WELSH STATUTORY INSTRUMENTS

2013 No. 438 (W.54)

ROAD TRAFFIC, WALES

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

Made - - - -	*27 February 2013*
Laid before the National Assembly for Wales - -	*5 March 2013*
Coming into force - -	*8 April 2013*

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 and application

1.—(1) The title of these Regulations is the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2013 and they come into force on 8 April 2013.

(2) These Regulations apply in relation to Wales.

Amendment of Regulations

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000(**4**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation), insert the following definitions in the appropriate places in alphabetical order—

> ""the 2013 Regulations" ("*Rheoliadau 2013*") means the Social Security (Personal Independence Payment) Regulations 2013(**5**);"
>
> ""assessment" ("*asesiad*") has the same meaning as in regulation 2 of the 2013 Regulations;".

(3) In regulation 4 (descriptions of disabled persons), in paragraph (2)—

(**1**) 1970 c. 44.
(**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**) S.I 2000/1786 (W.123).
(**5**) S.I. 2013/377.

(a) at the end of sub-paragraph (e), for the full stop, substitute a semi-colon;

(b) at the end of sub-paragraph (f) for the full stop substitute a semi-colon; and

(c) after sub-paragraph (f) insert—

"(g) receives the mobility component of personal independence payment having undertaken an assessment and obtained a score—

(i) of at least 12 points in relation to the "planning and following journeys" activity; or

(ii) of at least 8 points in relation to the "moving around" activity,

as set out in Part 3 of Schedule 1 to the 2013 Regulations".

(4) In regulation 6 (fee for issue and period of issue of a badge), in paragraph (4)(b)—

(a) for "or 4(2)(d)" substitute ", 4(2)(d) or 4(2)(g)"; and

(b) in paragraph (ii) for "or the mobility supplement" substitute ", the mobility supplement or the mobility component of personal independence payment".

(5) After regulation 9 insert—

"**Transitional provision**

9A.—(1) Where a person satisfies paragraph (2)—

(a) the person is to be treated as being a disabled person for the purposes of regulation 7; and

(b) regulation 9(1)(c) does not apply to the person,

until the expiration of the period for which the disabled person's badge referred to in paragraph (2)(b)(i) was issued.

(2) A person satisfies this paragraph if—

(a) the entitlement of the person to disability living allowance terminates in accordance with the 2013 Regulations;

(b) on the last day on which the person is entitled to disability living allowance the person—

(i) is in possession of a disabled person's badge which has been issued in accordance with these Regulations, and

(ii) is a disabled person for the purposes of these Regulations by virtue of satisfying regulation 4(1) and (2)(a);

(c) with effect from the following day the person is no longer a disabled person for the purposes of these Regulations because the person does not satisfy regulation 4(1)(a) and (2)(a); and

(d) the period for which the badge mentioned in sub-paragraph (b) was issued has not yet expired."

(6) In the Schedule, Part IIIA, paragraph 2—

(a) in sub-paragraph (a) for "paragraphs (b) and (c)" substitute "paragraphs (b), (c), (ca) and (cb).";

(b) after sub-paragraph (c) insert—

"(ca) where, by reason of their disability a person is unable to satisfy any of the requirements of—

(i) paragraph (a)(vi)(cc);