
STATUTORY INSTRUMENTS

1991 No. 2708

ROAD TRAFFIC

The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991

Made - - - - *20th November 1991*
Laid before Parliament *11th December 1991*
Coming into force - - *2nd March 1992*

The Secretary of State for Transport (as respects England), the Secretary of State for Scotland (as respects Scotland) and the Secretary of State for Wales (as respects Wales) in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970⁽¹⁾, as extended by section 2(2) of the Welsh Language Act 1967⁽²⁾, and now vested in them⁽³⁾, hereby make the following Regulations:—

Citation, commencement and introduction

1. These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991 and shall come into force on 2nd March 1992.

2. The Disabled Persons (Badges for Motor Vehicles) Regulations 1982⁽⁴⁾ shall be amended in accordance with the provisions of these Regulations.

Amendments to Interpretation

3.—(1) In regulation 3(1)—

- (a) in the definition of “the Act” for “the Road Traffic Regulation Act 1967”⁽⁵⁾ there shall be substituted “the Road Traffic Regulation Act 1984”⁽⁶⁾;
- (b) the definition of “relevant conviction” shall be omitted; and
- (c) the words “and the expression “relevant conviction”” to the end shall be omitted.

(2) In regulation 3(2) for sub-paragraph (a) there shall be substituted—

(1) 1970 c. 44; as amended by section 68 of the Transport Act 1982 (c. 49), and by section 35(2) and (5) of the Road Traffic Act 1991 (c. 40), which came into force on 1st October 1991 (by virtue of S.I.1991/2054).
(2) 1967 c. 66.
(3) As respects the Secretary of State for Transport by S.I. 1970/1681, 1976/1775, 1979/571 and 1981/238.
(4) S.I. 1982/1740.
(5) 1967 c. 76 which, apart from ss.109 and 113 and Schedule 6, was repealed by the Road Traffic Regulation Act 1984 c. 27.
(6) 1984 c. 27.

“(a) any reference to a regulation or Schedule followed by a number is a reference to the regulation or Schedule bearing that number in these Regulations, and”.

4. After regulation 3 there shall be inserted—

“3A.—(1) In these Regulations “relevant conviction” means—

(a) the conviction of—

(i) the holder of a disabled person’s badge; or

(ii) any other person using a disabled person’s badge with the holder’s consent; of the offences specified in paragraph (2); and

(b) the conviction of any person other than the holder of a disabled person’s badge of an offence under section 117(1) of the Act where the badge was displayed on the vehicle with the consent of the holder at any time during which the offence was being committed.

(2) The offences mentioned in paragraph (1)(a) are—

(a) any offence of unlawful parking under section 5, 8 or 11 or 16(1) of the Act; and

(b) any offence under section 35A(1) and (2), 47(1), 53(5), 53(6) or 117(1) of the Act.”

Form of badge

5. For regulation 4 there shall be substituted—

“4.—(1) This regulation has effect for the purposes of prescribing the form of a badge under section 21(1) of the Chronically Sick and Disabled Persons Act 1970.

(2) A badge issued before 2nd March 1992 by virtue of regulation 5 shall be in the form shown in diagram 1 of Part I of Schedule 1 or, in the case of such a badge issued by a local authority in Wales, it shall be in the form shown in diagram 1A of that Part.

(3) A badge issued before 2nd March 1992 by virtue of regulation 6 shall be in the form shown in diagram 2 of Part I of Schedule 1 or, in the case of such a badge issued before that date by a local authority in Wales, it shall be in the form shown in diagram 2A of that Part.

(4) The badge mentioned in paragraphs (2) and (3) shall comply with the specifications set out in Part II of Schedule 1.

(5) A badge issued on or after 2nd March 1992 by virtue of regulation 5 shall be in the form and of the size shown in diagram 1 of Part I of Schedule 2 or, in the case of such a badge issued by a local authority in Wales, it shall be in the form and of the size shown in diagram 1A of that Part.

(6) A badge issued on or after 2nd March 1992 by virtue of regulation 6 shall be in the form and of the size shown in diagram 2 of Part I of Schedule 2 or, in the case of such a badge issued on or after that date by a local authority in Wales, it shall be in the form and of the size shown in diagram 2A of that Part.

(7) The badge mentioned in paragraphs (5) and (6) shall comply with the specifications set out in Part II of Schedule 2.”.

Descriptions of disabled persons

6. In regulation 5—

(a) before paragraph (b) there shall be inserted—

- “(aa) receives the higher rate of the mobility component of the disability living allowance pursuant to sections 37ZA and 37ZC of the Social Security Act 1975(7)
- (b) the word “or” immediately following paragraph (c) shall be omitted and after paragraph (c) there shall be inserted–
 - “(cc) receives a mobility supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983(8) including such a supplement by virtue of any other scheme or order or under article 25A of the Personal Injuries (Civilians) Scheme 1983(9);” and
- (c) there shall be added at the end–
 - “; or
 - (e) drives motor vehicles regularly, has a severe disability in both upper limbs and is unable to turn by hand the steering wheel of a motor vehicle even if that wheel is fitted with a turning knob.”.

Duplicate badge

7. For regulation 8 there shall be substituted–

“8.—(1) Save as provided in paragraph (2), when a disabled person’s badge has been lost or stolen or has become so mutilated or faded as to cease to be effectively legible when displayed on a vehicle (in this regulation referred to as “the original badge”), a badge in similar form to that issued under regulation 4 may be issued marked “duplicate” on the front.

(2) If the original badge was issued before 2nd March 1992 and an application is made for a replacement badge on or after that date a badge in the appropriate form shown in Schedule 2 may be issued marked “duplicate” on the front.

(3) When a badge is issued in accordance with paragraph (1) or (2) it shall be valid for the period from the date on which it is issued until the date on which the original badge would have expired.”

Grounds for refusing to issue badge

8. In regulation 10(1) after sub-paragraph (c) there shall be added the following words–

“; or

- (d) the local authority has reasonable grounds for believing that the applicant–
 - (i) is not the person whom he claims to be; or
 - (ii) would permit another person to display the badge on a motor vehicle.”.

Return of badge to issuing authority

9. In regulation 11(1) after sub-paragraph (f) there shall be added–

“(g) if the badge has become so mutilated or faded as to cease to be effectively legible when displayed on a vehicle.”.

(7) 1975 c. 14. Sections 37ZA and 37ZC are prospectively inserted by section 1(2) of the Disability Living Allowance and Disability Working Allowance Act 1991 c. 21.

(8) S.I. 1983/883; article 26A was added by S.I. 1983/116 and amended by S.I. 1983/1521, 1986/592, 1990/1308 and 1991/766.

(9) S.I. 1983/686; article 25A was added by S.I. 1983/1164 and amended by S.I. 1983/1540, 1986/628, 1990/1300 and 1991/708.

Transitional provisions

10. Regulation 13 shall be omitted.

Schedules 1 and 2

11. The Schedule shall be renumbered as Schedule 1 and—

- (a) in Part I of that Schedule as so renumbered—
 - (i) for “Regulation 4” there shall be substituted “regulation 4(2), (3) and (4)”;
 - (ii) in the heading to diagram 1 after “INDIVIDUAL PERSON” there shall be added “ISSUED BEFORE 2ND MARCH 1992”;
 - (iii) in the heading to diagram 1A after “FORM OF BADGE” there shall be added “FOR INDIVIDUAL PERSON ISSUED BEFORE 2ND MARCH 1992”;
 - (iv) in the heading to diagram 2A after “INSTITUTION” there shall be added “ISSUED BEFORE 2ND MARCH 1992”; and
 - (v) in the heading to diagram 2A after “INSTITUTION” there shall be added “ISSUED BEFORE 2ND MARCH 1992”.
- (b) in Part II of that Schedule as so renumbered paragraph (d) shall be omitted; and
- (c) after that Schedule as so renumbered there shall be added the Schedules set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Transport

Department of Transport
18th November 1991

Christopher Chope
Parliamentary Under Secretary of State,

Signed by authority of the Secretary of State for Scotland

20th November 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

20th November 1991

Nicholas Bennett
Parliamentary Under Secretary of State, Welsh
Office

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THE SCHEDULE

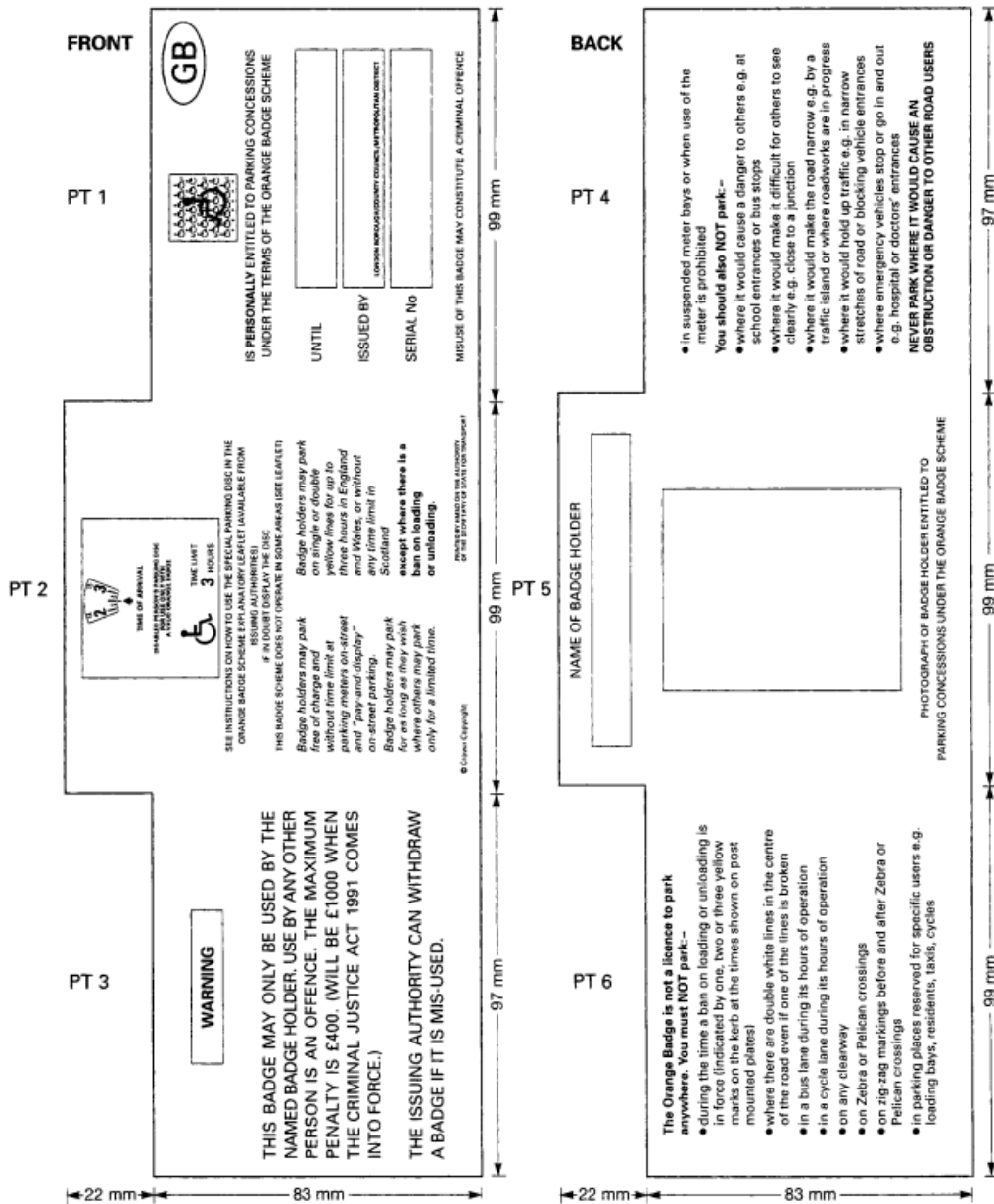
(regulation 11(c))

SCHEDULE 2 (regulation 4(5), (6) and (7))

PART I

Diagram 1

FORM OF BADGE FOR INDIVIDUAL PERSON ISSUED ON OR AFTER 2ND MARCH 1992



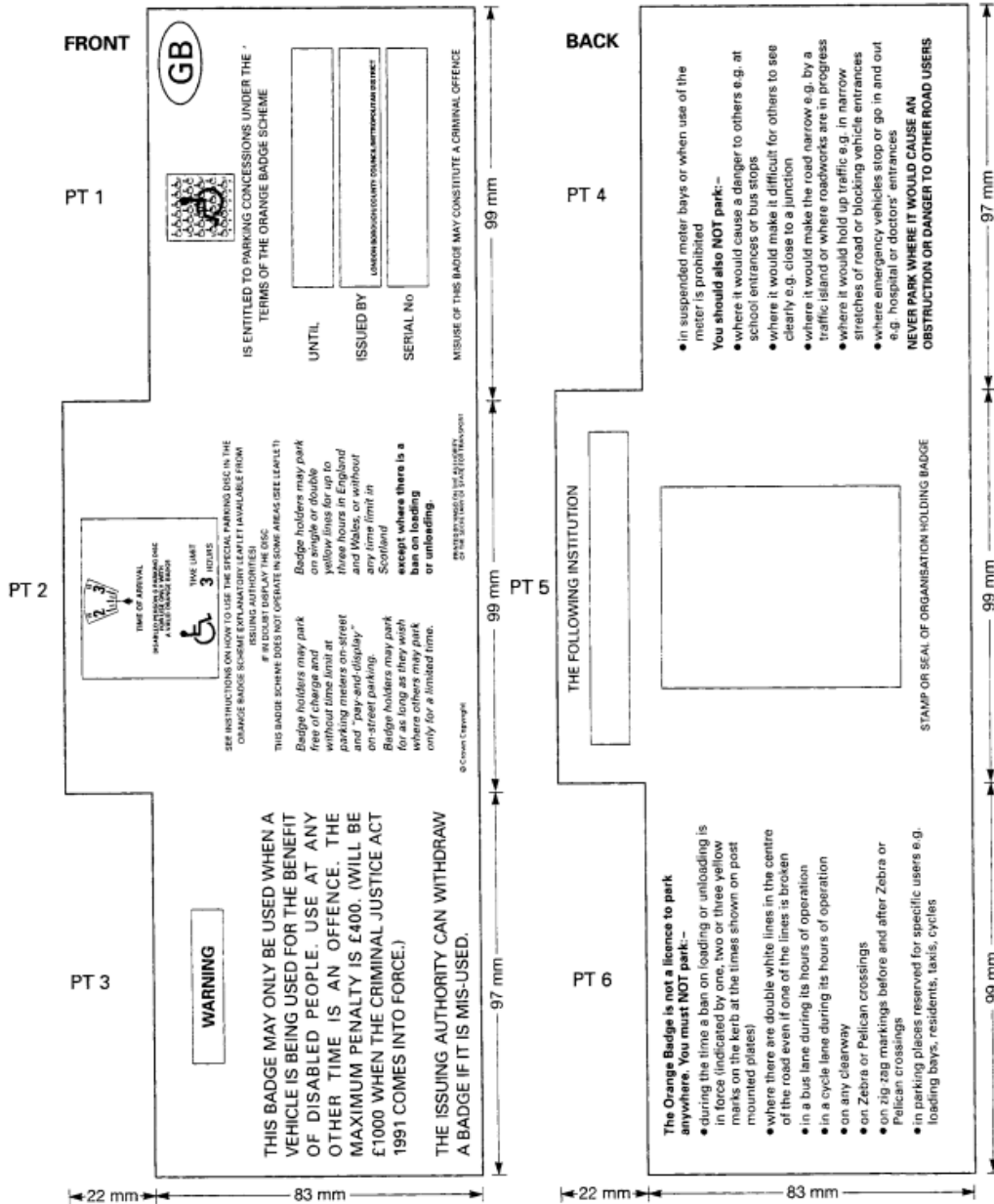
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SCHEDULE 2 (regulation 4(5), (6) and (7))

PART I

Diagram 2

FORM OF BADGE FOR AN INSTITUTION
ISSUED ON OR AFTER 2ND MARCH 1992



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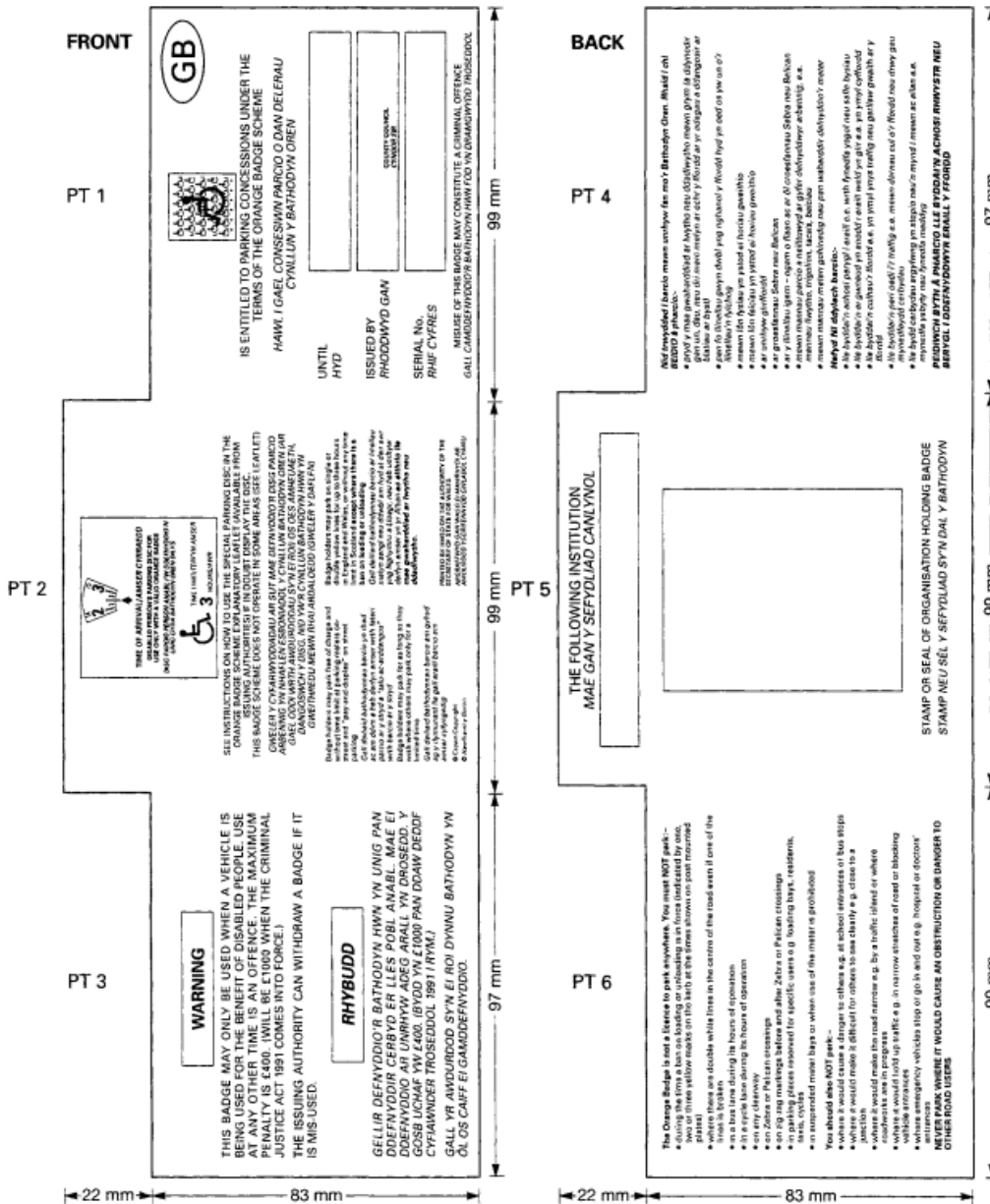
SCHEDULE 2 (regulation 4(5), (6) and (7))

PART I

Diagram 2A

FORM OF BADGE FOR AN INSTITUTION
ISSUED ON OR AFTER 2ND MARCH 1992

(Bilingual Welsh/English version)



PART II

SPECIFICATIONS FOR BADGE

1. The background to parts 1 and 2 shall be coloured orange.

2. The three rectangular boxes in part 1 and the top rectangular box in part 5 shall be coloured grey.
3. The symbol in part 1 shall be in the form of a hologram.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as follows.

1. A new form of disabled person's badge ("badge") is prescribed for issue by local authorities on or after 2nd March 1992. The badge contains a space for a photograph of the badge holder to be displayed.

2. The descriptions of prescribed persons to whom badges may be issued are amended to cover: recipients of the higher rate of the mobility component of the disability living allowance; persons in receipt of mobility supplements paid in respect of service in the naval, military or air forces during the World War of 1914–18 and also up to and including 30th September 1921, and after 2nd September 1939 including mobility supplements by virtue of any other scheme or order, or in respect of civilian injuries in the World War of 1939–45; and also persons who drive regularly, have a severe disability in both upper limbs and are unable to turn by hand the steering wheel of a vehicle even if that wheel is fitted with a turning knob.

3. The grounds on which the local authority may refuse to issue badges are expanded so that a refusal may be made if the local authority has reasonable grounds for believing that the applicant for a badge is not the person whom he claims to be or that the applicant will permit another person to display the badge on a vehicle.

4. A badge must be returned to the local authority if the badge has become so mutilated or faded as to cease to be effectively legible.

5. The local authority may take into account convictions for the offences in section 53(5) and (6) of the Road Traffic Regulation Act 1984 (contraventions of composite orders dealing with parking places and also ancillary traffic regulations) when refusing to issue badges or when requiring the return of badges.

6. The transitional provisions are omitted as they are spent.

7. Drafting amendments have been made to the provisions on duplicate badges and other minor drafting amendments have been made.