SCOTTISH STATUTORY INSTRUMENTS

2019 No. 128

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

The Disabled Persons (Badges for Motor Vehicles) (EU Exit) (Scotland) (Amendment) Regulations 2019

Made - - - -	*1st April 2019*
Laid before the Scottish Parliament	*1st April 2019*
Coming into force in accordance with regulation 1	

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970(**a**), and paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018(**b**), and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (EU Exit) (Scotland) (Amendment) Regulations 2019.

(2) These Regulations, apart from regulations 2(2) and 3, come into force at 1600 hours on 1 April 2019.

(3) Regulations 2(2) and 3 come into force on exit day.

Amendment of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(**c**) are amended as follows.

(2) In regulation 2(1A) (interpretation) omit "other than the United Kingdom".

(**a**) 1970 c.44. Section 21 has been amended by the Road Traffic Act 1984 (c.27) section 146, schedule 13, para. 11(a), (b) and (c); the Disabled Persons Parking Badges (Scotland) Act 2014 (Consequential Provisions) Order 2016/436 art. 3(2) and (3) and art. 4(2)(a) and (b); the Road Traffic Act 1991 (c.40), Part 1, section 35(2), (3) and (4) and schedule 8; the Disability Discrimination Act 2005 (c.13) schedule 1(2) para 41; the Local Government Act 1985 (c.51) section 8, schedule 5, paragraph 1; the Local Government etc. (Scotland) Act 1994 (c.39) schedule 13, para 86; the Transport Act 1982 (c.49) section 68; the Disabled Person's Parking Badges Act 2013 (c.4), sections 1 and 2; the Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013/2042, schedule 1 para 1; and the Disabled Person's Parking Badges (Scotland) Act 2014 asp. 17, sections 2, 3, and 5(2)(a) and (b), (3) and (4). The functions of the Secretary of State under section 21, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) 2018 c.16.

(**c**) S.S.I .2000/59 amended by S.S.I. 2000/170, S.S.I. 2002/451, S.S.I. 2007/162, S.S.I. 2011/89, S.S.I. 2011/410, S.S.I. 2013/65, S.S.I. 2014/145, S.S.I. 2015/9, S.S.I. 2016/72, S.S.I. 2017/118 and 2018/44.

(3) In regulation 11(form of badge)—

(a) for paragraph (1) substitute—

"(1) Paragraph (2) applies in respect of a badge with a date of issue before 1st January 2012, paragraph (3) applies in respect of a badge with a date of issue on or after that date but before 1st April 2019, and paragraph (4) applies in respect of a badge with a date of issue on or after 1st April 2019.",

(b) after paragraph (3), insert—

"(4) A disabled person's badge is in the prescribed form if—

(a) the front and reverse of the badge are in the form shown in—

(i) Part IB of the Schedule in the case of an individual's badge (with the omission of the word "sample" where it appears), or

(ii) Part IIB of the Schedule in the case of an organisational badge (with the omission of the word "sample" where it appears), and

(b) the badge complies with the specifications in Part IIIB of the Schedule.".

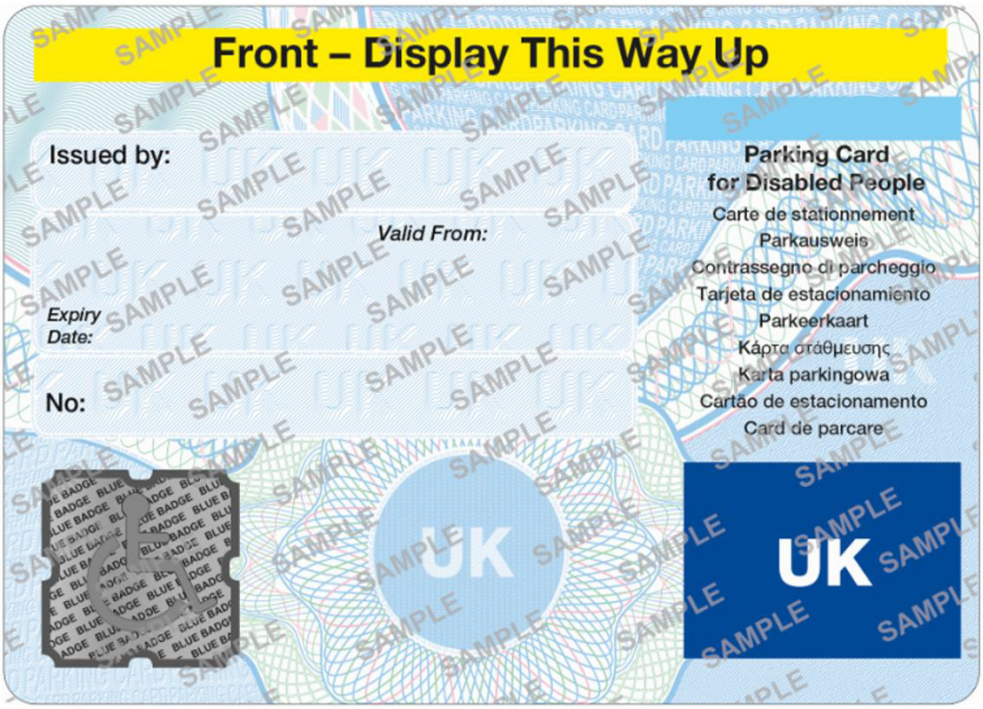
(4) In the schedule—

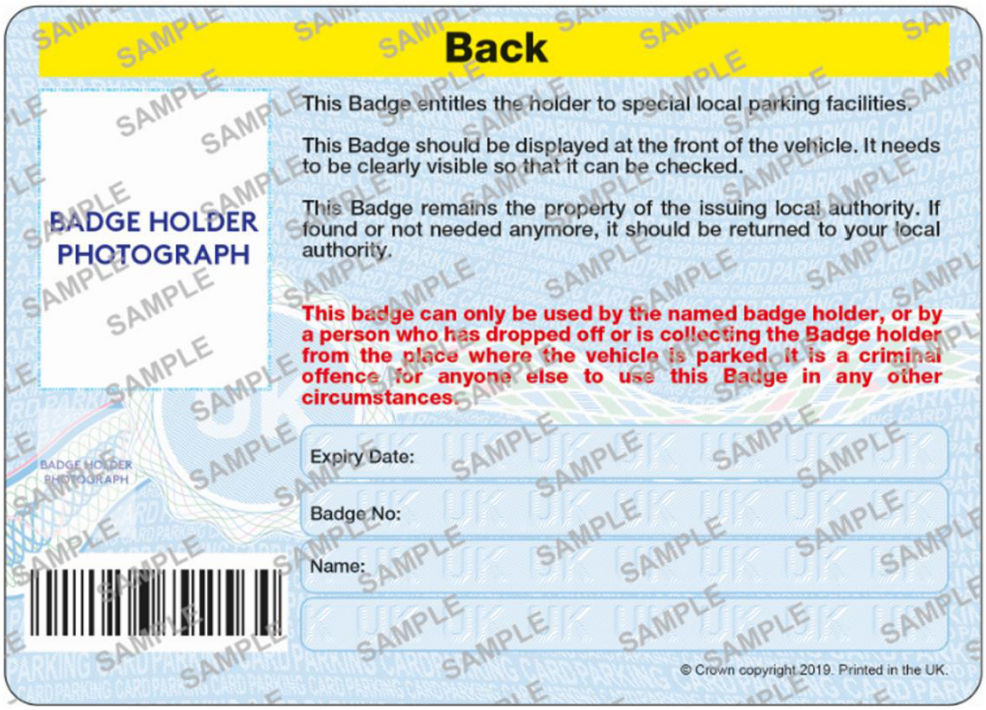
(a) in the heading to Part IA, after "1ST JANUARY 2012" insert "BUT BEFORE 1ST APRIL 2019",

(b) after that Part, insert—

"PART IB

INDIVIDUAL'S BADGE WITH A DATE OF ISSUE ON OR AFTER 1ST APRIL 2019





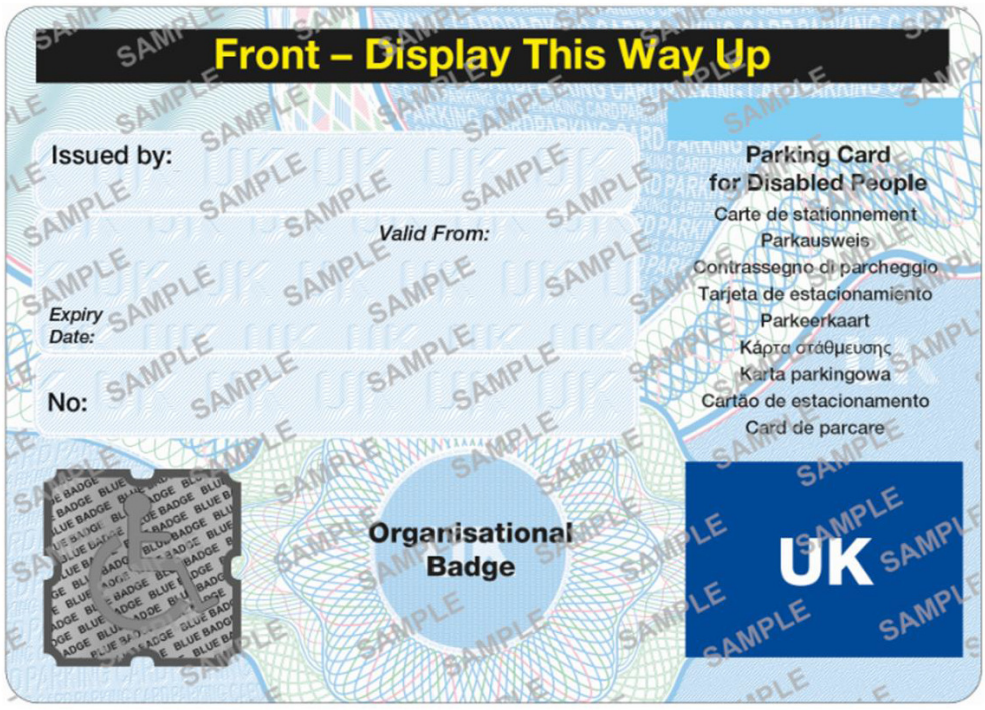
”

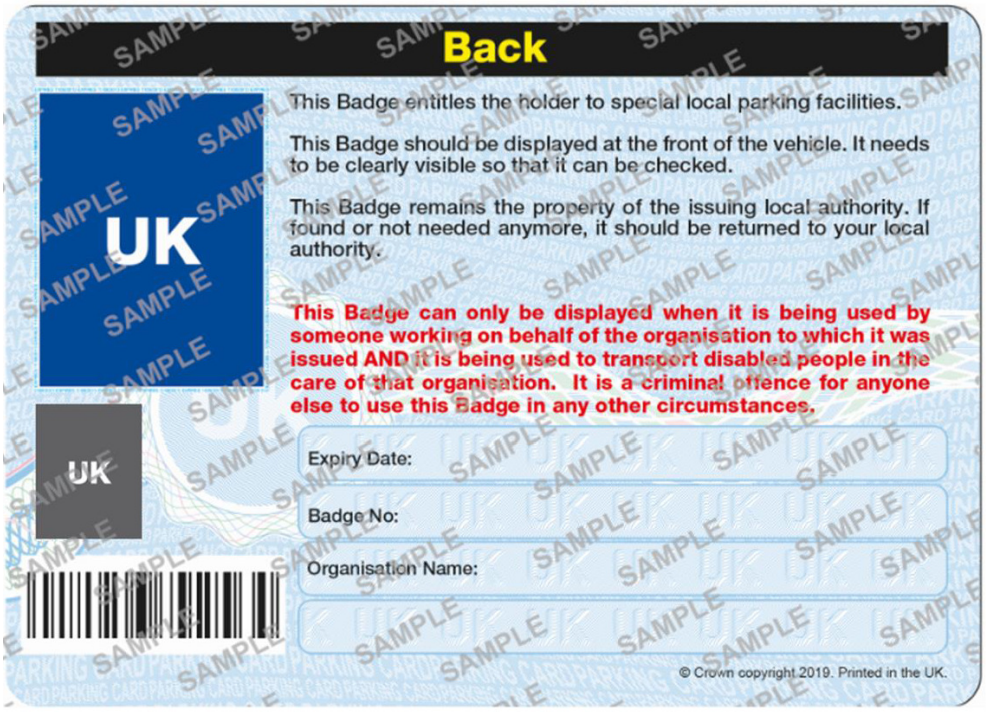
(c) in the heading to Part IIA, after “1ST JANUARY 2012” insert “BUT BEFORE 1ST APRIL 2019”,

(d) after that Part, insert—

“PART IIB

ORGANISATIONAL BADGE (WITH A DATE OF ISSUE ON OR AFTER 1ST APRIL 2019)





”

(e) in the heading to Part IIIA, after “1ST JANUARY 2012” insert “BUT BEFORE 1ST APRIL 2019”,

(f) after that Part, insert—

“PART IIIB

SPECIFICATIONS FOR BADGES (WITH A DATE OF ISSUE ON OR AFTER 1ST APRIL 2019)

All Badges

1. The specifications applicable to all badges are as follows—

(a) the badge must be 106 millimetres in height, 148 millimetres in width (with 5mm radius rounded corners) and 720 microns in thickness, with height and width tolerances of plus or minus 1 millimetre and a thickness tolerance of plus or minus 20 microns,

(b) the badge must be printed with a unique serial number, comprising a series of numbers and letters that identify key information about the badge and the holder, including the consecutive number of each replacement badge issued to the badge holder by the issuing authority,

(c) the rear side of the badge must contain a variable bar code which identifies the expiry date of the badge,

(e) the badge must include such additional security features as will further mitigate the risk of forgery, so far as practicable, preventing the badge from being copied readily and allowing genuine badges to be distinguished from forgeries.

Individual's Badge

2. The additional specifications applicable to an individual's badge are as follows—

(a) the rear side of an individual's badge must contain a close-up digital photograph of the head and shoulders of the badge holder and the photograph must have a strong definition between face and background and must be—

(i) in colour,

(ii) 45 millimetres in height and 35 millimetres in width (passport size),

(iii) taken—

(aa) within the month prior to the date of the application,

(bb) against a light grey or cream background,

(iv) undamaged,

(v) free from 'redeye', shadows, reflection or glare from spectacles,

(vi) of the full head of the holder (without any other person visible or any covering, unless it is worn for religious beliefs or medical reasons)—

(aa) facing forward,

(bb) with nothing covering the face,

(cc) looking straight at the camera,

(dd) with a neutral expression and mouth closed,

(ee) with eyes open and clearly visible (without sunglasses or tinted spectacles and without hair or spectacle frames obscuring the eyes),

(vii) in sharp focus and clear,

(viii) printed professionally or in digital format,

(ix) a true likeness, without amendment,

(b) the rear side of an individual's badge must also contain a version of the digital photograph prescribed in subparagraph (a) which can only be viewed under UV light,

(c) subparagraphs (a) and (b) do not apply to a badge issued pursuant to an application made by a disabled person if the issuing authority is satisfied that the estimated life expectancy of that person is less than six months from the date of the application,

(d) subparagraphs (a)(vi)(cc) and (a)(vi)(dd) do not apply to photographs of children aged five years and under,

(e) the variable bar code on the rear side of the badge must identify the year of birth and (in code) the gender of the holder, and

(f) the serial number printed on the badge must identify the month and year of birth and (in code) the gender of the holder.

Organisational Badge

3. The additional specification applicable to an organisational badge is that the reverse side must contain a colour copy of the logo of the organisation where such a logo exists, which must be 45 millimetres in height and 35 millimetres in width.".

Amendment of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002

3. In regulation 2 (interpretation) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002(**a**) in the definition of "disabled person's badge" omit "other than the United Kingdom".

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
1st April 2019

(**a**) S.S.I. 2002/450.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 ("the 2000 Regulations").

The 2000 Regulations provide for a form of disabled person's badge to be issued in Scotland in line with a Community model parking card as recommended for use by Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities.

The amendments prescribe a new form of disabled person's badge and make other provision in connection with the withdrawal of the United Kingdom from the European Union. The Regulations also amend the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002 to remove a reference to the United Kingdom as a Member State.

The provisions relating to the new form of badge come into force on 1 April 2019 and the other provisions come into force on exit day (within the meaning of section 20(1) of the European Union (Withdrawal) Act 2018 (c.16)).

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen's Printer for Scotland.

£9.75

S201904011018 04/2019 19585

http://www.legislation.gov.uk/id/ssi/2019/128

ISBN 978-0-11-104184-0

9 780111 041840