

2007 No. 2531

ROAD TRAFFIC, ENGLAND

**The Disabled Persons (Badges for Motor Vehicles)
(England) (Amendment) Regulations 2007**

Made - - - - - 30th August 2007

Laid before Parliament 7th September 2007

Coming into force - - 30th September 2007

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970(a) and now vested in him(b):

Citation and commencement

1. These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 and shall come into force on 30th September 2007.

Preliminary

2. The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(c) (in these Regulations called “the Principal Regulations”) shall be further amended as follows.

Interpretation of the Principal Regulations

3.—(1) Regulation 2(1) shall be amended as follows.

(2) In the definition of “holder” for “institution” there shall be substituted “organisation”.

(3) The definitions of “institution” and “institutional badge” shall be omitted.

(4) The word “and” immediately following the definition of “issuing authority” shall be omitted.

(5) For the definition of “local authority” there shall be substituted—

““local authority” means a county council, district council, the Council of the Isles of Scilly, a London borough council or the Common Council of the City of London;

“organisation” means an organisation concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with section 21(4) of the 1970 Act; and

“organisational badge” means a disabled person’s badge issued to an organisation.”

(a) 1970 c. 44; section 21, so far as it relates to England, was amended by the Local Government Act 1972 (c. 70) Schedule 30, the Transport Act 1982 (c. 49) section 68, the Road Traffic Regulation Act 1984 (c. 27) Schedule 13, paragraph 11, the Local Government Act 1985 (c. 51) Schedule 5, paragraph 1, the Road Traffic Act 1991 (c. 40) section 35, Schedule 8, the Traffic Management Act 2004 (c. 18) section 94(1) to (4) and the Disability Discrimination Act 2005 (c. 13) Schedule 2, paragraph 41.

(b) The functions of the Minister of Transport under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the Secretary of State by S.I. 1970/1681, article 2(1).

(c) S.I. 2000/682; relevant amending instrument is S.I. 2000/1507.

Revocation of spent provisions of the Principal Regulations

- 4.—(1) Regulation 3 shall be amended as follows.
- (2) Paragraphs (1) and (2) shall be omitted.
- (3) The heading accordingly becomes “Transitional provision”.

Descriptions of disabled persons

- 5.—(1) Regulation 4 shall be amended as follows.
- (2) For paragraph (1) there shall be substituted—
 - “(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 2 years old and falls within either or both of the descriptions specified in paragraph (3).”
- (3) In paragraph (2)—
 - (a) after “descriptions” there shall be inserted “referred to in paragraph (1)(a)”;
 - (b) in subparagraph (b)—
 - (i) the words “uses a motor vehicle supplied by the Department of Social Security or the Scottish Executive or” shall be omitted; and
 - (ii) for “section 5(2)(a) of the National Health Service Act 1977” there shall be substituted “paragraph 10(3) of Schedule 1 to the National Health Service Act 2006”;
 - (c) for subparagraph (e) there shall be substituted—

“(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;”.
- (4) After paragraph (2) there shall be added the following paragraphs—
 - “(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.
 - (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(a) (see sections 46(2)(a) and 142(1)).”

Organisational badges

6. For regulation 5 there shall be substituted—

(a) 1984 c. 27; section 46(2)(a) was amended by S.I. 1996/1553.

“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).”

Period of issue of a badge

7. For regulation 6(2) there shall be substituted—

“(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 second birthday;
- (b) to a person falling within the description specified in regulation 4(2)(a) or 4(2)(d), 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 or the mobility supplement;
- (c) to a person not falling within subparagraph (a) or (b) for a period of 3 years beginning with the date of issue.”

Grounds for refusal to issue a badge

8. In regulation 8(2)(b)(ii) for “institution” in both places occurring there shall be substituted “organisation”.

Return of badge to issuing authority

9. In regulation 9(1)—

- (a) for “institutional” in both places occurring there shall be substituted “organisational”; and
- (b) for “institution” in both places occurring there shall be substituted “organisation”.

Form of badge

10.—(1) In regulation 11(a)(ii) for “institutional” there shall be substituted “organisational”.

(2) For Parts I and II of the Schedule to the Principal Regulations there shall be substituted Parts 1 and 2 as shown in the Schedule to these Regulations.

(3) In Part III of the Schedule in paragraph (d)—

- (a) before “square” there shall be inserted “larger”; and
- (b) after “white” there shall be inserted “, except the smaller square box containing the wheelchair symbol which shall display a hologram which alternates between that symbol and the identifier”.

(4) Nothing in this regulation affects the validity of a badge which—

- (a) was issued before the coming into force of these Regulations; and
- (b) was in a form which complied with the Principal Regulations at the time of its issue.

Display of an organisational badge

11.—(1) In regulations 15 and 16 for “institutional” in each place occurring there shall be substituted “organisational”.

(2) The heading of regulation 15 accordingly becomes “Display of an organisational badge when a vehicle is being driven” and the heading of regulation 16 becomes “Display of an organisational badge when a vehicle is parked”.

Signed by authority of the Secretary of State

Rosie Winterton
Minister of State,
Department for Transport

30th August 2007

SCHEDULE

Regulation 10(2)

FORM OF BADGE — SUBSTITUTED DIAGRAMMS

PART 1

INDIVIDUAL'S BADGE

Front - Display this side up

Date of expiry:

Issued by:

Serial No:



SERIAL NUMBER




Parking Card for Disabled People

Parkeringskort
Κάρτα στάθμευσης
Tarjeta de estacionamiento
Parkausweis
Contrassegno di parcheggio
Parkeerkaart
Cartão de estacionamento
Pysäköintilupa
Parkeringsstillstånd
Carte de stationnement



EUROPEAN COMMUNITIES MODEL



Photograph of the card holder

This card entitles the holder to the special local parking facilities available in the Member State concerned. When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes.

Surname:

Forename:

Signature:
(or other authorised mark)

SERIAL NUMBER

**MISUSE OF THIS CARD
MAY CONSTITUTE A
CRIMINAL OFFENCE
(MAXIMUM PENALTY
£1000)**

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PART 2
ORGANISATIONAL BADGE

Front - Display this side up

Date of expiry:

Issued by:


Serial No:

Parking Card for Disabled People

Parkeringskort
Καρτα στάθμευσης
Tarjeta de estacionamiento
Parkausweis
Contrassegno di parcheggio
Parkeerkaart
Cartão de estacionamento
Pysäköintilupa
Parkeringsatteständ
Carte de stationnement

 **ORGANISATIONAL BADGE**
SERIAL NUMBER 


EUROPEAN COMMUNITIES MODEL


stamp or logo of organisation

This card entitles the holder to the special local parking facilities available in the Member State concerned.

When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes.

SERIAL NUMBER

Name of organisation:

MISUSE OF THIS CARD MAY CONSTITUTE A CRIMINAL OFFENCE (MAXIMUM PENALTY £1000)

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (“the Principal Regulations”).

Regulation 3 amends regulation 2 of the Principal Regulations so as to introduce definitions of “organisation” and “organisational badge” to replace those of “institution” and “institutional badge”. This change of nomenclature arises from an amendment to section 21(4) of the Chronically Sick and Disabled Persons Act 1970 made by paragraph 41 of Schedule 1 to the Disability Discrimination Act 2005. Other amendments consequential upon that paragraph are made by *regulations 6, 8, 9, 10 and 11* of these Regulations.

Regulation 4 revokes spent provisions in regulation 3 of the Principal Regulations.

Regulation 5 modifies the descriptions of persons to whom a disabled person’s badge may be issued as set out in regulation 4 of the Principal Regulations. A new class of eligibility is inserted comprising children aged 2 years or less who fall within either or both of the descriptions specified in the inserted regulation 4(3); regulation 4(2)(b) is amended so as not to refer to vehicles supplied by the Department of Social Security or the Scottish Executive and the description comprising people with a severe disability in both arms is extended.

Regulation 7 substitutes a new paragraph for regulation 6(2) of the Principal Regulations so as to provide that badges are to be issued for periods ending immediately after the child’s second birthday, in the case of badges granted to children under the age of two, and on the date on which the allowance ceases (if less than three years) in the case of persons in receipt of specified allowances.

Regulation 10 and the *Schedule* amend the Schedule to the Principal Regulations by substituting, for the diagrams of an individual’s badge and of an organisational badge, new diagrams incorporating an indication showing what is the front of the badge, revised wording and a hologram.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Transport, Accessibility and Equalities Unit, Zone 4/22, Great Minister House, 76 Marsham Street, London SW1P 4DR (telephone 020 7944 4780) and can be found on the Department’s website at www.dft.gov.uk/.

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