

2013 No. 2203

ROAD TRAFFIC, ENGLAND

**The Disabled Persons (Badges for Motor Vehicles) (England)
(Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>3rd September 2013</i>
<i>Laid before Parliament</i>		<i>10th September 2013</i>
<i>Coming into force</i>	- -	<i>8th October 2013</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970(a), now vested in him(b).

Citation and commencement

1. These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013 and come into force on 8th October 2013.

Amendment of Regulations

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

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “disabled person’s badge”, for “a badge in the form prescribed by regulation 11” substitute “a badge of a form specified or approved by the Secretary of State and”; and

(ii) in the definition of “local authority”, after the word “means”, insert “, subject to paragraph (1B)(a),”;

(b) after paragraph (1A), insert—

“(1B) Where section 21(8B) of the 1970 Act has effect—

(a) a reference in these Regulations to a local authority is to be read as including a reference to the Secretary of State; and

(a) 1970 c.44; section 21, so far as it relates to England, was amended by the Local Government Act 1972 (c.70) Schedule 30; the Transport Act 1982 (c.49) section 68; the Road Traffic Regulation Act 1984 (c.27) Schedule 13, paragraph 11; the Local Government Act 1985 (c.51) Schedule 5, paragraph 1; the Road Traffic Act 1991 (c.40) section 35, Schedule 8; the Traffic Management Act 2004 (c.18) section 94(1) to (4); the Disability Discrimination Act 2005 (c.13) Schedule 1, Part 2, paragraph 41; the Tribunals, Courts and Enforcement Act 2007 (c.15) section 48(1), Schedule 8, paragraph 2; and the Disabled Persons’ Parking Badges Act 2013 (c.4) sections 1 to 6.

(b) See S.I. 1970/1681.

(c) S.I. 2000/682; relevant amending instruments are S.I. 2000/1507, 2005/617, 2007/2531, 2011/1307, 2011/2675 and 2013/388.

(b) paragraph (2)(b)(i) of regulation 8 has effect as if “a place prescribed under section 21(8B) of the 1970 Act” were substituted for “the area of that local authority”.

(3) In regulation 8 (grounds for refusal to issue a badge), in paragraph (2)(f), 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(a) of that Act”.

(4) In regulation 9 (return of badge to issuing authority) —

(a) in paragraph (1)(f), omit “or another valid badge is issued to the holder by another issuing authority”;

(b) after paragraph (1)(f), insert —

“(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 shall 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).”.

(d) in paragraph (2)—

(i) omit “Subject to the provisions of regulation 10”;

(ii) omit “within the prescribed period”; and

(iii) insert “immediately” before “if”.

(e) omit paragraphs (3) and (4).

(5) For regulation 10 (appeals) substitute—

“Parking badges for disabled service personnel etc overseas

10. For the purpose of section 21(8B) of the 1970 Act, the prescribed places outside the United Kingdom comprise any property at any address in any of the localities listed in the schedule to these Regulations.”

(6) In the heading to Part III, omit “Form and”.

(7) Omit regulation 11 (form of badge).

(8) For the Schedule substitute the Schedule to these Regulations.

Saving

3. The substitution made by regulation 2(5) does not apply in respect of any appeal saved by section 5(4) of the Disabled Persons’ Parking Badges Act 2013.

Signed by authority of the Secretary of State

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

3rd September 2013

(a) Section 21A was inserted into the 1970 Act by section 9 of the Disability Discrimination Act 2005.

SCHEDULE

Regulation 2(8)

Substituted Schedule to the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

“SCHEDULE

Regulation 10

Places outside the United Kingdom

Argentina

Buenos Aires

Ascension Island

Australia

Canberra

Austria

Vienna

Bahrain

Manama

Bangladesh

Dhaka

Belgium

Brussels

Glons

Mons

Soignies

Bosnia & Herzegovina

Sarajevo

Brazil

Brasilia

Belize

Ladyville

Brunei

Bandar Seri Begawan

Seria

Canada

Ottawa

Suffield

Chile

Santiago

China

Beijing

Colombia

Bogota

Cyprus

Akrotiri – the Sovereign Base Area

Dhekelia – the Sovereign Base Area

Nicosia Airport

Czech Republic

Prague

Vyskov

Denmark

Copenhagen

Viborg

Diego Garcia**Egypt**

Cairo

Estonia

Tallinn

Ethiopia

Addis Ababa

Italy

Latina

Milan

Naples

Poggio Renatica

Rome

Turin

Verona

Falkland Islands**France**

Lille

Paris

Germany

Baden-Württemberg

Bayern (Bavaria)

Berlin

Brandenburg

Hamburg

Hessen (Hesse)

Niedersachsen (Lower Saxony)
Nordrhein-Westfalen (North Rhine-Westphalia)
Rheinland-Pfalz (Rheinland-Palatinate)
Sachsen (Saxony)
Schleswig-Holstein

Ghana

Accra

Gibraltar

Greece

Athens

Larissa

India

New Delhi

Indonesia

Jakarta

Israel

Tel Aviv

Jamaica

Kingston

Japan

Tokyo

Jordan

Amman

Kazakhstan

Astana

Kenya

Nairobi

Nanyuki

Korea

Seoul

Kuwait

Kuwait City

Lebanon

Beirut

Macedonia

Skopje

Malaysia

Kuala Lumpur

Morocco

Rabat

Nepal

Kathmandu

Netherlands

Brunssum

The Hague

New Zealand

Wellington

Nigeria

Abuja

Norway

Bodo

Oslo

Stavanger

Oman

Muscat

Pakistan

Islamabad

Poland

Warsaw

Portugal

Monsanto

Lisbon

Qatar

Doha

Romania

Bucharest

Russia

Moscow

Saudi Arabia

Riyadh

Serbia

Belgrade

Sierra Leone

Freetown

Singapore

South Africa

Pretoria

Spain

Albacete
Madrid
Valencia

Sudan

Khartoum

Sweden

Stockholm

Turkey

Ankara
Istanbul
Izmir

Uganda

Kampala

Ukraine

Kyiv

United Arab Emirates

Abu Dhabi
Dubai

United States of America

Nevada
New York
Virginia
Washington D.C

Zimbabwe

Harare”

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 amends the Principal Regulations for the purpose of implementing the Disabled Persons' Parking Badges Act 2013 ("the 2013 Act"), which amends section 21 of the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act") and clarifying the application of certain provisions of the Principal Regulations, as follows—

Paragraph (2) amends the definition of "disabled person's badge" in consequence of the amendment of section 21 of the 1970 Act such that badges must now be in a form specified or approved by the Secretary of State, instead of prescribed by regulations ("the badge form amendment"). It also amends or modifies references in the Principal Regulations to a local authority or to residence in the area of a local authority, for the purpose of a new power introduced by the 2013 Act for the Secretary of State to issue badges to members of HM Armed Forces and certain other persons who are resident in prescribed places ("the Armed Forces amendment").

Paragraph (3) clarifies the provisions of the Principal Regulations which enable an authority to deny the issue of a badge in circumstances in which the applicant already holds a badge issued by another authority, such that they also apply to recognised badges issued outside Great Britain.

Paragraph (4) 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 recognised badges issued outside Great Britain. 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; and omits provisions of the Principal Regulations concerning appeals, consequent upon the disapplication in England by the 2013 Act of the right to appeal to the Secretary of State.

Paragraph (5) omits further provisions concerning appeals; and substitutes a provision which prescribes places of residence for the purpose of the Armed Forces amendment.

Paragraph (7) omits provisions made redundant by the badge form amendment.

Paragraph (8) omits a Schedule made redundant by the badge form amendment; and substitutes a new Schedule listing the locations in which places of residence may be located for the purpose of the Armed Forces amendment.

These amendments do not have any impact on the costs of business or the voluntary sector. This instrument and the accompanying Explanatory Memorandum are published on www.legislation.gov.uk.

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