
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 72

**The Disabled Persons (Badges for Motor Vehicles)
(Scotland) Amendment Regulations 2016**

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), in the definition of “independent mobility assessor”—

(i) after “or (g)”, insert “or (2A)(c)”;

(ii) for paragraph (a), substitute—

“(a) falls within paragraph (1B) of this regulation;”;

(iii) at the end of paragraph (c), insert “or an independent assessment for the purposes of regulation 4(2A)(c) (as the case may be)”;

(b) after paragraph (1A), insert—

“(1B) A person falls within this paragraph if the person is recognised by the local authority to which the relevant application for a disabled person’s badge is being made—

(a) in a case falling within regulation 4(2)(f) or (g), 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) in a case falling within regulation 4(2A)(c), as having the expertise necessary to assess on behalf of the local authority that person B lacks the awareness of danger from traffic which is likely to compromise the safety of person B, or the safety of other persons, during journeys.”.

(3) In regulation 4 (descriptions of disabled persons)—

(a) in paragraph (2)—

(i) omit “or” after sub-paragraph (f); and

(ii) after sub-paragraph (g), insert—

“; or

(h) falls within paragraph (2A)”;

(b) after paragraph (2), insert—

“(2A) A person falls within this paragraph if that person—

(1) S.S.I. 2000/59; amended by S.S.I. 2000/170, S.S.I. 2002/451, S.S.I. 2007/162, S.S.I. 2011/89, S.S.I. 2011/410, S.S.I. 2013/65, S.S.I. 2014/145 and S.S.I. 2015/9.

- (a) has a mental disorder within the meaning of section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽²⁾;
- (b) receives—
 - (i) the highest or middle rate of the care component of the disability living allowance in accordance with section 72 of the Social Security Contributions and Benefits Act 1992⁽³⁾;
 - (ii) attendance allowance in accordance with sections 64 and 65 of the Social Security Contributions and Benefits Act 1992⁽⁴⁾; or
 - (iii) personal independence payment and has been assessed as having severely limited ability or limited ability to carry out daily living activities (within the meaning of regulation 5(3) of the Social Security (Personal Independence Payment) Regulations 2013⁽⁵⁾) in respect of activities 7 (communicating verbally), 8 (reading and understanding signs, symbols and words) and 9 (engaging with other people face to face) in Part 2 of Schedule 1 to those Regulations; and
- (c) subject to paragraph (3B), has been certified by an independent mobility assessor as lacking awareness of danger from traffic which is likely to compromise the safety of the person, or the safety of other persons, during journeys.”; and
- (c) after paragraph (3A), insert—

“(3B) A person is deemed to be within the description set out in paragraph (2A)(c) 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 lack of awareness of danger from traffic which is likely to compromise the safety of the person, or the safety of other persons, during journeys.”.
- (4) In regulation 6 (fee for issue and period of issue of a badge), in paragraph (2)—
 - (a) after sub-paragraph (c), insert—

“(ca) to a person falling within the description specified in regulation 4(2A), for the period of 1 year beginning with the date of issue;”;
 - (b) in sub-paragraph (d), for “sub paragraph (a), (b), (ba), (bb) or (c)” substitute “any of the foregoing sub-paragraphs”.

(2) 2003 asp 13.

(3) 1992 c.4. Section 72 was amended by the Welfare Reform and Pensions Act 1999 (c.30), section 67(2), the Welfare Reform Act 2007 (c.5), sections 52 and 60 and Schedule 8, paragraph 1 and S.I. 2011/2426.

(4) Section 64 was amended by the Welfare Reform and Pensions Act 1999, section 66(1) and the Welfare Reform Act 2012 (c.5), Schedule 9, paragraph 5. Section 65 was amended by S.I. 2011/2426.

(5) S.I. 2013/377; amended by S.I. 2013/455, S.I. 2013/2270, S.I. 2014/516, S.I. 2015/457 and S.I. 2015/643.