
 STATUTORY INSTRUMENTS

1982 No. 1740

ROAD TRAFFIC

**The Disabled Persons (Badges for Motor Vehicles) Regulations
1982**

Made - - - - - 2nd December 1982
Laid before Parliament 16th December 1982
Coming into Operation 16th March 1983

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THE SCHEDULE

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The Secretary of State for Transport, the Secretary of State for Scotland and the Secretary of State for Wales in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970(a), as extended by section 2(2) of the Welsh Language Act 1967(b), and now vested in them (c), and of all other enabling powers, and after consultation with the Council on Tribunals pursuant to section 21 (7E) of the said Act of 1970, hereby make the following Regulations:—

(a) 1970 c. 44, as amended by section 68 of the Transport Act 1982 (c. 49).

(b) 1967 c. 66.

(c) As respects the Secretary of State for Transport by S.I. 1970/1681, 1979/571 and 1981/238.

Commencement and citation

1. These Regulations shall come into operation on 16th March 1983 and may be cited as the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

Revocation

2.—(1) The Disabled Persons (Badges for Motor Vehicles) Regulations 1975(a) are hereby revoked.

(2) Any application made, any badge issued or anything else done under and in accordance with the Regulations hereby revoked or having effect as if so made, issued or done shall not be invalidated by the revocation thereof but shall have effect as if made, issued or done under and in accordance with the corresponding provision of these Regulations.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Road Traffic Regulation Act 1967(b);

“disabled person” means a person who is over two years of age and who is of a description prescribed by Regulation 5;

“disabled person’s badge” means a badge in the form prescribed by Regulation 4 issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person or of several disabled persons, and includes a duplicate badge issued pursuant to Regulation 8;

“holder”, in relation to a disabled person’s badge, means the person to whom the badge was issued;

“institution” means an institution concerned with the care of the disabled;

“local authority” means an authority referred to in section 21(8) of the Chronically Sick and Disabled Persons Act 1970;

“relevant conviction” means

(a) the conviction of either—

(i) the holder of a disabled person’s badge; or

(ii) any other person using a disabled person’s badge with holder’s consent,

of an offence of using or causing or permitting a vehicle to be used arising—

(A) under section 1(8), 6(9), 9(9) or 12(9) of the Act if the offence consisted of the unlawful parking of the vehicle, or

(B) under section 31(3), 31(3A), 42(1) or 42(1A) of the Act; and

(b) the conviction of any person other than the holder of a disabled person’s badge of an offence under section 86A of the Act where the badge was displayed on the vehicle with the consent of the holder at any time during which the offence was being committed;

(a) S.I. 1975/266.

(b) 1967 c. 76, as amended by Part IX of the Transport Act 1968 (c. 73) and Schedule 19 to the Local Government Act 1972 (c. 70) and section 2 to the Disabled Persons Act 1981 (c. 43) and as read with section 32 of the Countryside Act 1968 (c. 41).

and the expression “relevant conviction” includes the liability of any person who would be liable to the conviction of an offence as mentioned above but who is liable, instead, to pay a fixed penalty pursuant to section 80 of the Act and sections 1 to 5 of the Road Traffic Act 1974(a).

(2) In these Regulations, unless the context otherwise requires—

- (a) any reference to a Regulation followed by a number is a reference to the Regulation bearing that number in these Regulations, and
- (b) any reference to a paragraph followed by a number is a reference to the paragraph of that number in the Regulation where the reference occurs.

Form of Badge

4. The prescribed form of badge is a badge which—

- (a) in the case of a badge issued by virtue of Regulation 5, is in the form shown in diagram 1 of Part I of the Schedule to these Regulations or, in the case of a badge issued by a local authority in Wales, in the form shown in diagram 1A of the said Part; and
- (b) in the case of a badge issued by virtue of Regulation 6, is in the form shown in diagram 2 of Part I of the Schedule to these Regulations or, in the case of a badge issued by a local authority in Wales, in the form shown in diagram 2A of the said Part; and
- (c) in every case complies with the specification set out in Part II of the Schedule to these Regulations.

Descriptions of disabled persons

5. The prescribed descriptions of disabled person to whom a local authority may issue a disabled person’s badge are a person who—

- (a) receives a mobility allowance pursuant to section 37A of the Social Security Act 1975(b);
- (b) uses a motor vehicle supplied by the Department of Health and Social Security, the Scottish Home and Health Department or the Welsh Office or is in receipt of a grant pursuant to section 5(2)(a) of the National Health Service Act 1977(c) or section 46 of the National Health Service (Scotland) Act 1978(d);
- (c) is registered as blind under section 29 of the National Assistance Act 1948(e), or, in Scotland, is a blind person within the meaning of section 64(1) of that Act; or
- (d) has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

Badges for Institutions

6. An institution is eligible to apply for the issue to it of a disabled person’s

(a) 1974 c. 50.

(b) Section 37A of Chapter II, Part II of the Social Security Act 1975 (c. 14) (as set out in section 22 of the Social Security Pensions Act 1975 (c. 60) and Section 13 of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5)).

(c) 1977 c. 49.

(d) 1978 c. 29.

(e) 1948 c. 29.

badge for any motor vehicle or, as the case may be, for each motor vehicle used by or on behalf of the institution to carry disabled persons.

Period of issue of Badge

7. Subject to the provisions of Regulation 11, a disabled person's badge shall be issued for a period of three years beginning with the date upon which it is issued.

Duplicate badge

8.— (1) A duplicate badge may be issued if the badge which it will replace has been lost or stolen, or has become so mutilated or faded as to cease to be effectively legible when displayed on a vehicle.

(2) A duplicate badge issued in accordance with paragraph (1) shall be valid for the period from the date on which it is issued until the date on which the badge which it duplicates would have expired, and shall in all other respects have the same effect as the badge which it duplicates.

Fee for badge

9. The fee (if any) which a local authority may charge for the issue of a disabled person's badge shall be an amount not exceeding £2.

Grounds for refusing to issue badge

10.— (1) The cases in which a local authority may refuse to issue a disabled person's badge are cases where—

- (a) the applicant for the badge holds or has held a disabled person's badge, either under the provisions of these Regulations or under any of the provisions mentioned in Regulation 13, and in respect of that badge there has occurred on at least three occasions misuse which has led to a relevant conviction or which would give grounds for a relevant conviction; or
- (b) the applicant fails to provide the authority with adequate evidence that he is a person to whom one or more of the descriptions of disabled person prescribed in Regulation 5 applies; or
- (c) the applicant fails to pay the fee (if any) chargeable for the issue of the badge.

(2) In a case where a local authority refuses to issue a disabled person's badge in response to an application for one, it shall issue to the applicant a notice stating the grounds for refusal.

Return of badge to issuing authority

11.— (1) A disabled person's badge shall be returned to the local authority by whom it was issued immediately on the occurrence of any of the following events, namely—

- (a) if the badge ceases to be required for the motor vehicle or all the motor vehicles in respect of which it was issued;
- (b) on the expiry of the period for which the badge was issued;

- (c) on the death of the person to whom the badge was issued or, where the badge was issued to an institution, on the institution ceasing to exist;
- (d) if the holder of the badge ceases to be a disabled person or, in the case of an institution, ceases to be eligible under Regulation 6;
- (e) if the badge has been obtained by false representation;
- (f) where a duplicate badge has been issued to replace a badge lost or stolen, and the duplicated badge is subsequently found or recovered.

(2) Subject to the provisions of Regulation 12, a disabled person's badge shall, within the time prescribed in paragraph (3), be returned to the local authority by whom it was issued in the event of that authority issuing a notice stating—

- (a) that the authority refuses to allow the issue of the badge to continue in consequence of the misuse on at least three occasions of the badge which has either led to a relevant conviction or would give grounds for a relevant conviction; and
- (b) particulars of that misuse.

(3) The prescribed time for the return of a disabled person's badge in a case where a notice is issued as mentioned in paragraph (2) is—

- (a) where no appeal is made as mentioned in Regulation 12, 28 days from the date of the issue of the notice;
- (b) where an appeal is made as mentioned in Regulation 12, and the appeal is not allowed, 28 days from the date on which the Secretary of State issues a notice of his determination of the appeal.

(4) A local authority by whom a disabled person's badge is issued may take such action as may be appropriate to recover a badge which the holder is liable to return in accordance with paragraph (1) or (2).

Appeals

12.— (1) A person to whom a notice has been issued as provided in Regulation 10(2) stating as the grounds for refusal the ground mentioned in Regulation 10(1)(a) or as provided in Regulation 11(2) may appeal, against the decision in respect of which the notice is issued, to the Secretary of State within 28 days of the date on which the notice is issued, and in relation to any such appeal the procedure specified in paragraph (2) shall, subject to paragraph (3), be followed.

(2) The procedure mentioned in paragraph (1) is as follows:—

- (a) every appeal shall be written, dated, signed by the appellant or by another person authorised to sign on the appellant's behalf, and shall state the ground on which the appeal is made;
- (b) the appellant shall serve the appeal on the Secretary of State either by post or otherwise by delivery—
 - (i) if the local authority against whose decision the appeal is made is in England, to the Department of Transport, 2 Marsham Street, London SW1P 3EB,

- (ii) if the local authority against whose decision the appeal is made is in Scotland, to the Scottish Development Department, New St. Andrew's House, Edinburgh EH1 3SZ,
 - (iii) if the local authority against whose decision the appeal is made is in Wales, to the Welsh Office, Cathays Park, Cardiff CP1 3NQ;
- (c) on receipt of an appeal made as provided above, the Secretary of State shall send a copy of it to the local authority against whose decision the appeal is made;
- (d) within 28 days of the date on which a local authority receives a copy of an appeal as mentioned in sub-paragraph (c), it shall send to the Secretary of State—
- (i) a copy of the notice mentioned in Regulation 10(2) or, as the case may be, Regulation 11(2), and
 - (ii) any comments it may wish the Secretary of State to take into account in determining the appeal;
- (e) when the Secretary of State determines an appeal made as mentioned in paragraph (1) he shall issue a notice to the appellant stating whether he confirms or reverses the decision of the local authority, and such notice shall state the reasons for the determination; and
- (f) the Secretary of State shall send a copy of the notice mentioned in sub-paragraph (e) to the local authority against whose decision the appeal was made.
- (3) The Secretary of State may in his discretion determine an appeal made under paragraph (1) even if the provisions specified in paragraph (2)(a) to (d) have not been fully complied with.
- (4) If the Secretary of State confirms the decision of the local authority the appellant shall return the disabled person's badge in question to the local authority within the time prescribed in Regulation 11(3).

Transitional provisions

13.— (1) Any order made before the coming into operation of these Regulations, being an order made or having effect as if made under section 1, 6, 9, 31, 35 or 36 of the Act and containing a provision operating with reference to —

- (a) badges issued by a local authority in pursuance of any scheme having effect under section 29 of the National Assistance Act 1948, or any similar scheme having effect in Scotland, and borne by vehicles or a class of vehicle; or
- (b) badges issued under and in accordance with Regulations revoked by Regulation 2 and borne by vehicles or a class of vehicle,

shall, on and after the coming into operation of these Regulations, apply and operate as if the reference in that provision to any such badge as is mentioned in (a) or (b) above were a reference to a disabled person's badge issued, or having effect as if issued, under and in accordance with these Regulations, borne by vehicles or, as the case may require, by the same class of vehicles, and displayed on a vehicle in the relevant position.

(2) For the purposes of paragraph (1) and any order referred to therein, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when —

- (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the front facing forwards on the near side of and immediately behind the windscreen; and
- (b) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or near side of the vehicle.

29th November 1982.

David Howell,
Secretary of State for Transport.

2nd December 1982.

George Younger,
Secretary of State for Scotland.

1st December 1982.

Nicholas Edwards,
Secretary of State for Wales.

(See Regulation 4)

THE SCHEDULE

PART I

Diagram 1

FORM OF BADGE FOR INDIVIDUAL PERSON

FRONT

DISABLED PERSON'S BADGE

The holder of this badge has very considerable difficulty in walking or is blind.

Name of holder
(Capitals)

VALID UNTIL

Council

Serial No.



BACK

CONDITIONS

THIS BADGE

1. is for use by the holder only,
2. does not in itself confer any legal right to wait in places where waiting is restricted,
3. may be displayed on a vehicle **ONLY** while it is being used by the holder.

The vehicle should be moved if a police officer in uniform or a traffic warden so requests. **MISUSE** can lead to withdrawal of the badge.

Official stamp of issuing authority

PART 1
Diagram 1A
FORM OF BADGE


(Bilingual Welsh/English Version)

FRONT

**BATHODYN PERSON ANABL
DISABLED PERSON'S BADGE**

Caiff deiliad y bathodyn
hwn drafferth difrifol iawn
i gerdded neu y mae'n ddall

The holder of this badge has
very considerable difficulty
in walking or is blind



Enw'r deiliad
Name of holder (Priflythrennau) (Capitals)

MEWN GRYM HYD **VALID UNTIL**

Cyngor Council
Rhif Cyfresol Serial No.

BACK

AMODAU

Y BATHODYN HWN—
1 defnyddir gan y deiliad yn unig,
2 nid yw ynddo'i hun yn rhoi hawl
cyfreithiol i aros lle cyfyngir ar hynny,
3 arddangoser ar gerbyd YN UNIG pan
ddefnyddir y cerbyd hwnnw gan
ddeiliad y bathodyn.

Dylid symud y cerbyd os bydd plismon mewn lifrai neu
warden traffig yn gorchymyn hynny
O'i GAMDDEFNYDDIO gellir diddymu'r bathodyn

CONDITIONS

THIS BADGE
1 is for use by the holder only,
2 does not in itself confer any legal right to wait in
places where waiting is restricted,
3 may be displayed on a vehicle ONLY while it is being
used by the holder.

The vehicle should be moved if a police officer in
uniform or a traffic warden so requests.
MISUSE can lead to withdrawal of the badge.

Official Stamp of Issuing Authority

PART 1
Diagram 2

FORM OF BADGE FOR AN INSTITUTION

FRONT

INSTITUTION FOR THE DISABLED


The driver of this vehicle is conveying a severely handicapped or blind passenger, or passengers on behalf of

..... (Capitals)

VALID UNTIL

Council

Serial No.



BACK

CONDITIONS

THIS BADGE

1. is for use by the holder only,
2. does not in itself confer any legal right to wait in places where waiting is restricted,
3. may be displayed on a vehicle **ONLY** while it is being used for the carriage of disabled or registered blind passengers.

The vehicle should be moved if a police officer in uniform or a traffic warden so requests.
MISUSE can lead to withdrawal of the badge.

Official stamp of issuing authority

PART 1
Diagram 2A


FORM OF BADGE FOR AN INSTITUTION
(Bilingual Welsh/English Version)

FRONT

**SEFYDLIAD YR ANABL
INSTITUTION FOR THE DISABLED**

Y mae gyrrwr y cerbyd hwn yn cario
teithiwr neu deithwyr sydd o dan
anfantaïs ddifrifol neu'n ddall, ar ran

The driver of this vehicle is
conveying a severely handicapped
or blind passenger, or passengers
on behalf of



..... (Capitals)
(Priflythrennau)

MEWN GRYM HYD **VALID UNTIL**

Cyngor Council
Rhif Cyfresol Serial No.

BACK

AMODAU

Y BATHODYN HWN
1 defnyddir gan y deiliad yn unig,
2 nid yw ynddo'i hun yn rhoi hawl
cyfreithiol i aros lle cyfyngir ar hynny,
3 arddangoser ar gerbyd YN UNIG pan
ddefnyddir y cerbyd hwnnw i gario
personau anabl neu ddeillion cofrestredig.

Dylid symud y cerbyd os bydd plismon mewn lifrai neu
warden traffig yn gorchymyn hynny
O'i **GAMDDEFNYDDIO** gellir diddymu'r bathodyn

CONDITIONS

THIS BADGE
1 is for use by the holder only,
2 does not in itself confer any legal right to wait in
places where waiting is restricted,
3 may be displayed on a vehicle **ONLY** while it is being
used for the carriage of disabled or registered
blind passengers.
The vehicle should be moved if a police officer in
uniform or a traffic warden so requests.
MISUSE can lead to withdrawal of the badge.

Official Stamp of Issuing Authority

PART II

SPECIFICATIONS FOR BADGE

The badge shall—

- (a) be 90 millimetres square;
 - (b) contain the symbol and the particulars shown in any of the diagrams in Part I of this Schedule printed in black;
 - (c) otherwise on the front be coloured orange;
 - (d) in the case of a duplicate badge be marked “duplicate” on the front;
 - (e) in a case where a badge is partly in English and partly in Welsh the lettering of the Welsh part shall be in the same size as the lettering of the corresponding English part.
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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations revoke the Disabled Persons (Badges for Motor Vehicles) Regulations 1975 and substitute new provisions relating to badges by virtue of which disabled persons may gain exemption from certain restrictions or prohibitions relating to the use of motor vehicles.

2. Regulation 3 provides certain definitions; Regulation 4 and the Schedule prescribe the form of a disabled person's badge. The badge so prescribed differs from the badge prescribed by the 1975 Regulations in that it is larger and square instead of round.

3. Regulation 5 prescribes the descriptions of disabled persons to whom a badge may be issued. They include a person who receives a mobility allowance, a person who uses a specially supplied motor vehicle or who is in receipt of certain grants, and a person who is registered as blind. The only other persons included are those who have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. Regulation 6 provides for the issue of a badge to an institution for a motor vehicle used by or on behalf of the institution to carry disabled persons.

4. Regulation 7 provides that a badge shall, subject to the provisions as to its return, be issued for a period of three years. Regulation 8 contains provisions about a duplicate badge. Regulation 9 provides that the fee for a badge shall not exceed £2 (the 1975 Regulations prescribed a limit of £1).

5. Regulation 10 prescribes the cases in which a local authority may refuse to issue a badge. These grounds are failure to provide adequate evidence that the applicant is of a description of disabled person prescribed by Regulation 5, failure to pay the fee, and in relation to a badge which the applicant holds or has held there has occurred on at least three occasions misuse which has led to a relevant conviction or which would give grounds for a relevant conviction. The expression “relevant conviction” is defined in Regulation 3 and includes convictions of the offences arising under sections 31(3A), 42(1A) and 86A of the Road Traffic Regulation Act 1967 all of which were introduced by the Disabled Persons Act 1981.

6. Regulation 11 prescribes the circumstances in which a badge shall be returned. These circumstances include misuse on at least three occasions which has led to a relevant conviction or which would give grounds for such a conviction. And this Regulation provides that an authority by whom a badge was issued may take such action as may be appropriate to recover a badge which the holder is liable to return.

7. Regulation 12 provides for appeals to the Secretary of State against decisions of local authorities to refuse to issue a disabled person's badge or to require the return of one in certain circumstances.

8. Regulation 13 contains transitional provisions, and preserves the validity of a badge issued under earlier provisions including the 1975 Regulations.

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