

1993 No. 202

## ROAD TRAFFIC AND VEHICLES

Disabled Persons (Badges for Motor Vehicles) Regulations  
(Northern Ireland) 1993*Made* . . . . . 22nd April 1993*Coming into operation* . . . . . 1st July 1993

## ARRANGEMENT OF REGULATIONS

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## THE SCHEDULE

Part I — Form of badge

Part II — Specifications for badge

The Department of the Environment, in exercise of the powers conferred on it by section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(a) and of every other power enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993 and shall come into operation on 1st July 1993.

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(a) 1978 c. 53 as amended by S.I. 1981/154 (N.I. 1) Sch. 7, para. 21

*Interpretation*

2.—(1) In these regulations—

“the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981(a);

“bus lane” means a road, or part of the width of a road, the use of which by vehicles is restricted by or under any enactment, in both directions or in one direction only and at all times or at particular times only, to any one or more of the following categories of vehicles—

(a) public service vehicles (as defined in Article 2(2) of the Order of 1981) or particular classes of such vehicles;

(b) vehicles (not being motor cars or public service vehicles) which are being used for the carriage of passengers;

(c) cycles.

“bus lane restriction” means a restriction by virtue of which a particular road or the particular part of the width of a road, is a bus lane;

“cycle lane” means a road, or part of a road, the use of which by vehicles is restricted by or under any enactment, in both directions or in one direction only and at all times or at particular times only, to pedal cycles;

“cycle lane restriction” means a restriction by virtue of which a particular road or the particular part of the width of a road, is a cycle lane;

“disabled person” means a person who is over 2 years of age and who is of a description prescribed by regulation 4;

“disabled person’s badge” means a badge of the form prescribed by regulation 3 issued by the Department for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person or of several disabled persons;

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled person’s badge and is a vehicle which, immediately before or after any period of waiting allowed by virtue of an exemption specified in regulation 9, has been or is to be driven by a disabled person, or as the case may be, has been or is to be used for carrying disabled persons as passengers;

“enactment” has the same meaning as in section 1(b) of the Interpretation Act (Northern Ireland) 1954(b);

“holder” in relation to a disabled person’s badge, means the person or support organisation to whom the badge was issued;

“pedal cycle” means a bicycle or tricycle which is designed and constructed for propulsion solely by the physical exertions of a person or persons seated thereon;

“support organisation” means an institution concerned with the care of disabled persons.

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(a) S.I. 1981/154 (N.I. 1) as amended by S.I. 1982/1535 (N.I. 18) Article 4

(b) 1954 c. 33 (N.I.)

- (2) In these regulations “relevant conviction” means the conviction of—
- (i) the holder of a disabled person’s badge; or
  - (ii) any other person using a disabled person’s badge with the holder’s consent;
- of the offences specified in paragraph (3).
- (3) The offences referred to in paragraph (2) are—
- (a) any offence under—
    - (i) Article 21(2) of the Order of 1981 in relation to an order under Article 21(1)(c) (prohibition or restriction on waiting);
    - (ii) Article 22(3)(b)(a) of the Order of 1981 (contravention of an order prohibiting or restricting the use by vehicles of a road); or
    - (iii) Article 158 of the Order of 1981 in relation to contravention of an indication, given by a traffic sign, prohibiting waiting by a vehicle.
  - (b) any offence under—
    - (i) Article 105(3A)(b) of the Order of 1981 (using a parking place reserved for disabled persons’ vehicles, in contravention of a byelaw under Article 105);
    - (ii) Article 115(1A)(c) of the Order of 1981 (using a street parking place reserved for disabled persons’ vehicles, in contravention of a byelaw under Article 107); or
    - (iii) Article 174A(d) of the Order of 1981 (wrongful use of a disabled person’s badge).
- (4) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these regulations as it applies to a measure of the Northern Ireland Assembly.

### *Form of badge*

- 3.—(1) A disabled person’s badge issued to an individual shall be in the form shown in diagram 1 of Part I of the Schedule.
- (2) A disabled person’s badge issued to a support organisation shall be in the form shown in diagram 2 of Part I of the Schedule.
- (3) The badge mentioned in paragraphs (1) and (2) shall comply with the specifications set out in Part II of the Schedule.

### *Descriptions of disabled persons*

- 4.—(1) For the purposes of section 14(2) (issue of badges to disabled drivers) and (3) (issue of badges to disabled passengers) a badge may be issued to, and for the purposes of section 14(4) (issue of badges to support organisations) a badge may be issued in respect of, persons who—

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(a) Article 22(3) was substituted by para. 2(3) of S.I. 1984/1986 (N.I. 15)  
 (b) Article 105(3A) was inserted by Article 4(1)(b)(ii) of S.I. 1982/1535 (N.I. 18)  
 (c) Article 115(1A) was inserted by Article 4(1)(c) of S.I. 1982/1535 (N.I. 18)  
 (d) Article 174A was inserted by Article 4(1)(d) of S.I. 1982/1535 (N.I. 18)  
 (e) 1954 c. 33 (N.I.)

- (a) receive the higher rate of the mobility component of the Disability Living Allowance pursuant to sections 71 and 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a); or
- (b) by reason of their disability, drive, or as the case may be, use a motor vehicle provided for them by the Department of Health and Social Services for Northern Ireland, by the Department of Health or by the Department of Social Security; or
- (c) are registered with a Health and Social Services Board as blind persons; or
- (d) receive a mobility supplement under Article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(b) including such a supplement by virtue of any other scheme or order under Article 25A of the Personal Injuries (Civilians) Scheme 1983(c); or
- (e) have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking; or
- (f) drive motor vehicles regularly, have a severe disability in both upper limbs and are unable to turn by hand the steering wheel of a motor vehicle notwithstanding that the wheel is fitted with a turning knob.

(2) In this regulation "section 14" means section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.

#### *Period for which a badge issues*

5. Subject to the provisions of regulation 8 a disabled person's badge shall be issued for a period of 3 years from and including the date on which it is issued.

#### *Fee for badge*

6. The fee for the issue or re-issue of a disabled person's badge shall be £2.

#### *Grounds for refusing to issue a badge*

7. The Department may refuse to issue a disabled person's badge where—

- (a) the applicant for the badge holds or has held a disabled person's badge and in respect of that badge there has occurred on at least 3 occasions misuse which has led to a relevant conviction or which would give grounds for a relevant conviction; or

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(a) 1992 c. 7

(b) S.I. 1983/883; Article 26A was inserted by S.I. 1983/1116 Article 4 and amended by S.I.s 1983/1521 Article 2, 1986/592 Article 6, 1990/1308 Article 2, 1991/766 Article 4 and 1992/710 Article 5

(c) S.I. 1983/686; Article 25A was inserted by S.I. 1983/1164 Article 3 and amended by S.I.s 1983/1540 Article 2, 1986/628 Article 4, 1990/1300 Article 2, 1991/708 Article 4 and 1992/702 Article 5

- (b) the applicant fails to provide the Department with adequate evidence that he is a person to whom one or more of the descriptions of disabled person prescribed in regulation 4 applies; or in the case of a support organisation, fails to provide the Department with adequate evidence that it is concerned with the care of disabled persons; or
- (c) the applicant fails to pay the fee chargeable for the issue or re-issue of the badge; or
- (d) the Department has reasonable grounds for believing that the applicant—
  - (i) is not the person whom he claims to be; or
  - (ii) would permit another person to display the badge on a motor vehicle.

*Return of badge to the Department*

8. A disabled person's badge shall be returned to the Department immediately on the occurrence of any of the following events—

- (a) if the badge ceases to be required for the motor vehicle or all the motor vehicles in respect of which it was issued;
- (b) the expiry of the period for which the badge was issued;
- (c) the death of the person to whom the badge was issued or, where the badge was issued to a support organisation, the support organisation ceasing to exist;
- (d) if the holder of the badge ceases to be a disabled person or, in the case of a support organisation ceases to be concerned with the care of disabled persons or the motor vehicle for which the badge was issued ceases to be used to carry disabled persons falling within any of the descriptions prescribed by regulation 4;
- (e) if the badge has been obtained by false representation;
- (f) where a duplicate badge has been issued to replace a badge lost or stolen, and the duplicated badge is subsequently found or recovered;
- (g) if the badge has become so mutilated or faded as to cease to be effectively legible when displayed on a vehicle;
- (h) misuse of the badge on at least 3 occasions which has either led to a relevant conviction or would give grounds for a relevant conviction.

*Exemptions for vehicles displaying disabled persons' badges from provisions in certain instruments*

9.—(1) Subject to paragraph (2), where an instrument made, or having effect as if made, under Article 21 of the Order of 1981 includes a provision which prohibits the waiting of vehicles or of any class of vehicles, in a road or part of a road and the provision is one which in relation to any particular vehicle prohibits that vehicle from waiting in that road or that part of a road either—

- (a) beyond a specified period of waiting permitted under that provision;
- or

- (b) if less than a specified period has elapsed since a previous period of waiting by that vehicle in that road or that part of a road, as the case may be;

then, unless that instrument provides to the contrary, any disabled person's vehicle which displays a disabled person's badge issued by the Department shall be exempt from any such prohibition.

(2) The exemption in paragraph (1) does not apply to a prohibition under—

- (a) Article 3 of the Urban Clearways (Belfast) (No. 2) Order (Northern Ireland) 1981(a);
- (b) Article 3 of the Urban Clearways (Londonderry) Order (Northern Ireland) 1986(b);
- (c) Bye-law 2 of The Prohibition and Restriction of Waiting by Vehicles on Public Roads (Clearways) Byelaws made by Antrim Borough Council on 14th June 1966 and confirmed by the Ministry of Home Affairs on 2nd day of September 1966.

(3) Where an instrument made, or having effect as if made, under Article 21 of the Order of 1981 includes a provision which—

- (a) prohibits the waiting of vehicles, or any classes of vehicles, in a road or part of a road, except for the purpose of loading or unloading; and
- (b) in relation to a particular vehicle would have the effect of prohibiting that vehicle from waiting in that road or that part of a road at all times in any day or during one or more specified periods in any day; and
- (c) is not a provision applying to a bus lane at a time when a bus lane restriction is in operation; and
- (d) is not a provision applying to a cycle lane at a time when a cycle lane restriction is in operation; and
- (e) is not a provision to which paragraph (1) applies,

then, unless that instrument provides to the contrary, the vehicles to which paragraph (4) applies shall be exempt from such prohibitions to the extent described in paragraph (5).

(4) This paragraph applies to any disabled person's vehicle in relation to which the following conditions are satisfied, namely that—

- (a) in all cases a disabled person's badge is displayed on the vehicle; and
- (b) in the case mentioned in paragraph (5)(b), a parking disc, issued by the Department, capable of showing the quarter-hour period during which a period of waiting begins, is displayed—
- (i) in the case of a vehicle fitted with a dashboard, on the dashboard so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; and

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(a) S.R. 1981 No. 304 as amended by S.R. 1982 No. 154, S.R. 1982 No. 197, S.R. 1983 No. 149, S.R. 1985 No. 246 and S.R. 1987 No. 371

(b) S.R. 1986 No. 4 as amended by S.R. 1988 No. 227 and S.R. 1992 No. 282

- (ii) in the case of a vehicle not so fitted, in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; and

the driver, or other person in charge of the vehicle, marks on the parking disc the time at which the period of waiting has begun.

(5) The extent of the exemption referred to in paragraph (3) is—

- (a) in a case where the specified period of the prohibition is of 3 hours' duration or less, the whole of that period; and  
(b) in a case where the specified period of the prohibition is of more than 3 hours' duration, a period of 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same road or part of a road on the same day).

(6) Where a byelaw made, or having effect as if made, under Article 107 of the Order of 1981 includes a provision for—

- (a) a charge for a vehicle, or a vehicle of any class, left in a parking place;  
(b) a time limit in relation to the leaving of, or waiting by, vehicles, or vehicles of any class, in a parking place; or  
(c) a period which must elapse before a vehicle which has been taken away from a parking place may again be left therein,

then, unless that byelaw provides to the contrary, any disabled person's vehicle which displays a disabled person's badge issued by the Department shall be exempt from such provision.

*Revocation and transitional provisions*

**10.**—(1) The Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1979(a) are hereby revoked.

(2) Any application made, any badge issued or anything else done under and in accordance with the regulations hereby revoked or having effect as if so made, issued or done shall not be invalidated by the revocation thereof but shall have effect as if made, issued or done under and in accordance with the corresponding provision of these regulations.

Sealed with the Official Seal of the Department of the Environment on  
22nd April 1993.

(L.S.)

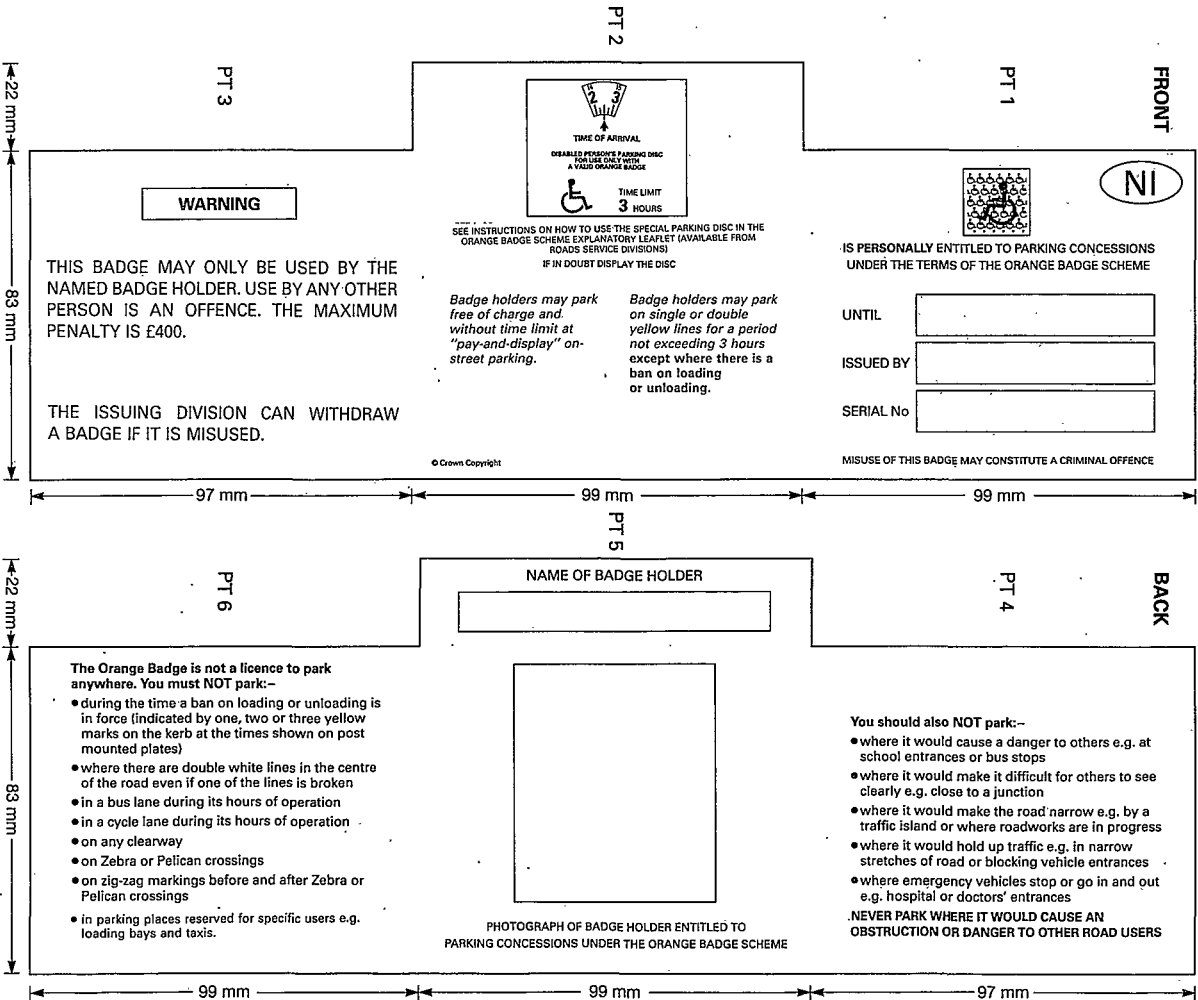
*E. J. Galway*

Assistant Secretary

PART I

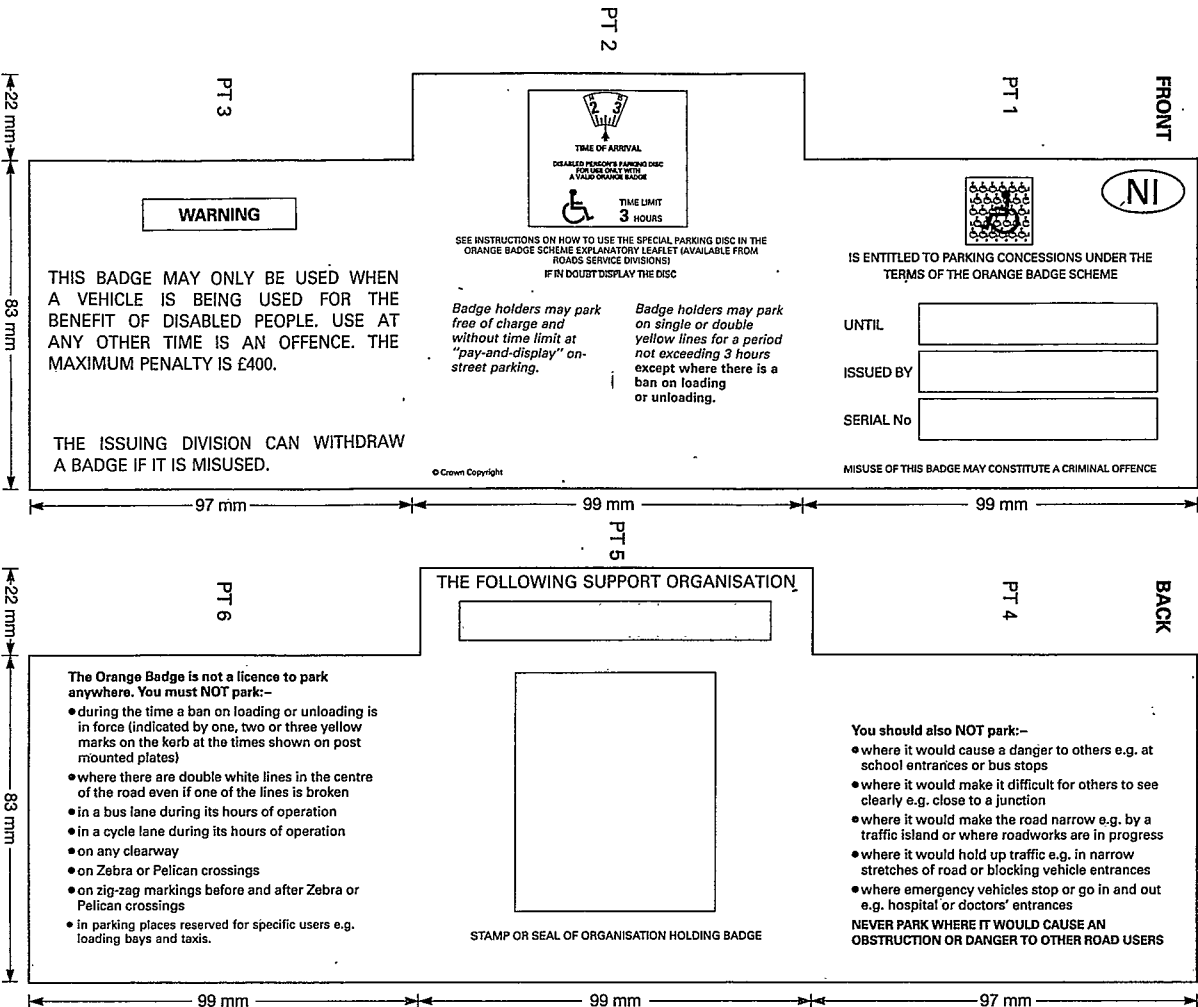
DIAGRAM 1

FORM OF BADGE FOR AN INDIVIDUAL ISSUED ON OR AFTER  
1st JULY 1993





FORM OF BADGE FOR SUPPORT ORGANISATION ISSUED ON OR  
AFTER 1st JULY 1993



## PART II

## SPECIFICATIONS FOR BADGES ISSUED ON OR AFTER 1st JULY 1993

- (1) The background to parts 1 and 2 shall be coloured orange.
- (2) The 3 rectangular boxes in part 1 shall be coloured white.
- (3) The symbol in part 1 shall be in the form of a hologram.

## EXPLANATORY NOTE

*(This note is not part of the regulations.)*

These regulations revoke and re-enact with amendments the Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1979 (the 1979 Regulations).

The principal amendments are as follows:—

A new form of disabled person's badge is prescribed for issue by the Department on or after 1st July 1993. This badge contains a space for a photograph of the badge holder to be displayed. (Regulation 3 and the Schedule).

The descriptions of disabled persons to whom or in respect of whom a badge may be issued include recipients of the higher rate of the mobility component of the disability living allowance; persons in receipt of mobility supplements paid in respect of service in the Naval, Military or Air Forces during the World War of 1914-1918 and also up to and including 30 September 1921, and after 2 September 1939 including such supplements by virtue of any other scheme or order, or in respect of civilian injuries in the World War of 1939-1945; and also persons who drive regularly, have a severe disability in both upper limbs and are unable to turn by hand the steering wheel of a vehicle even though it is fitted with a steering knob. (Regulation 4).

Regulation 6 introduces a fee not exceeding £2, for a badge.

The grounds on which the Department may refuse to issue a badge include failure to provide adequate evidence that the application relates to a description of a disabled person prescribed by Regulation 4, failure to pay the fee, or there has occurred on at least three occasions misuse of a badge which has led to a relevant conviction or which would give grounds for a relevant conviction. The expression "relevant conviction" is defined in Regulation 2(2). A refusal may also be made if the Department has reasonable grounds for believing that the applicant for a badge is not the person whom he claims to be or that the applicant will permit another person to display the badge on a vehicle. (Regulation 7).

Under Regulation 8 a badge shall be returned to the Department if there is misuse of the badge on at least three occasions which has either led to a relevant conviction or which would give grounds for such a conviction. A badge must also be returned if it has become so mutilated or faded as to cease to be effectively legible.

A badge holder, displaying the badge and a parking disc marking the time when waiting began, will be totally exempted from provisions of instruments imposing prohibitions on waiting in a road (except for loading or unloading) for a period not exceeding 3 hours. Previously the maximum period of exemption was 2 hours. (Regulation 9).

Regulation 10 contains transitional provisions which preserve the validity of a badge issued under the provisions of the 1979 Regulations.