WELSH STATUTORY INSTRUMENTS

2012 No. 309 (W.50)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2012

Made - - - -	*7 February 2012*
Laid before the National Assembly for Wales - -	*8 February 2012*
Coming into force - -	*1 March 2012*

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) These regulations are called the Disabled Persons (Badges for otor Vehicles) (Wales) (Amendment) Regulations 2012 and come into force on 1 March 2012.

(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 (9).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of "the 1984 Act" insert—

""date of issue" ("*dyddiad rhoi*") means, the date on which a disabled person's badge is first valid for use;"

(b) replace paragraph (3) with—

(**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, 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, Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**4**) S.I. 2000/1786 (W.123).

"(3) In these Regulations "relevant conviction" ("*collfarn berthnasol*") means any conviction for an offence specified in paragraph (4) committed in relation to a disabled person's badge of—

(a) the holder of that badge; or

(b) any other person using that badge with the knowledge of the holder at any time during which the offence was being committed."; and

(c) replace paragraph (4) with—

"(4) The offences mentioned in paragraph (3) are any offence—

(a) under section 21(4B) of the 1970 Act;

(b) under section 115 or 117 of the 1984 Act; or

(c) involving dishonesty or deception under any other provision of the 1970 Act, of the 1984 Act or of any other legislation applicable in the United Kingdom, or any part of the United Kingdom.".

(3) In regulation 4 (descriptions of disabled persons) in paragraph (1)(a) replace "3" with "2".

(4) In regulation 6 (fee for issue and period of issue of a badge)—

(a) replace paragraph (1) with—

"(1) In the case of an individual's badge which has a date of issue on or after 1 April 2012, a local authority may not charge a fee for the issue of a badge where—

(a) the applicant has not previously held a disabled person's badge; or

(b) the applicant is applying to renew an existing disabled person's badge, where that badge has expired or is about to expire."

(b) after paragraph (1) insert—

"(2) In the case of an organisational badge which has a date of issue on or after 1 April 2012, a local authority may not charge a fee of more than £10 for the issue of a badge where—

(a) the applicant has not previously held a disabled person's badge; or

(b) the applicant is applying to renew an existing disabled person's badge, where that badge has expired or is about to expire."

(c) After paragraph (2) insert—

"(3) In the case of a replacement individual's badge or a replacement organisational badge issued in accordance with regulation 7 which has a date of issue on or after 1 April 2012, a local authority may not charge a fee of more than £10 for the issue of that replacement badge."

(d) re-number existing paragraph (2) as paragraph(4).

(5) In regulation 7—

(a) for the heading substitute "Replacement badges";

(b) in paragraph (1)—

(i) after the word "vehicle" insert "or which otherwise prevents it from being identified correctly or distinguished from a forgery"; and

(ii) replace "with the word "duplicate" marked on the front" with "in a form which identifies by consecutive numbering each successive badge issued to the disabled person or organisation (as the case may be) by the issuing authority.".

(6) In regulation 8 (grounds for refusal to issue a badge)—

(a) in paragraph (2)(a)—

(i) delete "or under the 1982 Regulations"; and

(ii) replace "at least three relevant convictions" with "a relevant conviction";

(b) at the end of paragraph (2)(b)(i) insert "or that he or she is resident in the area of that local authority";

(c) at the end of paragraph (2)(c) delete "or"; and

(d) after paragraph (2)(d)(ii) insert—

"(e) the applicant already holds a valid badge which has been issued by another issuing authority.".

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

(a) at the end of paragraph (1)(e) insert "or has suffered any other damage which otherwise prevents it from being identified correctly or distinguished from a forgery";

(b) at the end of paragraph (1)(f) insert "or another valid badge is issued to the holder by another issuing authority.";

(c) in paragraph (2)(a) replace "at least three relevant convictions" with "a relevant conviction"; and

(d) at the end of paragraph (2)(b) insert "or that the holder has purported to transfer the badge to another person".

(8) Replace regulation 11 (form of badge) with—

"**Form of badge**

11.—(1) Paragraph (2) applies in respect of a badge with a date of issue before 1 April 2012 and paragraph (3) applies in respect of a badge with a date of issue on or after that date.

(2) A disabled person's badge is in the prescribed form if—

(a) the front and reverse of the badge are in the form shown in—

(i) Part I of the Schedule in the case of an individual's badge; or

(ii) Part II of the Schedule in the case of an organisational badge; and

(b) the badge complies with the specifications in Part III of the Schedule.

(3) A disabled person's badge is in the prescribed form if—

(a) the front and reverse of the badge are in the form shown in—

(i) Part IA of the Schedule in the case of an individual's badge (with the omission of the word "sample" where it appears); or

(ii) Part IIA of the Schedule in the case of an organisational badge (with the omission of the word "sample" where it appears); and

(b) the badge complies with the specifications in Part IIIA of the Schedule."

(9) In the Schedule—

(a) in the heading to Part I, delete the words "Form of";

(b) after the heading "Individual's Badge", insert (with a date of issue before 1 April 2012)";

(c) after Part I, insert the provision set out in Schedule 1 to these Regulations;

(d) in the heading to Part II delete the words "Form of";

(e) after the heading "Organisational Badge", insert "(with a date of issue before 1 April 2012)";

(f) after Part II, insert the provision set out in Schedule 2 to these Regulations;

(g) in Part III (Specifications for Badge), after the heading "Specifications for Badge", insert "(with a date of issue before 1 April 2012)"; and

(h) after Part III, insert the provision set out in Schedule 3 to these Regulations.

Carl Sargeant
Minister for Local Government and
Communities, one of the Welsh Ministers

7 February 2012