

DISABILITY DISCRIMINATION ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1

Minor and Consequential Amendments

Part 2

Amendments related to disabled persons' badges

Paragraph 41

239. This amends section 21(4) of the Chronically Sick and Disabled Persons Act 1970 ("CSDPA 1970") which currently refers to bodies which care for disabled people, and to which "blue badges" can be issued, as "institutions". This is considered to be an out-dated and rather offensive term, so it is replaced by a reference to "organisation".

Paragraphs 42 to 44

240. These changes follow from the recognition of non-GB disabled persons' badges # "recognised badges" # under section 9 of the 2005 Act. The Road Traffic Regulation Act 1984 ("RTRA 1984") provides that vehicles displaying British blue badges should not be immobilised (section 105 of RTRA 1984), but that wrongful use of a blue badge or any consequential avoidance of clamping constitutes an offence (sections 105(5) and 117 of RTRA 1984 respectively). These paragraphs insert into RTRA 1984 corresponding provisions in respect of recognised badges.

Paragraph 45

241. This paragraph makes amendments that determine the penalties for the new offences relating to the wrongful use of recognised badges discussed above.

Paragraphs 46 to 48

242. These paragraphs are consequential to the new sections inserted into CSDPA 1970 by section 9. The amendments to the Road Traffic Act 1991 and to the Traffic Management Act 2004 are analogous to the amendments to the Road Traffic Regulation Act 1984 discussed above. They provide exemptions from clamping in favour of vehicles displaying recognised badges, and for offences relating to the misuse of a recognised badge.