

2009 No. 6

ROAD TRAFFIC AND VEHICLES

**The Disabled Persons (Badges for Motor Vehicles)
(Amendment) Regulations (Northern Ireland) 2009**

Made - - - - - *6th January 2009*

Coming into operation - - - - - *2nd April 2009*

The Department for Regional Development^(a) makes the following Regulations in exercise of the powers conferred by section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978^(b) and now vested in it^(c):

Citation and commencement

1. These Regulations may be cited as The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 2nd April 2009.

Amendment

2.—(1) The Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993^(d) shall be amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “disabled person’s concession” substitute the following definition—
““disabled person’s concession” has the same meaning as in section 14B(4) of the Act;”
; and

(b) insert the following definitions at the appropriate place alphabetically—
““penalty charge” and “penalty charge notice” have the same meaning as in the Traffic Management (Northern Ireland) Order 2005;”^(e);
““relevant conviction” means the conviction of the holder of a disabled person’s badge or any other person using a disabled person’s badge with the holder’s consent of any offence under section 14B(1) of the Act (wrongful use of badge);”.

(3) For regulation 2(2) substitute the following paragraph—

“(2) For the purposes of these Regulations, a relevant penalty charge is incurred if a penalty charge notice has been issued to the holder of a disabled person’s badge or any other person using a disabled person’s badge with the holder’s consent in relation to a

(a) S.I. 1999/283 (N.I. 1) Article 3(1)
(b) 1978 c. 53 as amended by S.I. 1981/154 (N.I. 1) Sch. 7, para. 21 and S.I. 1997/276 (N.I. 2) Art. 55, Sch. 8, para. 3 and Sch. 9 and S.I. 2005/1964 (N.I. 14) Art. 32
(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV
(d) S.R. 1993 No. 202 as amended by S.R. 1995 No. 332, S.R. 1998 No. 297, S.R. 2000 No. 59, S.R. 2000 No. 322 and S.R. 2008 No. 501
(e) S.I. 2005/1964 (N.I. 14)

vehicle involved in a contravention specified in paragraph (3) and the penalty charge has been paid or an amount in relation to that penalty charge is recoverable under Article 15 of the Traffic Management (Northern Ireland) Order 2005.”.

(4) For regulation 2(3) substitute the following paragraph—

“(3) The contraventions referred to in paragraph (2) are any offence under—

- (a) Article 4(5) of the Regulation Order of contravening a prohibition or restriction on the waiting of vehicles in any public road or in any area or the loading or unloading of vehicles;
- (b) Article 14(1) of the Regulation Order in relation to using a parking place reserved for a disabled person’s vehicle in contravention of an order under Article 13 of that Order; or
- (c) Article 19(1) of the Regulation Order in relation to—
 - (i) failing to pay any charge payable in respect of a vehicle left in a parking place; or
 - (ii) leaving the vehicle in a parking place for longer than the time authorised; or
 - (iii) leaving the vehicle again in the same parking place before the prescribed period has elapsed before a vehicle which has been taken away from a parking place may again be left therein.”

(5) For regulation 8A(2) (conditions relating to the misuse of badges) substitute the following paragraph—

“(2) The prescribed conditions are the misuse of a disabled person’s badge on at least 3 occasions which has led to—

- (a) a relevant conviction; or
- (b) a relevant penalty charge.”.

Sealed with the Official Seal of the Department for Regional Development on 6th January 2009

(L.S.)

R Sherman
A senior officer of the Department for Regional Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993 (“the 1993 Regulations”).

Section 14(7A) of the Chronically Sick and Disabled Person’s (Northern Ireland) Act 1978 makes provision for the Department to refuse an application for a badge or to require the return of a badge if prescribed conditions are met. The conditions are prescribed in regulation 8A of the 1993 Regulations and are misuse of the badge on at least 3 occasions which has led to a relevant conviction. Following the introduction of decriminalised parking enforcement many of the contraventions that constitute a relevant conviction are no longer criminal offences. These contraventions are now dealt with by means of a penalty charge notice. These Regulations further amend the 1993 Regulations to take account of these changes. The opportunity is also being taken to bring the parking concessions for badge holders and the contraventions that constitute misuse of the badge more into line with one another.

In particular, the Regulations—

substitute revised definitions for “disabled person’s concession” and “relevant conviction” and insert new definitions for “penalty charge” and “penalty charge notice” (regulation 2(2));

substitute new regulation 2(2) and (3) defining the expression “relevant penalty charge” by reference to specified contraventions (regulation 2(3) and (4)); and

amend regulation 8A(2) by making provision for a relevant penalty charge in addition to the existing relevant conviction (regulation 2(5)).

© Crown Copyright 2009

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly.

2009 No. 6

ROAD TRAFFIC AND VEHICLES

The Disabled Persons (Badges for Motor Vehicles)
(Amendment) Regulations (Northern Ireland) 2009