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## SCHEDULES

### SCHEDULE 4

#### TRANSITIONALS ETC

##### *Exemption for disabled passengers*

- 7 (1) Where—
- (a) a vehicle is suitable for use by persons having a particular disability that so incapacitates them in the use of their limbs that they have to be driven and cared for by a full-time constant attendant,
  - (b) the vehicle is registered under this Act in the name of a person who has such a disability and is a person to whom this paragraph applies,
  - (c) that person is sufficiently disabled to be eligible for an invalid tricycle under the <sup>M1</sup>National Health Service Act 1977, the <sup>M2</sup>National Health Service (Scotland) Act 1978 or the <sup>M3</sup>Health and Personal Social Services (Northern Ireland) Order 1972 but too disabled to drive it, and
  - (d) no other vehicle registered in that person's name under this Act, or deemed to be so registered under sub-paragraph (3) of paragraph 19 of Schedule 2, is an exempt vehicle under that paragraph,
- the vehicle is an exempt vehicle if used or kept for use by or for the purposes of that person.
- (2) This paragraph applies to a person if—
- (a) there remains valid a relevant certificate issued in respect of him before 13th October 1993 (the day on which the repeal of the provisions specified in section 12(1) of the <sup>M4</sup>Finance (No.2) Act 1992 came into force), or
  - (b) an application for a relevant certificate in respect of him had been received by the Secretary of State or the Department of Health and Social Services for Northern Ireland before that date and a relevant certificate issued pursuant to that application remains valid.
- (3) In this paragraph a “relevant certificate” means—
- (a) a certificate issued by the Secretary of State (or the Minister of Transport) containing a statement as described in Regulation 26(2)(b)(i) and (ii) of the <sup>M5</sup>Road Vehicles (Registration and Licensing) Regulations 1971 (as in force on 29th December 1972) or a statement to similar effect, or
  - (b) a certificate issued by the Department of Health and Social Services for Northern Ireland (or the Ministry of Health and Social Services for Northern Ireland) containing a statement as described in Regulation 27(2)(b)(i) and (ii) of the <sup>M6</sup>Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973 (as originally in force) or a statement to similar effect,
- including (in either case) any renewal or continuation of such a certificate.

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- (4) For the purposes of sub-paragraph (2) a relevant certificate issued in respect of a person remains valid for as long as the matters stated in the certificate in relation to the person's disability remain unaltered.
- (5) Where immediately before 13th October 1993 a person to whom this paragraph applies was under the age of five, the person ceases to be a person to whom this paragraph applies—
- (a) if a relevant licence document is in force on the day on which he attains the age of five in respect of a vehicle used or kept for use for his purposes, when that licence document expires, and
  - (b) otherwise, on attaining the age of five.
- (6) In sub-paragraph (5) “relevant licence document” means a document in the form of a licence issued under—
- (a) Regulation 26(3A)(b) of the Road Vehicles (Registration and Licensing) Regulations 1971,
  - (b) Regulation 27(4)(b) of the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973, or
  - (c) paragraph 4 or 6 of the Schedule to the <sup>M7</sup>Finance (No.2) Act 1992 (Commencement No.6 and Transitional Provisions and Savings) Order 1993,
- or any re-enactment (with or without modifications) of any of those provisions.
- (7) Regulations under section 22(2) of this Act which require a person to furnish information relating to a vehicle which is an exempt vehicle under this paragraph may require him to furnish (in addition) such evidence of the facts giving rise to the exemption as is prescribed by the regulations.
- (8) In spite of the repeal by this Act of section 12(2) of the <sup>M8</sup>Finance (No.2) Act 1992, paragraphs 4 to 8 of the Schedule to the <sup>M9</sup>Finance (No.2) Act 1992 (Commencement No.6 and Transitional Provisions and Savings) Order 1993 shall, until the coming into force of the first regulations made by virtue of sub-paragraph (7) (unless revoked and subject to any amendments), continue to have effect but subject to the modifications specified in sub-paragraph (9).
- (9) The modifications referred to in sub-paragraph (8) are—
- (a) the substitution of a reference to this paragraph for any reference to paragraph 2 of that Schedule,
  - (b) the addition of a reference to this Act after the first reference to the <sup>M10</sup>Vehicles (Excise) Act 1971 in paragraphs 4(4)(a) and 6(4)(a),
  - (c) the substitution of a reference to this Act for each other reference to the Vehicles (Excise) Act 1971, and
  - (d) the substitution of a reference to section 23 of this Act for any reference to section 19 of that Act and of a reference to subsection (3) of section 23 of this Act for any reference to subsection (2) of section 19 of that Act.
- (10) Sections 44 and 45 of this Act have effect in relation to a vehicle which is an exempt vehicle under this paragraph as they have effect in relation to a vehicle which is an exempt vehicle under paragraph 19 of Schedule 2 to this Act.
- (11) If and to the extent that, immediately before the coming into force of this Act, the Secretary of State had power to amend or revoke by order any provision of the

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Finance (No.2) Act 1992 (Commencement No.6 and Transitional Provisions and Savings) Order 1993, he has the same power in relation to so much of this paragraph as reproduces that provision.

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**Marginal Citations**

- M1** 1977 c. 49.
- M2** 1978 c. 29.
- M3** S.I. 1972/1265 (N.I.14).
- M4** 1992 c. 48.
- M5** S.I. 1971/450.
- M6** S.R. and O. (N.I.) 1973 No. 490.
- M7** S.I. 1993/2272.
- M8** 1992 c. 48.
- M9** S.I. 1993/2272.
- M10** 1971 c. 10.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(1A) inserted by [2006 c. 49 s. 47\(2\)](#)
- s. 7(5)(za) inserted by [2006 c. 49 s. 47\(3\)](#)
- s. 22(1)(aa) inserted by [2006 c. 49 s. 47\(6\)](#)
- s. 22(1AA) inserted by [2006 c. 49 s. 47\(9\)](#)
- s. 22(1BA) inserted by [2006 c. 49 s. 47\(10\)](#)
- Sch. 1 para. 1N inserted by [2023 c. 1 s. 10\(5\)\(e\)\(7\)](#)
- Sch. 2 para. 20G(2)(za)-(zc) inserted by [2023 c. 1 s. 10\(2\)\(a\)\(i\)\(7\)](#)