SCOTTISH STATUTORY INSTRUMENTS

# 2002 No. 450

# ROAD TRAFFIC

## The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002

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| *Made - - - -* | *3rd October 2002* |
| *Laid before the Scottish Parliament - - - -* | *4th October 2002* |
| *Coming into force - -* | *8th November 2002* |

The Scottish Ministers, in exercise of the powers conferred by section 124 of, and paragraphs 21, 22(1)(d) and 25 of Part III of Schedule 9 to, the Road Traffic Regulation Act 1984 ("the 1984 Act"), as read with section 22 of the 1984 Act(**1**) and section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970(**2**) and of all other powers enabling them in that behalf, and after consultation with representative organisations in accordance with section 134(2) of the 1984 Act, hereby make the following Regulations:

### Citation, commencement and revocation

**1.**—(1) These Regulations may be cited as the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002 and shall come into force on 8th November 2002.

(2) The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2000(**3**) are hereby revoked.

### Interpretation

**2.**—(1) In these Regulations–

"the 1970 Act" means the Chronically Sick and Disabled Persons Act 1970;

"the 1984 Act" means the Road Traffic Regulation Act 1984;

(**1**) 1984 c. 27; paragraph 25 of Schedule 9 was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 93(45)(b) and by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 80(6). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) 1970 c. 44; section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 30; by the Local Government (Scotland) Act 1973 (c. 65), Schedule 14; by the Transport Act 1982 (c. 49), section 68; by the Road Traffic Regulation Act 1984 (c. 27), Schedule 13, paragraph 11; by the Local Government Act 1985 (c. 51), Schedule 5; by the Road Traffic Act 1991 (c. 40), section 35, Schedule 8; by the Local Government (Wales) Act 1994 (c. 19), Schedule 10, paragraph 8; by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 86 and by the Transport (Scotland) Act 2001 (asp 2), section 73.

(**3**) S.S.I. 2000/60.

"the Badges Regulations" means the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(**4**);

"bus lane" has the meaning given by regulation 23(3) of the Traffic Signs Regulations and General Directions 1994(**5**);

"cycle lane" has the meaning given by regulation 4 of the Traffic Signs Regulations and General Directions 1994;

"disabled person's badge" means a badge which was–

(a) issued, or has effect as if issued, to a disabled person or an institution under the Badges Regulations or under regulations having effect in England or Wales under section 21 of the 1970 Act;

(b) issued under a provision of the law of Northern Ireland corresponding to section 21 of the 1970 Act; or

(c) issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under section 21 of the 1970 Act are issued,

and has not ceased to be in force;

"hours of operation" in relation to a bus lane or a cycle lane means the periods during which the restrictions, by virtue of which it is a bus lane or cycle lane, apply; and

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**6**).

(2) In these Regulations–

(a) a reference to an order which includes a provision of a specified kind includes a reference to an order which applies a provision of that kind in an existing order; and

(b) a reference to an order made under any provision of the 1984 Act includes a reference to an order having effect as if made under that Act and to an order varying or revoking an order made or having effect as if made under that Act.

### Meaning of "relevant position"

**3.** A vehicle displays a disabled person's badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Badges Regulations.

### Application

**4.** These Regulations apply to any order made in relation to a road by a local authority under section 1, 9, 35, 45 or 46 of the 1984 Act.

### Exemption in favour of vehicles displaying disabled person's badges

**5.**—(1) The following provisions of these Regulations have effect for requiring local authorities to include, in orders to which these Regulations apply, exemptions in favour of a vehicle displaying a disabled person's badge.

(2) Any exemption from a provision which these Regulations require to be included in an order may be limited to vehicles of the same class as those to which the provision applies.

(**4**) S.S.I. 2000/59, amended by S.S.I. 2000/170.
(**5**) S.I.1994/1519.
(**6**) 1994 c. 39.