

POLICY NOTE

THE DISABLED PERSONS (BADGES FOR MOTOR VEHICLES) (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/9

The above instrument was made in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970 and section 6(1) of the Disabled Persons' Parking Badges (Scotland) Act 2014. The instrument is subject to negative procedure.

Policy Objective

The policy intention is to ensure that any valid blue badge, which is confiscated by an enforcement officer because it is being misused, is returned to the badge holder as soon as reasonably practicable. In response to the consultation, disabled people's organisations raised concerns about blue badge holders being disadvantaged by confiscation of their valid badge, particularly as it may have been used by a third party without their knowledge. Regulation 3 therefore requires all confiscated blue badges which remain valid to be returned to the badge holder by the issuing local authority. (Badges which have expired or have been cancelled or should have been returned to the local authority under the Regulations are not considered to be valid badges and need not be returned.) The timescale for returning a valid badge to the badge holder should not exceed 14 days in total and, if this deadline is not met, the issuing local authority is required to explain the reason for the delay in writing to the badge holder.

The policy intention of regulation 4 is to require local authorities to have a process in place to review a decision they have made in relation to a person's eligibility for a blue badge. The aim is to provide a clear, fair, consistent and accountable process for applicants across the country. Specific timescales are prescribed. This is to ensure that the applicant submits a request for a review within 28 days of the date of the local authority's decision letter and provides a reason for their review request.

The local authority is required to ensure that the review is carried out by someone who was not involved in the original decision and to provide notification of their decision to the applicant within 28 days of the date of the request for review. If the timescale is not met, the local authority is required to provide their reasons for any delay beyond 28 days.

The policy intention in amending the Schedule in relation to the form of a blue badge is to allow some of the detailed security features to be excluded from publication in Regulations to reduce the possibility of forgery. A general description is however being retained in Regulations to meet the public interest, as recommended by the Information Commissioner for Scotland.

Consultation

A formal consultation exercise was undertaken in relation to the Disabled Persons' Parking Badges (Scotland) Bill and an analysis of the responses is available on the Scottish Parliament's website. Further informal consultation events were held across the country with stakeholders, including disabled people's organisations, local authority parking enforcement officers, blue badge scheme administration teams and the police. Two multi-agency working groups were also set up to support the development of guidance in relation to the new provisions.

Impact Assessments

An equality impact assessment was completed for the Disabled Persons' Parking Badges (Scotland) Act 2014 and can be accessed on the Scottish Parliament's website.

Financial Effects

The Scottish Government does not believe that implementation of the Regulations will impose significant costs on local authorities or individuals.

No BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Transport Policy Directorate