

POLICY NOTE

THE DISABLED PERSONS (BADGES FOR MOTOR VEHICLES) (SCOTLAND) AMENDMENT REGULATIONS 2014

SSI 2014/ 145

The above instrument was made in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970. The instrument is subject to the negative procedure.

Policy Objective

The policy intention is to reduce the impact on persons who lose passporting entitlement to the blue badge scheme as they transfer from Disability Living Allowance (DLA) to Personal Independence Payment (PIP) following the UK Government's reforms of the welfare system.

Those in receipt of the Higher Rate of the Mobility Component of Disability Living Allowance (HRMC DLA) can passport to the blue badge scheme. This instrument provides two new eligibility criteria for a blue badge, covering people who were in receipt of HRMC DLA, but who no longer get that award due to being assessed for PIP.

The first new eligibility criteria applies to those who do not receive PIP at a rate to passport, and who have challenged that decision with the Department for Work and Pensions (DWP). A blue badge under this eligibility criteria is to have a period of issue of one year, providing support to those challenging the rate PIP has been awarded.

The second new eligibility criteria ensures that those who were in receipt of a 'lifetime' or 'indefinite' HRMC DLA award will retain passporting entitlement to a blue badge. Such persons would have reasonably expected to have retained passporting entitlement were it not for the introduction of PIP, and there is no equivalent 'lifetime' or 'indefinite' period of issue for PIP.

This instrument also makes provision about the period of validity of a blue badge where an application is made using an extended HRMC DLA award. Delays in the PIP assessment process may result in current HRMC DLA recipients not receiving the PIP decision before the DLA award ends. Where this occurs, DWP will extend the previous DLA award until the PIP decision is made. This amendment allows a blue badge to be issued against an extended HRMC DLA award under the existing HRMC DLA passporting arrangement of the scheme.

Consultation

The Scottish Government ran a formal consultation exercise on its approach to passported benefits which closed in September 2012. Further informal consultation events were held with a range of stakeholders. The primary focus of stakeholders from this consultation activity was the need to protect entitlement to passported benefits as far as possible.

Impact Assessments

An equality impact assessment has been completed and can be accessed on the Transport Scotland website.

Financial Effects

The Scottish Government does not believe that implementation of the Regulations will impose significant costs on local authorities or individuals.

A Business Regulatory Impact Assessment has not been undertaken for this policy change. Any impacts on business are expected to be small.

Blue Badge GB online form to be updated and the BBIS database to be updated to record the new eligibility criteria. Updates required to be carried out by Northgate Public Services. Approximately £32,000 in 2013-14.