

POLICY NOTE

THE DISABLED PERSONS (BADGES FOR MOTOR VEHICLES) (SCOTLAND) AMENDMENT REGULATIONS 2017

SSI 2017 No. 118

Description

1. The above instrument is made by the Scottish Ministers 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

2. These Regulations will allow local authorities to issue disabled person's parking badges for a variable period of time of up to three years where badges are issued on the basis of a person meeting the eligibility criteria specified in regulation 4(2A) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000. This represents a change from the current situation, where a badge may be issued in such cases only for a fixed period of 12 months.

Policy background

3. These Regulations relate to cases where a disabled person's parking badge is issued because a person meets the following eligibility criterion:

- (a) The person has a mental disorder,
- (b) The person receives specified social security benefits at specified rates, and
- (c) The person lacks awareness of danger from traffic which is likely to compromise their safety, or the safety of others as a result.

4. This criterion is specified in regulation 4(2A) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000. Regulation 4(2A) was introduced by way of Amendment Regulations made in April 2016¹ and is being tested on a pilot basis. This is to assess whether it is appropriate to explicitly extend blue badge eligibility criteria in order to handle cases of people who, as a result of a diagnosed mental disorder, have little or no awareness of danger from traffic.

5. At the time regulation 4(2A) was introduced, it was intended the pilot would last for 12 months. For this reason, the Amendment Regulations in 2016 provided that badges issued because someone meets the criteria specified in regulation 4(2A) may only be issued for a fixed period of 12 months.

¹ By the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2016 (SSI 2016/72)

6. The pilot scheme has now been extended beyond 12 months. This is to provide more time for the Working Group (see paragraphs 10-12) to consider, based on the evaluation work which has taken place, what recommendations to make to Ministers about making the pilot eligibility criteria a permanent feature of the scheme.

7. In light of the decision to extend the duration of pilot beyond 12 months, the reason for special provision to be made for the period of issue of a badge falls away. These Regulations remove this special provision.

What these Regulations do

8. These Regulations give discretion to a local authority to decide to issue a disabled person's parking badge for a period of between 12 months and three years where a person is eligible under regulation 4(2A). In such circumstances, a local authority can also issue a badge for less than 12 months in renewal cases where it considers this to be appropriate. Thus, the full range of outcomes specified in the 2000 Regulations in terms of badge length are now available in cases where someone is eligible under regulation 4(2A).

Consultation

9. Transport Scotland established a Working Group in 2015 to develop proposals for, and evaluate the practical consequences of, an extension to eligibility criteria. This built on work undertaken to identify the views of affected individuals and the public on whether any extension to scheme eligibility criteria was necessary. This work included a Call for Evidence and consideration by the Parliament's Public Petitions Committee.

10. The Working Group is chaired by Transport Scotland. Membership of the group includes people who currently administer the scheme within local authorities, healthcare professionals who are involved with assessments of individual eligibility, people representing disability organisations and the Convention of Scottish Local Authorities.

11. The Working Group has carried out its work on the basis of co-production, including with respect to legislation. Therefore, the Working Group agreed the legislative measures to introduce the pilot and has agreed these Regulations are necessary and appropriate.

Guidance

12. Local authorities have been provided with guidance about how to handle cases. A communications plan is in place to ensure they understand the implications of these Regulations.

Impact Assessment

13. It is not considered impact assessments are required for this instrument. The equality impact is positive, by ensuring consistency in application of the scheme to people with different kinds of impairments.

Financial effects

14. No financial effects are anticipated from this instrument.

Monitoring

15. All elements of the pilot scheme are being monitored by the Working Group as discussed above, and by Transport Scotland officials. This includes the impact of this instrument.

Transport Scotland, April 2017