
WELSH STATUTORY INSTRUMENTS

2013 No. 438 (W.54)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2013

<i>Made</i>	- - - -	<i>27 February 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5 March 2013</i>
<i>Coming into force</i>	- -	<i>8 April 2013</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 21 of the Chronically Sick and Disabled Persons Act 1970⁽¹⁾, transferred to the National Assembly for Wales⁽²⁾, and now vested in them⁽³⁾ make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2013 and they come into force on 8 April 2013.

(2) These Regulations apply in relation to Wales.

Amendment of Regulations

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000⁽⁴⁾ are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation), insert the following definitions in the appropriate places in alphabetical order—

““the 2013 Regulations” (“*Rheoliadau 2013*”) means the Social Security (Personal Independence Payment) Regulations 2013⁽⁵⁾;

““assessment” (“*asesiad*”) has the same meaning as in regulation 2 of the 2013 Regulations;”.

(3) In regulation 4 (descriptions of disabled persons), in paragraph (2)—

(1) 1970 c. 44.

(2) Powers of the Secretary of State under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) Powers of the National Assembly for Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(4) S.I. 2000/1786 (W.123).

(5) S.I. 2013/377.

- (a) at the end of sub-paragraph (e), for the full stop, substitute a semi-colon;
 - (b) at the end of sub-paragraph (f) for the full stop substitute a semi-colon; and
 - (c) after sub-paragraph (f) insert—
 - “(g) receives the mobility component of personal independence payment having undertaken an assessment and obtained a score—
 - (i) of at least 12 points in relation to the “planning and following journeys” activity; or
 - (ii) of at least 8 points in relation to the “moving around” activity,
- as set out in Part 3 of Schedule 1 to the 2013 Regulations”.
- (4) In regulation 6 (fee for issue and period of issue of a badge), in paragraph (4)(b)—
 - (a) for “or 4(2)(d)” substitute “, 4(2)(d) or 4(2)(g)”; and
 - (b) in paragraph (ii) for “or the mobility supplement” substitute “, the mobility supplement or the mobility component of personal independence payment”.
 - (5) After regulation 9 insert—

“Transitional provision

- 9A.—**(1) Where a person satisfies paragraph (2)—
 - (a) the person is to be treated as being a disabled person for the purposes of regulation 7; and
 - (b) regulation 9(1)(c) does not apply to the person,
 until the expiration of the period for which the disabled person’s badge referred to in paragraph (2)(b)(i) was issued.
- (2) A person satisfies this paragraph if—
 - (a) the entitlement of the person to disability living allowance terminates in accordance with the 2013 Regulations;
 - (b) on the last day on which the person is entitled to disability living allowance the person—
 - (i) is in possession of a disabled person’s badge which has been issued in accordance with these Regulations, and
 - (ii) is a disabled person for the purposes of these Regulations by virtue of satisfying regulation 4(1) and (2)(a);
 - (c) with effect from the following day the person is no longer a disabled person for the purposes of these Regulations because the person does not satisfy regulation 4(1)(a) and (2)(a); and
 - (d) the period for which the badge mentioned in sub-paragraph (b) was issued has not yet expired.”
- (6) In the Schedule, Part IIIA, paragraph 2—
 - (a) in sub-paragraph (a) for “paragraphs (b) and (c)” substitute “paragraphs (b), (c), (ca) and (cb).”;
 - (b) after sub-paragraph (c) insert—
 - “(ca) where, by reason of their disability a person is unable to satisfy any of the requirements of—
 - (i) paragraph (a)(vi)(cc);

(ii) paragraph (a)(vi)(dd); or

(iii) paragraph (a)(vi)(ee),

a written statement confirming the reasons why the requirements of those paragraphs cannot be met must accompany the photograph.”

(c) after new sub-paragraph (ca) insert—

“(cb) any written statement provided to a local authority by virtue of paragraph (ca)

—

(i) must be signed and dated by the applicant; or

(ii) where it is not possible for the applicant to sign and date the statement, it must be signed and dated by a representative of the applicant, stating the nature of their relationship to the applicant.”

27 February 2013

Carl Sargeant
Minister for Local Government and
Communities, one of the Welsh Ministers

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

A disabled person's badge (known as a "Blue Badge") enables the holder to benefit from a range of parking concessions and exemptions from certain charges which apply to other motorists. The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 (S.I.2000/1786 (W.123)) ("the principal Regulations") make provision regarding the issue of the badges by local authorities.

The Regulations modify the description of persons to whom a disabled person's badge may be issued as set out in regulation 4 of the principal Regulations.

A new class of eligibility is inserted comprising persons who are in receipt of Personal Independence Payments at prescribed levels.

The Regulations also amend Part IIIA of the Schedule to the principal Regulations as regards the photographic requirements for persons with disabilities which prevent them from looking directly at the camera, opening their eyes or closing their mouth. The Regulations provide that where these requirements cannot be fulfilled, a photograph will still be accepted, provided it is accompanied by a written statement explaining the reasons for non-compliance.

A full regulatory impact assessment of the effect that the amendments will have on the cost to the business and voluntary sector is available from the Integrated Transport Division, Cathays Park, Cardiff, CF10 3NQ.