
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace, in relation to England the Disabled Persons (Badges for Motor Vehicles) Regulations 1982. They consolidate those Regulations with modifications in their application to England.

Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities recommends the use of a Community-model parking card for people with disabilities. These Regulations provide for the new form of disabled person's badge to be issued in England.

Regulation 2 provides certain definitions.

Regulation 3 disapplies the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 in relation to England and makes transitional provisions in relation to applications made or other things done under the 1982 Regulations.

Regulation 4 prescribes the descriptions of disabled persons to whom a badge may be issued. They include persons—

- (a) who receive the higher rate of the mobility component of the disability living allowance;
- (b) who use specially supplied motor vehicles;
- (c) are registered blind;
- (d) receive a mobility supplement under article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 including such a supplement by virtue of any scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983;
- (e) drive motor vehicles regularly and have severe disability in both upper limbs and are unable to turn by hand the steering wheel of a motor vehicle; or
- (f) have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. Regulation 5 provides for the issue of a badge to an institution for a motor vehicle used to carry disabled persons.

Regulation 6 provides that a local authority may not charge a fee of more than £2 for issuing a badge. Subject to regulations 7(2) and 9, a badge is to be issued for three years.

Regulation 7 provides for the issue of replacement badges where the original badge has been lost, stolen or destroyed or has become badly damaged or faded.

Regulation 8 prescribes the cases in which a local authority may refuse to issue a badge. Those grounds are—

- (a) the applicant holds or has held a badge and misuse led to at least three relevant convictions;
- (b) the applicant fails to provide the local authority with adequate evidence as to his or its eligibility;
- (c) the applicant fails to pay any fee for the issue of a badge; or
- (d) the local authority has reasonable grounds for believing the applicant is not the person he claims to be or would permit another person to whom the badge was not issued to display it on a motor vehicle.

Status: This is the original version (as it was originally made).

Regulation 9 prescribes the circumstances in which a badge shall be returned. These circumstances include the authority giving the holder notice of the misuse of the badge which led to at least three relevant convictions.

Regulation 10 provides for appeals to the Secretary of State in certain circumstances against decisions of local authorities to issue a badge or to require the return of one. Regulation 10 also provides for appeals to the magistrates' court acting for the petty sessions area in which the applicant for a badge resides.

Regulation 11 prescribes the form of a badge by reference to the Schedule.

Regulation 12 prescribes the manner in which a badge is to be displayed.

Regulation 13 prescribes the circumstances in which an individual's badge may be displayed while a vehicle is being driven.

Regulation 14 prescribes the circumstances in which an individual's badge may be displayed while a vehicle is parked.

Regulation 15 prescribes the circumstances in which an institutional badge may be displayed while a vehicle is being driven.

Regulation 16 prescribes the circumstances in which an institutional badge may be displayed while a vehicle is parked.

The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 are of related interest. They replace the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986, in relation to England.

Copies of relevant Regulations can be obtained from the Stationery Office.