

2017 No. 118

ROAD TRAFFIC

**The Disabled Persons (Badges for Motor Vehicles) (Scotland)
Amendment Regulations 2017**

<i>Made</i> - - - -	<i>18th April 2017</i>
<i>Laid before the Scottish Parliament</i>	<i>20th April 2017</i>
<i>Coming into force</i> - -	<i>19th May 2017</i>

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(a) 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 2017 and come into force on 19th May 2017.

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

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

(2) In regulation 4 (descriptions of disabled persons)—

(a) for paragraph (2A)(c) substitute—

“(c) subject to paragraph (3B), has been certified by an independent mobility assessor—

(i) as temporarily lacking, for a period likely to last at least 12 months beginning with the date on which the badge is issued, an awareness of danger from traffic likely to compromise the safety of the person, or the safety of other persons, during journeys; or

(ii) as permanently lacking such awareness.”; and

(a) 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).

(b) S.S.I. 2000/59, as 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, S.S.I. 2015/9 and S.S.I. 2016/72.

(b) for paragraph (3B) substitute—

“(3B) A person is deemed to be within the relevant description set out in paragraph (2A)(c) in the absence of the certification required there 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 temporary or permanent lack of awareness of the type set out in the relevant description.”.

(3) In regulation 6(2) (fee for issue and period of issue of badge)—

(a) in sub-paragraph (c) after “regulation 4(2)(g)” insert “or regulation 4(2A)(c)(i)”; and

(b) omit sub-paragraph (ca).

St Andrew’s House,
Edinburgh
18th April 2017

HUMZA YOUSAF
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (“the principal Regulations”). Those Regulations deal with what is known as the “Blue Badge Scheme”.

Regulation 4(2A) of the principal Regulations prescribes a category of disabled person who may be eligible for a blue badge based on the person having a mental disorder as defined by section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Regulation 2 amends regulations 4 and 6 of the principal Regulations to provide that disabled persons in the category prescribed by regulation 4(2A) may be issued with a blue badge by a local authority for a period of—

- between 1 and 3 years if the disability is temporary but likely to last for at least 12 months; or
- 3 years if the disability is permanent.

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