## STATUTORY INSTRUMENTS

## 2000 No. 682

# The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

## PART II

## ISSUE, DURATION AND REVOCATION OF BADGES

#### **Descriptions of disabled persons**

**4.**— $[^{F1}(1)$  The prescribed descriptions of disabled person to whom a disabled person's badge may be issued are—

- (a) a person who is more than 2 years old and falls within one or more of the descriptions specified in paragraph (2);
- (b) a person who is not more than [<sup>F2</sup>3] years old and falls within either or both of the descriptions specified in paragraph (3).]
- (2) The descriptions [F3referred to in paragraph (1)(a)] are a person who-
  - (a) receives the higher rate of the mobility component of the disability living allowance in accordance with section 73 of the Social Security and Benefits Act [<sup>F4</sup>1992];
  - (b) <sup>F5</sup>... is in receipt of a grant pursuant to [<sup>F6</sup>paragraph 10(3) of Schedule 1 to the National Health Service Act 2006] or section 46 of the National Health Service (Scotland) Act 1978(1);
  - (c) is registered as <sup>F7</sup>... [<sup>F8</sup> severely sight-impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)][<sup>F9</sup>or, in Wales, section 18(1) of the Social Services and Well-being (Wales) Act 2014] or, in Scotland, is a blind person within the meaning of section 64(1) of [<sup>F10</sup>the National Assistance Act 1948];
  - (d) receives a mobility supplement under article 26A of the Naval, Military and Air Forces etc.
    (Disablement and Death) Service Pensions Order 1983(2) including such a supplement by virtue of any scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983(3);
- [<sup>F11</sup>(dd) has—
  - (i) received a lump sum benefit under article 15(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 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;]

<sup>(1) 1978</sup> c. 29.

 <sup>(2)</sup> S.I.1983/883, amended by S.I. 1983/1116 and 1121, 1984/1154 and 1687, 1985/1201, 1986/592, 1988/248 and 2248, 1989/156, 1990/250 and 1308, 1991/766, 1992/710 and 3208, 1993/598, 1994/772 and 1906, 1995/766, 1996/732, 1638 and 2282, 1997/286.

<sup>(3)</sup> S.I. 1983/686, amended by S.I. 1983/1164, 1540, 1984/1289, 1675, 1985/1313, 1986/628, 1987/191, 1988/367, 2260, 1989/415, 1990/535, 1300, 1991/708, 1992/702, 3226, 1993/480, 1994/715, 2021, 1996/445, 1996/502, 1997/812, 1998/278. [DOT 8857]

- [<sup>F12</sup>(e) drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter;]
- [<sup>F13</sup>(f) subject to paragraph (3A), has been certified by an expert assessor as having an enduring and substantial disability which causes them, during the course of a journey, to—
  - (i) be unable to walk;
  - (ii) experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or
  - (iii) be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person;]
- [<sup>F14</sup>(g) receives the mobility component of personal independence payment at either the standard rate or the enhanced rate under section 79(3) of the Welfare Reform Act 2012, and, in an assessment carried out under the Social Security (Personal Independence Payment) Regulations 2013:
  - (i) obtained a score of at least 8 points in relation to the "moving around" activity; or
  - (ii) obtained a score of 10 points in relation to the "*planning and following journeys*" activity on the grounds that they cannot undertake any journey because it would cause them overwhelming psychological distress.]
- $[^{F15}(3)$  The descriptions referred to in paragraph (1)(b) are—
  - (a) a child who, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty;
  - (b) a child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.

[

<sup>F16</sup>(3A) A person is to be deemed to be within the description set out in paragraph (2)(f) 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 [<sup>F17</sup>has an enduring and substantial disability which causes them, during the course of a journey, to suffer one of the effects listed at paragraph (2)(f) (i) to (iii).]]

- (4) In this regulation—
  - (a) "bulky medical equipment" includes in particular any of the following-
    - (i) ventilators;
    - (ii) suction machines;
    - (iii) feed pumps;
    - (iv) parenteral equipment;
    - (v) syringe drivers;
    - (vi) oxygen administration equipment;
    - (vii) continual oxygen saturation monitoring equipment; and
    - (viii) casts and associated medical equipment for the correction of hip dysplasia; and
  - (b) "parking meter" has the same meaning as in the Road Traffic Regulation Act 1984 (see sections 46(2)(a) and 142(1)).]

#### Textual Amendments

- F1 Reg. 4(1) substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 5(2)
- F2 Word in reg. 4(1)(b) substituted (17.6.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2011 (S.I. 2011/1307), regs. 1, 2(3)(a)
- F3 Words in reg. 4(2) inserted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 5(3)(a)
- F4 Word in reg. 4(2)(a) substituted (1.7.2000) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000 (S.I. 2000/1507), regs. 1, 4
- F5 Words in reg. 4(2)(b) omitted (30.9.2007) by virtue of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 5(3)(b)(i)
- F6 Words in reg. 4(2)(b) substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 5(3)(b)(ii)
- Words in reg. 4(2)(c) omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (S.I. 2016/211), reg. 1(2), Sch. 3 para. 29(a)
- **F8** Words in reg. 4(2)(c) inserted (1.4.2015) by The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 12** (with art. 4)
- F9 Words in reg. 4(2)(c) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (S.I. 2016/211), reg. 1(2), Sch. 3 para. 29(b)
- F10 Words in reg. 4(2)(c) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (S.I. 2016/211), reg. 1(2), Sch. 3 para. 29(c)
- F11 Reg. 4(2)(dd) inserted (17.6.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2011 (S.I. 2011/1307), regs. 1, 2(3)(b)
- F12 Reg. 4(2)(e) substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 5(3)(c)
- **F13** Reg. 4(2)(f) substituted (30.8.2019) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019 (S.I. 2019/891), regs. 1, 2(3)(a) (with reg. 3)
- F14 Reg. 4(2)(g) substituted (30.8.2019) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019 (S.I. 2019/891), regs. 1, 2(3)(b) (with reg. 3)
- F15 Reg. 4(3)(4) added (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 5(4)
- F16 Reg. 4(3A) inserted (1.4.2012) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1(2)(a), 2(3)(b)
- F17 Words in reg. 4(3A) substituted (30.8.2019) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019 (S.I. 2019/891), regs. 1, 2(3)(c) (with reg. 3)

#### **Commencement Information**

I1 Reg. 4 in force at 1.4.2000, see reg. 1(1)

#### [<sup>F18</sup>Organisational badges

**5.** An organisational badge may be issued to an organisation for a motor vehicle which is to be used to carry disabled persons falling within one or more of the descriptions specified in regulation 4(2) or (3).]

#### **Textual Amendments**

F18 Reg. 5 substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 6

#### Fee for issue and period of issue of a badge

6.—(1) The fee (if any) which a local authority may charge for the issue of a disabled person's badge is a fee not exceeding  $\pounds 2$  [<sup>F19</sup> in the case of badges which have a date of issue before 1st January 2012 and  $\pounds 10$  in the case of badges which have a date of issue on or after 1st January 2012].

- [<sup>F20</sup>(2) Subject to regulations 7(2) and 9, a disabled person's badge shall be issued—
  - (a) to a person falling within the description specified in regulation 4(1)(b), for a period ending on the day immediately following that person's [<sup>F21</sup>third] birthday;
  - (b) to a person falling within the description specified in regulation 4(2)(a) [<sup>F22</sup>, 4(2)(d) or 4(2) (g)], for whichever is the shorter of—
    - (i) the period of 3 years which begins with the date of issue; or
    - (ii) the period which begins with the date of issue and ends on the date on which that person will cease to receive the higher rate of the mobility component of the disability living allowance [<sup>F23</sup>, the mobility supplement or the mobility component of personal independence payment.];
  - (c) to a person not falling within subparagraph (a) or (b) for a period of 3 years beginning with the date of issue.]

#### **Textual Amendments**

- **F19** Words in reg. 6(1) inserted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, 2(4)
- F20 Reg. 6(2) substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 7
- F21 Word in reg. 6(2)(a) substituted (17.6.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2011 (S.I. 2011/1307), regs. 1, 2(4)
- F22 Words in reg. 6(2)(b) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, Sch. para. 4(3) (a)
- F23 Words in reg. 6(2)(b)(ii) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, Sch. para. 4(3)(b)

#### **Commencement Information**

I2 Reg. 6 in force at 1.4.2000, see reg. 1(1)

#### **Replacement badges**

7.—(1) When a disabled person's badge ("the original badge") has been lost, stolen or destroyed, or has become so damaged or faded as no longer to be adequately legible when displayed on a vehicle [<sup>F24</sup>or which otherwise prevents it from being identified correctly or distinguished from a forgery], a replacement badge may be issued [<sup>F25</sup>in a form which identifies by consecutive numbering each

successive badge issued to the disabled person or organisation (as the case may be) by the issuing authority].

(2) A replacement badge shall be valid from the date of issue until such time as the original badge would have ceased to be valid.

#### **Textual Amendments**

- F24 Words in reg. 7(1) inserted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, 2(5)(a)
- **F25** Words in reg. 7(1) substituted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, **2(5)(b)**

#### Modifications etc. (not altering text)

C1 Reg. 7 applied (8.4.2013) by The Personal Independence Payment (Transitional Provisions) Regulations 2013 (S.I. 2013/387), regs. 1, **31(2)(a)** 

#### **Commencement Information**

I3 Reg. 7 in force at 1.4.2000, see reg. 1(1)

#### Grounds for refusal to issue a badge

**8.**—(1) A local authority may refuse to issue a badge on any of the grounds specified in paragraph (2).

- (2) The grounds are-
  - (a) the applicant holds or has held a badge issued under these Regulations <sup>F26</sup>... and misuse has led to [<sup>F27</sup>a relevant conviction];
  - (b) the applicant fails to provide the local authority with adequate evidence-
    - (i) in the case of an individual, that he is a person to whom one of the descriptions prescribed by regulation 4 applies [<sup>F28</sup>or that he is resident in the area of that local authority]; or
    - (ii) in the case of an [<sup>F29</sup>organisation], that it is an [<sup>F29</sup>organisation] eligible to apply for a disabled person's badge in accordance with regulation 5;
  - (c) the applicant fails to pay the fee (if any) chargeable for the issue of a badge; <sup>F30</sup>...
  - (d) the local authority has reasonable grounds for believing that the applicant-
    - (i) is not the person that he claims to be; or
    - (ii) would permit another person to whom the badge was not issued to display it on a motor vehicle.
- [F<sup>31</sup>(e) [F<sup>32</sup>subject to regulation 4(3A),] in the case of an application made pursuant to regulation 4(2)(f), a report by an [F<sup>33</sup>expert assessor] stating that one of the criteria specified in that provision is satisfied has not been made available to the local authority in a form satisfactory to the local authority; or]
- [<sup>F34</sup>(f) the applicant already holds a valid badge [<sup>F35</sup>issued under section 21 of the 1970 Act or a recognised badge within the meaning of section 21A of that Act].]

(3) Where a local authority receives an application for a disabled person's badge and refuses to issue one, it shall give the applicant particulars of the grounds of refusal in its notice of determination.

Textual Amendments	
F26	Words in reg. 8(2)(a) revoked (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, 2(6)(a)(i)
F27	Words in reg. 8(2)(a) substituted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, 2(6)(a)(ii)
F28	Words in reg. 8(2)(b)(i) inserted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, 2(6)(b)
F29	Word in reg. 8(2)(b)(ii) substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 8
F30	Word in reg. 8(2)(c) revoked (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, 2(6)(c)
F31	Reg. 8(2)(e) inserted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles) (England)
	(Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1(1), <b>2(6)(d)</b>
F32	Words in reg. 8(2)(e) inserted (30.8.2019) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) Regulations 2019 (S.I. 2019/891), regs. 1, 2(4)(a) (with reg. 3)
F33	Words in reg. 8(2)(e) substituted (30.8.2019) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) Regulations 2019 (S.I. 2019/891), regs. 1, 2(4)(b) (with reg. 3)
F34	Reg. 8(2)(f) inserted (1.4.2012) by The Disabled Persons (Badges for Motor Vehicles) (England)
-	(Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1(2)(b), <b>2(6)(d)</b>
F35	Words in reg. 8(2)(f) substituted (8.10.2013) by The Disabled Persons (Badges for Motor Vehicles)
	(England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, <b>2(3)</b>
	(
Comr	nencement Information
I4	Reg. 8 in force at 1.4.2000, see reg. 1(1)

#### Return of badge to issuing authority

**9.**—(1) A disabled person's badge shall be returned to the issuing authority immediately on the occurrence of any of the following events–

- (a) the expiry of the period for which the badge was issued;
- (b) the death of the holder or, in the case of an [<sup>F36</sup>organisational] badge, the [<sup>F37</sup>organisation] ceasing to exist;
- (c) the holder of the badge ceases to be a disabled person or, in the case of an  $[^{F36}$ organisational] badge, the  $[^{F37}$ organisation] ceases to be eligible under regulation 5;
- (d) a replacement badge has been issued under regulation 7 to replace a lost or stolen badge and that badge is subsequently found or recovered;
- (e) the badge has become so mutilated or faded as no longer to be clearly legible when displayed on a vehicle [<sup>F38</sup>or has suffered any other damage which otherwise prevents it from being identified correctly or distinguished from a forgery];
- (f) the badge ceases to be required by the holder <sup>F39</sup>....
- [<sup>F40</sup>(g) the holder is issued with another valid badge under section 21 of the 1970 Act or with a recognised badge within the meaning of section 21A of that Act.]

 $[^{F41}(1A)$  In the case of a badge to which section 21(4D)(b)(iii) of the 1970 Act applies which is retained by a constable or enforcement officer pursuant to that section, the badge shall be returned as soon as reasonably practicable—

(a) to the issuing authority; and

(b) after return to the issuing authority, by the issuing authority to the holder, provided that the issuing authority does not have grounds for giving a notice to the holder pursuant to paragraph (2).]

(2) <sup>F42</sup>... A disabled person's badge shall, <sup>F43</sup>... be returned to the issuing authority [<sup>F44</sup>immediately] if the authority gives to the holder a notice–

- (a) stating that the authority refuses to allow the badge to continue in use on account of its misuse leading to [<sup>F45</sup>a relevant conviction] and giving particulars of that misuse; or
- (b) stating that the authority is satisfied that the badge was obtained by false representation  $I^{F46}$  or that the holder has purported to transfer the badge to another person].

#### **Textual Amendments**

- **F36** Word in reg. 9(1) substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, 9(a)
- **F37** Word in reg. 9(1) substituted (30.9.2007) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (S.I. 2007/2531), regs. 1, **9(b)**
- **F38** Words in reg. 9(1)(e) inserted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, **2(7)(a)**
- **F39** Words in reg. 9(1)(f) omitted (8.10.2013) by virtue of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, 2(4)(a)
- F40 Reg. 9(1)(g) inserted (8.10.2013) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, 2(4)(b)
- F41 Reg. 9(1A) inserted (8.10.2013) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, 2(4)(c)
- F42 Words in reg. 9(2) omitted (8.10.2013) by virtue of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, 2(4)(d)(i)
- **F43** Words in reg. 9(2) omitted (8.10.2013) by virtue of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, **2(4)(d)(ii)**
- F44 Words in reg. 9(2) inserted (8.10.2013) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, 2(4)(d)(iii)
- F45 Words in reg. 9(2)(a) substituted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, 2(7)(c)
- **F46** Words in reg. 9(2)(b) inserted (1.12.2011) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (S.I. 2011/2675), regs. 1, **2**(7)(d)
- F47 Reg. 9(3)(4) omitted (8.10.2013) by virtue of The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, 2(4)(e)

#### Modifications etc. (not altering text)

C2 Reg. 9(1)(c) excluded (8.4.2013) by The Personal Independence Payment (Transitional Provisions) Regulations 2013 (S.I. 2013/387), regs. 1, **31(2)(b)** 

#### **Commencement Information**

I5 Reg. 9 in force at 1.4.2000, see reg. 1(1)

## [<sup>F48</sup>Parking badges for disabled service personnel etc overseas

**10.** For the purpose of section 21(8B) of the 1970 Act, the prescribed places outside the United Kingdom comprise any property at any address in any of the localities listed in the schedule to these Regulations.]

#### **Textual Amendments**

**F48** Reg. 10 substituted (8.10.2013) by The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 (S.I. 2013/2203), regs. 1, **2(5)** (with reg. 3)

## Status:

Point in time view as at 30/08/2019.

### Changes to legislation:

There are currently no known outstanding effects for the The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, PART II.