STATUTORY INSTRUMENTS

1971 No. 1492

ROAD TRAFFIC

The Disabled Persons (Badges for Motor Vehicles) Regulations 1971

Made - - -	*7th September* 1971
Laid before Parliament	*17th September* 1971
Coming into Operation	*1st December* 1971

The Secretary of State for the Environment, the Secretary of State for Scotland and the Secretary of State for Wales, in exercise of their powers under section 21 of the Chronically Sick and Disabled Persons Act 1970(**a**) and of all other enabling powers, hereby make the following Regulations:—

Commencement, citation and interpretation

1.—(1) These Regulations shall come into operation on the 1st December 1971, and may be cited as the Disabled Persons (Badges for Motor Vehicles) Regulations 1971.

(2) In these Regulations—

"the Act of 1967" means the Road Traffic Regulation Act 1967(**b**) as amended by Part IX of the Transport Act 1968(**c**) and as read with section 32 of the Countryside Act 1968(**d**);

"section 21" means section 21 of the Chronically Sick and Disabled Persons Act 1970;

"disabled person's badge" has the meaning assigned to it by Regulation 2 of these Regulations;

"institution" means an institution concerned with the care of the disabled.

(3) Any reference in these Regulations to an order under any particular section of the Act of 1967 includes a reference to an order varying an order made, or having effect as if made, under that section.

(4) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment.

(5) The Interpretation Act 1889(**e**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Form of badge

2. The badge to be issued by local authorities for motor vehicles driven by, or used for the carriage of, disabled persons (hereinafter referred to as a "disabled person's badge") shall—

(**a**) 1970 c. 44.
(**b**) 1967 c. 76.
(**c**) 1968 c. 73.
(**d**) 1968 c. 41.
(**e**) 1889 c. 63.

(*a*) in the case of a badge issued by virtue of Regulation 3 of these Regulations be in the form shown in diagram 1 in Part I of the Schedule to these Regulations ;

(*b*) in the case of a badge issued by virtue of Regulation 4 of these Regulations be in the form shown in diagram 2 of the said Part I ;

(*c*) in the case of a badge issued by virtue of Regulation 5 of these Regulations be in the form shown in diagram 3 in the said Part I,

and shall comply with the specification set out in Part II of the said Schedule.

Description of disabled driver

3. A disabled person shall be eligible to apply for the issue to him of a disabled person's badge for one or more motor vehicles which he drives, if he is a person who—

(*a*) drives a motor vehicle supplied to him by the Department of Health and Social Security or the Scottish Home and Health Department or is in receipt of financial assistance from such a Department towards the installation of hand controls on a motor vehicle ; or

(*b*) drives a motor vehicle which is exempted or is eligible to be exempted from any duty under the Vehicles (Excise) Act 1971(**a**) by virtue of section 4(1)(*g*) or 7(2) thereof ; or

(*c*) has amputation or absence of a limb which causes considerable difficulty in walking ; or

(*d*) suffers from defects of the spine or of the central nervous system or other motor defect which make control of the lower limbs difficult ; or

(*e*) has some other permanent or substantial disability which causes considerable difficulty in walking.

Description of disabled passenger

4. A disabled person shall be eligible to apply for the issue to him of a disabled person's badge for one or more motor vehicles used by him as a passenger if he is a person who—

(*a*) is so incapacitated as to have considerable difficulty in walking and who is in need of constant attention ; or

(*b*) is dependent upon the use of a wheelchair outside his home.

Institution for disabled

5. An institution shall be eligible to apply for the issue to it of a disabled person's badge for any motor vehicle or, as the case may be, for each motor vehicle used by or on behalf of the institution to carry disabled persons, any one of such persons being of a description prescribed in the last preceding Regulation.

Issue of badges for disabled passengers

6. A disabled person's badge may be issued by virtue of Regulation 4 of these Regulations in the case of—

(*a*) a dual-purpose vehicle as defined in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1969(**b**), the registration mark of which has been notified to the issuing authority ; or

(*b*) any other motor vehicle, constructed or adapted for the carriage of not more than 12 passengers (exclusive of the driver) the registration mark of which has been notified to the issuing authority.

(**a**) 1971 c. 10. (**b**) S.I. 1969/321 (1969 I p. 829).

Period of issue of badges and duplicates

7.—(1) A disabled person's badge shall be issued for a period of three years beginning with the date upon which it is issued.

(2) A duplicate badge may be issued, if the badge which it will replace has been lost or stolen or has become so mutilated as to cease to be effectively legible when displayed on a vehicle, and shall be issued only for such period as remains unexpired of the period of issue of the badge which it will replace.

Fee for issue of badge or duplicate badge

8. The fee (if any) which a local authority may charge for the issue of a disabled person's badge or a duplicate thereof shall be an amount not exceeding one pound.

Grounds for refusing to issue badge

9. A local authority may refuse to issue a disabled person's badge only—

(*a*) if an application for a badge (other than a duplicate badge) is not accompanied by a certificate by a medical practitioner or a person authorised in that behalf by the local authority to which the application is made to the effect that the applicant is a disabled driver of a description prescribed by Regulation 3 or a disabled passenger of a description prescribed by Regulation 4 of these Regulations, or that the institution named in the application is concerned with the care of disabled persons of a description prescribed by Regulation 4 of these Regulations ; or

(*b*) if an applicant of a description prescribed by Regulation 3 of these Regulations applying for a disabled person's badge (other than a duplicate badge) fails to produce for inspection by an officer of the authority a current driving licence authorising him to drive the motor vehicle or motor vehicles for which the badge is required ; or

(*c*) if a badge already issued to an applicant has become due for return to the issuing authority in any of the circumstances specified in Regulation 10(*g*) or (*h*) of these Regulations ; or

(*d*) if an applicant fails to pay the fee (if any) chargeable for the issue of the badge.

Return of badge to issuing authority

10. A disabled person's badge (including a duplicate badge) shall be returned immediately to the issuing authority on the occurrence of any of the following circumstances—

(*a*) if it ceases to be required for the motor vehicle or all the motor vehicles in respect of which it was issued ;

(*b*) on expiry of the period for which it was issued ;

(*c*) on the death of the holder where the holder is other than an institution ;

(*d*) if the holder, being a disabled driver, ceases to be eligible to obtain a badge under Regulation 3 of these Regulations ;

(*e*) if the holder, being a disabled passenger, ceases to be eligible to obtain a badge under Regulation 4 of these Regulations ;

(*f*) if an institution to which a badge has been issued ceases to be concerned with the care of disabled persons of a description prescribed by Regulation 4 of these Regulations ;

(*g*) if the badge has been obtained by a false representation;

(*h*) if it is displayed on a motor vehicle at times when the vehicle is not being used by a disabled driver of a description prescribed by Regulation 3 or for the carriage of a disabled passenger of a description prescribed by Regulation 4 or by an institution to carry disabled persons of a description prescribed by Regulation 4 of these Regulations; and

(*i*) where a duplicate badge has been issued to replace a badge lost or stolen, if the badge replaced is subsequently found or recovered it shall be so returned.

Validity of badges issued under section 29 *National Assistance Act* 1948 *or otherwise*

11. Any badge issued, either by a local authority as defined in section 21(8) or under powers delegated by such an authority, before the coming into operation of these Regulations in pursuance of any scheme having effect under section 29 of the National Assistance Act 1948(**a**) or any similar scheme having effect in Scotland shall continue to be valid for a period of two years from the date these Regulations come into operation and a badge so issued (hereafter referred to as "a scheme badge") shall have effect (except for the purpose of issue of a duplicate thereof under these Regulations) as if it were a disabled person's badge issued by such an authority to a disabled driver within the meaning of Regulation 3 of these Regulations notwithstanding that the scheme badge does not comply as to form, or period of issue, or in any other respect with a badge issued in accordance with these Regulations.

Transitional provisions

12. Any orders made before the coming into operation of these Regulations, being orders made or having effect as if made under section 1, 6, 9, 31, 35, or 36 of the Act of 1967, and containing a provision operating with reference to scheme badges borne by vehicles or a class of vehicles shall—

(*a*) for a period of two years from the date these Regulations come into operation apply and operate as if in that provision there were included a reference to disabled persons' badges borne by vehicles or, as the case may require, the same class of vehicles and displayed on a vehicle in the relevant position; and

(*b*) at the expiry of the said period apply and operate as if in that provision for the reference to scheme badges borne by vehicles or a class of vehicles there were substituted a reference to disabled persons' badges borne by vehicles or, as the case may require, the same class of vehicles and displayed on a vehicle in the relevant position.

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—

(i) 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

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

(**a**) 1948 c. 29.

Signed by authority of the Secretary of State.
Dated 7th September 1971.

R. Graham Page,
Minister for Local Government and Development,
Department of the Environment.

Gordon Campbell,
Secretary of State for Scotland.

Dated 7th September 1971.

Peter Thomas,
Secretary of State for Wales.

Dated 7th September 1971.

SCHEDULE (see Regulation 2)

PART I

Diagram 1

Form of badge for disabled driver

OBVERSE	REVERSE
DISABLED DRIVER Registration Mark(s)..... of vehicle(s)..... Name of holder..... CAPITALS The driver of this vehicle suffers from a severe physical handicap which impairs mobility ..... Town Clerk/Clerk of the Council .....Council Valid until..... Serial No.....	CONDITIONS THIS BADGE 1. is for use by the holder only, 2. does not in itself confer any legal right to wait in places where waiting is restricted, 3. may be displayed on a vehicle ONLY while it is being used by the holder. The vehicle should be moved if a police officer in uniform or a traffic warden so requests. MISUSE can lead to withdrawal of the badge. (*Official Stamp of issuing authority*)

Diagram 2

Form of badge for disabled passenger

OBVERSE	REVERSE
DISABLED PASSENGER Registration Mark(s)..... of vehicle(s)..... The driver of this vehicle is conveying Name of holder..... CAPITALS who suffers from a severe physical handicap which impairs mobility ..... Town Clerk/Clerk of the Council ..... Council Valid until..... Serial No.....	CONDITIONS THIS BADGE 1. is for use by the holder only, 2. does not in itself confer any legal right to wait in places where waiting is restricted, 3. may be displayed on a vehicle ONLY while it is being used for the carriage of the person named on the front of the badge. The vehicle should be moved if a police officer in uniform or a traffic warden so requests. MISUSE can lead to withdrawal of the badge. (*Official Stamp of issuing authority*)

Diagram 3

Form of badge for institution

OBVERSE	REVERSE
INSTITUTION FOR DISABLED Registration Mark(s)..... of vehicle(s)..... The driver of this vehicle is conveying a severely handicapped passenger or passengers on behalf of Name of holder ..... CAPITALS .... Town Clerk/Clerk of the Council ..... Council Valid until ..... Serial No.....	CONDITIONS THIS BADGE 1. is for use by the holder only, 2. does not in itself confer any legal right to wait in places where waiting is restricted, 3. may be displayed on a vehicle ONLY while it is being used for the carriage of disabled passengers. The vehicle should be moved if a police officer in uniform or a traffic warden so requests. MISUSE can lead to withdrawal of the badge. (*Official Stamp of issuing authority*)

PART II

Specification

The badge shall—

(*a*) be square or oblong in shape and no more than 9 cm in width or 9 cm in length;

(*b*) contain the particulars shown in any of the diagrams in Part I of this Schedule printed in black;

(*c*) otherwise on the obverse side be coloured orange; and

(*d*) in the case of a duplicate badge be marked "Duplicate" on the obverse side.

EXPLANATORY NOTE

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

These Regulations prescribe certain matters in connection with the issue by local authorities under section 21 of the Chronically Sick and Disabled Persons Act 1970 of badges for display on motor vehicles used by disabled persons as drivers or passengers.

Regulation 2 and the Schedule prescribe the form of the badge which may be issued.

Regulations 3, 4 and 5 prescribe the descriptions of persons (including an institution concerned with the care of the disabled) to whom badges may be issued.

Regulations 6 to 10 deal with the vehicles for which badges for disabled passengers may be issued, the period for which badges may be issued, the fees, the grounds for refusal of badges and the circumstances in which they are to be returned to a local authority.

Regulation 11 provides for the continued validity for two years of disabled drivers' badges issued in pursuance of schemes under section 29 of the National Assistance Act 1948 or similar schemes in Scotland.

Regulation 12 provides that, where certain existing orders under the Road Traffic Regulation Act 1967 relating to the waiting or parking of vehicles on roads contain exempting provisions applying by reference to vehicles bearing disabled drivers' badges, those provisions shall also apply by reference to disabled persons' badges (including disabled passengers' badges) issued under these Regulations.