

POLICY NOTE

THE DISABLED PERSONS (BADGES FOR MOTOR VEHICLES) (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/44

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 and what these Regulations do

2. These Regulations will allow local authorities to issue disabled person's parking badges to people who pose a risk to themselves or others in traffic without an applicant having to receive specified social security benefits at specified rates.

3. These Regulations will provide that an Independent Mobility Assessor, who assesses eligibility for a disabled person's parking badge in respect of cases to which regulation 4 (2)(f) and (g), and 4(2A), of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 ("the 2000 Regulations") apply, must be a member of one of the professions listed in section 60(2) of the Health Act 1999.

Policy background

4. Regulation 4 (2)(f) and (g) of the 2000 Regulations relate to cases where an applicant is unable or virtually unable to walk on either a permanent or temporary basis. Regulation 4(2A) of the 2000 Regulations set out the eligibility criteria for a disabled person's badge where the applicant:

(a) has a mental disorder,

(b) receives specified social security benefits at specified rates, and

(c) lacks awareness of danger from traffic which is likely to compromise their safety, or the safety of others as a result.

5. Regulation 4(2A) was introduced by way of Amendment Regulations made in April 2016¹ and was tested on a pilot basis. This was 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.

6. The Working Group (see paragraphs 8-10) recommended the pilot eligibility criteria be made a permanent feature of the scheme, subject to two changes:

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

- One was to remove the requirement for specified social security benefits at specified rates to be received. This was to make sure that people who would otherwise be eligible, but who do not claim such benefits for whatever reason, can still access the scheme.
- The other recommendation was that it should be specified in the legislation the Independent Mobility Assessors who review applications for local authorities, should be regulated healthcare professionals. These Regulations implement that change in respect of cases to which regulation 4 (2)(f) and (g), and 4(2A), of the 2000 Regulations apply.

7. Scottish Ministers approved the Working Group's recommendations and these Regulations implement the legislative changes that were recommended.

Consultation

8. 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.

9. The Working Group was 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.

10. The Working Group 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 agreed these Regulations are necessary and appropriate as part of its recommendations.

Guidance

11. 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

12. It is not considered impact assessments are required for this instrument. The equality impact of extending the scheme eligibility criteria is positive, by ensuring consistency in application of the scheme to people with different kinds of impairments. The legislative change concerning Independent Mobility Assessors reflects existing practice so no change is required on the part of local authorities.

Financial effects

13. No financial effects are anticipated from this instrument.

Monitoring

14. All elements of the blue badge scheme are being monitored by Transport Scotland officials. This will include the impact of this instrument. Transport Scotland officials continually review the blue badge scheme.

Transport Scotland
February 2018