

2019 No. 891

ROAD TRAFFIC, ENGLAND

**The Disabled Persons (Badges for Motor Vehicles) (England)
(Amendment) Regulations 2019**

<i>Made</i> - - - -	<i>24th April 2019</i>
<i>Laid before Parliament</i>	<i>30th April 2019</i>
<i>Coming into force</i> - -	<i>30th August 2019</i>

The Secretary of State, in exercise of the powers conferred by sections 21(2), (4) and (7)(a) and (7)(c) of the Chronically Sick and Disabled Persons Act 1970(a), now vested in him(b), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019 and come into force on 30th August 2019.

Amendment of Regulations

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) in paragraph (1)—

(a) after the definition of “disabled person’s concession” insert—

““expert 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 having—

(i) a professional qualification recognised in the United Kingdom which enables them to diagnose, treat, or provide specialised therapeutic services to, persons with the same, or a similar, disability to person B’s disability; and

(ii) the necessary expertise to assess the presence, in person B, of any of the effects listed in regulation 4(2)(f)(i) to (iii) of these Regulations, resulting from person B’s disability, on person B’s capacity to walk during the course of a journey;

(a) 1970 c.44; section 21(2) and (4) were amended by section 35(1), (2), and (3) of the Road Traffic Act 1991 (c.40).

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

(c) S.I. 2000/682; relevant amending instruments are S.I. 2000/1507, 2007/2531, 2011/1307, 2011/2675, 2013/388 and 2013/2203.

- (b) is not employed or engaged as a general practitioner for the provision of medical services to person B; and
- (c) is not, in the opinion of the local authority, precluded by reason of their relationship with person B from providing an impartial assessment of whether or not person B meets the description in regulation 4(2)(f);

For the purposes of this definition “general practitioner” means a person who holds a licence to practice as a medical practitioner and is on the General Practitioner Register kept by virtue of section 34C of the Medical Act 1983(a), and “medical services” includes all forms of medical treatment and investigations to establish whether treatment is needed;” and

- (b) omit the definition of “independent mobility assessor”.

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

- (a) for paragraph (2)(f) substitute—

“(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;”;

- (b) for paragraph (2)(g) substitute—

“(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(b), and, in an assessment carried out under the Social Security (Personal Independence Payment) Regulations 2013(c):

- (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.”;

- (c) in paragraph (3A), from the words “has a permanent and substantial disability” to the end substitute—

“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 regulation 8 (grounds for refusal to issue a badge), in paragraph (2)(e)—

- (a) before “in the case of an application” insert “subject to regulation 4(3A),”; and
- (b) for “independent mobility assessor” substitute “expert assessor”.

Pending applications for a disabled person’s badge

3. For the purposes of any application for a disabled person’s badge(d) which—

- (a) has been made by an applicant, and
- (b) is pending at the time these Regulations come into force,

(a) 1983 c. 54.

(b) 2012 c.5

(c) S.I. 2013/377, Schedule 1, part 3.

(d) “Disabled person’s badge” is defined in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations (S.I. 2000/682), regulation 2(1).

the definition of “expert assessor” as inserted by regulation 2(2)(a) shall include the definition of an “independent mobility assessor”(a), omitted by regulation 2(2)(b), for the purposes of that applicant’s certification under regulation 4(2)(f) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

Signed by authority of the Secretary of State for Transport

Jesse Norman
Minister of State
Department for Transport

24th April 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

A disabled person’s badge (also known as a “Blue Badge”) may be issued by a local authority to disabled persons resident in its area, for display in a motor vehicle driven or used by them. The display of a disabled person’s 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 2000 Regulations”) make provision regarding the issue of the badges by local authorities. These Regulations amend the 2000 Regulations.

Regulation 2(2) amends regulation 2(1) of the 2000 Regulations by adding a new definition of an ‘expert assessor’. This is a person with appropriate qualification(s) recognised in the United Kingdom and expertise in particular type or types of disability who can assess and certify, for the purposes of regulation 4(2)(f), an applicant for a disabled person’s badge. This ‘expert assessor’ role replaces and expands on that of the ‘independent mobility assessor’ provided for by the 2000 Regulations, so that local authorities are enabled to use a broader range of relevant professionals to assess the nature and effects of an applicant’s particular disability according to the expanded eligibility criteria in regulation 2(3) (see below). The exclusion of General Practitioners, in providing this certification to applicants, to whom they also provide medical services, is however retained.

Regulation 2(3) amends regulation 4 of the 2000 Regulations, which sets out a number of descriptions of persons who are eligible to receive a disabled person’s badge. The new eligibility criteria are mainly to be found in amendments to regulation 4(2)(f) (and also 4(2)(g), see below) of the 2000 Regulations, in which the descriptions are expanded to include persons who have non-physical impairments which either give rise to difficulty with walking, or which place them or others at risk of serious harm when they are walking, as part of any journey. The descriptors for the disability are amended from “permanent and substantial” to “enduring and substantial”.

Regulation 2(3)(b) amends regulation (4)(2)(g), which entitles persons who receive a Personal Independence Payment for particular reasons to be eligible for a disabled person’s badge without further assessment. This is amended to include a new ground of eligibility for a category of people with non-physical disabilities: these are persons who, in an assessment carried out under the Social Security (Personal Independence Payment) Regulations 2013, score 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.

Regulation 2(3)(c) brings into line with the new eligibility criteria regulation 4(3A) of the 2000 Regulations. These allow for a person to be deemed to be within the description in regulation

(a) See previous definition of “independent mobility assessor” as inserted by Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011/2675 reg. 2(2)(a)(iii).

4(2)(f), in the absence of regulation 4(2)(f) certification, where the local authority considers it self-evident that the person comes within the descriptions in 4(2)(f).

Regulation 2(4) amends 8(2)(e) of the 2000 Regulations to reflect the new role of “expert assessor” and to clarify that the operation of this ground for refusal is subject to the provisions of regulation 4(3A).

Regulation 3 is a transitional provision to allow for any “independent mobility assessor” to be deemed an “expert assessor” for the purposes of any application already submitted and pending at the time when these Regulations come into force.

An Impact Assessment has not been prepared for this instrument as no impact, or no significant impact, on the private or voluntary sectors is foreseen. Instead a De Minimis assessment has been prepared as this instrument is likely to incur some cost to local authorities, although this cannot be accurately predicted at this stage.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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