



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 438 (Cy.54)

2013 No. 438 (W.54)

TRAFFIG FFYRDD, CYMRU

ROAD TRAFFIC, WALES

Rheoliadau Personau Anabl
(Bathodynnau ar gyfer Cerbydau
Modur) (Cymru) (Diwygio) 2013

The Disabled Persons (Badges for
Motor Vehicles) (Wales)
(Amendment) Regulations 2013

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae bathodyn person anabl (a elwir yn "Bathodyn Glas") yn galluogi'r deiliad i fanteisio ar nifer o gonsesiynau parcio ac esemptiadau rhag taliadau penodol sy'n gymwys i fodurwyr eraill. Mae Rheoliadau Personau Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) 2000 (O.S. 2000/1786 Cy.123)) ("y prif Rheoliadau") yn gwneud darpariaeth ynghylch dyroddi'r bathodynnau gan awdurdodau lleol.

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) (Wales) Regulations 2000 (S.I. 2000/1786 (W.123)) ("the principal Regulations") make provision regarding the issue of the badges by local authorities.

Mae'r Rheoliadau'n addasu'r disgrifiad o bersonau y caniateir dyroddi bathodyn person anabl iddynt fel y'i nodir yn rheoliad 4 o'r prif Rheoliadau.

The Regulations modify the description of persons to whom a disabled person's badge may be issued as set out in regulation 4 of the principal Regulations.

Mewnosodir dosbarth newydd o gymhwystra sy'n cynnwys personau sy'n derbyn Taliadau Annibyniaeth Personol ar lefelau rhagnodedig.

A new class of eligibility is inserted comprising persons who are in receipt of Personal Independence Payments at prescribed levels.

Mae'r Rheoliadau hefyd yn diwygio Rhan IIIA o'r Atodlen i'r prif Rheoliadau o ran y gofynion ffotograffig ar gyfer personau ag anableddau sy'n eu hatal rhag edrych yn syth at y camera, agor eu llygaid neu gau eu ceg. Mae'r Rheoliadau yn darparu, pan na ellir bodloni'r gofynion hyn, y derbynir ffotograff o hyd, cyhyd â bod datganiad ysgrifenedig yn cael ei ddarparu gydag ef sy'n esbonio'r rhesymau dros beidio â chydymffurfio.

The Regulations also amend Part IIIA of the Schedule to the principal Regulations as regards the photographic requirements for persons with disabilities which prevent them from looking directly at the camera, opening their eyes or closing their mouth. The Regulations provide that where these requirements cannot be fulfilled, a photograph will still be accepted, provided it is accompanied by a written statement explaining the reasons for non-compliance.

Mae asesiad effaith rheoleiddiol llawn ar yr effaith y bydd y diwygiadau hyn yn ei chael ar y gost i'r sector busnes a'r sector gwirfoddol ar gael oddi wrth yr Is-adran Trafnidiaeth Integredig, Parc Cathays, Caerdydd, CF10 3NQ.

A full regulatory impact assessment of the effect that the amendments will have on the cost to the business and voluntary sector is available from the Integrated Transport Division, Cathays Park, Cardiff, CF10 3NQ.

2013 Rhif 438 (Cy.54)

TRAFFIG FFYRDD, CYMRU

Rheoliadau Personau Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) (Diwygio) 2013

Gwnaed 27 Chwefror 2013

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 5 Mawrth 2013

Yn dod i rym 8 Ebrill 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 21 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970(1), a drosglwyddwyd i Gynulliad Cenedlaethol Cymru(2), ac a freiniwyd bellach ynddynt hwy(3), yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Personau Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) (Diwygio) 2013 a deuant i rym ar 8 Ebrill 2013.

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

Diwygio'r Rheoliadau

2.—(1) Mae Rheoliadau Pobl Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) 2000(4) wedi eu diwygio yn unol â pharagraffau (2) i (6).

(2) Yn rheoliad 2(1) (dehongli), mewnosoder y diffiniadau a ganlyn yn y manau priodol yn nhrefn yr wyddor—

(1) 1970 p.44.

(2) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adran 21 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970 i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672).

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

(4) O.S. 2000/1786 (Cy.123).

2013 No. 438 (W.54)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2013

Made 27 February 2013

*Laid before the National
Assembly for Wales* 5 March 2013

Coming into force 8 April 2013

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 21 of the Chronically Sick and Disabled Persons Act 1970(1), transferred to the National Assembly for Wales(2), and now vested in them(3) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2013 and they come into force on 8 April 2013.

(2) These Regulations apply in relation to Wales.

Amendment of Regulations

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000(4) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation), insert the following definitions in the appropriate places in alphabetical order—

(1) 1970 c.44.

(2) Powers of the Secretary of State under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) 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 of Schedule 11 to the Government of Wales Act 2006 (c.32).

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

"mae i "asesiad" yr un ystyr ag a roddir i "assessment" yn rheoliad 2 o Reoliadau 2013;"

"ystyr "Rheoliadau 2013" ("*the 2013 Regulations*") yw Rheoliadau Nawdd Cymdeithasol (Taliad Annibyniaeth Bersonol) 2013(1);".

(3) Yn rheoliad 4 (disgrifiadau o bersonau anabl), ym mharagraff (2)—

- (a) ar ddiwedd is-baragraff (d), yn lle'r atalnod llawn rhodder hanner colon;
- (b) ar ddiwedd is-baragraff (dd), yn lle'r atalnod llawn rhodder hanner colon; ac
- (c) ar ôl is-baragraff (dd) mewnosoder—

"(e) yn derbyn y gydran symudedd o'r taliad annibyniaeth bersonol ar ôl cyflawni asesiad gan sgorio—

- (i) o leiaf 12 pwynt mewn perthynas â'r gweithgaredd "cynllunio a dilyn taith"; neu
- (ii) o leiaf 8 pwynt mewn perthynas â'r gweithgaredd "symud o gwmpas",

fel y nodir yn Rhan 3 o Atodlen 1 i Reoliadau 2013".

(4) Yn rheoliad 6 (ffi am roi bathodyn a chyfnod y rhei), ym mharagraff (4)(b)—

- (a) yn lle "neu 4(2)(ch)" rhodder ", 4(2)(ch) neu 4(2)(e)"; a
- (b) ym mharagraff (ii) yn lle "neu'r atodiad symudedd" rhodder ", yr atodiad symudedd neu'r gydran symudedd o'r taliad annibyniaeth bersonol".

(5) Ar ôl rheoliad 9 mewnosoder—

"Darpariaeth drosiannol

9A.—(1) Pan fo person yn bodloni paragraff (2)—

(a) mae'r person i gael ei drin fel petai'n berson anabl at ddibenion rheoliad 7; a

(b) nid yw rheoliad 9(1)(c) yn gymwys i'r person,

hyd nes bod y cyfnod y rhoddwyd y bathodyn person anabl y cyfeirir ato ym mharagraff (2)(b)(i) ar ei gyfer wedi dod i ben.

(2) Mae person yn bodloni'r paragraff hwn os—

(a) yw hawl y person i'r lwfans byw i'r anabl yn terfynu yn unol â Rheoliadau 2013;

(b) ar y diwrnod olaf y mae gan y person hawl i'r lwfans byw i'r anabl, bod y person—

- (i) yn meddu ar fathodyn person anabl sydd wedi ei roi yn unol â'r

""the 2013 Regulations" ("*Rheoliadau 2013*") means the Social Security (Personal Independence Payment) Regulations 2013(1);"

""assessment" ("*asesiad*") has the same meaning as in regulation 2 of the 2013 Regulations;".

(3) In regulation 4 (descriptions of disabled persons), in paragraph (2)—

- (a) at the end of sub-paragraph (e), for the full stop, substitute a semi-colon;
- (b) at the end of sub-paragraph (f) for the full stop substitute a semi-colon; and
- (c) after sub-paragraph (f) insert—

"(g) receives the mobility component of personal independence payment having undertaken an assessment and obtained a score—

- (i) of at least 12 points in relation to the "planning and following journeys" activity; or
- (ii) of at least 8 points in relation to the "moving around" activity,

as set out in Part 3 of Schedule 1 to the 2013 Regulations".

(4) In regulation 6 (fee for issue and period of issue of a badge), in paragraph (4)(b)—

- (a) for "or 4(2)(d)" substitute ", 4(2)(d) or 4(2)(g)"; and
- (b) in paragraph (ii) for "or the mobility supplement" substitute ", the mobility supplement or the mobility component of personal independence payment".

(5) After regulation 9 insert—

"Transitional provision

9A.—(1) Where a person satisfies paragraph (2)—

(a) the person is to be treated as being a disabled person for the purposes of regulation 7; and

(b) regulation 9(1)(c) does not apply to the person,

until the expiration of the period for which the disabled person's badge referred to in paragraph (2)(b)(i) was issued.

(2) A person satisfies this paragraph if—

(a) the entitlement of the person to disability living allowance terminates in accordance with the 2013 Regulations;

(b) on the last day on which the person is entitled to disability living allowance the person—

- (i) is in possession of a disabled person's badge which has been issued in

Rheoliadau hyn, a

(ii) yn berson anabl at ddibenion y Rheoliadau hyn yn rhinwedd bodloni rheoliad 4(1) a (2)(a);

(c) yn effeithiol o'r diwrnod canlynol, nad yw'r person, at ddibenion y Rheoliadau hyn, yn berson anabl mwyach gan nad yw'r person yn bodloni rheoliad 4(1)(a) a (2)(a); ac

(ch) nad yw cyfnod y rhoddwyd y bathodyn a grybwyllwyd yn is-baragraff (b) ar ei gyfer eto wedi dod i ben."

(6) Yn yr Atodlen, Rhan IIIA, paragraff 2—

(a) yn is-baragraff (a) yn lle "baragraffau (b) ac (c)", rhodder "baragraffau (b), (c), (ca) ac (cb).";

(b) ar ôl is-baragraff (c) mewnosoder—

"(ca) pan nad yw person, oherwydd ei anabledd, yn gallu bodloni unrhyw un neu ragor o ofynion—

(i) paragraff (a)(vi)(cc);

(ii) paragraff (a)(vi)(chch); neu

(iii) paragraff (a)(vi)(dd),

rhaid cyflwyno datganiad ysgrifenedig gyda'r ffotograff yn cadarnhau'r rhesymau pam na ellir bodloni gofynion y paragraffau hynny."

(c) ar ôl is-baragraff newydd (ca) mewnosoder—

"(cb) rhaid i unrhyw ddatganiad ysgrifenedig a ddarperir i awdurdod lleol yn rhinwedd paragraff (ca)—

(i) bod wedi ei lofnodi a'i ddyddio gan y ceisydd; neu

(ii) pan na fo'n bosibl i'r ceisydd lofnodi a dyddio'r datganiad, rhaid i gynrychiolydd y ceisydd ei lofnodi a'i ddyddio, gan nodi natur ei berthynas â'r ceisydd."

accordance with these Regulations, and

(ii) is a disabled person for the purposes of these Regulations by virtue of satisfying regulation 4(1) and (2)(a);

(c) with effect from the following day the person is no longer a disabled person for the purposes of these Regulations because the person does not satisfy regulation 4(1)(a) and (2)(a); and

(d) the period for which the badge mentioned in sub-paragraph (b) was issued has not yet expired."

(6) In the Schedule, Part IIIA, paragraph 2—

(a) in sub-paragraph (a) for "paragraphs (b) and (c)" substitute "paragraphs (b), (c), (ca) and (cb).";

(b) after sub-paragraph (c) insert—

"(ca) where, by reason of their disability a person is unable to satisfy any of the requirements of—

(i) paragraph (a)(vi)(cc);

(ii) paragraph (a)(vi)(dd); or

(iii) paragraph (a)(vi)(ee),

a written statement confirming the reasons why the requirements of those paragraphs cannot be met must accompany the photograph."

(c) after new sub-paragraph (ca) insert—

"(cb) any written statement provided to a local authority by virtue of paragraph (ca)—

(i) must be signed and dated by the applicant; or

(ii) where it is not possible for the applicant to sign and date the statement, it must be signed and dated by a representative of the applicant, stating the nature of their relationship to the applicant."

Carl Sargeant

Y Gweinidog Llywodraeth Leol a Chymunedau, un o Weinidogion Cymru

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

27 Chwefror 2013

27 February 2013

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