



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2014 Rhif 3082 (Cy. 306)**

**2014 No. 3082 (W. 306)**

## **TRAFFIG FFYRDD, CYMRU**

## **ROAD TRAFFIC, WALES**

**Rheoliadau Personau Anabl  
(Bathodynnau ar gyfer Cerbydau  
Modur) (Cymru) (Diwygio) 2014**

**The Disabled Persons (Badges for  
Motor Vehicles) (Wales)  
(Amendment) Regulations 2014**

### **NODYN ESBONIADOL**

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

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae bathodyn parcio person anabl (“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 (“y Prif Reoliadau”) yn gwneud darpariaeth am roi bathodynnau gan awdurdodau lleol.

A disabled person's parking badge (“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 (“the Principal Regulations”) make provision regarding the issue of badges by local authorities.

Mae rheoliad 2 yn diwygio'r Prif Reoliadau i adlewyrchu diwygiadau a wnaed gan Ddeddf Bathodynnau Parcio Personau Anabl 2013 (“Deddf 2013”), i adran 21 o Ddeddf Cleifion Cronig a Pheronau Anabl 1970 (“Deddf 1970”) ynghylch ffurf y Bathodyn Glas ac yn egluro'r modd y cymhwysir darpariaethau penodol o'r Prif Reoliadau.

Regulation 2 amends the Principal Regulations to reflect amendments made by the Disabled Persons' Parking Badges Act 2013 (“the 2013 Act”), to section 21 of the Chronically Sick and Disabled Persons Act 1970 (“the 1970 Act”) about the form of the Blue Badge and clarifies the application of certain provisions of the Principal Regulations.

Mae rheoliad 2 hefyd yn cyflwyno 2 ddsbarth newydd o gymhwystra. Caniateir i Fathodyn Glas gael ei ddarparu bellach i bersonau sy'n derbyn budd-daliadau penodol mewn cyfandaliadau a ddarperir o dan Orchymyn y Lluoedd Arfog a'r Lluoedd wrth Gefn (Cynllun Iawndal) 2011 pan fônt wedi dioddef anhwylder meddyliol parhaol sy'n cyfyngu'n ddifrifol ar eu gallu i weithredu. Caniateir darparu Bathodyn Glas hefyd i bersonau nad ydynt, o ganlyniad i anhwylder meddyliol, yn gallu dilyn llwybr taith gyfarwydd heb gymorth person arall.

Regulation 2 also introduces 2 new classes of eligibility. A Blue Badge may now be provided to persons in receipt of certain lump sum benefits provided under the Armed Forces and Reserved Forces (Compensation Scheme) Order 2011 where they have sustained permanent mental disorder causing severe functional limitation or restriction. A Blue Badge may also be provided to persons who, as a result of a mental disorder are unable to follow the route of a familiar journey without the assistance of another person.

Mae paragraff (2) o reoliad 2 yn diwygio'r diffiniad o “bathodyn person anabl” i adlewyrchu'r newidiadau a wnaed gan Ddeddf 2013 sy'n darparu bod yn rhaid i fathodynnau bellach fod ar ffurf a gymeradwyir yn unol ag adran 21(1A) o Ddeddf 1970 yn hytrach nag ar ffurf a ragnodir mewn rheoliadau.

Paragraph (2) of regulation 2 amends the definition of “disabled person's badge” to reflect changes made by the 2013 Act which provide that badges must now be in a form approved in accordance with section 21(1A) of the 1970 Act instead of prescribed within regulations.

Mae paragraff (4) o reoliad 2 yn egluro darpariaethau'r Prif Reoliadau sy'n caniatáu awdurdod i wrthod rhoi

Paragraph (4) of regulation 2 clarifies the provisions of the Principal Regulations which enable an authority to

bathodyn mewn amgylchiadau pan fo'r ceisydd eisoes yn dal bathodyn a roddwyd gan awdurdod arall, fel eu bod hefyd yn gymwys i fathodyn a roddwyd y tu allan i Gymru.

Mae paragraff (5) o reoliad 2 yn egluro darpariaethau'r Prif Reoliadau sy'n ei gwneud yn ofynnol i'r bathodyn gael ei ddychwelyd mewn amgylchiadau pan roddir bathodyn i ddeiliad gan fwy nag un awdurdod, fel eu bod hefyd yn gymwys i fathodynau a roddir y tu allan i Gymru. Mae hefyd yn cyflwyno gofyniad newydd bod yn rhaid i fathodyn a gedwir gan gwnstabl neu swyddog gorfodi mewn amgylchiadau penodol yn unol â phŵer newydd a gyflwynwyd gan Ddeddf 2013, gael ei ddychwelyd i'r deiliad cyn gynted ag y bo'n ymarferol resymol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi gan yr Is-adran Trafnidiaeth Gyhoeddus, Adeiladau'r Goron, Parc Cathays, Caerdydd, CF10 3NQ.

refuse to issue a badge in circumstances in which the applicant already holds a badge issued by another authority, such that they also apply to a badge issued outside Wales.

Paragraph (5) of regulation 2 clarifies the provisions of the Principal Regulations which require the return of a badge in circumstances in which the holder is issued with a badge by more than one authority, such that they also apply to badges issued outside Wales. It also introduces a new requirement that a badge which is retained by a constable or an enforcement officer in certain circumstances pursuant to a new power introduced by the 2013 Act must be returned to the holder as soon as reasonably practicable.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Public Transport Division, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

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Rheoliadau Personau Anabl  
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The Disabled Persons (Badges for  
Motor Vehicles)  
(Wales)(Amendment) Regulations  
2014

*Gwnaed* 18 Tachwedd 2014

*Made* 18 November 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 20 Tachwedd 2014

*Laid before the National Assembly for Wales*  
20 November 2014

*Yn dod i rym* 17 Rhagfyr 2014

*Coming into force* 17 December 2014

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.

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.

**Enwi, cychwyn, cymhwyso a dehongli**

**Title, commencement, application and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Personau Anabl (Bathodynnau ar gyfer Cerbydau Modur) (Cymru) (Diwygio) 2014, a deuant i rym ar 17 Rhagfyr 2014.

1.—(1) The title of these Regulations is The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2014 and they come into force on 17 December 2014.

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

(2) These Regulations apply in relation to Wales.

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(1) 1970 p.44. Diwygiwyd adran 21, i'r graddau y mae'n gymwys o ran Cymru, gan Ddeddf Traffig Ffyrdd 1991 (p.40) adran 35, Atodlen 8 a Deddf Bathodynnau Parcio Personau Anabl (p.4) adrannau 1 i 6.

(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 (O.S. 1999/672), ac Atodlen 1 iddi.

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

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(1) 1970 c.44. Section 21, so far as it relates to Wales, was amended by the Road Traffic Act 1991 (c.40) section 35, Schedule 8 and the Disabled Persons' Parking Badges Act 2013 (c.4) sections 1 to 6.

(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).

(3) Yn y Rheoliadau hyn, mae i “anhwylder meddyliol yr un ystyr ag a roddir i “mental disorder” yn adran 1(2) o Ddeddf Iechyd Meddwl 1983(1).

## Diwygio'r Rheoliadau

2.—(1) Mae Rheoliadau Personau Anabl (Bathodynau ar gyfer Cerbydau Modur) (Cymru) 2000(2) wedi eu diwygio yn unol â pharagraffau (2) i (8).

(2) Yn rheoliad 2 (dehongli), ym mharagraff (1), yn y diffiniad o “bathodyn person anabl” yn lle “ar y ffurf a ragnodir gan reoliad 11” rhodder “ar ffurf a bennir neu a gymeradwyir yn unol ag adran 21(1A) o Ddeddf 1970”.

(3) Yn rheoliad 4 (disgrifiadau o bersonau anabl)—

(a) yn lle paragraff (2)(ch2) rhodder—

“(ch2) wedi cael budd-dal cyfandaliad o dan erthygl 15(1)(a) o Orchymyn y Lluoedd Arfog a'r Lluoedd Wrth Gefn (Cynllun Iawndal) 2011(3) (“Gorchymyn 2011”)—

(i) o fewn lefelau tariff 1 i 8 yn gynwysedig fel y nodir yn Rhan 1, Atodlen 3 i Orchymyn 2011 ac 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; neu

(ii) ar lefel tariff 6 yn Nhabl 3 (Anhwylder Meddyliol) o Ran 1, Atodlen 3 i Orchymyn 2011.”;

(b) ar ôl paragraff (2)(dd) mewnosoder—

“(dd2) o ganlyniad i anhwylder meddyliol, yn methu â dilyn llwybr taith gyfarwydd heb gymorth person arall;”.

(4) Yn rheoliad 8 (seiliau dros wrthod rhoi bathodyn), ym mharagraff (2)(d), yn lle “sydd wedi'i roi gan awdurdod rhoi arall” rhodder “a roddwyd o dan adran 21 o Ddeddf 1970 neu fathodyn a gydnabyddir o fewn ystyr adran 21A o'r Ddeddf honno”.

(5) Yn rheoliad 9 (dychwelyd bathodyn i'r awdurdod rhoi)—

(3) In these Regulations, “mental disorder” (“*anhwylder meddyliol*”) has the same meaning as in section 1(2) of the Mental Health Act 1983(1).

## Amendment of Regulations

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000(2) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “disabled person's badge”, for “in the form prescribed by regulation 11” substitute “of a form specified or approved in accordance with section 21(1A) of the 1970 Act”.

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

(a) for paragraph (2)(dd) substitute—

“(dd) has received a lump sum benefit under article 15(1)(a) of the Armed Forces and Reserved Forces (Compensation Scheme) Order 2011(3) (“the 2011 Order”)—

(i) within tariff levels 1 to 8 inclusive as set out in Part 1, Schedule 3 to the 2011 Order and has 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; or

(ii) at tariff level 6 within Table 3 (Mental Disorders) of Part 1, Schedule 3 to the 2011 Order.”;

(b) after paragraph (2)(f) insert—

“(ff) as a result of a mental disorder is unable to follow the route of a familiar journey without the assistance of another person;”.

(4) In regulation 8 (grounds for refusal to issue a badge), in paragraph (2)(e), for “which has been issued by another issuing authority” substitute “issued under section 21 of the 1970 Act or a recognised badge within the meaning of section 21A of that Act”.

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

(1) Diwygiwyd adran 2(1) gan baragraff 2 o Atodlen 10 i Ddeddf Iechyd Meddwl 2007 (p.12).

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

(3) O.S. 2011/517.

(1) Section 2(1) was amended by paragraph 2 of Schedule 10 to the Mental Health Act 2007 (c.12).

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

(3) S.I. 2011/517.

- (a) ym mharagraff (1)(dd), dileer “neu fod bathodyn dilys arall yn cael ei roi i'r deiliad gan awdurdod rhoi arall”;
- (b) ar ôl paragraff (1)(dd), mewnosoder—  
“; neu
- (e) bod bathodyn dilys arall yn cael ei roi i'r deiliad o dan adran 21 o Ddeddf 1970 neu fathodyn a gydnabyddir o fewn ystyr adran 21A o'r Ddeddf honno.”;
- (c) ar ôl paragraff (1), mewnosoder—  
“(1A) Yn achos bathodyn y mae adran 21(4D)(b)(iii) o Ddeddf 1970 yn gymwys iddo a gedwir gan gwnstabl neu swyddog gorfodi yn unol â'r adran honno, rhaid i'r bathodyn gael ei ddychwelyd cyn gynted ag y bo'n ymarferol resymol—
- (a) i'r awdurdod rhoi; a
- (b) ar ôl ei ddychwelyd i'r awdurdod rhoi, gan yr awdurdod rhoi i'r deiliad, ar yr amod nad oes gan yr awdurdod rhoi seiliau ar gyfer rhoi hysbysiad i'r deiliad yn unol â pharagraff (2).”
- (6) Yn y pennawd i Ran III, yn lle “Ffurf Bathodynau a'u Harddangos” rhodder “Arddangos Bathodynau”.
- (7) Hepgorer rheoliad 11 (ffurf bathodyn).
- (8) Hepgorer yr Atodlen.

- (a) in paragraph (1)(f), delete “or another valid badge is issued to the holder by another issuing authority”;
- (b) after paragraph (1)(f), insert—  
“;or
- (g) the holder is issued with another valid badge under section 21 of the 1970 Act or with a recognised badge within the meaning of section 21A of that Act.”;
- (c) after paragraph (1), insert—  
“(1A) In the case of a badge to which section 21(4D)(b)(iii) of the 1970 Act applies which is retained by a constable or enforcement officer pursuant to that section, the badge must be returned as soon as reasonably practicable—
- (a) to the issuing authority; and
- (b) after return to the issuing authority, by the issuing authority to the holder, provided that the issuing authority does not have grounds for giving a notice to the holder pursuant to paragraph (2).”
- (6) In the heading to Part III, omit “Form and”.
- (7) Omit regulation 11 (form of badge).
- (8) Omit the Schedule.

*Edwina Hart*

Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth, un o Weinidogion Cymru

18 Tachwedd 2014

Minister for the Economy, Science and Transport, one of the Welsh Ministers

18 November 2014

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£4.25

W3082/11/14

ON

ISBN 978-0-348-11017-3



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