prescribed " means prescribed by regulations made by the Minister of Transport;

" statutory provision " means a provision contained in, or having effect under, any enactment.

- (3) Any regulations made under this section shall be made by statutory instrument, may make different provision for different circumstances and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

21 Badges for display on motor vehicles used by disabled persons

- (1) There shall be a badge of a prescribed form to be issued by local authorities for motor vehicles driven by, or used for the carriage of, disabled persons; and—
- (a) subject to the provisions of this section, the badge so issued for any vehicle or vehicles may be displayed on it or on any of them either inside or outside the area of the issuing authority; and
 - (b) any power under section 84C of the Road Traffic Regulation Act 1967 (which was inserted by the Transport Act 1968) to make regulations requiring that orders under the Act shall include exemptions shall be taken to extend to requiring that an exemption given with reference to badges issued by one authority shall be given also with reference to badges issued by other authorities.

- (2) A badge may be issued to a disabled person of any prescribed description resident in the area of the issuing authority for one or more vehicles which he drives and, if so issued, may be displayed on it or any of them at times when he is the driver.

- (3) In such cases as may be prescribed, a badge may be issued to a disabled person of any prescribed description so resident for one or more vehicles used by him as a passenger and, if so issued, may be displayed on it or any of them at times when the vehicle is being used to carry him.

A badge may be issued to the same person both under this subsection and under subsection (2) above.

- (4) A badge may be issued to an institution concerned with the care of the disabled for any motor vehicle or, as the case may be, for each motor vehicle kept in the area of the issuing authority and used by or on behalf of the institution to carry disabled persons of any prescribed description; and any badge so issued may be displayed on the vehicle for which it is issued at times when the vehicle is being so used.

- (5) A local authority shall maintain a register showing the holders of badges issued by the authority under this section, and the vehicle or vehicles for which each of the badges is held; and in the case of badges issued to disabled persons the register shall show whether they were, for any motor vehicle, issued under subsection (2) or under subsection (3) or both.

- (6) A badge issued under this section shall remain the property of the issuing authority, shall be issued for such period as may be prescribed, and shall be returned to the issuing authority in such circumstances as may be prescribed.

- (7) Anything which is under this section to be prescribed shall be prescribed by regulations made by the Minister of Transport and Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and regulations so made may make provision—

- (a) as to the cases in which authorities may refuse to issue badges, and as to the fee (if any) which an authority may charge for the issue or re-issue of a badge; and
- (b) as to the continuing validity or effect of badges issued before the coming into force of this section in pursuance of any scheme having effect under section 29

of the National Assistance Act 1948 or any similar scheme having effect in Scotland; and

- (c) as to any transitional matters, and in particular the application to badges issued under this section of orders made before it comes into force and operating with reference to any such badges as are referred to in paragraph (b) above (being orders made, or having effect as if made, under the Road Traffic Regulation Act 1967).
- (8) The local authorities for purposes of this section shall be the common council of the City of London, the council of a county or county borough in England or Wales or of a London borough and the council of a county or large burgh in Scotland; and in this section " motor vehicle" has the same meaning as in the Road Traffic Regulation Act 1967.
- (9) This section shall come into operation on such date as the Minister of Transport and Secretary of State may by order made by statutory instrument appoint.

22 Annual report on research and development work

The Secretary of State shall as respects each year lay before Parliament a report on the progress made during that year in research and development work carried out by or on behalf of any Minister of the Crown in relation to equipment that might increase the range of activities and independence or well-being of disabled persons, and in particular such equipment that might improve the indoor and outdoor mobility of such persons.

23 War pensions appeals

- (1) The Pensions Appeal Tribunals Act 1943 shall have effect with the amendments specified in the subsequent provisions of this section.
- (2) In section 5—
- (a) so much of subsection (1) as prevents the making of an appeal from an interim assessment of the degree of a disablement before the expiration of two years from the first notification of the making of an interim assessment (that is to say, the words from " if" to " subsection " where first occurring, and the words " in force at the expiration of the said period of two years ") is hereby repealed except in relation to a claim in the case of which the said first notification was given before the commencement of this Act;
 - (b) in the second paragraph of subsection (1) (which defines " interim assessment" for the purposes of that subsection), for the words " this subsection " there shall be substituted the words " this section " ;
 - (c) in subsection (2) (which provides for an appeal to a tribunal from a Ministerial decision or assessment purporting to be a final settlement of a claim) at the end there shall be added the words " and if the Tribunal so set aside the Minister's decision or assessment they may, if they think fit, make such interim assessment of the degree or nature of the disablement, to be in force until such date not later than two years after the making of the Tribunal's assessment, as they think proper " ;
 - (d) subsection (3) (which makes provision as to the coming into operation of section 5) is hereby repealed.
- (3) In section 6, after subsection (2) there shall be inserted the following subsection—

Status: This is the original version (as it was originally enacted).

“(2A) Where, in the case of such a claim as is referred to in section 1, 2, 3 or 4 of this Act—

- (a) an appeal has been made under that section to the Tribunal and that appeal has been decided (whether with or without an appeal under subsection (2) of this section from the Tribunal's decision); but
- (b) subsequently, on an application for the purpose made (in like manner as an application for leave to appeal under the said subsection (2)) jointly by the appellant and the Minister, it appears to the appropriate authority (that is to say, the person to whom under rules made under the Schedule to this Act any application for directions on any matter arising in connection with the appeal to the Tribunal fell to be made) to be proper so to do—
 - (i) by reason of the availability of additional evidence; or
 - (ii) (except where an appeal from the Tribunal's decision has been made under the said subsection (2)), on the ground of the Tribunal's decision being erroneous in point of law,

the appropriate authority may, if he thinks fit, direct that the decision on the appeal to the Tribunal be treated as set aside and the appeal from the Minister's decision be heard again by the Tribunal”.

- (4) In subsection (3) of section 6 (under which, subject to subsection (2) of that section, a tribunal's decision is final and conclusive) for the words " subject to the last foregoing subsection " there shall be substituted the words " subject to subsections (2) and (2A) of this section " .
- (5) In consequence of the Secretary of State for Social Services Order 1968, in section 12(1), for the definition of " the Minister " there shall be substituted the following:—
 - “ the Minister ' means the Secretary of State for Social Services”.
- (6) This section extends to Northern Ireland.

24 Institute of hearing research

The Secretary of State shall collate and present evidence to the Medical Research Council on the need for an institute for hearing research, such institute to have the general function of co-ordinating and promoting research on hearing and assistance to the deaf and hard of hearing.

25 Special educational treatment for the deaf-blind

- (1) It shall be the duty of every local education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that local education authority of special educational facilities for children who suffer the dual handicap of blindness and deafness.
- (2) The arrangements made by a local education authority for the special educational treatment of the deaf-blind shall, so far as is practicable, provide for the giving of such education in any school maintained or assisted by the local education authority.

- (3) In the application of this section to Scotland for any reference to a local education authority there shall be substituted a reference to an education authority within the meaning of section 145 of the Education (Scotland) Act 1962.

26 Special educational treatment for children suffering from autism, &c

- (1) It shall be the duty of every local education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that local education authority of special educational facilities for children who suffer from autism or other forms of early childhood psychosis.
- (2) The arrangements made by a local education authority for the special educational treatment of children suffering from autism and other forms of early childhood psychosis shall, so far as is practicable, provide for the giving of such education in any school maintained or assisted by the local education authority.
- (3) In the application of this section to Scotland for any reference to a local education authority there shall be substituted a reference to an education authority within the meaning of section 145 of the Education (Scotland) Act 1962.

27 Special educational treatment for children suffering from acute dyslexia

- (1) It shall be the duty of every local education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that local education authority of special educational facilities for children who suffer from acute dyslexia.
- (2) The arrangements made by a local education authority for the special educational treatment of children suffering from acute dyslexia shall, so far as is practicable, provide for the giving of such education in any school maintained or assisted by the local education authority.
- (3) In the application of this section to Scotland for any reference to a local education authority there shall be substituted a reference to an education authority within the meaning of section 145 of the Education (Scotland) Act 1962.

28 Power to define certain expressions

Where it appears to the Secretary of State to be necessary or expedient to do so for the proper operation of any provision of this Act, he may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make provision as to the interpretation for the purposes of that provision of any of the following expressions appearing therein, that is to say, "chronically sick", "chronic illness", "disabled" and "disability".

29 Short title, extent and commencement

- (1) This Act may be cited as the Chronically Sick and Disabled Persons Act 1970.
- (2) Sections 1 and 2 of this Act do not extend to Scotland.
- (3) Save as otherwise expressly provided by sections 9, 14 and 23, this Act does not extend to Northern Ireland.

Status: This is the original version (as it was originally enacted).

- (4) This Act shall come into force as follows:—
- (a) sections 1 and 21 shall come into force on the day appointed thereunder;
 - (b) sections 4, 5, 6, 7 and 8 shall come into force at the expiration of six months beginning with the date this Act is passed;
 - (c) the remainder shall come into force at the expiration of three months beginning with that date.