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STATUTORY INSTRUMENTS

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**2005 No. 1964**

**The Traffic Management (Northern Ireland) Order 2005**

*Disabled persons' badges*

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**32.**—(1) Section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) (badges for display on motor vehicles used by disabled persons) shall be amended in accordance with paragraphs (2) to (6).

(2) In subsection (4), for the word “institution” (in both places) there shall be substituted the word “organisation”.

(3) In subsection (4B), after the word “badge” where it first occurs there shall be inserted the words “purporting to be”.

(4) After subsection (4B) there shall be inserted the following subsections—

“(4BA) Where it appears to a constable or a traffic attendant that there is displayed on any motor vehicle a badge purporting to be of a form prescribed under this section, he may require any person who—

(a) is in the vehicle, or

(b) appears to have been in, or to be about to get into, the vehicle,

to produce the badge for inspection.

(4BB) The power conferred on a traffic attendant by subsection (4BA) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.

(4BC) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) shall be guilty of an offence.”.

(5) In subsection (4C), after the words “subsection (4B)” there shall be inserted the words “or (4BC)”.

(6) After subsection (9) there shall be added the following subsection—

“(10) Regulations under this section or section 14A may contain incidental, supplementary, transitional or consequential provisions.”.

**Recognition of badges issued outside Northern Ireland**

**33.** After section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) there shall be inserted the following section—

**“14A Recognition of badges issued outside Northern Ireland**

(1) For the purposes of this section and section 14B, a “recognised badge” means—

(a) a badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970, or any provision replacing that section, as from time to time amended, or

- (b) a badge issued under provisions of the law of any jurisdiction outside the United Kingdom that are specified in regulations made by the Department.
- (2) In exercising the power under subsection (1)(b), the Department may specify a provision only if it appears to the Department that badges issued under the provision are issued by reference to persons who are, or include, disabled persons.
- (3) A recognised badge may be displayed on a motor vehicle only in such circumstances and in such manner as may be prescribed by regulations made by the Department.
- (4) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Regulation (Northern Ireland) Order 1997) at a time when a badge purporting to be a recognised badge is displayed on the vehicle is guilty of an offence unless the badge is a recognised badge and is displayed in accordance with regulations made under subsection (3).
- (5) Where it appears to a constable or a traffic attendant that there is displayed on any motor vehicle a badge purporting to be a recognised badge, he may require any person who—
- (a) is in the vehicle, or
  - (b) appears to have been in, or to be about to get into, the vehicle,
- to produce the badge for inspection.
- (6) The power conferred on a traffic attendant by subsection (5) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.
- (7) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (5) shall be guilty of an offence.
- (8) A person guilty of an offence under subsection (4) or (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) The concessions mentioned in subsection (10) shall apply in respect of vehicles lawfully displaying a recognised badge as they apply in respect of vehicles lawfully displaying a badge issued under section 14.
- (10) The concessions are—
- (a) any exemption from an order under the Road Traffic Regulation (Northern Ireland) Order 1997 given by reference to vehicles lawfully displaying a badge issued under section 14;
  - (b) any provision made in an order under that Order for the use of a parking place by such vehicles.
- (11) The Department may by regulations provide that recognised badges are to be treated, for purposes specified in the regulations, as if they were badges issued under section 14.”.

### **Wrongful use of badges**

**34.** After section 14A of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) (inserted by Article 33) there shall be inserted the following section—

#### **“14B Wrongful use of badge**

- (1) A person who at any time contravenes any provision of an order under the Road Traffic Regulation (Northern Ireland) Order 1997 relating to the parking of motor vehicles is also guilty of an offence under this subsection if at that time—
- (a) there was displayed on the motor vehicle in question a badge purporting to be of a form prescribed under section 14, and

- (b) he was using the vehicle in circumstances where a disabled person's concession would be available to a vehicle lawfully displaying a badge issued under that section,

but he shall not be guilty of an offence under this subsection if the badge was issued under that section and displayed in accordance with regulations made under it.

(2) A person who at any time contravenes any provision of an order under the Road Traffic Regulation (Northern Ireland) Order 1997 relating to the parking of motor vehicles is also guilty of an offence under this subsection if at that time—

- (a) there was displayed on the motor vehicle in question a badge purporting to be a recognised badge, and
- (b) he was using the vehicle in circumstances where a concession would, by virtue of section 14A(9) to (11), be available to a vehicle lawfully displaying a recognised badge,

but he shall not be guilty of an offence under this subsection if the badge was a recognised badge and displayed in accordance with regulations made under section 14A.

(3) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In this section “disabled person's concession“ means—

- (a) an exemption from an order under the Road Traffic Regulation (Northern Ireland) Order 1997 given by reference to vehicles lawfully displaying a badge issued under section 14; or
- (b) a provision made in any order under that Order for the use of a parking place by such vehicles.”.

### **Consequential provision**

**35.** In Article 44(2) of the 1997 Order (powers of traffic wardens), for sub-paragraph (d) there shall be substituted the following sub-paragraph—

- “(d) sections 14(4BA) and 14A(5) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Disabled persons' badges.