
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 72

ROAD TRAFFIC

**The Disabled Persons (Badges for Motor Vehicles)
(Scotland) Amendment Regulations 2016**

Made - - - - 2nd February 2016
*Laid before the Scottish
Parliament* - - - - 4th February 2016
Coming into force - - 1st April 2016

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

Citation and commencement

1. These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2016 and come into force on 1st April 2016.

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

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

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), in the definition of “independent mobility assessor”—

(i) after “or (g)”, insert “or (2A)(c)”;

(ii) for paragraph (a), substitute—

“(a) falls within paragraph (1B) of this regulation;”; and

(iii) at the end of paragraph (c), insert “or an independent assessment for the purposes of regulation 4(2A)(c) (as the case may be)”; and

(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, S.S.I. 2013/65, S.S.I. 2014/145 and S.S.I. 2015/9.

- (b) after paragraph (1A), insert—
- “(1B) A person falls within this paragraph if the person is recognised by the local authority to which the relevant application for a disabled person’s badge is being made—
- (a) in a case falling within regulation 4(2)(f) or (g), as—
- (i) holding a professional qualification, the obtaining of which involved person A being trained in the assessment of a person’s ability to walk; and
- (ii) having the expertise necessary to assess on behalf of the local authority the ability to walk of person B;
- (b) in a case falling within regulation 4(2A)(c), as having the expertise necessary to assess on behalf of the local authority that person B lacks the awareness of danger from traffic which is likely to compromise the safety of person B, or the safety of other persons, during journeys.”.
- (3) In regulation 4 (descriptions of disabled persons)—
- (a) in paragraph (2)—
- (i) omit “or” after sub-paragraph (f); and
- (ii) after sub-paragraph (g), insert—
- “; or
- (h) falls within paragraph (2A)”;
- (b) after paragraph (2), insert—
- “(2A) A person falls within this paragraph if that person—
- (a) has a mental disorder within the meaning of section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003(3);
- (b) receives—
- (i) the highest or middle rate of the care component of the disability living allowance in accordance with section 72 of the Social Security Contributions and Benefits Act 1992(4);
- (ii) attendance allowance in accordance with sections 64 and 65 of the Social Security Contributions and Benefits Act 1992(5); or
- (iii) personal independence payment and has been assessed as having severely limited ability or limited ability to carry out daily living activities (within the meaning of regulation 5(3) of the Social Security (Personal Independence Payment) Regulations 2013(6)) in respect of activities 7 (communicating verbally), 8 (reading and understanding signs, symbols and words) and 9 (engaging with other people face to face) in Part 2 of Schedule 1 to those Regulations; and
- (c) subject to paragraph (3B), has been certified by an independent mobility assessor as lacking awareness of danger from traffic which is likely to compromise the safety of the person, or the safety of other persons, during journeys.”; and
- (c) after paragraph (3A), insert—

(3) 2003 asp 13.

(4) 1992 c.4. Section 72 was amended by the Welfare Reform and Pensions Act 1999 (c.30), section 67(2), the Welfare Reform Act 2007 (c.5), sections 52 and 60 and Schedule 8, paragraph 1 and S.I. 2011/2426.

(5) Section 64 was amended by the Welfare Reform and Pensions Act 1999, section 66(1) and the Welfare Reform Act 2012 (c.5), Schedule 9, paragraph 5. Section 65 was amended by S.I. 2011/2426.

(6) S.I. 2013/377; amended by S.I. 2013/455, S.I. 2013/2270, S.I. 2014/516, S.I. 2015/457 and S.I. 2015/643.

“(3B) A person is deemed to be within the description set out in paragraph (2A)(c) in the absence of the certification otherwise required if, in the opinion of the local authority to which the application for a disabled person’s badge is being made, it is self-evident by reason of the information the authority has about the person that the person has a lack of awareness of danger from traffic which is likely to compromise the safety of the person, or the safety of other persons, during journeys.”.

(4) In regulation 6 (fee for issue and period of issue of a badge), in paragraph (2)—

(a) after sub-paragraph (c), insert—

“(ca) to a person falling within the description specified in regulation 4(2A), for the period of 1 year beginning with the date of issue;”;

(b) in sub-paragraph (d), for “sub paragraph (a), (b), (ba), (bb) or (c)” substitute “any of the foregoing sub-paragraphs”.

St Andrew’s House,
Edinburgh
2nd February 2016

DEREK MACKAY
Authorised to sign by the Scottish Ministers

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 to create a new category of disabled person who may be eligible for a blue badge. The new category covers a person who has a mental disorder as defined by section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and who is in receipt of—

- (a) the highest or middle rate of the care component of disability living allowance;
- (b) attendance allowance; or
- (c) personal independence payment and who has been assessed as having severely limited ability or limited ability to carry out certain of the daily living activities prescribed in Part 2 of Schedule 1 to the Social Security (Personal Independence Payment) Regulations 2013.

Regulation 6 of the 2000 Regulations is amended so as to provide that blue badges issued to persons in the new category mentioned above are valid for 1 year.