
STATUTORY INSTRUMENTS

1997 No. 276

The Road Traffic Regulation (Northern Ireland) Order 1997

PART IX

MISCELLANEOUS

Disabled persons

Disabled persons' badges

55.—(1) Section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (badges for display on motor vehicles used by disabled persons) shall be amended in accordance with paragraphs (2) to (7).

(2) For subsections (2) and (3) substitute the following subsection—

“(2) A badge may be issued to a disabled person of any prescribed description for one or more vehicles driven by him or used by him as a passenger.”.

(3) In subsection (4) the words from “and any badge” to the end shall cease to have effect.

(4) After subsection (4) there shall be inserted the following subsections—

“(4A) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.

(4B) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Regulation (Northern Ireland) Order 1997) at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.

(4C) A person guilty of an offence under subsection (4B) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In subsection (5) the words from “and in the case” to the end shall cease to have effect.

(6) After subsection (7) there shall be inserted the following subsections—

“(7A) Where the prescribed conditions are met in the case of any person, then—

(a) if he applies to the Department for the issue of a badge T under this section, the Department may by notice refuse the application; and

(b) if he holds a badge issued under this section, the Department may by notice require him to return the badge P to the Department.

(7B) The conditions that may be prescribed for the purposes of subsection (7A) are conditions relating to the misuse of badges issued under this section.

(7C) A person whose application is refused under subsection (7A) or who is required to return his badge under that subsection may appeal to a court of summary jurisdiction which may confirm or reverse the decision of the Department; and if the court reverses it,

the Department shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.

(7D) A badge which is required to be returned to the Department by virtue of subsection (6) may not be displayed on any vehicle; and a badge which is required to be returned to the Department by virtue of a notice under subsection (7A) shall be returned within the prescribed time and may not be displayed on any vehicle after that time.

(7E) Except in prescribed circumstances, a person who, without reasonable excuse, fails within the prescribed time to return a badge which is required to be returned to the Department by virtue of subsection (6) or a notice under subsection (7A) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(7) For subsection (8) there shall be substituted the following subsections—

“(8) In this section “badge” includes duplicate badge and “motor vehicle” has the same meaning as in the Road Traffic (Northern Ireland) Order 1995.

(9) Section 24 of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to a notice under subsection (7A) as if in subsection (1) of that section the word “registering” were omitted.”.

Wrongful use of badge

56.—(1) A person who at any time contravenes any provision of an order under this Order relating to the parking of motor vehicles is also guilty of an offence under this Article if at that time—

- (a) there was displayed on the motor vehicle in question a badge of a form prescribed under section 14(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
- (b) he was using the vehicle in circumstances where a disabled person’s concession would be available to a disabled person’s vehicle,

but he shall not be guilty of an offence under this Article if the badge was issued under that section and displayed in accordance with regulations made under it.

(2) In paragraph (1) “disabled person’s concession” means—

- (a) an exemption from an order under this Order given by reference to disabled persons’ vehicles; or
- (b) a provision made in any order under this Order for the use of a parking place by disabled persons’ vehicles.

Enforcement powers

57.—(1) Where there is displayed on a motor vehicle a badge which appears to a constable to be or purport to be of a form prescribed under section 14(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, he may require the driver of a motor vehicle or any person in it to produce the badge for inspection by the constable.

(2) A person who without reasonable excuse fails to produce the badge when asked for it is guilty of an offence.