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STATUTORY INSTRUMENTS

2011 No. 2675

ROAD TRAFFIC, ENGLAND

**The Disabled Persons (Badges for Motor Vehicles)
(England) (Amendment) (No.2) Regulations 2011**

Made - - - - 3rd November 2011

Laid before Parliament 9th November 2011

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970(1), now vested in her(2) and after consultation with the Administrative Justice and Tribunals Council in accordance with section 21(7E) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 and, subject to paragraph (2), come into force on 1st December 2011.

(2) The following paragraphs of regulation 2 come into force on 1st April 2012—

(a) paragraphs (2)(a)(iii) and (3); and

(b) paragraph (6)(d), so far as it concerns regulation 4(2)(f) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(3).

Amendment of Regulations

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 are amended in accordance with paragraphs (2) to (10).

(2) In regulation 2 (interpretation)—

(1) 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), the Disability Discrimination Act 2005 (c.13) Schedule 2, paragraph 41 and the Tribunals, Courts and Enforcement Act 2007 (c.15) section 48(1), Schedule 8, paragraph 2.

(2) See S.I. 1970/1681, 1979/571 and 1981/238.

(3) S.I. 2000/682; relevant amending instruments are S.I. 2000/1507, 2007/2531 and 2011/1307.

- (a) in paragraph (1)—
- (i) delete the definition of “the 1982 Regulations”;
 - (ii) after the definition of “the 1984 Act” insert—
 - ““date of issue” means the date on which a disabled person’s badge is first valid for use;” and
 - (iii) after the definition of “holder” insert—
 - ““independent mobility assessor” means a person (“person A”) who at the time of any assessment of another person (“person B”) for the purposes of the certification referred to in regulation 4(2)(f)—
 - (a) is recognised by the local authority to which the application for a disabled person’s badge is being made 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) has never been employed or engaged as a provider of medical services to person B where “medical services” includes all forms of medical treatment and investigations to establish whether treatment is needed but does not include an assessment conducted to establish whether person B is eligible for services provided by a local authority (including the provision of a disabled person’s badge); and
 - (c) is not, in the opinion of the local authority, precluded by reason of personal or commercial relationship with person B from providing an independent assessment of person B’s ability to walk;”;
- (b) replace paragraph (3) with—
- “(3) In these Regulations “relevant conviction” means any conviction for an offence specified in paragraph (4) committed in relation to a disabled person’s badge of—
- (a) the holder of that badge; or
 - (b) any other person using that badge with the knowledge of the holder at any time during which the offence was being committed.”; and
- (c) replace paragraph (4) with—
- “(4) The offences mentioned in paragraph (3) are any offence—
- (a) under section 21(4B) of the 1970 Act;
 - (b) under section 115 or 117 of the 1984 Act; or
 - (c) involving dishonesty or deception under any other provision of the 1970 Act, of the 1984 Act or of any other legislation applicable in the United Kingdom, or any part of the United Kingdom.”.

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

 - (a) in paragraph (2)(f) delete “has” and insert “subject to paragraph (3A), has been certified by an independent mobility assessor as having”; and
 - (b) after paragraph (3) insert—
 - “(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 has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.”.

(4) In regulation 6 (fee for issue and period of issue of a badge) in paragraph (1) insert at the end “in the case of badges which have a date of issue before 1st January 2012 and £10 in the case of badges which have a date of issue on or after 1st January 2012”.

(5) In regulation 7 (replacement badges) in paragraph (1)—

- (a) after the word “vehicle” insert “or which otherwise prevents it from being identified correctly or distinguished from a forgery”;
- (b) replace “with the word “duplicate” marked on the front” with “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”.

(6) In regulation 8 (grounds for refusal to issue a badge)—

- (a) in paragraph (2)(a)—
 - (i) delete “or under the 1982 Regulations”; and
 - (ii) replace “at least three relevant convictions” with “a relevant conviction”;
- (b) at the end of paragraph (2)(b)(i) insert “or that he is resident in the area of that local authority”;
- (c) at the end of paragraph (2)(c) delete “or”; and
- (d) after paragraph (2)(d)(ii) insert—
 - “(e) in the case of an application made pursuant to regulation 4(2)(f), a report by an independent mobility 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
 - (f) the applicant already holds a valid badge which has been issued by another issuing authority.”.

(7) In regulation 9 (return of badge to issuing authority)—

- (a) at the end of paragraph (1)(e) insert “or has suffered any other damage which otherwise prevents it from being identified correctly or distinguished from a forgery”;
- (b) at the end of paragraph (1)(f) insert “or another valid badge is issued to the holder by another issuing authority”;
- (c) in paragraph (2)(a) replace “at least three relevant convictions” with “a relevant conviction”; and
- (d) at the end of paragraph (2)(b) insert “or that the holder has purported to transfer the badge to another person”.

(8) In regulation 10, delete paragraph (4).

(9) Replace regulation 11 (form of badge) with—

“Form of Badge

11.—(1) Paragraph (2) applies in respect of a badge with a date of issue before 1st January 2012 and paragraph (3) applies in respect of a badge with a date of issue on or after that date.

(2) A disabled person’s badge is in the prescribed form if—

- (a) the front and reverse of the badge are in the form shown in—
 - (i) Part 1 of the Schedule in the case of an individual’s badge; or

- (ii) Part 2 of the Schedule in the case of an organisational badge; and
 - (b) the badge complies with the specifications in Part 3 of the Schedule.
- (3) A disabled person's badge is in the prescribed form if—
 - (a) the front and reverse of the badge are in the form shown in—
 - (i) Part 1A of the Schedule in the case of an individual's badge (with the omission of the word "sample" where it appears); or
 - (ii) Part 2A of the Schedule in the case of an organisational badge (with the omission of the word "sample" where it appears); and
 - (b) the badge complies with the specifications in Part 3A of the Schedule."
- (10) In the Schedule—
 - (a) in Part 1 (Individual's Badge), after the heading "Individual's Badge", insert "(with a date of issue before 1st January 2012)";
 - (b) after Part 1, insert the provision set out in Schedule 1 to these Regulations;
 - (c) in Part 2 (Organisational Badge), after the heading "Organisational Badge", insert "(with a date of issue before 1st January 2012)";
 - (d) after Part 2, insert the provision set out in Schedule 2 to these Regulations;
 - (e) in Part 3 (Specifications for Badge), after the heading "Specifications for Badge", insert "(with a date of issue before 1st January 2012)"; and
 - (f) after Part 3, insert the provision set out in Schedule 3 to these Regulations.

Signed by authority of the Secretary of State

3rd November 2011

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

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SCHEDULE 1

Regulation 2(10)(b)

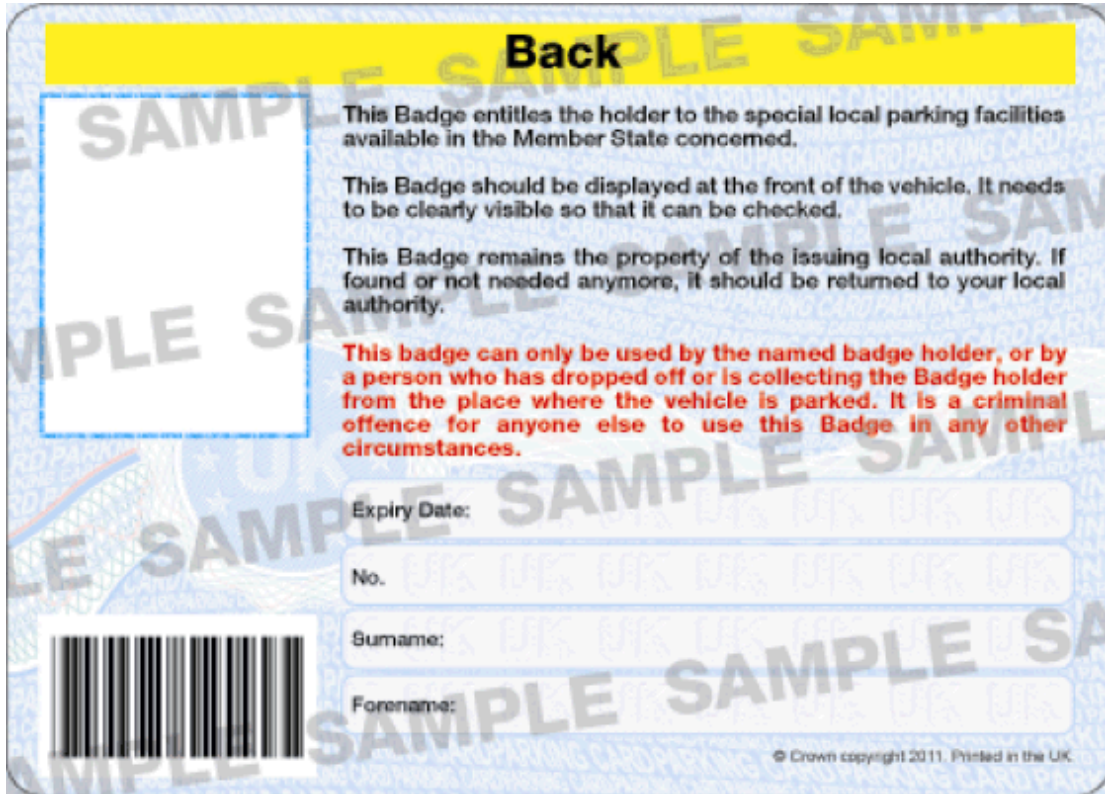
“PART 1A

INDIVIDUAL’S BADGE

(WITH A DATE OF ISSUE ON OR AFTER 1ST JANUARY 2012)



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SCHEDULE 2

Regulation 2(10)(d)

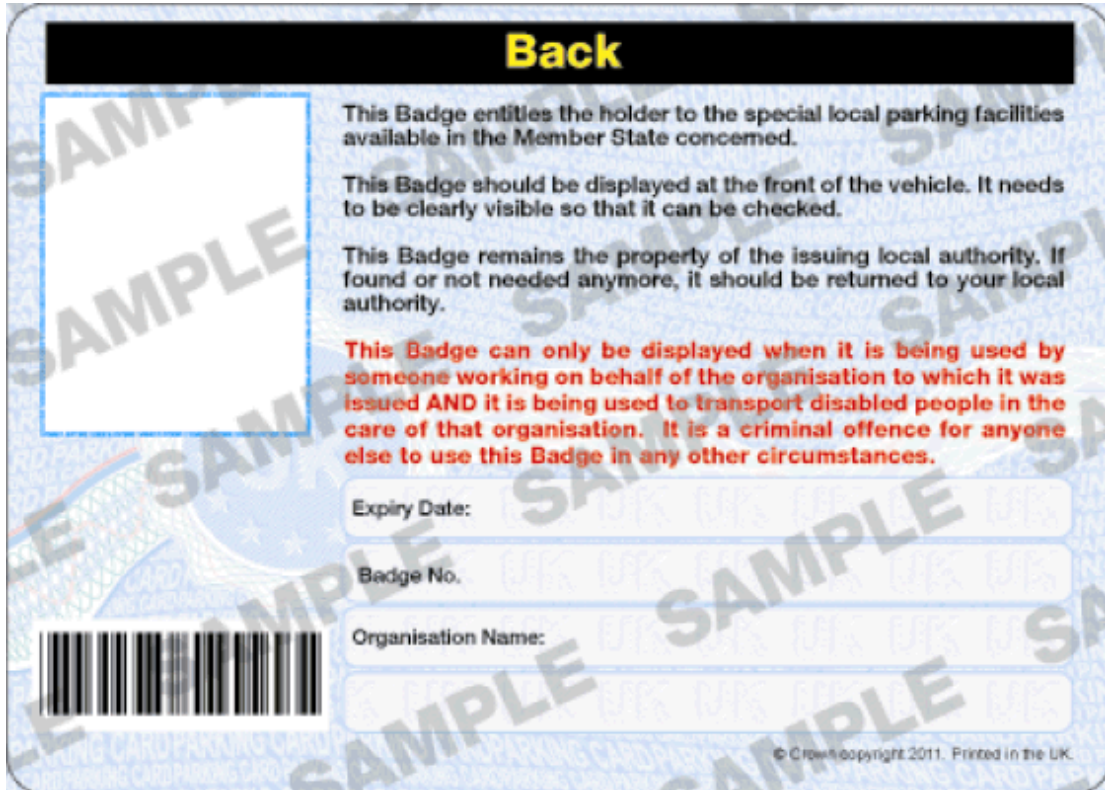
“PART 2A

ORGANISATIONAL BADGE

(WITH A DATE OF ISSUE ON OR AFTER 1ST JANUARY 2012)



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SCHEDULE 3

Regulation 2(10)(f)

“PART 3A

SPECIFICATIONS FOR BADGES

(WITH A DATE OF ISSUE ON OR AFTER 1ST JANUARY 2012)

1. All Badges

The specifications applicable to all badges are as follows—

- (a) the badge shall be 106 millimetres in height, 148 millimetres in width (with 5mm radius rounded corners) and 720 microns in thickness, with height and width tolerances of plus or minus 1 millimetre and a thickness tolerance of plus or minus 20 microns;
- (b) the badge shall be printed on white polyvinyl chloride core sheets and all print shall be fused with clear plastic outer layers;
- (c) the badge shall be printed with a unique serial number, comprising a series of numbers and letters that identify key information about the badge and the holder, including the consecutive number of each replacement badge issued to the badge holder by the issuing authority;
- (d) the background on the front and reverse sides of the badge shall be lithographically security printed to include fine line guilloche, numismatics, variable width text workings and other fine line structures which are consistent with paragraph (1);

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- (e) a security printed, tamper evident background shall be printed in the boxes which identify the expiry date and number of the badge and the name of the holder;
- (f) micro text features which are only visible under magnification shall be printed on the front and reverse sides of the badge;
- (g) embossed tactile and Braille features (which incorporate visual, line structure patterns) shall be included on the front side of the badge, without any corresponding indentation on the reverse side of the badge;
- (h) the wheelchair user symbol that appears on the front side of the badge shall be a security hologram enclosed within a square with sides each measuring 30 millimetres, incorporating an image flip, micro-text, nano-text, a separate nano-feature and the design of the wheelchair logo against a background of the words “blue badge”;
- (i) the rear side of the badge shall contain a variable bar code which identifies the expiry date of the badge;
- (j) the coloured block which appears on the front side of all badges issued during any calendar year shall be a consistent year identifier colour which differs substantially from the colours used in prior calendar years;
- (k) the badge shall be constructed so that it is heat resistant and stable to a temperature of at least 120 degrees Celsius (and a local authority shall satisfy itself that badges it proposes to issue are compliant with this requirement (before issuing any such badges) by obtaining a report verifying such compliance (by reference to a sample badge) from an appropriate body);
- (l) the badge shall include such additional security features as will further mitigate the risk of forgery by, so far as practicable, preventing the badge from being copied readily and allowing genuine badges to be distinguished from forgeries.

For the purposes of paragraph (k) an “appropriate body” means a body accredited to Standard ISO 9001:2008 (Quality Management Systems) (prepared by the International Organization for Standardization⁽⁴⁾) and which, in the opinion of the local authority, has the necessary expertise to provide the report.

2. Individual’s Badges

The additional specifications applicable to an individual’s badge are as follows—

- (a) Subject to paragraphs (b) and (c), the rear side of an individual’s badge shall contain a close-up digital photograph of the head and shoulders of the badge holder. The photograph shall have a strong definition between face and background and shall be—
 - (i) in colour;
 - (ii) 45 millimetres in height and 35 millimetres in width (passport size);
 - (iii) taken—
 - (aa) within the month prior to the date of the application;
 - (bb) against a light grey or cream background;
 - (iv) undamaged;
 - (v) free from ‘red-eye’, shadows, reflection or glare from spectacles;
 - (vi) of the full head of the holder (without any other person visible or any covering, unless it is worn for religious beliefs or medical reasons)—

⁽⁴⁾ The British Standards Institution publication of the Standard has the ISBN 9780580687389.

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- (aa) facing forward;
 - (bb) with nothing covering the face;
 - (cc) looking straight at the camera;
 - (dd) with a neutral expression and mouth closed;
 - (ee) with eyes open and clearly visible (without sunglasses or tinted spectacles and without hair or spectacle frames obscuring the eyes);
 - (vii) in sharp focus and clear;
 - (viii) printed professionally or in digital format;
 - (ix) a true likeness, without amendment.
- (b) Paragraph (a) does not apply to a badge issued pursuant to an application made by a disabled person if the issuing authority is satisfied that the estimated life expectancy of that person is less than six months from the date of the application, in which case the space that would otherwise include a photograph shall contain a copy of the flag that appears on the front of the badge.
- (c) Paragraphs (a)(vi)(cc) and (a)(vi)(dd) do not apply to photographs of children aged five years and under.
- (d) The variable bar code on the rear side of the badge shall identify the year of birth and (in code) the gender of the holder.
- (e) The serial number printed on the badge shall identify the month and year of birth and (in code) the gender of the holder.

3. Organisational Badges

The additional specifications applicable to an organisational badge are as follows—

The reverse side of an organisational badge shall contain a colour copy of the logo (if any) of the organisation, which shall be 45 millimetres in height and 35 millimetres in width. If the organisation does not have a logo, the space that would otherwise include the logo shall contain a copy of the flag that appears on the front of the badge.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

A disabled person’s badge (known as a “Blue Badge”) enables the holder to benefit from a range of parking concessions and exemptions from certain charges which apply to other motorists. The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (“the Principal Regulations”) make provision regarding the issue of the badges by local authorities.

These Regulations amend the Principal Regulations, principally, by requiring that the design and manufacture of badges must comply with substantially more sophisticated technical requirements, designed to mitigate the risk of forgery.

Other amendments include the imposition of a requirement to obtain an independent mobility assessment as a condition of eligibility in certain circumstances; raising the maximum fee that local authorities may charge for the issue of badges from £2 to £10; and enabling local authorities to refuse

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to issue or to withdraw badges following a single conviction under legislation used to prosecute misuse of badges.

An impact assessment of the effect that the amendments will have on the costs of business and the voluntary sector is available from the Blue Badge Administration Division at the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.