WELSH STATUTORY INSTRUMENTS

2011 No. 1588 (W.183)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2011

Made - - - -	*22 June 2011*
Laid before the National Assembly for Wales - -	*29 June 2011*
Coming into force - -	*1 August 2011*

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by section 21 of the Chronically Sick and Disabled Persons Act 1970(**1**) and now vested in them(**2**) make the following Regulations.

Title, commencement and application

1.—(1) These Regulations are called the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2011 and come into force on 1 August 2011.

(2) These Regulations apply in relation to Wales.

Preliminary

2. The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000(**3**) are amended as follows.

Interpretation of the 2000 Regulations

3.—(1) Regulation 2(1) is amended as follows—

(i) omit the definition of "the 1982 Regulations";

(ii) in the definition of "disabled person" omit the words "more than two years old and";

(iii) in the English text of the definition of "holder" for "institution" substitute "organisation";

(iv) in the English text the definitions of "institution" and "institutional badge" are omitted;

(**1**) 1970 c. 44

(**2**) 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)

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

(v) in the English text the word "and" immediately following the definition of "issuing authority" is omitted;

(vi) in the English text after the definition of "local authority" insert—

""organisation" ("*sefydliad*") means an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued in accordance with section 21(4) of the 1970 Act; and

"organisational badge" ("*bathodyn sefydliad*") means a disabled person's badge issued to an organisation."

Revocation of spent provisions of the 2000 Regulations

4.—(1) Regulation 3 is amended as follows.

(2) Paragraphs (1) and (2) are omitted.

(3) The heading accordingly becomes "Transitional provision".

Descriptions of disabled persons

5.—(1) Regulation 4 is amended as follows.

(2) For paragraph (1) substitute—

"(1) The prescribed descriptions of disabled person to whom a disabled person's badge may be issued are—

(a) a person who is more than 3 years old and falls within one or more of the descriptions specified in paragraph (2);

(b) a person who is not more than 3 years old and falls within either or both of the descriptions specified in paragraph (3)."

(3) In paragraph (2)—

(a) After "descriptions" insert "referred to in paragraph (1)(a)";

(b) In subparagraph (b)—

(i) the words "uses a motor vehicle supplied by the Department of Social Security or the Scottish Executive or" are omitted; and

(ii) for "section 5(2)(a) of the National Health Service Act 1977", substitute "paragraph 10(3) of Schedule 1 to the National Health Service Act 2006(**4**) and paragraph 10(3) of Schedule 1 to the National Health Service (Wales) Act 2006(**5**) ";

(c) after paragraph (2)(d) insert—

"(dd) has—

(i) received a lump sum benefit under article 15(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**6**) within tariff levels 1 to 8 (inclusive); and

(ii) been certified by the Secretary of State as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking;".

(d) for subparagraph (e) substitute—

(**4**) 2006 c. 41
(**5**) 2006 c. 42
(**6**) S.I. 2011/517

"(e) drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter.".

(4) After paragraph (2) insert the following paragraphs—

"(3) The descriptions referred to in paragraph (1)(b) are—

(a) a child who, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child, without great difficulty;

(b) a child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.

(4) In this regulation—

(a) "bulky medical equipment" includes in particular any of the following—

(i) ventilators;

(ii) suction machines;

(iii) feed pumps;

(iv) parenteral equipment;

(v) syringe drivers;

(vi) oxygen administration equipment;

(vii) continual oxygen saturation monitoring equipment; and

(viii) casts and associated medical equipment for the correction of hip dysplasia; and

(b) "parking meter" has the same meaning as in the Road Traffic Regulation Act 1984(**7**) (see sections 46(2)(a) and 142(1)).".

Organisational badges

6. For regulation 5 of the English text there is substituted—

"**Organisational badges**

5. An organisational badge may be issued to an organisation for a motor vehicle which is to be used to carry disabled persons falling within one or more of the descriptions specified in regulation 4(2) or (3)."

Period of issue of a badge

7. For regulation 6(2) there is substituted—

"(2) Subject to regulations 7(2) and 9, a disabled person's badge will be issued—

(a) to a person falling within the description specified in regulation 4(1)(b), for a period ending on the day immediately following that person's third birthday;

(b) to a person falling within the description specified in regulation 4(2)(a) or 4(2)(d), for whichever is the shorter of—

(i) the period of 3 years beginning with the date of issue; or

(**7**) 1984 c. 27