



# Chronically Sick and Disabled Persons Act 1970

## 1970 CHAPTER 44

### *Miscellaneous provisions*

#### **20 Use of invalid carriages on highways.**

- (1) In the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions—
- (a) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway;
  - (b) if the vehicle is mechanically propelled, it shall be treated for the purposes of the [<sup>F1</sup>Road Traffic Regulation Act [<sup>F2</sup>1984] and [<sup>F3</sup>the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988]] as not being a motor vehicle; and
  - (c) whether or not the vehicle is mechanically propelled, it shall be exempted from the requirements of [<sup>F4</sup>section 83 of the Road Traffic Act 1988]

- (2) In this section—

“footway” means a way which is a footway, footpath or bridleway within the meaning of [<sup>F5</sup>the <sup>M1</sup>Highways Act 1959][<sup>F5</sup>the Highways Act 1980]; and in its application to Scotland means a way over which the public has a right of passage on foot only or a bridleway within the meaning of section 47 of the <sup>M2</sup>Countryside (Scotland) Act 1967;

“invalid carriage” means a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability;

“prescribed” means prescribed by regulations made by the Minister of Transport;

“statutory provision” means a provision contained in, or having effect under, any enactment.

- (3) Any regulations made under this section shall be made by statutory instrument, may make different provision for different circumstances and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 01/10/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Cross Heading: Miscellaneous provisions. (See end of Document for details)*

#### Textual Amendments

- F1** Words substituted by [Road Traffic Act 1972 \(c. 20\), Sch. 7](#)
- F2** “1984” substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\), s. 146, Sch. 13 para. 10](#)
- F3** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 3 para. 7\(a\)](#)
- F4** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 3 para. 7\(b\)](#)
- F5** Words “the Highways Act 1980” substituted (E.W.) for words “the Highways Act 1959” by [Highways Act 1980 \(c. 66, SIF 59\), Sch. 24 para. 19](#)

#### Marginal Citations

- M1** 1959 c. 25
- M2** 1967 c. 86.

## 21 Badges for display on motor vehicles used by disabled persons.

- (1) There shall be a badge of a prescribed form to be issued by local authorities for motor vehicles driven by, or used for the carriage of, disabled persons; and—
- (a) subject to the provisions of this section, the badge so issued for any vehicle or vehicles may be displayed on it or on any of them either inside or outside the area of the issuing authority; and
  - (b) any power under [<sup>F6</sup>Part III of Schedule 9 to the Road Traffic Regulation Act 1984] to make regulations requiring that orders under the Act shall include exemptions shall be taken to extend to requiring that an exemption given with reference to badges issued by one authority shall be given also with reference to badges issued by other authorities.
- [<sup>F7</sup>(2) A badge may be issued to a disabled person of any prescribed description resident in the area of the issuing authority for one or more vehicles driven by him or used by him as a passenger.]
- (4) A badge may be issued to an institution concerned with the care of the disabled for any motor vehicle or, as the case may be, for each motor vehicle kept in the area of the issuing authority and used by or on behalf of the institution to carry disabled persons of any prescribed description; and any badge so issued may be displayed on the vehicle for which it is issued at times when the vehicle is being so used.
- (5) A local authority shall maintain a register showing the holders of badges issued by the authority under this section, and the vehicle or vehicles for which each of the badges is held; <sup>F8</sup> . . .
- (6) A badge issued under this section shall remain the property of the issuing authority, shall be issued for such period as may be prescribed, and shall be returned to the issuing authority in such circumstances as may be prescribed.
- (7) Anything which is under this section to be prescribed shall be prescribed by regulations made by the Minister of Transport and Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and regulations so made may make provision—
- (a) as to the cases in which authorities may refuse to issue badges, and as to the fee (if any) which an authority may charge for the issue or re-issue of a badge; and

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- (b) as to the continuing validity or effect of badges issued before the coming into force of this section in pursuance of any scheme having effect under section 29 of the <sup>M3</sup>National Assistance Act 1948 or any similar scheme having effect in Scotland; and
- (c) as to any transitional matters, and in particular the application to badges issued under this section of orders made before [<sup>F9</sup>the time when] it comes into force and operating with reference to any such badges as are referred to in paragraph (b) above (being orders made, or [<sup>F9</sup>at that time] having effect as if made, under the <sup>M4</sup>Road Traffic Regulation Act 1967).

[<sup>F10</sup>(7A) Where the prescribed conditions are met in the case of any person, then—

- (a) if he applies to a local authority for the issue of a badge under this section, the authority may by notice refuse the application; and
- (b) if he holds a badge issued under this section by the authority, the authority may by notice require him to return the badge to them.

The conditions that may be prescribed for the purposes of this subsection are conditions relating to the misuse of badges issued under this section.

(7B) A notice under subsection (7A) above may be given by post.

(7C) A person whose application is refused under subsection (7A) above or who is required to return his badge under that subsection may, within the prescribed time, appeal to the Secretary of State who may confirm or reverse the decision of the local authority; and, if he reverses it, the authority shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.

(7D) A badge which is required to be returned to the issuing authority by virtue of subsection (6) above may not be displayed on any vehicle; and a badge which is required to be so returned by virtue of a notice under subsection (7A) above shall be returned with the prescribed time and may not be displayed on any vehicle after that time.

(7E) Regulations under this section may provide for the procedure to be followed in connection with appeals under subsection (7C) above; but the Secretary of State shall consult with the Council on Tribunals before making regulations that so provide.]

(8) The local authorities for purposes of this section shall be the common council of the City of London, the council of a county [<sup>F11</sup>or Metropolitan district] . . . <sup>F12</sup> in England or Wales or of a London borough and the council of a [<sup>F13</sup>region or islands area] in Scotland; and in this section “motor vehicle” has the same meaning as in the Road Traffic Regulation Act [<sup>F14</sup>1984].

(9) This section shall come into operation on such date as the Minister of Transport and Secretary of State may by order made by statutory instrument appoint.

#### Subordinate Legislation Made

- P1 S. 21: for previous exercises of powers see Index to Government Orders
- P2 S. 21(9) power exercised: 1.12.1971 appointed for s. 21 by S.I. 1971/1491

#### Textual Amendments

- F6 Words in s. 21(1)(b) substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 11(a)

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- F7** S. 21(2) substituted (1.10.1991) for s. 21(2)(3) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 35(2)**; S.I. 1991/2054, art.3, **Sch.**
- F8** Words in s. 21(5) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 35(5), 83, **Sch. 8**; S.I. 1991/2054, **art. 3**,Sch.
- F9** Words in s. 21(7)(c) inserted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 11(b)**
- F10** S. 21(7A)–(7E) inserted by Transport Act 1982 (c. 49, SIF 107:1), **s. 68**
- F11** Words in s. 21(8) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 5 Pt. I para. 1**
- F12** Words in s. 21(8) repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F13** Words in s. 21(8) substituted by Local Government (Scotland) Act 1973 (c. 65), s. 133(1), **Sch. 14 para. 81**
- F14** “1984” substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 11(c)**

#### Marginal Citations

- M3** 1948 c. 29.  
**M4** 1967 c. 76.

## 22 Annual report on research and development work.

The Secretary of State shall as respects each year lay before Parliament a report on the progress made during that year in research and development work carried out by or on behalf of any Minister of the Crown in relation to equipment that might increase the range of activities and independence or well-being of disabled persons, and in particular such equipment that might improve the indoor and outdoor mobility of such persons.

## 23 War pensions appeals.

- (1) The <sup>M5</sup>Pensions Appeal Tribunals Act 1943 shall have effect with the amendments specified in the subsequent provisions of this section.
- (2) In section 5—
- (a) so much of subsection (1) as prevents the making of an appeal from an interim assessment of the degree of a disablement before the expiration of two years from the first notification of the making of an interim assessment (that is to say, the words from “if” to “subsection” where first occurring, and the words “in force at the expiration of the said period of two years”) is hereby repealed except in relation to a claim in the case of which the said first notification was given before the commencement of this Act;
  - (b) in second paragraph of subsection (1) (which defines “interim assesment” for the purposes of that subsection), for the words “this subsection” there shall be substituted the words “this section”;
  - (c) in subsection (2) (which provides for an appeal to a tribunal from a Ministerial decision or assessment purporting to be a final settlement of a claim) at the end there shall be added the words “and if the Tribunal so set aside the Minister’s decision or assessment they may, if they think fit, make such interim assessment of the degree or nature of the disablement, to be in force until such a date not later than two years after the making of a Tribunal’s assessment, as they think proper”;
  - (d) subsection (3) (which makes provision as to the coming into operation of section 5) is hereby repealed.

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- (3) In section 6, after subsection (2) there shall be inserted the following subsection—
- “(2A) where, in the case of such a claim as is referred to in section 1, 2, 3 or 4 of this Act—
- (a) an appeal has been made under that section to the Tribunal and that the appeal has decided (whether with or without an appeal under subsection (2) of this section from the Tribunal’s decision); but
  - (b) subsequently, on an application for the purpose made (in like an application for leave to appeal under the said subsection (2) jointly by the appellant and the Minister, it appears to be the appropriate authority (that is to say, the person to whom under rules made under the Schedule to this Act any application for directions on any matter arising in connection with the appeal to the Tribunal fell to be made) to be proper so to do —
    - (i) by reason of the availability of additional evidence; or
    - (ii) (except where an appeal from the Tribunal’s decision has been made under the said subsection (2)), on the ground of the Tribunal’s decision being erroneous in point of law,
- the appropriate authority may, if he thinks fit, direct that the decision on the appeal to the Tribunal be treated as set aside and the appeal from the Minister’s decision be heard again by the Tribunal”.
- (4) In subsection (3) of section 6 (under which, subject to subsection (2) of that section, a tribunal’s decision is final and conclusive) for the words “subject to the last foregoing subsection” there shall be substituted the words “subject to subsections (2) and (2A) of this section”.
- (5) In consequence of the <sup>M6</sup>Secretary of State for Social Services Order 1968, in section 12(1), for the definition of “the Minister” there shall be substituted the following:—
- ““the Minister” means the Secretary of State for Social Services”.
- (6) This section extends to Northern Ireland.

**Modifications etc. (not altering text)**

- C1** The text of s. 23(2)(b)—(d)(3) and (4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M5** 1943 c. 39.  
**M6** S.I. 1968/1699.

**24 Institute of hearing research.**

The Secretary of State shall collate and present evidence to the Medical Research Council on the need for an institute for hearing research, such institute to have the general function of co-ordinating and promoting research on hearing and assistance to the deaf and hard of hearing.

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25— ..... F15  
27.

#### Textual Amendments

**F15** Ss. 25–27 repealed (E.W.S.) by (S.) Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 5** and (E.W.) Education Act 1981 (c. 60, SIF 41:1), **s. 20(2) Sch. 4**

## 28 Power to define certain expressions.

Where it appears to the Secretary of State to be necessary or expedient to do so for the proper operation of any provision of this Act, he may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make provision as to the interpretation for the purposes of that provision of any of the following expressions appearing therein, that is to say, “chronically sick”, “chronic illness”, “disabled” and “disability”.

#### Modifications etc. (not altering text)

- C2** S. 28 amended (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **s. 120(4)**  
**C3** S. 28 extended (14.7.1992) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **ss. 105(5), 164(5)** (with s. 167(4)(5)); S.I. 1992/1671, **art. 2**, Sch.; S.I. 1992/1686, **art. 3**, Sch.  
**C4** S. 28 extended (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 82(4)**; S.I. 1991/2054, **art. 3, Sch.**

## [<sup>F16</sup>28A Application of Act to authorities having functions under the Children Act 1989.

This Act applies with respect to disabled children in relation to whom a local authority have functions under Part III of the Children Act 1989 as it applies in relation to persons to whom section 29 of the National Assistance Act 1948 applies.]

#### Textual Amendments

**F16** S. 28A inserted (E.W.) (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(5), **Sch. 13 para. 27**

## 29 Short title, extent and commencement.

(1) This Act may be cited as the Chronically Sick and Disabled Persons Act 1970.

[<sup>F17</sup>(2) Sections 1 and 2(1) of this Act shall apply to Scotland so however that—

<sup>F18XI</sup>(a) [ any references to functions under section 29 of the <sup>M7</sup>National Assistance Act 1948 shall be construed as references to duties to chronically sick or disabled persons (being persons in need) under section 12 of the <sup>M8</sup>Social Work (Scotland) Act 1968;]

<sup>F18XI</sup>(a) [ any references to functions under section 29 of the National Assistance Act <sup>M9</sup>1948 shall be construed as references to duties to—

- (i) chronically sick or disabled persons; or
- (ii) persons suffering from mental disorder,

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- (being persons in need) to whom section 12 of the Social Work (Scotland) Act <sup>M10</sup>1968 applies;]
- (b) any references to the services provided under arrangements made by the authority under the said section 29 shall be construed as references to the services for such persons as aforesaid provided by a local authority by virtue of the said section 12; and
- (c) in section 2(1) as originally enacted—
- (i) the words “who is ordinarily resident in their area” shall be omitted;
  - (ii) for the words from “notwithstanding” to “that Act” where those words secondly occur there shall be substituted the words “subject to the provisions of section 5 of the said Act of 1968 (which requires local authorities to exercise their functions under that Act”.]
- (3) Save as otherwise expressly provided by sections 9, 14 and 23, this Act does not extend to Northern Ireland.
- (4) This Act shall come into force as follows:—
- (a) sections 1 and 21 shall come into force on the day appointed thereunder;
  - (b) sections 4, 5, 6, 7 and 8 shall come into force at the expiration of six months beginning with the date this Act is passed;
  - (c) the remainder shall come into force at the expiration of three months beginning with that date.

#### Editorial Information

- X1** S. 29(2)(a) containing paras. (i) and (ii) substituted (S.) for s. 29(2)(a) first appearing by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 103\), s. 12\(1\)](#)

#### Textual Amendments

- F17** S. 29(2) substituted by [Chronically Sick and Disabled Persons \(Scotland\) Act 1972 \(c. 51\), s. 1\(1\)](#)
- F18** S. 29(2)(a) containing paras. (i) and (ii) substituted (S.) for s. 29(2)(a) first appearing by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 103\), s. 12\(1\)](#)

#### Marginal Citations

- M7** 1948 c. 29.
- M8** 1968 c. 49.
- M9** 1948 c.29(81:3).
- M10** 1968 c.49(81:3).

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**Changes to legislation:**

There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Cross Heading: Miscellaneous provisions.