
WELSH STATUTORY INSTRUMENTS

2014 No. 3082 (W. 306)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales)(Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>18 November 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>20 November 2014</i>
<i>Coming into force</i>	- -	<i>17 December 2014</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 21 of the Chronically Sick and Disabled Persons Act 1970⁽¹⁾, transferred to the National Assembly for Wales⁽²⁾ and now vested in them⁽³⁾ make the following Regulations.

Title, commencement, application and interpretation

1. (1) The title of these Regulations is The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2014 and they come into force on 17 December 2014.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations, “mental disorder” (*“anhwyldermeddyliol”*) has the same meaning as in section 1(2) of the Mental Health Act 1983⁽⁴⁾.

Amendment of Regulations

2. (1) The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000⁽⁵⁾ are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “disabled person’s badge”, for “in the form prescribed by regulation 11” substitute “of a form specified or approved in accordance with section 21(1A) of the 1970 Act”.

(1) 1970 c.44. Section 21, so far as it relates to Wales, was amended by the Road Traffic Act 1991 (c.40) section 35, Schedule 8 and the Disabled Persons’ Parking Badges Act 2013 (c.4) sections 1 to 6.
(2) Powers of the Secretary of State under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(3) Powers of the National Assembly for Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
(4) Section 2(1) was amended by paragraph 2 of Schedule 10 to the Mental Health Act 2007 (c.12).
(5) S.I. 2000/1786 (W.123).

- (3) In regulation 4 (descriptions of disabled persons)—
- (a) for paragraph (2)(dd) substitute—
- “(dd) “(dd) has received a lump sum benefit under article 15(1)(a) of the Armed Forces and Reserved Forces (Compensation Scheme) Order 2011(6) (“the 2011 Order”)—
- (i) i)within tariff levels 1 to 8 inclusive as set out in Part 1, Schedule 3 to the 2011 Order and has been certified by the Secretary of State as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking; or
- (ii) at tariff level 6 within Table 3 (Mental Disorders) of Part 1, Schedule 3 to the 2011 Order.”;
- (b) after paragraph (2)(f) insert—
- “(ff) “(ff) as a result of a mental disorder is unable to follow the route of a familiar journey without the assistance of another person;”.
- (4) In regulation 8 (grounds for refusal to issue a badge), in paragraph (2)(e), for “which has been issued by another issuing authority” substitute “issued under section 21 of the 1970 Act or a recognised badge within the meaning of section 21A of that Act”.
- (5) In regulation 9 (return of badge to issuing authority)—
- (a) in paragraph (1)(f), delete “or another valid badge is issued to the holder by another issuing authority”;
- (b) after paragraph (1)(f), insert—
- “;or
- (g) the holder is issued with another valid badge under section 21 of the 1970 Act or with a recognised badge within the meaning of section 21A of that Act.”;
- (c) after paragraph (1), insert—
- “(1A) In the case of a badge to which section 21(4D)(b)(iii) of the 1970 Act applies which is retained by a constable or enforcement officer pursuant to that section, the badge must be returned as soon as reasonably practicable—
- (a) to the issuing authority; and
- (b) after return to the issuing authority, by the issuing authority to the holder, provided that the issuing authority does not have grounds for giving a notice to the holder pursuant to paragraph (2).”
- (6) In the heading to Part III, omit “Form and”.
- (7) Omit regulation 11 (form of badge).
- (8) Omit the Schedule.

18 November 2014

Edwina Hart
Minister for the Economy, Science and
Transport, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

A disabled person's parking badge ("Blue 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) (Wales) Regulations 2000 ("the Principal Regulations") make provision regarding the issue of badges by local authorities.

Regulation 2 amends the Principal Regulations to reflect amendments made by the Disabled Persons' Parking Badges Act 2013 ("the 2013 Act"), to section 21 of the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act") about the form of the Blue Badge and clarifies the application of certain provisions of the Principal Regulations.

Regulation 2 also introduces 2 new classes of eligibility. A Blue Badge may now be provided to persons in receipt of certain lump sum benefits provided under the Armed Forces and Reserved Forces (Compensation Scheme) Order 2011 where they have sustained permanent mental disorder causing severe functional limitation or restriction. A Blue Badge may also be provided to persons who, as a result of a mental disorder are unable to follow the route of a familiar journey without the assistance of another person.

Paragraph (2) of regulation 2 amends the definition of "disabled person's badge" to reflect changes made by the 2013 Act which provide that badges must now be in a form approved in accordance with section 21(1A) of the 1970 Act instead of prescribed within regulations.

Paragraph (4) of regulation 2 clarifies the provisions of the Principal Regulations which enable an authority to refuse to issue a badge in circumstances in which the applicant already holds a badge issued by another authority, such that they also apply to a badge issued outside Wales.

Paragraph (5) of regulation 2 clarifies the provisions of the Principal Regulations which require the return of a badge in circumstances in which the holder is issued with a badge by more than one authority, such that they also apply to badges issued outside Wales. It also introduces a new requirement that a badge which is retained by a constable or an enforcement officer in certain circumstances pursuant to a new power introduced by the 2013 Act must be returned to the holder as soon as reasonably practicable.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Public Transport Division, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.