
STATUTORY INSTRUMENTS

1991 No. 2714 (S. 212)

ROAD TRAFFIC

The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1991

Made - - - - 25th November 1991
Laid before Parliament 11th December 1991
Coming into force - - 2nd March 1992

The Secretary of State, in exercise of the powers conferred on him by section 124 of, and paragraphs 21, as read with paragraph 22(1)(d), and 25 of Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(1) (“the 1984 Act”), as read with sections 22(2) and 134(1) of the 1984 Act and section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970(3), and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 134(2) of the 1984 Act, hereby makes the following Regulations:

Citation, commencement, extent and revocation

1. –

(1) These Regulations may be cited as the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1991 and shall come into force on 2nd March 1992.

(2) These Regulations shall extend to Scotland only.

(3) The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971(4), the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) (Amendment) Regulations 1975(5), and the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) (Amendment) (No. 2) Regulations 1975(6) are hereby revoked.

(1) [1984 c. 27](#); paragraph 25 of Schedule 9 was amended by paragraph 93(45)(b) of Schedule 9 to the Roads (Scotland) Act [1984 \(c. 54\)](#) and paragraph 80(6) of Schedule 8 to the New Roads and Street Works Act [1991 \(c. 22\)](#).
(2) Section 22 was amended by paragraph 7 of Schedule 8 to the Environmental Protection Act [1990 \(c. 43\)](#).
(3) [1970 c. 44](#); section 21(1)(b) was amended by paragraph 11(a) of Schedule 13 to the Road Traffic Regulation Act 1984; see section 21(8) of the Act of 1970 for the meaning of local authorities as amended by paragraph 81 to Schedule 14 of the Local Government (Scotland) Act [1973 \(c. 65\)](#).
(4) S.I. [1971/1521](#).
(5) S.I. [1975/881](#).
(6) S.I. [1975/1586](#).

Interpretation

2. –

(1) In these Regulations–

“the 1984 Act” means the Road Traffic Regulation Act 1984 as read with section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970;

“the 1982 Regulations” means the Disabled Persons (Badges for Motor Vehicles) Regulations 1982(7);

“bus lane” means a road, or part of the width of a road, the use of which by vehicles is restricted by or under any enactment, either in both directions or in one direction only and either at all times or at particular times only, to any one or more of the following categories of vehicles–

- (a) public service vehicles (as defined in section 1 of the Public Passenger Vehicles Act 1981(8) or particular classes of such vehicles;
- (b) vehicles (not being motor cars) which are similar in construction to public service vehicles and are being used for the carriage of passengers, or particular classes of such vehicles;
- (c) taxis;
- (d) cycles;

“bus lane restriction”, in relation to a bus lane, means the restriction by virtue of which the particular road or the particular part of the width of a road, is a bus lane;

“cycle lane” means a road, or part of the width of a road, the use of which by vehicles is restricted by or under any enactment, either in both directions or in one direction only and either at all times or at particular times only, to pedal cycles;

“cycle lane restriction”, in relation to a cycle lane, means the restriction by virtue of which the particular road, or the particular part of the width of the road, is a cycle lane;

“disabled person” means a disabled person of a description prescribed by regulation 5 of the 1982 Regulations;

“disabled person’s badge” has the same meaning as in regulation 3(1) of the 1982 Regulations;

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled person’s badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by regulation 4 of these Regulations to be included in an Order under the 1984 Act, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers.

(2) Any reference in these Regulations to an Order under any particular section of the 1984 Act includes a reference to an Order varying an Order made or having effect as if made under that section.

Application of Regulations

3. These Regulations apply to Orders made by a local authority under any of the following provisions of the 1984 Act, that is to say, sections 1(9), 9(10), 35(11), 45(12) and 46(13).

(7) S.I. 1982/1740, amended by S.I. 1991/2708.

(8) 1981 c. 14; section 1(3) and (5) was repealed in part by Schedule 8 to the Transport Act 1985 (c. 67).

(9) Section 1 was amended by paragraph 93(2) of Schedule 9 and Schedule 11 to the Roads (Scotland) Act 1984 and by paragraph 17 of Schedule 8 and Schedule 9 to the New Road and Street Works Act 1991 (c. 22).

(10) Section 9 was amended by paragraph 93(4) of Schedule 9 to the Roads (Scotland) Act 1984, by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 4(4) and by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991.

(11) Section 35 was amended by Schedule 1 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54) and by section 1 of the Parking Act 1989 (c. 16).

Exemption in Orders for vehicles displaying disabled persons' badges

4. –

- (1) Where an Order under section 1, 9, 35, 45 or 46 of the 1984 Act–
 - (a) includes a provision; or
 - (b) applies a provision of an existing Order under any such section, which–
 - (i) prohibits the waiting of, but not the loading or unloading of goods from, vehicles or any class of vehicles on any road or part of a road;
 - (ii) restricts the period of time during which vehicles or any class of vehicles may wait or be left on a road or part of a road; or
 - (iii) prescribes a period which must elapse before a vehicle which has been taken away from any such place on a road or part of a road may again be left therein,

then, in the case mentioned in sub-paragraph (a) above, the Order shall include a provision for exempting from such prohibition or restriction contained therein, except where the said prohibition or restriction relates to a bus lane or a cycle lane at a time when the bus lane restriction or the cycle lane restriction is in operation, any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by a local authority, and in the case mentioned in sub-paragraph (b) above, the Order shall also include a provision for exempting from any prohibition or restriction as applied and as originally enacted and subsequently extended (where this is the case), except where the said prohibition or restriction relates to a bus lane or a cycle lane at a time when the bus lane restriction or the cycle lane restriction is in operation, any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

- (2) Where an Order under section 45 or 46 of the 1984 Act–
 - (a) includes a provision; or
 - (b) applies a provision of an existing Order under either such section, which prescribes–
 - (i) a charge for a vehicle, or a vehicle of any class, left in a parking place;
 - (ii) a time limit in relation to the leaving of, or waiting by, vehicles, or vehicles of any class, in a parking place; or
 - (iii) a period which must elapse before a vehicle which has been taken away from a parking place may again be left therein,

then in the case mentioned in sub-paragraph (a) above, the Order shall include a provision for exempting from any such matter prescribed therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned in sub-paragraph (b) above the Order shall also include a provision for exempting from any matter prescribed and as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(3) Any provision for exemption required by this regulation to be contained in any Order referred to therein may be limited to the same class of vehicle as that to which the provision, from which exemption is required to be given by this regulation, applies.

(4) For the purposes of this regulation and any Order referred to therein, a vehicle displays a disabled person's badge issued before 2nd March 1992 in the relevant position if–

(12) Section 45 was amended by paragraph 93(18) of Schedule 9 to the Roads (Scotland) Act 1984, by paragraph 4(19) of Schedule 5 and Schedule 17 to the Local Government Act 1985 (c. 51), by section 1 of the Road Traffic Regulation (Parking) Act 1986 (c. 27).

(13) section 46 was amended by paragraph 2 of the Schedule to the Parking Act 1989 (c. 16).

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

- (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or
- (b) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle,

and a vehicle displays a disabled person's badge issued on or after 2nd March 1992 in the relevant position if—

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

St. Andrew's House,
Edinburgh
25th November 1991

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which consolidate with amendments the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971 (S.I.1971/1521), the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) (Amendment) Regulations 1975 (S.I. 1975/881), and the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) (Amendment) (No. 2) Regulations 1975 (S.I. 1975/1586) ("the previous Orders"), concern certain Traffic Orders made by local authorities in Scotland under the Road Traffic Regulation Act 1984 (c. 27) and require that such Orders should include in certain cases an exemption from waiting prohibitions or restrictions for vehicles displaying a disabled person's badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970 (c. 44).

Regulation 1(1) deals with citation and commencement; regulation 1(2) deals with extent; and regulation 1(3) revokes the previous Orders.

Regulation 2 deals with interpretation and regulation 3 specifies those Orders to which the Regulations apply.

Regulation 4 sets out those circumstances where an Order which includes or applies a waiting prohibition or restriction shall include or apply an exemption for any disabled person's vehicle displaying in the relevant position a disabled person's badge and explains what is meant by displaying a disabled person's badge "in the relevant position".