



# Chronically Sick and Disabled Persons (Northern Ireland) Act 1978

## 1978 CHAPTER 53

### 14 Badges for display on motor vehicles used by disabled persons.

- (1) There shall be a badge of a prescribed form to be issued by the Department of the Environment for Northern Ireland (in this section referred to as “the Department”) for motor vehicles driven by, or used for the carriage of, disabled persons; and—
- subject to the provisions of this section, the badge so issued for any vehicle or vehicles may be displayed on it or on any of them; and
  - the Department may by regulations exempt vehicles displaying such badges from the requirements of orders, byelaws and regulations made, or having effect as if made, under [<sup>F1</sup>Article 4 or 15 of the Road Traffic Regulation (Northern Ireland) Order 1996].
- [<sup>F2</sup>(2) A badge may be issued to a disabled person of any prescribed description for one or more vehicles driven by him or used by him as a passenger.]
- (4) A badge may be issued to an [<sup>F3</sup> organisation ] concerned with the care of the disabled for any motor vehicle or, as the case may be, for each motor vehicle used by or on behalf of the [<sup>F3</sup> organisation ] to carry disabled persons of any prescribed description;  
<sup>F4</sup> . . .
- [<sup>F5</sup>(4A) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.
- (4B) 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[<sup>F6</sup> purporting to be ] of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.
- [ Where it appears to a constable or a traffic attendant that there is displayed on any  
<sup>F7</sup>(4BA) motor vehicle a badge purporting to be of a form prescribed under this section, he may require any person who—
- is in the vehicle, or

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- (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.]
- (4C) A person guilty of an offence under subsection (4B)<sup>F8</sup> or (4BC) ] shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]
- (5) The Department shall maintain a register showing the holders of badges issued by it under this section, and the vehicle or vehicles for which each of the badges is held,<sup>F9</sup> . . .
- (6) A badge issued under this section shall remain the property of the Department, shall be issued for such period as may be prescribed, and shall be returned to the Department in such circumstances as may be prescribed.
- (7) Anything which is under this section to be prescribed shall be prescribed by regulations made by the Department; and regulations so made may make provision—
- (a) as to the cases in which the Department may refuse to issue badges, and as to the fee (if any) which the Department may charge for the issue or re-issue of a badge; and
  - (b) as to the continuing validity or effect of badges issued before the coming into force of this section in pursuance of any arrangements made by Health and Social Services Boards or the Department for the welfare of disabled persons; and
  - (c) as to any transitional matters, and in particular the application to badges issued under this section of orders, byelaws or regulations made, or having effect as if made, under the Road Traffic <sup>F10</sup>(Northern Ireland) Order 1981] before the coming into force of this section and operating with reference to any such badges as are referred to in paragraph (b) above.
- <sup>F11</sup>(7A) Where the prescribed conditions are met in the case of any person, then—
- (a) if he applies to the Department for the issue of a badge T under this section, the Department may by notice refuse the application; and
  - (b) if he holds a badge issued under this section, the Department may by notice require him to return the badge P to the Department.
- (7B) The conditions that may be prescribed for the purposes of subsection (7A) are conditions relating to the misuse of badges issued under this section.
- (7C) A person whose application is refused under subsection (7A) or who is required to return his badge under that subsection may appeal to a court of summary jurisdiction which may confirm or reverse the decision of the Department; and if the court reverses it, the Department shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.
- (7D) A badge which is required to be returned to the Department by virtue of subsection (6) may not be displayed on any vehicle; and a badge which is required to be returned to the Department by virtue of a notice under subsection (7A) shall be returned within the prescribed time and may not be displayed on any vehicle after that time.

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(7E) Except in prescribed circumstances, a person who, without reasonable excuse, fails within the prescribed time to return a badge which is required to be returned to the Department by virtue of subsection (6) or a notice under subsection (7A) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

[<sup>F12</sup>(8) In this section “badge” includes duplicate badge and “motor vehicle” has the same meaning as in the Road Traffic (Northern Ireland) Order 1995.

(9) Section 24 of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to a notice under subsection (7A) as if in subsection (1) of that section the word “registering” were omitted.]

[<sup>F13</sup>(10) Regulations under this section or section 14A may contain incidental, supplementary, transitional or consequential provisions.]

#### Textual Amendments

- F1** Words in s. 14(1)(b) substituted (12.4.1997) by virtue of S.I. 1997/276 (N.I. 2), arts. 1, 75(1), **Sch. 8 para. 3**
- F2** S. 14(2) substituted for s. 14(2)(3) (2.11.1998) by virtue of S.I. 1997/276 (N.I. 2), **art. 55(2)**; S.R. 1998/296, art. 2, **Sch.**
- F3** Word in s. 14(4) substituted (20.8.2005) by **The Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964), arts. 1(2), 32(2)**
- F4** Words in s. 14(4) repealed (2.11.1998) by S.I. 1997/276 (N.I. 2), arts. 55(3)(5), 75(2), **Sch. 9**; S.R. 1998/296, art. 2, **Sch.**
- F5** S. 14(4A)-(4C) inserted (2.11.1998) by S.I. 1997/276 (N.I. 2), **art. 55(4)**; S.R. 1998/296, art. 2, **Sch.**
- F6** Words in s. 14(4B) inserted (20.8.2005) by **The Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964), arts. 1(2), 32(3)**
- F7** S. 14(4BA)-(4BC) inserted (20.8.2005) by **The Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964), arts. 1(2), 32(4)**
- F8** Words in s. 14(4C) inserted (20.8.2005) by **The Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964), arts. 1(2), 32(5)**
- F9** Words in s. 14(5) repealed (2.11.1998) by S.I. 1998/276 (N.I. 2), arts. 55(5), 75(2), Sch. 9; S.R. 1998/296, art. 2, **Sch.**
- F10** Words substituted by S.I. 1981/154 (N.I. 1), art. 220, **Sch. 7 para. 21(b)**
- F11** S. 14(7A)-(7E) inserted (2.11.1998) by S.I. 1997/276 (N.I. 2), **art. 55(6)**; S.R. 1998/296, art. 2, **Sch.**
- F12** S. 14(8)(9) substituted (2.11.1998) for s. 14(8) by S.I. 1997/276 (N.I. 2), **art. 55(7)**; S.R. 1998/296, art. 2, **Sch.**
- F13** S. 14(10) added (20.8.2005) by **The Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964), arts. 1(2), 32(6)**

#### Modifications etc. (not altering text)

- C1** S. 14: transfer of functions (1.12.1999) by S.R. 1999/481 art. 6(d), Sch. 4 Pt. IV

**Changes to legislation:**

There are currently no known outstanding effects for the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, Section 14.