
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 145

ROAD TRAFFIC

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

<i>Made</i>	- - - -	<i>28th May 2014</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th May 2014</i>
<i>Coming into force</i>	- -	<i>28th June 2014</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 21 the Chronically Sick and Disabled Persons Act 1970(1) and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2014.

(2) These Regulations come into force on 28th June 2014.

Amendment of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000

2. The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(2) are amended as follows.

Amendment of regulation 4

3. In regulation 4 (description of disabled persons)—

(a) after sub-paragraph (aa) of paragraph (2), insert—

“(ab) has—

(i) had entitlement to disability living allowance terminated in accordance with the Personal Independence Payment (Transitional Provisions) Regulations

(1) 1970 c.44; subsections (2), (6) and (7) are the relevant subsections within section 21, none of which have been amended; the functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) S.S.I. 2000/59; amended by S.S.I. 2000/170, S.S.I. 2002/451, S.S.I. 2007/162, S.S.I. 2011/89, S.S.I. 2011/410 and S.S.I. 2013/65.

- 2013(3) and immediately before that happened was a disabled person by virtue of sub-paragraph (a); and
- (ii) made a revision request which falls within paragraph (5);
- (ac) has had entitlement to disability living allowance terminated in accordance with the Personal Independence Payment (Transitional Provisions) Regulations 2013 and immediately before that happened was a disabled person by virtue of sub-paragraph (a) with the relevant award of disability living allowance having been made without limit of time;”;
- (b) in paragraph (4)—
- (i) at the end of sub-paragraph (a), omit “and”; and
- (ii) at the end of sub-paragraph (b), insert—
- “; and
- (c) “revision request” means an application to the Secretary of State for a revision under regulation 5 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013(4) of the decision as to whether the person in question is entitled to personal independence payment or on the amount of that payment”; and
- (c) after paragraph (4), insert—
- “(5) A revision request falls within this paragraph if it is made by a person—
- (a) no earlier than a year before that person made the application for a disabled person’s badge which is under consideration;
- (b) no earlier than a year before the expiry date of any disabled person’s badge held by that person.”.

Amendment of regulation 6

4. In regulation 6 (fee for issue and period of issue of a badge)—
- (a) in paragraph (2)—
- (i) for “paragraph (3)”, substitute “paragraphs (3) and (4)”; and
- (ii) after sub-paragraph (ba), insert—
- “(bb) to a person falling within the description specified in regulation 4(2)(ab), for the period of 1 year beginning with the date of issue;”;
- (iii) in sub-paragraph (d), after “(ba)” insert “, (bb)”; and
- (b) after paragraph (3), insert—
- “(4) Where a person falls within the description specified in regulation 4(2)(a) and is in receipt of an award of disability living allowance which has been extended whilst an application by that person for personal independence payment is being considered, a disabled person’s badge shall be issued for whichever is the shorter of—
- (a) the period of 3 years which begins with the date of issue; or
- (b) the period which begins with the date of issue and runs for the same length of time as the award of disability living allowance which has been extended was made for.”.

(3) S.I. 2013/387.

(4) S.I. 2013/381.

St Andrew's House,
Edinburgh
28th May 2014

NICOLA STURGEON
A member of the Scottish Government

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disabled Persons (Badges for Motor Vehicles (Scotland) Regulations 2000 (“the 2000 Regulations”). Those Regulations deal with what is known as the “blue badge” scheme.

Regulation 4 of the 2000 Regulations is amended so as to create two new categories of disabled person who are to be eligible for a blue badge. Both categories cover people who were in receipt of the higher rate of the mobility component of the disability living allowance, but are no longer getting that allowance following an assessment for the purposes of deciding eligibility for personal independence payment. The first new category covers those who have made a request to the Secretary of State for a revision of the decision on eligibility for personal independence payment, so long as that request wasn’t made any earlier than a year before the person’s existing blue badge expired or any earlier than a year before the application for a blue badge was made. The second new category covers those whose previous disability living allowance award was originally made without limit of time.

Regulation 6 of the 2000 Regulations is amended so as to provide that badges issued to those in the first new category mentioned above are valid for 1 year. Special provision is also included in regulation 6 to deal with the situation of a person who holds an award of disability living allowance which has been extended pending completion of an assessment of the person’s eligibility for personal independence payment. Any new blue badge issued to such a person will be valid for 3 years or, if shorter, the period equivalent to that which the previous award of disability living allowance was made for.