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WELSH STATUTORY INSTRUMENTS

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**2011 No. 1588 (W.183)**

**ROAD TRAFFIC, WALES**

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

<i>Made</i>	- - - -	<i>22 June 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>29 June 2011</i>
<i>Coming into force</i>	- -	<i>1 August 2011</i>

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<sup>(1)</sup> and now vested in them<sup>(2)</sup> 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<sup>(3)</sup> 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”;
- (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;

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(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)

- (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 Service Act 2006(4) and paragraph 10(3) of Schedule 1 to the National Health Service (Wales) Act 2006(5)”;
  - (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(6) 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—

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(4) 2006 c. 41  
 (5) 2006 c. 42  
 (6) S.I. 2011/517

“(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
  - (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(7) (see sections 46(2)(a) and 142(1)).”

### **Organisational badges**

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

#### **“5 Organisational badges**

**5** 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
  - (b) for “institution” in both places occurring substitute “organisation”.

#### **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”.

22 June 2011

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

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 10

### FORM OF BADGE SUBSTITUTED DIAGRAMS

## PART II

### FORM OF ORGANISATIONAL BADGE

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date of expiry: Dyddiad y daw i ben:	<b>Parking Card for people with disabilities</b> <b>Cerdyn Parcio pobl ag anableddau</b> Parkeringskort Κάρτα στάθμευσης Tarjeta de estacionamiento Parkausweis Contrassegno di parcheggio Parkeerkaart Cartão de estacionamento Pysäköntilupa Parkeringstillstånd Carte de stationnement	
Issued by: Rhoddwyd gan:		
Serial No: Rhif Cyfresol:		
	<b>ORGANISATIONAL BADGE</b> <b>BATHODYN SEFYDLIAD</b>	 EUROPEAN COMMUNITIES MODEL MODEL Y CYMUNEDAU EWROPEAIDD

<p>Stamp or logo of organisation Stamp neu logo'r sefydliad</p>	<p>This card entitles the holder to the special local parking facilities available in the Member State concerned. When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes. Mae'r cerdyn hwn yn rhoi hawl i'r deiliad ddefnyddio'r cyfleusterau parcio lleol arbennig sydd ar gael yn yr Aelod-Wladwriaeth o dan sylw. Wrth ei ddefnyddio, rhaid dangos y cerdyn ym mhen blaen y cerbyd fel bod blaen y cerdyn i'w weld yn glir i gael ei archwilio.</p>
Name of organisation: Enw'r sefydliad:	<p><b>MISUSE OF THIS CARD MAY CONSTITUTE A CRIMINAL OFFENCE</b> <b>GALL CAMDEFNYDDIO'R CERDYN HWN FOD YN DRAMGWYDD TROSEDDOL</b></p> <p><small>© Crown copyright 2009 Published by The Stationery Office on behalf of The National Assembly for Wales Printed in the UK. N5687260 C6 06/08 © Hawthraint y Goron 2009 Cyhoeddwyd gan y Llyfrfa ar ran Cynulliad Cenedlaethol Cymru. Argraffwyd yn y D.U. N5687260 C6 06/08</small></p>

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## 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 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.