
EXPLANATORY NOTE

(This note is not part of the Regulations)

A disabled person's badge (also known as a "Blue Badge") may be issued by a local authority to disabled persons resident in its area, for display in a motor vehicle driven or used by them. The display of a disabled person's badge enables the holder to benefit from a range of parking concessions and exemptions from certain charges which apply to other motorists. The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 ("the 2000 Regulations") make provision regarding the issue of the badges by local authorities. These Regulations amend the 2000 Regulations.

Regulation 2(2) amends regulation 2(1) of the 2000 Regulations by adding a new definition of an 'expert assessor'. This is a person with appropriate qualification(s) recognised in the United Kingdom and expertise in particular type or types of disability who can assess and certify, for the purposes of regulation 4(2)(f), an applicant for a disabled person's badge. This 'expert assessor' role replaces and expands on that of the 'independent mobility assessor' provided for by the 2000 Regulations, so that local authorities are enabled to use a broader range of relevant professionals to assess the nature and effects of an applicant's particular disability according to the expanded eligibility criteria in regulation 2(3) (see below). The exclusion of General Practitioners, in providing this certification to applicants, to whom they also provide medical services, is however retained.

Regulation 2(3) amends regulation 4 of the 2000 Regulations, which sets out a number of descriptions of persons who are eligible to receive a disabled person's badge. The new eligibility criteria are mainly to be found in amendments to regulation 4(2)(f) (and also 4(2)(g), see below) of the 2000 Regulations, in which the descriptions are expanded to include persons who have non-physical impairments which either give rise to difficulty with walking, or which place them or others at risk of serious harm when they are walking, as part of any journey. The descriptors for the disability are amended from "permanent and substantial" to "enduring and substantial".

Regulation 2(3)(b) amends regulation (4)(2)(g), which entitles persons who receive a Personal Independence Payment for particular reasons to be eligible for a disabled person's badge without further assessment. This is amended to include a new ground of eligibility for a category of people with non-physical disabilities: these are persons who, in an assessment carried out under the Social Security (Personal Independence Payment) Regulations 2013, score 10 points in relation to the "*planning and following journeys*" activity on the grounds that they cannot undertake any journey because it would cause them overwhelming psychological distress.

Regulation 2(3)(c) brings into line with the new eligibility criteria regulation 4(3A) of the 2000 Regulations. These allow for a person to be deemed to be within the description in regulation 4(2)(f), in the absence of regulation 4(2)(f) certification, where the local authority considers it self-evident that the person comes within the descriptions in 4(2)(f).

Regulation 2(4) amends 8(2)(e) of the 2000 Regulations to reflect the new role of "expert assessor" and to clarify that the operation of this ground for refusal is subject to the provisions of regulation 4(3A).

Regulation 3 is a transitional provision to allow for any "independent mobility assessor" to be deemed an "expert assessor" for the purposes of any application already submitted and pending at the time when these Regulations come into force.

An Impact Assessment has not been prepared for this instrument as no impact, or no significant impact, on the private or voluntary sectors is foreseen. Instead a De Minimis assessment has been

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prepared as this instrument is likely to incur some cost to local authorities, although this cannot be accurately predicted at this stage.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.