



# Chronically Sick and Disabled Persons Act 1970

## 1970 CHAPTER 44

### *Miscellaneous provisions*

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

- (1) There shall be a badge <sup>F1</sup>... 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>F2</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>F3</sup>(1A) A badge issued under this section must be in valid form, which means—

- (a) of a form specified or approved by the Secretary of State, in the case of a badge issued by a local authority in England and Wales;
- (b) [<sup>F4</sup>of a form which fulfils any requirements as to form prescribed or otherwise specified by the Scottish Ministers, in the case of a badge issued by a local authority in Scotland.]

[<sup>F5</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.]

<sup>F6</sup>(4) A badge may be issued to an <sup>F7</sup>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 <sup>F7</sup>to carry disabled persons of any prescribed description; <sup>F8</sup>...

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- <sup>F9</sup>[( 4A ) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.
- <sup>F10</sup>( 4B ) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Act 1988) at a time when a badge<sup>F10</sup>purporting to be<sup>F11</sup>in valid form] is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.
- <sup>F12</sup>(4BZA) [ <sup>F13</sup>A person who in England and Wales drives a motor vehicle on a road (within the meaning of the Road Traffic Act 1988) at a time when a badge issued under this section is displayed on the vehicle is guilty of an offence if—
- (a) the badge should have been returned to the issuing authority in compliance with regulations under subsection (6) or a notice under subsection (7A)(b), or
  - (b) the badge has been cancelled under subsection (7AB).]
- <sup>F14</sup>[ Where it appears to a constable or enforcement officer that there is displayed on any
- <sup>F14</sup>( 4BA ) motor vehicle a badge purporting to be <sup>F15</sup>in valid form], he may require any person who—
- (a) is in the vehicle, or
  - (b) appears to have been in, or to be about to get into, the vehicle,
- to produce the badge for inspection.
- <sup>F14</sup>( 4BB ) In subsection (4BA) “ enforcement officer ” means—
- (a) a traffic warden;
  - (b) a civil enforcement officer (within the meaning of section 76 of the Traffic Management Act 2004);
  - (c) a parking attendant (within the meaning of section 63A of the Road Traffic Regulation Act 1984).
- [ a person who—
- <sup>F16</sup>(d) (i) is employed by a local authority in England and Wales or by a person with whom the authority have made arrangements for the purposes of this section, and
- (ii) is authorised in writing by the authority to exercise the powers in subsections (4BA) and (4D).]
- <sup>F14</sup>( 4BC ) The power conferred on an enforcement officer by subsection (4BA) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.
- <sup>F14</sup>( 4BD ) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) shall be guilty of an offence.]
- [ Failure to comply with a requirement imposed by an officer within subsection (4BB)
- <sup>F17</sup>(4BE) (d) who does not produce appropriate evidence of authority is not an offence under subsection (4BD).]
- [ Where there is displayed on any motor vehicle a badge which appears to a constable
- <sup>F18</sup>(4BA) <sup>F19</sup>or enforcement officer] to be, or to purport to be, <sup>F20</sup>in valid form], he may require—
- (a) any person who appears to the constable <sup>F21</sup> or officer] to be, or to have been, using the vehicle; or
  - (b) any person in the vehicle (other than a person such as is mentioned in paragraph (a) above),

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to produce the badge for examination

(4BB) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) above shall be guilty of an offence.]

[ No offence is committed under subsection (4BB) if—

- <sup>F22</sup>(4BC) (a) the person requiring the badge to be produced is an enforcement officer, other than a traffic warden or parking attendant, and  
(b) when requiring the badge to be produced, the officer does not produce appropriate evidence of the officer's authority to exercise the power under subsection (4BA).]

<sup>F23</sup>(4C) A person guilty of an offence under subsection [<sup>F24</sup>(4B), (4BZA) or]<sup>F23</sup>or (4BD)]<sup>F25</sup>or (4BB)] above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

<sup>F26</sup>(4D) [<sup>F27</sup>A constable or enforcement officer in England and Wales to whom a person produces a badge purporting to be in valid form (whether or not in response to a requirement under subsection (4BA)) may retain the badge if the constable or officer believes on reasonable grounds that—

- (a) the badge was not issued under this section, or  
(b) the badge was issued under this section and—  
(i) it should have been returned to the issuing authority in compliance with regulations under subsection (6) or a notice under subsection (7A)(b),  
(ii) it has been cancelled under subsection (7AB), or  
(iii) it was being displayed on a vehicle otherwise than in circumstances prescribed under subsection (4A).]

(4E) Regulations may prescribe what is to be done with a badge retained under subsection (4D) above.]

(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>F28</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  
(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>M1</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>F29</sup>the time when] it comes into force and operating with reference to any such badges as are referred to in

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paragraph (b) above (being orders made, or [<sup>F29</sup>at that time] having effect as if made, under the <sup>M2</sup>Road Traffic Regulation Act 1967).

- [<sup>F30</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.

- [ [<sup>F32</sup>A local authority in England and Wales may cancel a badge issued by them under <sup>F31</sup>(7AB) this section if it appears to the authority that the person to whom it was issued no longer holds the badge, either—

- (a) because the person notifies the authority that it has been lost or stolen, or
- (b) for any other reason.

A cancellation under paragraph (b) above takes effect only when the authority give notice of the cancellation to the person.]]

(7B) A notice under subsection (7A)[<sup>F33</sup>or (7AB)] 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.

- [ The Scottish Ministers may by regulations make provision for or in connection with <sup>F34</sup>(7CA) appeals from decisions of the Scottish Ministers under subsection (7C) above.]

(7D) A badge which is required to be returned to the issuing authority by virtue of subsection (6) above[<sup>F35</sup>, or which is cancelled under subsection (7AB) above,] may not be displayed on any vehicle; [<sup>F36</sup>and—

- (a) a badge issued by a local authority in England which is required to be so returned by virtue of a notice under subsection (7A) above may not be displayed on any vehicle;
- (b) a badge issued by a local authority in Wales or Scotland which is required to be so returned by virtue of a notice under that subsection shall be returned within 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; <sup>F37</sup> ... <sup>F37</sup> ... <sup>F37</sup> ... ]

- [<sup>F38</sup>(7EA) Subsections (7C) and (7E) do not apply in relation to a decision of a local authority in England.]

[<sup>F39</sup>(7F) The Scottish Ministers may by regulations make such provision for or in connection with enabling badges—

- (a) issued under such provision of the law of Northern Ireland as corresponds to this section; or
- (b) issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under this section are issued,

to be treated for such purposes as may be specified in the regulations as if they were badges issued under this section.

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(7G) Any regulations under subsections (7CA) and (7F) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.]

(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>F40</sup>or Metropolitan district] . . . <sup>F41</sup> in England <sup>F42</sup> . . . or of a London borough [<sup>F43</sup>, the council of a Welsh county or county borough] and [<sup>F44</sup>, in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; and in this section “motor vehicle” has the same meaning as in the Road Traffic Regulation Act [<sup>F45</sup>1984].

[<sup>F46</sup>(8A)

[<sup>F47</sup>(8A) In this section—

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012,

“enforcement officer” means—

- (a) a traffic warden,
- (b) a parking attendant, or
- (c) a person who—
  - (i) is employed by a local authority or by a person with whom the authority have made arrangements for the purposes of this section, and
  - (ii) is authorised in writing by the authority to exercise the powers in subsections (4BA) and (4D).]

[<sup>F49</sup>(8B) This section has effect in relation to disabled persons resident in prescribed places outside the United Kingdom who are—

- (a) members of any of the armed forces of the Crown,
  - (b) persons employed by or in the service of the Government of the United Kingdom whose sole or main role is to work in support of any of those forces, or
  - (c) members of the same household as a person within paragraph (a) or (b),
- as if the Secretary of State were a local authority in England.

(8C) Accordingly, a reference to a local authority in this section, except in subsection (4BB) or (8) (or in subsection (1A)(b) or (7D)(b)), is to be read as including a reference to the Secretary of State.

(8D) Subsections (1)(a), (2) and (4) have effect in relation to disabled persons within subsection (8B) as if “a place prescribed under subsection (8B)” were substituted for “the area of the issuing authority”.]

(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](#)

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### Textual Amendments

- F1** Words in s. 21(1) omitted (8.10.2013) by virtue of Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 1(2)**, 7 (with s. 1(8)); S.I. 2013/2202, art. 2
- F2** 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)**
- F3** S. 21(1A) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 1(3)**, 7 (with s. 1(8)); S.I. 2013/2202, art. 2
- F4** S. 21(1A)(b) substituted (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 1**, 7(2); S.S.I. 2015/8, art. 2 and (E.W.) (23.3.2016) by The Disabled Persons' Parking Badges (Scotland) Act 2014 (Consequential Provisions) Order 2016 (S.I. 2016/432), art. 3(2)
- F5** S. 21(2) substituted (1.10.1991) for s. 21(2)(3) by Road Traffic Act 1991 (c. 40, SIF 107:1), **ss. 35(2)**; S.I. 1991/2054, art. 3, **Sch.**
- F6** Word in s. 21(4) substituted (E.W.) (30.6.2005 for E., 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), s. 20(4), **Sch. 1 para. 41**; S.I. 2005/1676, art. 3(b); S.I. 2007/3285, art. 2(b); and (S.) (1.4.2007) by Transport (Scotland) Act 2005 (asp 12), ss. 49, 54(2); S.S.I. 2007/161, art. 2
- F7** Word in s. 21(4) substituted (S.) (1.4.2007) by Transport (Scotland) Act 2005 (asp 12), **ss. 49**, 54(2); S.S.I. 2007/161, art. 2
- F8** Words in s. 21(4) repealed (2.3.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 35(3), 83, **Sch. 8**; S.I. 1992/199, art. 3(1)
- F9** S. 21(4A)(4B)(4C) inserted (2.3.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 35(4)**; S.I. 1992/199, art. 3(1)
- F10** Words in s. 21(4B) inserted (E.W.) (29.9.2006 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), **ss. 94(2)**, 99(1); S.I. 2006/1736, art. 2; S.I. 2006/2826, art. 2(1)(2)(d)
- F11** Words in s. 21(4B) substituted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 1(4)**, 7 (with s. 1(8)); S.I. 2013/2202, art. 2
- F12** S. 21(4BZA) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 3(2)**, 7; S.I. 2013/2202, art. 2
- F13** S. 21(4BZA) repealed (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 4(1)**, 7(2); S.S.I. 2015/8, art. 2
- F14** S. 21(4BA)-(4BD) inserted (29.9.2006 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), **ss. 94(3)**, 99(1); S.I. 2006/1736, art. 2; S.I. 2006/2826, art. 2(1)(2)(d)
- F15** Words in s. 21(4BA) substituted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 1(5)**, 7 (with s. 1(8)); S.I. 2013/2202, art. 2
- F16** S. 21(4BB)(d) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 4(2)**, 7; S.I. 2013/2202, art. 2
- F17** S. 21(4BE) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 4(3)**, 7; S.I. 2013/2202, art. 2
- F18** S. 21(4BA)(4BB) inserted (S.) (1.1.2004) by Transport (Scotland) Act 2001 (asp 2), **ss. 73(a)**, 84(2) (with s. 66); S.S.I. 2003/588, art. 2
- F19** Words in s. 21(4BA) inserted (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 5(2)(a)**, 7(2); S.S.I. 2015/8, art. 2
- F20** Words in s. 21(4BA) substituted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 1(6)**, 7 (with s. 1(8)); S.I. 2013/2202, art. 2
- F21** Words in s. 21(4BA)(a) inserted (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 5(2)(b)**, 7(2); S.S.I. 2015/8, art. 2
- F22** S. 21(4BC) inserted (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 5(3)**, 7(2); S.S.I. 2015/8, art. 2
- F23** Words in s. 21(4C) inserted (29.9.2006 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), **ss. 94(4)**, 99(1); S.I. 2006/1736, art. 2; S.I. 2006/2826, art. 2(1)(2)(d)
- F24** Words in s. 21(4C) substituted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 3(3)**, 7; S.I. 2013/2202, art. 2

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- F25** Words in s. 21(4C) inserted (S.) (1.1.2004) by Transport (Scotland) Act 2001 (asp 2), **ss. 73(b)**, 84(2) (with s. 66); S.S.I. 2003/588, art. 2
- F26** S. 21(4D)(4E) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 4(4)**, 7; S.I. 2013/2202, art. 2
- F27** S. 21(4D) repealed (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 3**, 7(2); S.S.I. 2015/8, art. 2
- F28** 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.**
- F29** 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)**
- F30** S. 21(7A)–(7E) inserted by Transport Act 1982 (c. 49, SIF 107:1), **s. 68**
- F31** S. 21(7AB) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 2(2)**, 7; S.I. 2013/2202, art. 2
- F32** S. 21(7AB) repealed (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 2**, 7(2); S.S.I. 2015/8, art. 2
- F33** Words in s. 21(7B) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 2(3)**, 7; S.I. 2013/2202, art. 2
- F34** S. 21(7CA) inserted (S.) (1.4.2001) by 2001 asp 2, **s. 73(c)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I** (subject to transitional provisions in arts. 3, 4)
- F35** Words in s. 21(7D) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 2(4)**, 7; S.I. 2013/2202, art. 2
- F36** Words in s. 21(7D) substituted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 5(3)**, 7; S.I. 2013/2202, art. 2
- F37** Words in s. 21(7E) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 1**
- F38** S. 21(7EA) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 5(2)**, 7 (with s. 5(4)); S.I. 2013/2202, art. 2
- F39** S. 21(7F)(7G) inserted (S.) (1.4.2001) by 2001 asp 2, **s. 73(d)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I** (subject to transitional provisions in arts. 3, 4)
- F40** Words in s. 21(8) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 5 Pt. I para. 1**
- F41** Words in s. 21(8) repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F42** Words in s. 21(8) repealed (1.4.1996) by 1994 c. 19, ss. 22(4), 66(8), Sch. 10 para. 8, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F43** Words in s. 21(8) inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 8** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F44** Words in s. 21(8) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 86**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F45** “1984” substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 11(c)**
- F46** S. 21(8A) inserted (S.) (1.1.2004) by Transport (Scotland) Act 2001 (asp 2), **ss. 73(e)**, 84(2) (with s. 66); S.S.I. 2003/588, art. 2
- F47** S. 21(8A) substituted (S.) (30.3.2015) by Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), **ss. 5(4)**, 7(2); S.S.I. 2015/8, art. 2
- F48** Words in s. 21(8A) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **Sch. 1 para. 6**
- F49** S. 21(8B)–(8D) inserted (8.10.2013) by Disabled Persons' Parking Badges Act 2013 (c. 4), **ss. 6**, 7; S.I. 2013/2202, art. 2

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

- C1** S. 21(7): modification of functions (24.6.1999) by S.I. 1999/1756, art. 2, **Sch. para. 4**

#### Marginal Citations

- M1** 1948 c. 29.

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**M2** 1967 c. 76.



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