

## 1986 No. 178

## ROAD TRAFFIC

**The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986**

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| <i>Made - - - -</i>           | <i>4th February 1986</i>  |
| <i>Laid before Parliament</i> | <i>19th February 1986</i> |
| <i>Coming into Operation</i>  | <i>1st April 1986</i>     |

The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of their powers under section 124 of, and Schedule 9 to, the Road Traffic Regulation Act 1984 (a) as read with section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970 (b), and of all other enabling powers, after consultation with representative organisations in accordance with section 134(2) of the said Act of 1984, and after consultation in accordance with paragraph 23 of Schedule 9 to that Act, hereby make the following Regulations:—

*Citation, commencement and revocation*

1.—(1) These Regulations may be cited as the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 and shall come into operation on the 1st April 1986.

(2) The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1971 (c), the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1975 (d), and the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) (No. 2) Regulations 1975 (e) are hereby revoked.

*Interpretation*

2.—(1) In these Regulations the following expressions have the meanings hereby assigned to them:—

“the 1984 Act” means the Road Traffic Regulation Act 1984 as read with section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970;

“bus lane” means a road, or a part of the width of a road, the use of which by vehicles is restricted by or under any enactment, either in both directions or in one direction only and either at all times or at particular times only, to any one or more of the following categories of vehicles—

- (i) public service vehicles (as defined in section 1 of the Public Passenger Vehicles Act 1981 (f) or particular classes of such vehicles,

(a) 1984 c.27; Schedule 9 is amended by the Local Government Act 1985 (c.51), Schedule 5, paragraph 4(39).

(b) 1970 c.44.

(c) S.I. 1971/1493.

(d) S.I. 1975/267.

(e) S.I. 1975/1562.

(f) 1981 c.14.

- (ii) vehicles (not being motor cars) which are similar in construction to public service vehicles and are being used for the carriage of passengers, or particular classes of such vehicles,
- (iii) taxis,
- (iv) cycles,

and “bus lane restriction”, in relation to a bus lane, means the restriction by virtue of which the particular road, or the particular part of the width of a road, is a bus lane;

“disabled person” means a disabled person of a description prescribed by regulation 5 of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982<sup>(a)</sup>;

“disabled person’s badge” has the same meaning as in regulation 3(1) of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled person’s badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by regulation 3 of these Regulations to be included in an order under the 1984 Act, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

“London local authority” means the council of a London borough or the Common Council of the City of London;

“road”, in relation to an order under section 6 or 9 of the 1984 Act, includes a street as defined in section 6(6) of that Act.

(2) Any reference in these Regulations to an order under any particular section of the 1984 Act includes a reference to an order varying an order made, or having effect as if made, under that section.

#### *Application of Regulations*

3. These Regulations apply—

- (a) to orders made by a local authority (other than a London local authority) under any of the following provisions of the 1984 Act, that is to say, sections 1, 9, 35, 45 and 46; and
- (b) to orders made by a London local authority under any of the following provisions of the 1984 Act that is to say, sections 6, 9, 45 and 46 except that they do not apply to an order made by such an authority under any of the said sections in so far as the order applies in the City of London, the City of Westminster or the Royal Borough of Kensington and Chelsea, or any part of the London Borough of Camden south of, and including, Euston Road.

#### *Exemptions in orders for vehicles displaying disabled persons’ badges*

4.—(1) Where an order under section 1, 6, 9, 45 or 46 of the 1984 Act—

- (a) includes a provision; or
- (b) applies a provision of an existing order under any such section,

which provision prohibits the waiting of vehicles, or of any class of vehicles, in a road or part of a road and the provision is one which in relation to any particular vehicle prohibits that vehicle from waiting in that road or that part of a road either—

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<sup>(a)</sup> S.I. 1982/1740.

- (i) beyond a specified period of waiting by that vehicle permitted by that provision, or
- (ii) if less than a specified period has elapsed since a previous period of waiting by that vehicle in that road or that part of a road, as the case may be,

then in the case mentioned in (a) above, the order shall also include a provision for exempting from any such prohibition contained therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned at (b) above, the order shall also include a provision for exempting from any prohibition as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

- (2) Where an order under section 1, 6, 9, 45 or 46 of the 1984 Act—
  - (a) includes a provision, or
  - (b) applies a provision of an existing order under any such section, and the provision is one which—
    - (i) prohibits the waiting of vehicles, or any class of vehicles, in a road or part of a road, except for the purpose of loading or unloading, and
    - (ii) in relation to a particular vehicle would have the effect of prohibiting that vehicle from waiting in that road or that part of a road at all times in any day or during one or more specified periods in any day, and
    - (iii) is not a provision applying to a bus lane at a time when the bus lane restriction is in operation, and
    - (iv) is not a provision to which paragraph (1) of this regulation refers,

then the order shall include the exemption provision described in paragraph (3) of this regulation.

(3) The exemption provision referred to in paragraph (2) above is a provision for exempting from the prohibition included in or applied by the order—

- (a) in a case where the period of the prohibition is of 2 hours' duration or less, for the whole of that period, and
- (b) in a case where the period of the prohibition is of more than 2 hours' duration, for a period of 2 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same road or part of a road on the same day.),

any disabled person's vehicle in relation to which the following requirements are satisfied, namely, that—

- (i) in all cases a disabled person's badge is displayed in the relevant position on the vehicle, and
- (ii) in the case mentioned at (b) above, a parking disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS 4631: 1970), coloured orange, and capable of showing the quarter hour period during which a period of waiting begins, is displayed in a relevant position on the vehicle, and the driver, or other person in charge of the vehicle, marks on the parking disc the time at which the period of waiting has begun.

(4) Where an order under section 6, 35, 45 or 46 of the 1984 Act—

- (a) includes a provision; or
- (b) applies a provision of an existing order under any such section, which provision prohibits the waiting of vehicles, or of any class of vehicles in a street parking place or part of such a parking place and the provision is one which in relation to any particular vehicle prohibits that vehicle from waiting in that parking place or that part of a parking place either—
  - (i) beyond a specified period of waiting by that vehicle permitted by that provision, or
  - (ii) if less than a specified period has elapsed since a previous period of waiting by that vehicle in that parking place or that part of a parking place, as the case may be,

then in the case mentioned in (a) above, the order shall also include a provision for exempting from any such prohibition contained therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned at (b) above, the order shall also include a provision for exempting from any prohibition as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(5) Where an order under section 45 or 46 of the 1984 Act—

- (a) includes a provision; or
- (b) applies a provision of an existing order under either such section, which provision prescribes—
  - (i) a charge for a vehicle, or a vehicle of any class, left in a parking place,
  - (ii) a time limit in relation to the leaving of, or waiting by, vehicles, or vehicles of any class, in a parking place, or
  - (iii) a period which must elapse before a vehicle which has been taken away from a parking place may again be left therein,

then in the case mentioned in (a) above, the order shall also include a provision for exempting from any such matter prescribed therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned at (b) above, the order shall also include a provision for exempting from any matter prescribed and as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(6) Any provision for exemption required by this regulation to be contained in any order referred to therein may be limited to the same class of vehicle as that to which the provision, from which exemption is required to be given by this regulation, applies.

(7) For the purposes of this regulation and any order referred to therein, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when—

- (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen; and

- (b) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.

3rd February 1986.

*Nicholas Ridley,*  
Secretary of State for Transport.

4th February 1986.

*Nicholas Edwards,*  
Secretary of State for Wales.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations concern certain orders made by local authorities under the Road Traffic Regulation Act 1984 applying in England and Wales generally but not in certain parts of central London.

The orders to which the Regulations apply are those which, inter alia, prohibit vehicles from waiting at all times or during specified periods on roads marked by yellow lines, or prohibit beyond a certain period the waiting of vehicles in roads or in street parking places, whether a charge is made or not (regulations 4(1)–(5)).

The Regulations require the orders to which they relate to include an exemption from waiting prohibitions in certain circumstances, and from charges and time limits at places where vehicles may park or wait, in respect of vehicles displaying a disabled person's badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

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