Disabled Persons' Parking Badges (Scotland) Act 2014

2014 asp 17

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 19th August 2014 and received Royal Assent on 24th September 2014

An Act of the Scottish Parliament to make provision about badges for display on motor vehicles used by disabled persons.

VALID FROM 30/03/2015

1 Form of badge

In section 21 (badges for display on motor vehicles used by disabled persons) of the Chronically Sick and Disabled Persons Act 1970, for paragraph (b) of subsection (1A) there is substituted—

"(b) 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.".

VALID FROM 30/03/2015

2 Power to cancel badge

In section 21(7AB) of the Chronically Sick and Disabled Persons Act 1970, the words "in England and Wales" are repealed.

VALID FROM 30/03/2015

3 Power to confiscate badge

In section 21(4D) of the Chronically Sick and Disabled Persons Act 1970, the words "in England and Wales" are repealed.

Status: *Point in time view as at 25/09/2014. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Disabled Persons' Parking Badges (Scotland) Act 2014. (See end of Document for details)*

VALID FROM 30/03/2015

4 Offence of using cancelled badge

(1) In section 21(4BZA) of the Chronically Sick and Disabled Persons Act 1970, the words "in England and Wales" are repealed.

(2) In subsection (1ZA) of section 117 (wrongful use of disabled person's badge) of the Road Traffic Regulation Act 1984, the words "in its application to the use of a vehicle in England and Wales" are repealed.

VALID FROM 30/03/2015

5 Enforcement officers

(1) Section 21 of the Chronically Sick and Disabled Persons Act 1970 is amended as follows.

(2) In subsection (4BA)—

(a) after the word "constable" in the opening words there is inserted " or enforcement officer ",

(b) in paragraph (a), after the word "constable" there is inserted " or officer ".

(3) After subsection (4BB) there is inserted—

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

(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).".

(4) For subsection (8A) there is substituted—

"(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).".

6 Review of local authority decision

(1) The Scottish Ministers may by regulations—

(a) require a local authority to review any relevant decision taken by the authority,

(b) specify who may apply for a review and the manner in which an application is to be made,

(c) provide for the procedure that an authority is to follow when conducting and disposing of a review.

(2) For the purpose of subsection (1), "relevant decision" means decision that a person is not a disabled person of a description prescribed under section 21(2) of the Chronically Sick and Disabled Persons Act 1970.

(3) Regulations under subsection (1) may provide that the review requirement which they impose does not apply to a decision that a person is not a disabled person of a description that is—

(a) prescribed under section 21(2) of the Chronically Sick and Disabled Persons Act 1970, and

(b) specified in the regulations.

(4) Regulations under subsection (1) are subject to the negative procedure.

7 Commencement

(1) This section and sections 6 and 8 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

8 Short title

The short title of this Act is the Disabled Persons' Parking Badges (Scotland) Act 2014.

Status:
Point in time view as at 25/09/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Disabled Persons' Parking Badges (Scotland) Act 2014.