Draft Order laid before Parliament under paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2016 No.

CONSTITUTIONAL LAW

The Disabled Persons' Parking Badges (Scotland) Act 2014 (Consequential Provisions) Order 2016

Made - - - -

Coming into force in accordance with article 1(b)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) of the Scotland Act 1998(**a**).

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order—

(a) may be cited as the Disabled Persons' Parking Badges (Scotland) Act 2014 (Consequential Provisions) Order 2016; and

(b) comes into force on the day after the day on which it is made.

Extent and interpretation

2.—(1) Articles 1, 2 and 4 extend to England and Wales, and Scotland.

(2) Article 3 extends to England and Wales only.

(3) In this Order "the 1970 Act" means the Chronically Sick and Disabled Persons Act 1970(**b**).

Section 21 of the 1970 Act: form of badge (England and Wales)

3.—(1) Section 21 of the 1970 Act is amended as follows.

(2) For paragraph (b) of subsection (1A)(**c**) substitute—

"(b) of a form which fulfils any requirements as to form prescribed or otherwise specified by the Scottish Ministers, in the case of a badge issued by a local authority in Scotland.".

(**a**) 1998 c.46.
(**b**) 1970 c.44.
(**c**) Subsection (1A) was inserted by the Disabled Persons' Parking Badges Act 2013 (c.4), section 1(3) (England and Wales and Scotland) and amended by the Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), section 1 (Scotland).

(3) In subsection (7AB)(**a**), the words "in England and Wales" are omitted.

Section 21 of the 1970 Act: enforcement (England and Wales, and Scotland)

4.—(1) Section 21 of the 1970 Act is amended as follows.

(2) In subsection (8C)(**b**)—

(a) omit "(4BB)(**c**) or"; and

(b) after "(8)" insert "or in the definition of "enforcement officer"".

Name
Secretary of State for Scotland
Scotland Office

Date

(**a**) Subsection (7AB) was inserted by the Disabled Persons' Parking Badges Act 2013, section 2(2) (England, Wales and Scotland).

(**b**) Subsection (8C) was inserted by the Disabled Persons' Parking Badges Act 2013, section 6 (England, Wales and Scotland).

(**c**) Subsection (4BB) was inserted (1) by the Traffic Management Act 2004 (c.18), section 94 and amended by the Disabled Persons' Parking Badges Act 2013, section 4(2) (England and Wales) and (2) by the Transport (Scotland) Act 2001 (asp 2), section 73 (Scotland).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Disabled Persons' Parking Badges (Scotland) Act 2014 (the "2014 Act"). Relevant to this Order, the 2014 Act amends section 21 of the Chronically Sick and Disabled Persons Act 1970 (the "1970 Act") as it extends to Scotland.

Articles 1 and 2 make provision as to citation, commencement, extent and interpretation.

Badges issued by local authorities in Scotland are recognised in England and Wales (section 21(1A) of the 1970 Act). Article 3(2) provides in relation to England and Wales, that badges issued by a local authority in Scotland are in valid form where they fulfil the same requirements prescribed or specified by the Scottish Ministers as apply in Scotland by virtue of section 21(1A)(b) of the 1970 Act as amended by the 2014 Act, section 1.

Section 21(7AB) of the 1970 Act, amended in relation to Scotland by the 2014 Act, section 2, provides that Scottish local authorities are able in certain circumstances to cancel badges which they have issued. Article 3(3) provides that such cancellation is also effective in relation to England and Wales.

Article 4 corrects an erroneous cross-reference in section 21(8C) of the 1970 Act. That provision glosses, subject to exceptions, references in section 21 to local authorities so that they include the Secretary of State. One exception is section 21(4BB) which, in relation to England and Wales, was inserted by section 94 of the Traffic Management Act 2004 and defines the expression "enforcement officer". In relation to Scotland, a different subsection (4BB) was inserted by section 73 of the Transport (Scotland) Act 2001. The definition of "enforcement officer" in relation to Scotland, is in section 21(8A) which was inserted by the 2014 Act, section 5(4).

Article 4 of the Order amends section 21(8C) in relation to England, Wales and Scotland so that its gloss of references to local authorities does not apply in the definition of "enforcement officer" as it extends to England, Wales or Scotland.

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