



OFFERYNNAU STATUDOL
CYMRU

2011 Rhif 1588 (Cy.183)

TRAFFIG FFYRDD, CYMRU

Rheoliadau Personau Anabl
(Bathodynnau ar gyfer Cerbydau
Modur) (Cymru) (Diwygio) 2011

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Diben y Rheoliadau hyn yw diwygio Rheoliadau Personau Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) 2000 (OS 2000/1786 (Cy.123)) ("Rheoliadau 2000"). Mae'r Rheoliadau hynny (ynghyd â Rheoliadau perthynol sy'n ymneud ag esemtiau ar gyfer personau anabl) yn gwneud darpariaeth ar gyfer system o fathodynnau glas i bersonau anabl o Gymru, a fydd yn ddilys ledled yr Undeb Ewropeaidd.

Mae rheoliad 3 yn diwygio testun Saesneg rheoliad 2 o Reoliadau 2000 drwy roi diffiniadau o "organisation" ac "organisational badge" yn lle'r diffiniadau o "institution" ac "institutional badge". Mae'r newid enwau hwn yn tarddu o ddiwygiad i adran 21(4) o Ddeddf Cleifion Cronig a Phersonau Anabl 1970, a wnaed gan baragraff 41 o Atodlen 1 i Ddeddf Gwahaniaethu ar sail Anabledd 2005. Gwneir diwygiadau canlyniadol eraill, sy'n tarddu o'r paragraff hwnnw, i destun Saesneg Rheoliadau 2000 gan reoliadau 6, 8, 9, 10 ac 11 o'r Rheoliadau hyn. Nid oes angen diwygiadau cyfatebol yn y testun Cymraeg oherwydd bod y gair "sefydliad", a ddefnyddir yn y testun Cymraeg, yn cyfleu "organisation" yn ogystal ag "institution".

Mae rheoliad 4 yn dirymu darpariaethau darfodedig yn rheoliad 3 o Reoliadau 2000.

Mae rheoliad 5 yn addasu'r disgrifiad, a bennir yn rheoliad 4 o Reoliadau 2000, o bersonau y ceir rhoi bathodyn person anabl iddynt.

Mewnosodir dosbarth cymhwystera newydd, sy'n cynnwys plant o dan 3 oed sy'n dod o fewn y naill neu'r

WELSH STATUTORY
INSTRUMENTS

2011 No. 1588 (W.183)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

The purpose of these Regulations is to amend the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 (S.I. 2000/1786 (W.123)) ("the 2000 Regulations"). Those Regulations make provision (together with related Regulations dealing with exemptions for disabled persons) for a system of blue badges for disabled persons from Wales that will be valid across the European Union.

Regulation 3 amends the English text of regulation 2 of the 2000 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 to the English text of the 2000 Regulations by regulations 6, 8, 9, 10 and 11 of these Regulations. Similar amendments are not required to be made to the Welsh text, as the word "sefydliad" used in the Welsh text can mean both "institution" and "organisation".

Regulation 4 revokes spent provisions in regulation 3 of the 2000 Regulations.

Regulation 5 modifies the description of persons to whom a disabled person's badge may be issued as set out in regulation 4 of the 2000 Regulations.

A new class of eligibility is inserted comprising children under the age of 3 who fall within either or

llall neu'r ddau o'r disgrifiadau a bennir yn y rheoliad 4(3) a fewnosodir. Ehangir y disgrifiad sy'n cynnwys pobl ag anabledd difrifol i'w dwy fraich.

Mae rheoliad 5 hefyd yn diwygio'r disgrifiad o bersonau y ceir rhoi bathodyn person anabl iddynt drwy gynnwys rhai sy'n cael budd-dal penodedig o dan Orchymyn y Lluoedd Arfog a'r Lluoedd wrth Gefn (Cynllun Iawndal) 2011 (OS 2011/517) ac yr ardystir bod ganddynt anabledd parhaol a sylweddol sy'n achosi anallu i gerdded neu anhawster cerdded sylweddol iawn.

Mae rheoliad 7 yn rhoi paragraff newydd yn lle rheoliad 6(2) o Reoliadau 2000, i ddarparu bod bathodynnau i'w rhoi am gyfnodau a ddaw i ben yn union ar ôl trydydd pen-blwydd y plentyn, yn achos bathodynnau a roddir i blant o dan dair blwydd oed; ac ar y dyddiad y peidia'r lwfans (os yw'r cyfnod yn llai na thair blynedd) yn achos personau sy'n cael lwfansau penodedig.

Mae rheoliad 10 a'r Atodlen yn diwygio testun Saesneg yr Atodlen i Reoliadau 2000, drwy roi diagram newydd, sy'n cynnwys y newid enwau, yn lle'r diagram o fathodyn sefydliad.

Mae asesiad rheoleiddiol llawn o effaith y diwygiadau ar gostau busnesau a'r sector gwirfoddol ar gael o'r Uned Trafnidiaeth Integredig, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

both of the descriptions specified in the inserted regulation 4(3). The description comprising people with a severe disability in both arms is extended.

Regulation 5 also amends the description of persons to whom a disabled person's badge may be issued to include those in receipt of a specified benefit under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (SI 2011/517) who have been certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

Regulation 7 substitutes a new paragraph for regulation 6(2) of the 2000 Regulations so as to provide that badges are to be issued for periods ending immediately after the child's third birthday, in the case of badges issued to children under the age of three, 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 English text of the Schedule to the 2000 Regulations by substituting, for the diagram of an institutional badge, a new diagram incorporating the change of nomenclature.

A full regulatory impact assessment of the effect that the amendments will have on the costs of business and the voluntary sector is available from Integrated Transport Unit, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

2011 Rhif 1588 (Cy.183)

TRAFFIG FFYRDD, CYMRU

Rheoliadau Personau Anabl
(Bathodynnau ar gyfer Cerbydau
Modur) (Cymru) (Diwygio) 2011

Gwnaed 22 Mehefin 2011

Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru 29 Mehefin 2011

Yn dod i rym 1 Awst 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 21 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970(1) ac a freinir bellach ynddynt hwy(2), yn gwneud y Rheoliadau canlynol.

Enwi, cychwyn a chymhwysyo

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Personau Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) (Diwygio) 2011 a deuant i rym ar 1 Awst 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Rhagarweiniol

2. Diwygir Rheoliadau Personau Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) 2000(3) fel a ganlyn.

Dehongli Rheoliadau 2000

- 3.—(1) Diwygir rheoliad 2(1) fel a ganlyn—
(i) hepgorer y diffiniad o "Rheoliadau 1982"
(ii) yn y diffiniad o "person anabl" hepgorer y geiriau "dros ddwy flwydd oed";

(1) 1970 p.44

(2) Trosglwyddwyd pwerau Cynulliad Cenedlaethol Cymru o dan adran 21 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970 i Weinidogion Cymru yn rhinwedd paragraft 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32)

(3) OS 2000/1786 (Cy.123)

2011 No. 1588 (W.183)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2011

Made 22 June 2011

Laid before the National Assembly for Wales 29 June 2011

Coming into force 1 August 2011

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by section 21 of the Chronically Sick and Disabled Persons Act 1970(1) and now vested in them(2) make the following Regulations.

Title, commencement and application

1.—(1) These Regulations are called the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2011 and come into force on 1 August 2011.

(2) These Regulations apply in relation to Wales.

Preliminary

2. The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000(3) are amended as follows.

Interpretation of the 2000 Regulations

- 3.—(1) Regulation 2(1) is amended as follows—
(i) omit the definition of "the 1982 Regulations";
(ii) in the definition of "disabled person" omit the words "more than two years old and";

(1) 1970 c.44

(2) Powers of the National Assembly for Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the Welsh Ministers by virtue of paragraph 30, Schedule 11 to the Government of Wales Act 2006 (c.32)

(3) S.I. 2000/1786 (W.123)

- (iii) yn nhestun Saesneg y diffiniad o "holder", yn lle "institution" rhodder "organisation";
- (iv) yn y testun Saesneg, hepgorer y diffiniadau o "institution" ac "institutional badge";
- (v) yn y testun Saesneg, yn union ar ôl y diffiniad o "issuing authority", hepgorer y gair "and";
- (vi) yn y testun Saesneg, ar ôl y diffiniad o "local authority", mewnosoder—
 - ""organisation" ("sefydliad") 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" ("bathodyn sefydliad") means a disabled person's badge issued to an organisation."

Dirymu darpariaethau darfodedig o Reoliadau 2000

- 4.—(1) Diwygir rheoliad 3 fel a ganlyn.
- (2) Hepgorer paragraffau (1) a (2).
- (3) Newidier y pennawd yn unol â hynny i "Darpariaeth drosiannol".

Disgrifiadau o bersonau anabl

- 5.—(1) Diwygir rheoliad 4 fel a ganlyn.
- (2) Yn lle paragraff (1) rhodder—
 - "(1) Y disgrifiadau rhagnodedig o berson anabl y caniateir rhoi bathodyn person anabl iddo yw—
 - (a) person dros 3 blwydd oed sy'n dod o fewn un neu ragor o'r disgrifiadau a bennir ym mharagraff (2);
 - (b) person nad yw dros 3 blwydd oed sy'n dod o fewn y naill neu'r llall neu'r ddau o'r disgrifiadau a bennir ym mharagraff (3)."
- (3) Ym mharagraff (2)—
 - (a) Ar ôl "disgrifiadau" mewnosoder "y cyfeirir atynt ym mharagraff (1)(a)";
 - (b) Yn is-baragraff (b)—
 - (i) hepgorer y geiriau "defnyddio cerbyd modur a ddarparwyd gan yr Adran Nawdd Cymdeithasol neu Weithrediaeth yr Alban neu sy'n"; a
 - (ii) yn lle "ag adran 5(2)(a) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977", rhodder "â pharagraff 10(3) o Atodlen 1 i

- (iii) in the English text of the definition of "holder" for "institution" substitute "organisation";
- (iv) in the English text the definitions of "institution" and "institutional badge" are omitted;
- (v) in the English text the word "and" immediately following the definition of "issuing authority" is omitted;
- (vi) in the English text after the definition of "local authority" insert—
 - ""organisation" ("sefydliad") 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" ("bathodyn sefydliad") means a disabled person's badge issued to an organisation."

Revocation of spent provisions of the 2000 Regulations

- 4.—(1) Regulation 3 is amended as follows.
- (2) Paragraphs (1) and (2) are omitted.
- (3) The heading accordingly becomes "Transitional provision".

Descriptions of disabled persons

- 5.—(1) Regulation 4 is amended as follows.
- (2) For paragraph (1) substitute—
 - "(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 3 years old and falls within one or more of the descriptions specified in paragraph (2);
 - (b) a person who is not more than 3 years old and falls within either or both of the descriptions specified in paragraph (3)."
- (3) In paragraph (2)—
 - (a) After "descriptions" insert "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" are omitted; and
 - (ii) for "section 5(2)(a) of the National Health Service Act 1977", substitute "paragraph 10(3) of Schedule 1 to the National Health

Ddeddf y Gwasanaeth Iechyd Gwladol 2006(1) a pharagraff 10(3) o Atodlen 1 i Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(2);

(c) ar ôl paragraff (2)(ch) mewnosoder—

"(ch2) wedi—

- (i) cael budd-dal cyfandaliad o dan erthygl 15(1)(a) o Orchymyn y Lluoedd Arfog a'r Lluoedd wrth Gefn (Cynllun Iawndal) 2011(3) o fewn y lefelau tariff 1 i 8 (yn gynwysedig); a
- (ii) wedi ei ardystio gan yr Ysgrifennydd Gwladol fel un sydd ag anabledd parhaol a sylweddol sy'n achosi anallu i gerdded neu anhawster cerdded sylweddol iawn;".

(ch) yn lle is-baragraff (d) rhodder—

"(d) yn gyrru cerbyd modur yn rheolaidd; sydd ag anabledd difrifol i'w ddwy fraich ac yn analluog i weithredu, neu'n cael anhawster sylweddol i weithredu, pob math neu rai mathau o feter parcio.".

(4) Ar ôl paragraff (2) mewnosoder y paragraffau canlynol—

"(3) Y disgrifiadau y cyfeirir atynt ym mharagraff (1)(b) yw—

- (a) plentyn y mae'n rhaid iddo bob amser, oherwydd ei gyflwr, fynd ag offer meddygol swmpus gydag ef, na ellir ei gludo o amgylch gyda'r plentyn heb beri anhawster mawr;
- (b) plentyn y mae'n rhaid iddo bob amser, oherwydd ei gyflwr, gael ei gadw'n agos at gerbyd modur er mwyn rhoi triniaeth ar gyfer y cyflwr hwnnw pe bai angen, naill ai yn y cerbyd neu drwy gludo'r plentyn yn gyflym yn y cerbyd i fan lle y gellir rhoi triniaeth o'r fath.

"(4) Yn y rheoliad hwn—

- (a) mae "offer meddygol swmpus" ("bulky medical equipment") yn cynnwys yn benodol unrhyw un o'r canlynol—
 - (i) peiriannau anadlu;
 - (ii) peiriannau sugno;
 - (iii) pympiau bwydo;
 - (iv) offer parenterol;
 - (v) gyrwyr chwistrelli;
 - (vi) offer gweini ocsigen;
 - (vii) offer ar gyfer monitro dirlawnder ocsigen parhaus; ac

Service Act 2006(1) and paragraph 10(3) of Schedule 1 to the National Health Service (Wales) Act 2006(2)";

(c) after paragraph (2)(d) insert—

"(dd) has—

- (i) received a lump sum benefit under article 15(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(3) 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;".

(d) for subparagraph (e) substitute—

"(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) insert 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

(1) 2006 p.41

(2) 2006 p.42

(3) OS 2011/517

(1) 2006 c.41

(2) 2006 c.42

(3) S.I. 2011/517

- (viii) castiau a chyfarpar meddygol cysylltiedig ar gyfer cywiros dysplasia'r glun.
- (b) mae i "meter parcio" ("parking meter") yr ystyr a roddir i "parking meter" yn Nedd Rheoleiddio Traffig Ffyrdd 1984(1) (gweler adrannau 46(2)(a) a 142(1))."

Bathodynnau sefydliad

6. Yn lle rheoliad 5 o'r testun Saesneg, rhodder—

" 5 Organisational badges

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)."

Cyfnod rhoi bathodyn

7. Yn lle rheoliad 6(2) rhodder—

"(2) Yn ddarostyngedig i reoliadau 7(2) a 9, rhoddir bathodyn person anabl—

- (a) i berson sy'n dod o fewn y disgrifiad a bennir yn rheoliad 4(1)(b), am gyfnod sy'n diweddu ar y diwrnod yn union ar ôl trydydd pen-blwydd y person hwnnw;
- (b) i berson sy'n dod o fewn y disgrifiad a bennir yn rheoliad 4(2)(a) neu 4(2)(ch), am ba un bynnag yw'r byrraf o'r canlynol—
 - (i) y cyfnod o dair blynedd sy'n dechrau gyda'r dyddiad rhoi; neu
 - (ii) y cyfnod sy'n dechrau gyda'r dyddiad rhoi ac yn dod i ben ar y dyddiad y bydd y person hwnnw'n peidio â chael cyfradd uwch cydran symudedd y lwfans byw i'r anabl neu'r atodiad symudedd;
- (c) i berson nad yw'n dod o fewn is-baragraff
 - (a) neu (b), am gyfnod o 3 blynedd sy'n dechrau gyda'r dyddiad rhoi."

Seiliau dros wrthod rhoi bathodyn

8. Yn rheoliad 8(2)(b)(ii) o'r testun Saesneg, yn lle "institution" yn y ddua fan y mae'n digwydd rhodder "organisation".

Dychwelyd bathodyn i'r awdurdod rhoi

9. Yn rheoliad 9(1) o'r testun Saesneg—

- (a) yn lle "institutional" yn y ddua fan y mae'n digwydd, rhodder "organisational"; a

- (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(1) (see sections 46(2)(a) and 142(1))."

Organisational badges

6. For regulation 5 of the English text there is substituted—

" 5 Organisational badges

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 is substituted—

"(2) Subject to regulations 7(2) and 9, a disabled person's badge will 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 third 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 beginning with the date of issue; or
 - (ii) the period beginning with the date of issue and ending 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) of the English text for "institution" in both places occurring substitute "organisation".

Return of badge to issuing authority

9. In regulation 9(1) of the English text—

- (a) for "institutional" in both places occurring substitute "organisational"; and

(1) 1984 p.27

(1) 1984 c.27

- (b) yn lle "institution" yn y ddau fan y mae'n digwydd, rhodder "organisation".

- (b) for "institution" in both places occurring substitute "organisation".

Ffurf bathodyn

10.—(1) Yn rheoliad 11(a)(ii) o'r testun Saesneg, yn lle "institutional" rhodder "organisational".

(2) Yn y testun Saesneg, yn lle Rhan II o'r Atodlen i Reoliadau 2000, rhodder y Rhan II a ddangosir yn yr Atodlen i'r Rheoliadau hyn.

(3) Nid oes dim yn y rheoliad hwn sy'n effeithio ar ddilysrwydd bathodyn—

- (a) a roddwyd cyn bo'r Rheoliadau hyn wedi dod i rym; a
- (b) a oedd mewn ffurf a oedd yn cydymffurfio â Rheoliadau 2000 ar yr adeg y'i rhoddwyd.

Arddangos bathodyn sefydliad

11.—(1) Yn nhestun Saesneg rheoliadau 15 ac 16, yn lle "institutional" ym mhob man y mae'n digwydd, rhodder "organisational".

(2) Yn unol â hynny, yn y testun Saesneg, newidier pennawd rheoliad 15 i "Display of an organisational badge when a vehicle is being driven" a phennawd rheoliad 16 i "Display of an organisational badge when a vehicle is parked".

Form of badge

10.—(1) In regulation 11(a)(ii) of the English text for "institutional" substitute "organisational".

(2) In the English text for Part II of the Schedule to the 2000 Regulations substitute Part II as shown in the Schedule to these Regulations.

(3) 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 2000 Regulations at the time of its issue.

Display of an organisational badge

11.—(1) In the English text of regulations 15 and 16 for "institutional" in each place occurring, substitute "organisational".

(2) In the English text, 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".

Carl Sargeant

Y Gweinidog Llywodraeth Leol a Chymunedau, un o Weinidogion Cymru

22 Mehefin 2011

Minister for Local Government and Communities, one of the Welsh Ministers

22 June 2011

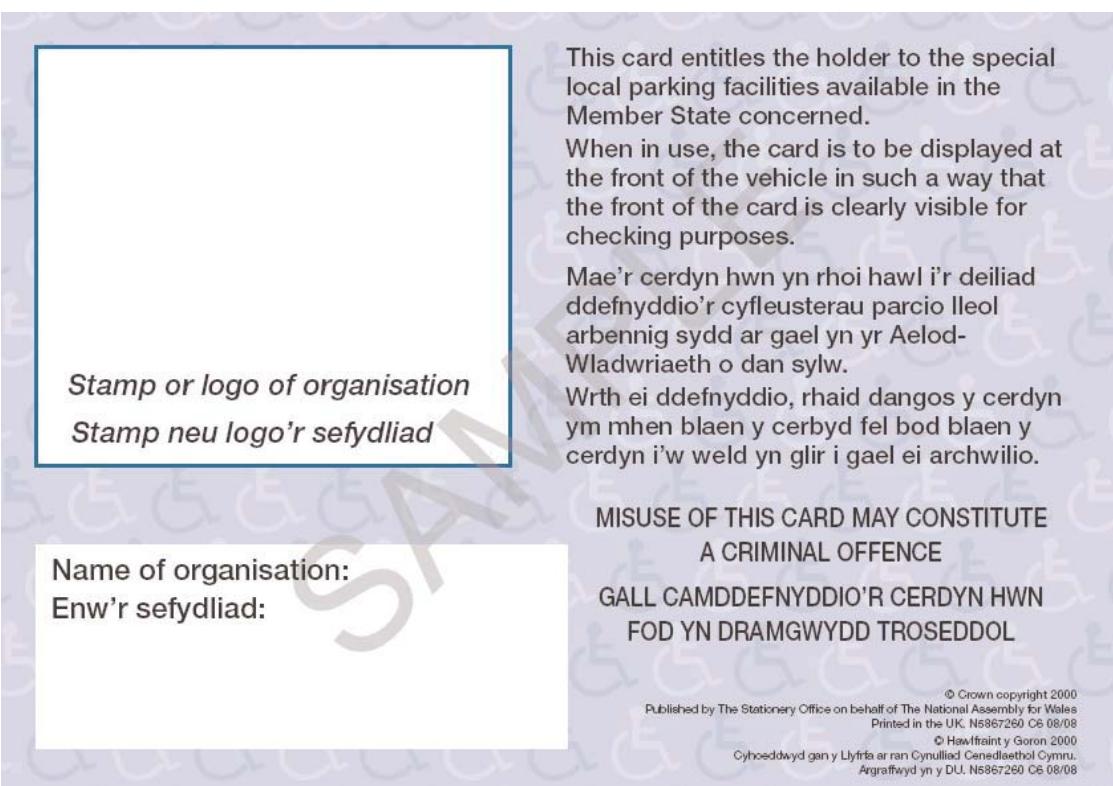
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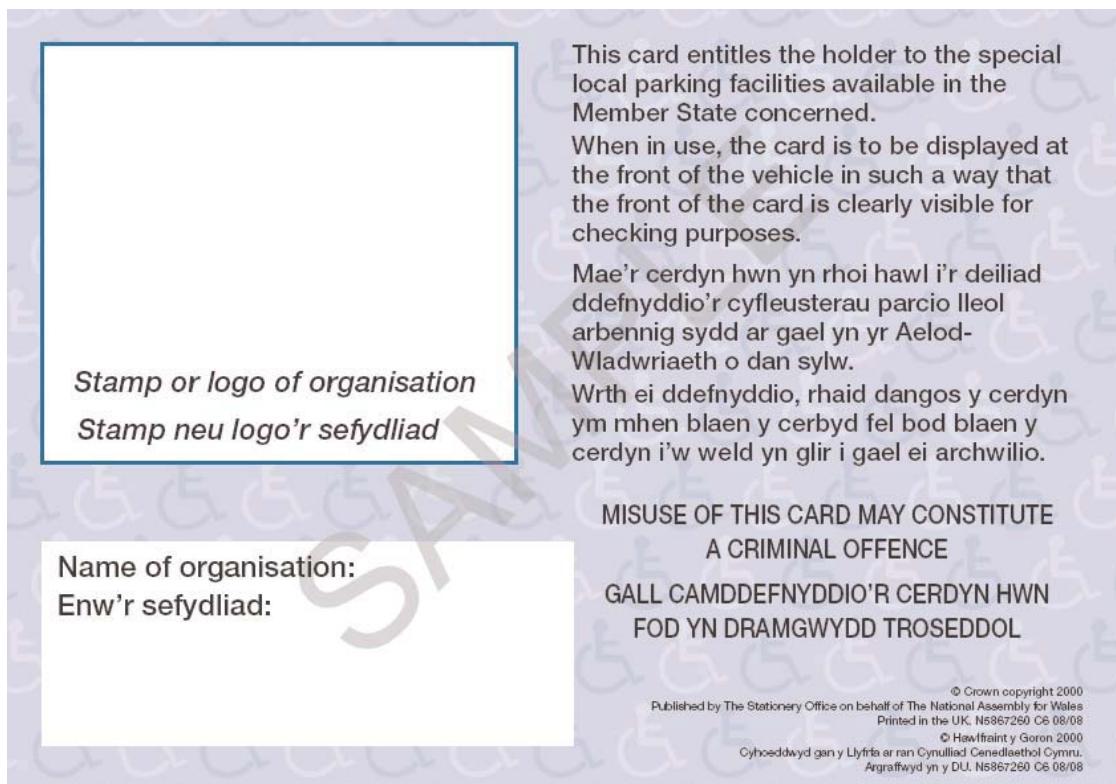
SCHEDULE

Regulation 10

FORM OF BADGE SUBSTITUTED DIAGRAMS

PART II

FORM OF ORGANISATIONAL BADGE



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CYMRU

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Rheoliadau Personau Anabl
(Bathodynnau ar gyfer Cerbydau
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W980/07/11

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