

2007 No. 162

ROAD TRAFFIC

**The Disabled Persons (Badges for Motor Vehicles) (Scotland)
Amendment Regulations 2007**

Made - - - - - *28th February 2007*

Laid before the Scottish Parliament *5th March 2007*

Coming into force - - - *1st April 2007*

The Scottish Ministers, in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2007 and shall come into force on 1st April 2007.

Preliminary

2. The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(b) (in these Regulations called “the Principal Regulations”) are amended in accordance with the following regulations.

Interpretation of the Principal Regulations

3.—(1) Regulation 2 is amended as follows.

(2) In the definition of “holder” for “institution” substitute “organisation”.

(3) Omit the definitions of “institution” and “institutional badge”.

(4) After the definition of “local authority” insert—

““organisation” means an organisation concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with section 21(4) of the 1970 Act; and

“organisational badge” means a disabled person’s badge issued to an organisation.”.

(a) 1970 c.44; section 21 was amended by the Local Government (Scotland) Act 1973 (c.65), Schedule 14; by the Transport Act 1982 (c.49), section 68; by the Road Traffic Regulation Act 1984 (c.27), Schedule 13, paragraph 11; by the Local Government Act 1985 (c.51), Schedule 5; by the Road Traffic Act 1991 (c.40), section 35, Schedule 8; by the Local Government (Wales) Act 1994 (c.19), Schedule 10, paragraph 8; by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 86; and by the Transport (Scotland) Act 2005 (asp 12), section 49. 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).

(b) S.S.I. 2000/59, amended by S.S.I. 2000/170.

Revocation of spent provisions

- 4.—(1) Regulation 3 is amended as follows.
- (2) Omit paragraphs (1) and (2).
- (3) The heading accordingly becomes “Transitional provision”.

Descriptions of disabled persons

- 5.—(1) Regulation 4 is amended as follows.
- (2) For paragraph (1) substitute—
 - “(1) The prescribed descriptions of disabled person to whom a disabled person’s badge may be issued are—
 - (a) a person who is more than 2 years old and falls within one or more of the descriptions specified in paragraph (2);
 - (b) a person who is not more than 2 years old and falls within either or both of the descriptions specified in paragraph (3).”.
- (3) In paragraph (2)—
 - (a) after “descriptions” insert “referred to in paragraph (1)(a)”;
 - (b) in sub-paragraph (b) for “uses a motor vehicle supplied by the Scottish Executive or the Department of Social Security or is in receipt of a grant pursuant to section 5(2)(a) of the National Health Service Act 1977 or” substitute “is in receipt of a grant pursuant to”; and
 - (c) for sub-paragraphs (e) and (f) substitute—
 - “(e) drives a vehicle regularly, has a severe congenital disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter;
 - (f) is unable to walk or has considerable difficulty in walking by reason of a permanent and substantial disability; or
 - (g) is unable to walk or has considerable difficulty in walking by reason of a temporary but substantial disability which is likely to last for a period of at least 12 months beginning with the date on which the badge is issued.”.
- (4) After paragraph (2) insert—
 - “(3) The descriptions referred to in paragraph (1)(b) are—
 - (a) a child who has a medical condition that requires that he be always accompanied by bulky medical equipment which can be kept in a motor vehicle but which cannot be carried around with the child without great difficulty;
 - (b) a child who has a medical condition that requires that he must always be kept near a motor vehicle so that he can if necessary be treated for that condition in the vehicle or taken quickly in the vehicle to a place where he can be so treated.
- (4) In this regulation—
 - (a) “bulky medical equipment” includes in particular any of the following:—
 - (i) ventilators;
 - (ii) suction machines;
 - (iii) feed pumps;
 - (iv) parenteral equipment;
 - (v) syringe drivers;
 - (vi) oxygen administration equipment; and
 - (vii) continual oxygen saturation monitoring equipment; and

- (b) “parking meter” has the same meaning as in the Road Traffic Regulation Act 1984(a) (see sections 46(2)(a) and 142(1)).”.

Organisational badges

6. For regulation 5 substitute—

“Organisational badges

5. An organisational badge may be issued to an organisation for a motor vehicle which is to be used to carry disabled persons falling within one or more of the descriptions specified in regulation 4(2) or (3).”.

Fee for issue and period of issue of a badge

7.—(1) Regulation 6 is amended as follows.

(2) In paragraph (1) for “£2” substitute “£20”.

(3) For paragraph (2) substitute—

“(2) Subject to regulations 7(2) and 9, a disabled person’s badge shall be issued—

- (a) to a person falling within the description specified in regulation 4(1)(b), for a period ending on the day immediately following his second birthday;
- (b) to a person falling within the description specified in regulation 4(2)(a) or 4(2)(d), for whichever is the shorter of—
 - (i) the period of 3 years which begins with the date of issue; or
 - (ii) the period which begins with the date of issue and ends on the date on which he will cease to receive the higher rate of the mobility component of the disability living allowance or the mobility supplement;
- (c) to a person falling within the description specified in regulation 4(2)(g), for a period of such length as the local authority issuing it may determine, being not more than 3 years nor (except when granted by way of renewal) less than 1 year beginning with the date of issue;
- (d) to a person not falling within sub-paragraph (a), (b) or (c) for a period of 3 years beginning with the date of issue;
- (e) to a person falling within both sub-paragraphs (b) and (c), to whichever is the longer period applicable to him under one of those paragraphs.”.

Grounds for refusal to issue a badge

8. In regulation 8(2)(b)(ii) for “institution” in both places occurring substitute “organisation”.

Return of badge to issuing authority

9. In regulation 9(1)—

- (a) for “institutional” in both places occurring substitute “organisational”; and
- (b) for “institution” in both places occurring substitute “organisation”.

Form of badge

10.—(1) In regulation 11(a)(ii) for “institutional” substitute “organisational”.

(2) For Parts I and II of the Schedule to the Principal Regulations substitute Parts I and II as shown in the Schedule to these Regulations.

(a) 1984 c.28; section 46(2)(a) was amended by S.I. 1996/1553.

- (3) Nothing in this regulation affects the validity of a badge which—
- (a) was issued before the coming into force of these Regulations; and
 - (b) was in a form which complied with the Principal Regulations at the time of its issue.

Display of an organisational badge

11.—(1) In regulations 15 and 16 for “institutional” in each place occurring substitute “organisational”.

(2) The heading of regulation 15 accordingly becomes “Display of an organisational badge when a vehicle is being driven” and the heading of regulation 16 becomes “Display of an organisational badge when a vehicle is parked”.

St Andrew’s House,
Edinburgh
28th February 2007

TAVISH SCOTT
A member of the Scottish Executive

SCHEDULE

Regulation 10(2)

FORM OF BADGE – SUBSTITUTED DIAGRAMMS

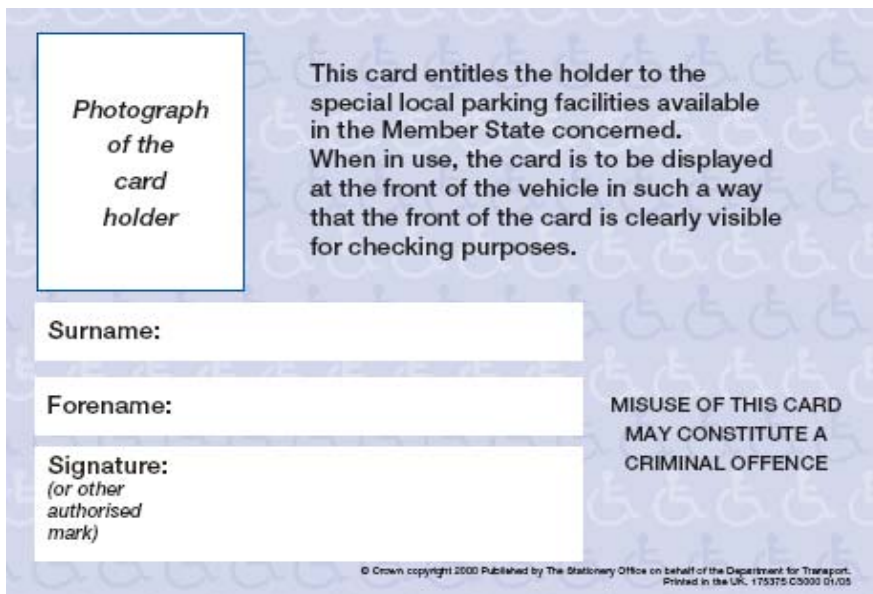
PART I

FORM OF INDIVIDUAL’S BADGE

FRONT



REVERSE



PART II

FORM OF ORGANISATIONAL BADGE

FRONT

Front - Display this side up

Date of expiry:	<p>Parking Card for Disabled People</p> <p>Parkeringsskilt Kárta andþjálfung Tarjeta de estacionamiento Parkausweis Contrassegno di parcheggio Parkeerkaart Cartão de estacionamento Pysäköintilupa Parkeringstillstånd Carte de stationnement</p>
Issued by:	
Serial No:	



**ORGANISATIONAL
BADGE**





UK

EUROPEAN COMMUNITIES
MODEL

REVERSE

stamp or logo of organisation

This card entitles the holder to the special local parking facilities available in the Member State concerned.

When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes.

Name of organisation:

**MISUSE OF THIS CARD
MAY CONSTITUTE A
CRIMINAL OFFENCE**

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (“the Principal Regulations”).

Regulation 3 amends regulation 2 of the Principal Regulations so as to introduce definitions of “organisation” and “organisational badge” to replace those of “institution” and “institutional badge”. This change of nomenclature arises from an amendment to section 21(4) of the Chronically Sick and Disabled Persons Act 1970 made by section 49 of the Transport (Scotland) Act 2005. Other amendments consequential upon that section are made by regulations 6, 8, 9, 10 and 11 of these Regulations.

Regulation 4 revokes spent provisions in regulation 3 of the Principal Regulations.

Regulation 5 amends regulation 4 of the Principal Regulations so as to substitute new versions of two of the descriptions of the persons to whom disabled persons badges may be issued, add two new descriptions and partially omit one of the descriptions. The new classes of eligibility are a child aged 2 years or less who falls within either or both of the descriptions specified in regulation 4(3) of the Principal Regulations and a person more than 2 years old who has a temporary disability which is expected to last for at least a year. Regulation 4(2)(b) of the Principal Regulations is partially revoked.

Regulation 7 increases the maximum fee chargeable for the issue of a disabled person’s badge from £2 to £20. A new paragraph is substituted for regulation 6(2) of the Principal Regulations. This lays down the periods for which badges are to be issued and provides in particular for badges to be issued for periods of less than three years to children under the age of two, persons who have temporary disabilities and persons in receipt of specified allowances.

Regulation 10 and the Schedule amend the Schedule to the Principal Regulations by substituting, for the diagrams of an individual’s badge and of an institutional badge, new diagrams incorporating an indication that it is the front of the badge, revised wording and a hologram.

A copy of the Regulatory Impact Assessment prepared in respect of these Regulations can be obtained from the Scottish Executive website at www.scotland.gov.uk. Copies are also available from the Accessibility and Rural Transport Branch, the Scottish Executive, Area 2-G(North), Victoria Quay, Edinburgh, EH6 6QQ.

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**The Disabled Persons (Badges for Motor Vehicles) (Scotland)
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