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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 410**

**The Disabled Persons (Badges for Motor Vehicles)  
(Scotland) Amendment (No. 2) Regulations 2011**

**Amendment of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000**

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition of “the 1982 Regulations”;

(ii) after the definition of “the 1984 Act” insert—

““date of issue” means the date on which a disabled person’s badge is first valid for use;” and

(iii) after the definition of “holder” insert—

““independent mobility assessor” means a person (“person A”) who at the time of any assessment of another person (“person B”) for the purposes of the certification referred to in regulation 4(2)(f) or (g)—

(a) is recognised by the local authority to which the application for a disabled person’s badge is being made as—

(i) holding a professional qualification, the obtaining of which involved person A being trained in the assessment of a person’s ability to walk; and

(ii) having the expertise necessary to assess on behalf of the local authority the ability to walk of person B;

(b) has never been employed or engaged as a provider of medical services to person B where “medical services” includes all forms of medical treatment and investigations to establish whether treatment is needed but does not include an assessment conducted to establish whether person B is eligible for services provided by a local authority (including the provision of a disabled person’s badge); and

(c) is not, in the opinion of the local authority, precluded by reason of personal or commercial relationship with person B from providing an independent assessment of person B’s ability to walk;”;

(b) for paragraph (3) substitute—

“(3) In these Regulations “relevant conviction” means any conviction for an offence specified in paragraph (4) committed in relation to a disabled person’s badge of—

(a) the holder of that badge; or

- (b) any other person using that badge with the knowledge of the holder at any time during which the offence was being committed.”; and
  - (c) for paragraph (4) substitute—
    - “(4) The offences mentioned in paragraph (3) are any offence—
      - (a) under section 21(4B)(2) of the 1970 Act;
      - (b) under section 115 or 117 of the 1984 Act; or
      - (c) involving dishonesty or deception under—
        - (i) any other provision of the 1970 Act, of the 1984 Act or of any other legislation; or
        - (ii) common law;
- applicable in the United Kingdom, or any part of the United Kingdom.”.
- (3) In regulation 4 (descriptions of disabled persons)—
    - (a) after paragraph (2)(d) insert—
      - “(da) has—
        - (i) received a lump sum benefit under article 15(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(3) within tariff levels 1 to 8 (inclusive); and
        - (ii) been certified by the Secretary of State as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking;”;
    - (b) in paragraph (2)(f) for “is” substitute “subject to paragraph (3A), has been certified by an independent mobility assessor as being”;
    - (c) in paragraph (2)(g) for “is” where it first occurs, substitute “subject to paragraph (3A), has been certified by an independent mobility assessor as being”; and
    - (d) after paragraph (3) insert—
      - “(3A) A person is to be deemed to be within the description set out in paragraph (2) (f) or (2)(g) in the absence of the certification otherwise required if, in the opinion of the local authority to which the application for a disabled person’s badge is being made, it is self evident by reason of the information the authority has about the person that the person has a permanent and substantial disability or a temporary and substantial disability which renders the person unable to walk or virtually unable to walk.”.
  - (4) In regulation 7 (replacement badges) in paragraph (1)—
    - (a) after “vehicle” insert “or as otherwise prevents it from being identified correctly or distinguished from a forgery”;
    - (b) for “with the word “duplicate” marked on the front” substitute “in a form which identifies by consecutive numbering each successive badge issued to that disabled person or organisation (as the case may be) by the issuing authority”.
  - (5) In regulation 8 (grounds for refusal to issue a badge)—
    - (a) in paragraph (2)(a)—
      - (i) omit “or under the 1982 Regulations”; and
      - (ii) for “at least three relevant convictions” substitute “a relevant conviction”;

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(2) Section 21(4B) was inserted by the [Transport \(Scotland\) Act 2001 \(asp 2\)](#), section 73.

(3) [S.I. 2011/517](#), to which there are amendments not relevant to these Regulations.

- (b) in paragraph (2)(b)(i) after “applies” insert “or that he is resident in the area of that local authority”;
- (c) after paragraph (2)(b) insert—
  - “(ba) the applicant already holds a valid badge which has been issued by another issuing authority;”;and
- (d) after paragraph (2)(c) insert—
  - “(ca) in the case of an application made pursuant to regulation 4(2)(f) or (g), a report by an independent mobility assessor stating that one of the criteria specified in those provisions is satisfied has not been made available to the local authority in a form satisfactory to the local authority;”.
- (6) In regulation 9 (return of badge to issuing authority)—
  - (a) at the end of paragraph (1)(e) insert “or has suffered any other damage which otherwise prevents it from being identified correctly or distinguished from a forgery”;
  - (b) at the end of paragraph (1)(f) insert “or another valid badge is issued to the holder by another issuing authority”;
  - (c) in paragraph (2)(a) for “at least three relevant convictions” substitute “a relevant conviction”; and
  - (d) at the end of paragraph (2)(b) insert “or that the holder has purported to transfer the badge to another person”.
- (7) In regulation 10 (appeals) omit paragraph (4).
- (8) For regulation 11 (form of badge) substitute—

**“Form of Badge**

- 11.**—(1) Paragraph (2) applies in respect of a badge with a date of issue before 1st January 2012 and paragraph (3) applies in respect of a badge with a date of issue on or after that date.
- (2) A disabled person’s badge is in the prescribed form if—
    - (a) the front and reverse of the badge are in the form shown in—
      - (i) Part I of the Schedule in the case of an individual’s badge; or
      - (ii) Part II of the Schedule in the case of an organisational badge; and
    - (b) the badge complies with the specifications in Part III of the Schedule.
  - (3) A disabled person’s badge is in the prescribed form if—
    - (a) the front and reverse of the badge are in the form shown in—
      - (i) Part IA of the Schedule in the case of an individual’s badge (with the omission of the word “sample” where it appears); or
      - (ii) Part IIA of the Schedule in the case of an organisational badge (with the omission of the word “sample” where it appears); and
    - (b) the badge complies with the specifications in Part IIIA of the Schedule.”.
  - (9) In the Schedule—
    - (a) in Part I (Individual’s Badge), after the heading “Form of Individual’s Badge”, insert “(with a date of issue before 1st January 2012)”;
    - (b) after Part I, insert Part IA as set out in Schedule 1 to these Regulations;
    - (c) in Part II (Organisational Badge), after the heading “Form of Organisational Badge”, insert “(with a date of issue before 1st January 2012)”;

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- (d) after Part II, insert Part IIA as set out in Schedule 2 to these Regulations;
- (e) in Part III (Specifications for Badge), after the heading “Specifications for the Badge”, insert “(with a date of issue before 1st January 2012)”; and
- (f) after Part III, insert Part IIIA as set out in Schedule 3 to these Regulations.