
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 44

ROAD TRAFFIC

**The Disabled Persons (Badges for Motor Vehicles)
(Scotland) Amendment Regulations 2018**

Made - - - - 6th February 2018
*Laid before the Scottish
Parliament* - - - - 8th February 2018
Coming into force - - 30th March 2018

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 2018 and come into force on 30th March 2018.

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) for paragraph (1B) substitute—

“(1B) Person A falls within this paragraph if that person—

- (a) is a member of a profession to which section 60(2) of the Health Act 1999⁽³⁾ applies; and
- (b) is recognised by the local authority as having the expertise necessary to assess on behalf of the local authority, as the case may be—
 - (i) the ability to walk of person B; or

(1) 1970 c.44. There are amendments to section 21 which are not relevant to these Regulations. The functions of the Secretary of State under section 21, 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, 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, S.S.I. 2016/72 and S.S.I. 2017/118.

(3) 1999 c.8. Section 60(2) was relevantly amended by the Health and Social Care Act 2008 (c.14), schedule 8, paragraph 1(3), the Health and Social Care Act 2012 (c.7), section 213(7)(i), S.I. 2002/253 and S.I. 2010/231.

Status: This is the original version (as it was originally made).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

- (ii) whether 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) at the end of paragraph (2A)(a) insert “and”; and
 - (b) omit paragraph (2A)(b).

St Andrew’s House,Edinburgh
6th February 2018

H. 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”). The principal Regulations deal with what is known as the “Blue Badge Scheme” in relation to disabled persons and motor vehicles.

Regulation 4(2)(f) and (g) of the principal Regulations prescribes categories of disabled person who may be issued with a blue badge based on having been certified by an independent mobility assessor as unable to walk, or virtually unable to walk, on either a permanent or temporary basis.

Regulation 4(2A) of the principal Regulations prescribes a category of disabled person who may be issued with 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 4(2A)(c) provides that such persons may be issued with a blue badge if certified by an independent mobility assessor as lacking awareness of danger from traffic which is likely to compromise their safety, or the safety of other persons, during journeys. This lack of awareness can be on either a permanent basis or, subject to certain qualifications, a temporary basis.

Regulation 2 amends the principal Regulations as follows—

regulation 2(1B) is substituted to provide that an independent mobility assessor for the purposes of the certification required by regulation 4(2)(f) or (g), or regulation 4(2A)(c), must —

- a) be a member of one of the professions to which section 60(2) of the Health Act 1999 applies; and
- b) be recognised by the local authority as having the expertise necessary to assess applicants for a blue badge based on the criteria set out in regulation 4(2)(f) or (g), or regulation 4(2A)(c).

regulation 4(2A) is amended to remove the requirement that applicants described in that regulation must be in receipt of one of the benefits listed in paragraph (2A)(b).