
WELSH STATUTORY INSTRUMENTS

2000 No. 1786

The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000

**PART I
PRELIMINARY**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 and shall come into force on 1st July 2000.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations –

“the 1970 Act” (“*Deddf 1970*”) means the Chronically Sick and Disabled Persons Act 1970;

“the 1982 Regulations” (“*Rheoliadau 1982*”) has the meaning given by regulation 3(1) below;

“the 1984 Act” (“*Deddf 1984*”) means the Road Traffic Regulation Act 1984 (1);

“disabled person” (“*person anabl*”) means a person more than two years old and who corresponds to at least one of the prescribed descriptions in regulation 4(2);

“disabled person’s badge” (“*bathodyn person anabl*”) means, subject to paragraph (6) below, a badge in the form prescribed by regulation 11 and issued by a local authority for display on a motor vehicle driven by a disabled person, or to carry a disabled person and includes a replacement badge for one that was lost etc. issued in accordance with regulation 7;

“disabled person’s concession” (“*consesiwn person anabl*”) has the meaning given by section 117(3) of the 1984 Act;

“holder” (“*deiliad*”) in relation to a disabled person’s badge, means the individual or institution to whom a disabled person’s badge was issued;

“individual’s badge” (“*bathodyn unigolyn*”) means a disabled person’s badge issued to an individual disabled person;

“institution” (“*sefydliad*”) means an institution concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with section 21(4) of the 1970 Act,

“institutional badge” (“*bathodyn sefydliad*”) means a disabled person’s badge issued to an institution;

“issuing authority” (“*awdurdod rhoi*”), in relation to a disabled person’s badge, means the local authority which issued the badge; and

“local authority” (“*awdurdod lleol*”) means a county council or county borough council.

(2) In these Regulations a reference to an order made under any provision of the 1984 Act is to an order made, or having effect as if made, under that provision, including an order varying or revoking an order made or having effect as if made under that Act.

(3) In these Regulations “relevant conviction” (“*collfarn berthnasol*”) means

(a) any conviction of —

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

(ii) any other person using such a badge with the holder’s consent, for an offence specified in paragraph (4); or

(b) any conviction of a person other than the holder of a disabled person’s badge of an offence under section 117(1) of the 1984 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.

(4) The offences mentioned in paragraph (3)(a) above are—

(a) any offence under sections 5, 8, 11 or 16(1) of the 1984 Act so far as it relates to any contravention of or failure to comply with any provision of an order made under sections 1, 6, 9 or 14 of that Act —

(i) prohibiting or restricting the waiting of vehicles on any road or part of a road; or

(ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act; or

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

(5) Any notice given under these Regulations shall be in writing.

(6) For the purposes of regulations 12 to 16 the definition of “disabled person’s badge” in paragraph (1) above shall include a badge issued under regulations having effect in England or Scotland under section 21 of the Chronically Sick and Disabled Persons Act 1970.

Revocation of 1982 Regulations and transitional provisions

3.—(1) The Disabled Persons (Badges for Motor Vehicles) Regulations 1982 **(2)** (in these Regulations called “the 1982 Regulations”), are revoked.

(2) Without prejudice to section 17 of the Interpretation Act 1978 **(3)**

(a) any application made to a local authority or other thing done under the 1982 Regulations before the coming into force of these Regulations by or in relation to a local authority in Wales shall have effect as if made or done, and may be continued under the corresponding provision of these Regulations;

(b) any badge issued by a local authority in Wales under the 1982 Regulations shall have effect as if issued under these Regulations and shall remain in force until

(i) the happening of an event specified in regulation 9(1) or the giving of a notice in accordance with regulation 9(2); or

(ii) the issue of a replacement in accordance with regulation 7.

(3) Any order made under the 1984 Act which refers to a disabled person’s badge shall, in relation to times falling after the coming into force of these Regulations, have effect as if the reference

(2) S.I.1982/1740, amended by S.I. 1991/2708 and 1992/200. These Regulations no longer apply in England by virtue of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000/682) or in Scotland by virtue of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (S.S.I.2000/59).

(3) 1978 c. 30.

included a reference to a badge issued, or having effect as if issued, in accordance with these Regulations.

PART II

ISSUE, DURATION AND REVOCATION OF BADGES

Descriptions of disabled persons

4.—(1) The prescribed descriptions of a disabled person to whom a local authority may issue a disabled person's badge are a person who is more than two years old who fits one or more of the descriptions specified in paragraph (2).

(2) The descriptions are a person who —

- (a) receives a higher rate of the mobility component of the disability living allowance in accordance with section 73 of the Social Security Contributions and Benefits Act 1992 (4);
- (b) uses a motor vehicle supplied by the Department of Social Security or the Scottish Executive or is in receipt of a grant pursuant to section 5(2)(a) of the National Health Service Act 1977 (5) or section 46 of the National Health Service (Scotland) Act 1978 (6);
- (c) is registered as blind under section 29(4)(g) of the National Assistance Act 1948 (7) or, in Scotland, is a blind person within the meaning of section 64(1) of that Act;
- (d) 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 scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983 (9);
- (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; or
- (f) has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

Institutional badges

5. An institutional badge may be issued by an authority to an institution for a motor vehicle when the vehicle is to be used to carry disabled persons as specified in regulation 4(2).

Fee for issue and period of issue of a badge

6.—(1) A local authority may not charge a fee of more than £2 for the issue of a disabled person's badge.

(2) Subject to regulations 7(2) and 9, a disabled person's badge shall be issued for a period of three years beginning with the date of issue.

(4) 1992 c. 4.

(5) 1977 c. 49.

(6) 1978 c. 29.

(7) 1948 c. 29.

(8) S.I. 1983/883, as amended by S.I. 1983/1116 and 1121, 1984/1154 and 1687, 1985/1201, 1986/592, 1988/248 and 2248, 1989/156, 1990/250 and 1308, 1991/766, 1992/710 and 3208, 1993/598, 1994/772 and 1906, 1995/766, 1996/732, 1638 and 2282, and 1997/286.

(9) S.I. 1983/686, amended by S.I. 1983/1164 and 1540, 1984/1289 and 1675, 1985/1313, 1986/628, 1987/191, 1988/367 and 2260, 1989/415, 1990/535 and 1300, 1991/708, 1992/702 and 3226, 1993/480, 1994/715 and 2021, 1996/445 and 502, 1997/812, and 1998/278.

Replacement of badges that have been lost etc

7.—(1) When a disabled person’s badge (“the original badge”) has been lost, stolen or destroyed, or become so damaged or faded as no longer to be adequately legible when displayed on a motor vehicle, a badge may be issued in its place with the word “duplicate” marked on the front.

(2) A replacement badge shall be valid from the date of issue until such time as the original badge would have ceased to be valid.

Grounds for refusal to issue a badge

8.—(1) A local authority may refuse to issue a badge on any of the grounds specified in paragraph (2).

(2) The grounds are —

- (a) the applicant holds or has held a badge issued under these Regulations or under the 1982 Regulations and misuse has led to at least three relevant convictions;
- (b) the applicant fails to provide the local authority with adequate evidence—
 - (i) in the case of an individual, that he or she is a person who fits one or more of the descriptions prescribed by regulation 4; or
 - (ii) in the case of an institution, that it is an institution eligible to apply for a disabled person’s badge in accordance with regulation 5;
- (c) the applicant fails to pay the fee (if any) chargeable for the issue of a badge; or
- (d) the local authority has reasonable grounds for believing —
 - (i) that the applicant is not the person claimed to be; or
 - (ii) that the applicant would permit another person (to whom the badge was not issued) to display it on a motor vehicle.

(3) When a local authority receives an application for a disabled person’s badge and refuses to issue one, it shall give the applicant particulars of the grounds of refusal in its notice of determination.

Return of badge to issuing authority

9.—(1) A disabled person’s badge shall be returned to the issuing authority immediately on the occurrence of any of the following —

- (a) that the period for which the badge was issued has expired;
- (b) the death of the holder or, in the case of an institutional badge, the institution ceasing to exist;
- (c) the holder of the badge ceases to be a disabled person or, in the case of an institutional badge, the institution ceases to be eligible under regulation 5;
- (d) a replacement badge has been issued under regulation 7 to replace a lost or stolen badge and that badge is subsequently found or recovered;
- (e) the badge has become so mutilated or faded as no longer to be clearly legible when displayed on a vehicle;
- (f) the badge ceases to be required by the holder.

(2) Subject to the provision of regulation 10, a disabled person’s badge shall, within the prescribed period, be returned to the issuing authority if the authority gives to the holder a notice —

- (a) stating that the authority refuses to allow the badge to continue in use on account of its misuse leading to at least three relevant convictions and giving particulars for that misuse; or

- (b) stating that the authority is satisfied that the badge was obtained by false representation.
- (3) For the purposes of paragraph (2) the prescribed period is —
 - (a) where no appeal is made in accordance with regulation 10, the period of 28 days beginning with the day on which the notice under paragraph (2) above was issued;
 - (b) where an appeal is made in accordance with regulation 10(1) and the appeal is not allowed, the period of 28 days beginning with the day on which the National Assembly gives notice of its determination of the appeal.
- (4) The issuing authority may take such action as may be appropriate to recover a disabled person's badge which the holder is liable to return in accordance with this regulation.

Appeals

10.—(1) An applicant for a disabled person's badge whose application has been refused on the ground specified in regulation 8(2)(a) or the holder of a badge who has been required to return it in accordance with regulation 9(2) may appeal to the National Assembly against the determination of the local authority in accordance with this regulation.

(2) The appeal shall be made by notice given within the period of 28 days beginning with the date on which the notice of the determination is given and the procedure specified in the following provisions of this regulation shall apply, except that, if the National Assembly considers it appropriate in the circumstances of a particular case, it may determine an appeal even though the provisions of paragraphs (3) to (5) have not been complied with.

(3) The notice of appeal shall be dated and signed by the appellant (or by a person authorised to sign on his or her behalf) and shall state the grounds of appeal.

(4) The notice of appeal shall be served on the National Assembly either by posting it in a prepaid envelope or by delivering it by hand to the National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.

(5) On receipt of the appeal the National Assembly shall send a copy of it to the local authority against whose determination the appeal is made and, within the period of 28 days beginning with the date of the notice of appeal, the local authority shall send to the National Assembly —

- (a) a copy of the notice issued by it to the appellant in accordance with regulation 8(3) or 9(2); and
- (b) any representation that it wishes the National Assembly to take into account in determining the appeal.

(6) The appellant may make representations by way of reply to any representations made by the local authority within the period of 28 days beginning with the date of those representations.

(7) Any representations made by the local authority or the appellant shall be signed and dated and submitted to the National Assembly on the date they bear.

(8) The National Assembly may in a particular case give directions setting later time limits than those prescribed by the Regulations.

(9) When the National Assembly determines an appeal it shall —

- (a) give notice to the appellant of its determination and of the reasons for it; and
- (b) send a copy of the notice to the local authority.

(10) If the National Assembly refuses an appeal, the appellant shall return the disabled person's badge to the local authority within the time prescribed by regulation 9(3)(b).

(11) In this regulation references to representations include a reference to supporting documents.

PART III

FORM AND DISPLAY OF BADGES

Form of badge

11. A disabled person's badge is in the prescribed form if —
- (a) the front and reverse of the badge are in the form shown —
 - (i) in Part I of the Schedule to these Regulations in the case of an individual's badge; or
 - (ii) in Part II of the Schedule in the case of an institutional badge; and
 - (b) the badge complies with the specifications in Part III of the Schedule.

Manner in which a badge is to be displayed

12. For the purposes of section 21(4A) of the 1970 Act a disabled person's badge is displayed on a vehicle in the prescribed manner if —
- (a) the badge is exhibited on the dashboard or fascia of the vehicle, or
 - (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.

Display of an individual's badge when a vehicle is being driven

- 13.—(1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an individual's badge may be displayed while a vehicle is being driven.
- (2) An individual's badge may be displayed on a vehicle while the holder is either driving or being carried in it.
- (3) An individual's badge may also be displayed on a vehicle —
- (a) if the vehicle is being used for the collection of the holder and no other purpose;
 - (b) if a disabled person's concession (other than a concession relating to parking) is available to a vehicle lawfully displaying a disabled person's badge; and
 - (c) if it would not be practicable for the vehicle to be lawfully driven to, or to stop at, the place at which the holder is to be collected if the concession did not apply to the vehicle.
- (4) An individual's badge may be displayed on a vehicle -
- (a) if the vehicle, after being driven by or carrying the holder, is leaving the place where the holder got out;
 - (b) if a disabled person's concession (other than a concession relating to parking) is available to a vehicle lawfully displaying a disabled person's badge; and
 - (c) if it would not be practicable for the vehicle to be driven from that place if the concession did not apply to the vehicle.

Display of an individual's badge when a vehicle is parked

- 14.—(1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an individual's badge may be displayed while a vehicle is parked.
- (2) An individual's badge may be displayed on a vehicle while it is parked if it —
- (a) has been driven by the holder, or has been used to carry the holder, to the place where it is parked; or

(b) is to be driven by the holder, or is to be used to carry the holder, from that place.

Display of institutional badge when a vehicle is being driven

15.—(1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an institutional badge may be displayed while a vehicle is being driven.

(2) An institutional badge may be displayed on a vehicle while it is being driven by or on behalf of the holder and is carrying a disabled person.

(3) An institutional badge may also be displayed on a vehicle while it is being driven by or on behalf of the holder and —

- (a) the vehicle is being used for the collection of a disabled person and for no other purpose;
- (b) a disabled person's concession (other than a concession relating to parking) is available to a vehicle lawfully displaying a disabled person's badge; and
- (c) it would not have been practicable for the vehicle to be lawfully driven to or to stop at the place at which the disabled person is to be collected if that concession did not apply to the vehicle.

(4) An institutional badge may also be displayed on a vehicle while it is being driven by or on behalf of the holder and —

- (a) the vehicle, after carrying a disabled person, is leaving the place where the disabled person got off;
- (b) a disabled person's concession (other than a concession relating to parking) is available to a vehicle lawfully displaying a disabled person's badge; and
- (c) it would not have been practicable for the vehicle to have left that place if the concession had not applied to the vehicle.

Display of an institutional badge when a vehicle is parked

16.—(1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an institutional badge may be displayed while a vehicle is parked.

(2) An institutional badge may be displayed on a vehicle while it is parked if it has been, or is to be, used by or on behalf of the holder for carrying a disabled person to or from the place where it is parked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (10).

29th June 2000

D Elis Thomas
Presiding Officer National Assembly for Wales