STATUTORY RULES OF NORTHERN IRELAND

2008 No. 501

ROAD TRAFFIC AND VEHICLES

The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations (Northern Ireland) 2008

Made - - - - 17th December 2008

Coming into operation 1st April 2009

The Department for Regional Development(**1**) makes the following Regulations in exercise of the powers conferred by section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**2**) and now vested in it(**3**).

Citation and commencement

1. These Regulations may be cited as The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 1st April 2009.

Amendments

2.—(1) The Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993(**4**) shall be amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of "disabled person" substitute ""disabled person" means a person who is of a description prescribed by regulation 4";

(b) in the definition of "support organisation" for the word "institution" substitute the word "organisation".

(3) In regulation 3 (form of badge)—

(a) in paragraph (1) omit the words "or diagram 3"; and

(b) in paragraph (2) omit the words "or diagram 4".

(4) For regulation 4 (descriptions of disabled persons) substitute—

(**1**) S.I.1999/283 (N.I. 1) Article 3(1)
(**2**) 1978 c. 53 as amended by S.I. 1981/154 (N.I. 1)Sch. 7, para. 21; S.I. 1997/276 (N.I. 2)Art. 55, Sch. 8, para. 3 and Sch. 9; S.I. 2005/1964 (N.I. 14) Article 32
(**3**) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV
(**4**) S.R. 1993 No. 202 as amended by S.R. 1995 No. 332; S.R. 1998 No. 297; S.R. 2000 No. 59 and S.R. 2000 No. 322

"**4.**—(1) For the purposes of section 14(2) of the Act (issue of badges to disabled drivers and disabled passengers) a badge may be issued to, and for the purposes of section 14(4) of the Act (issue of badges to organisations) a badge may be issued in respect of, a person who—

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

(b) is not more than 2 years old and falls within either or both of the descriptions specified in paragraph (3).

(2) The descriptions referred to in paragraph (1)(a) are a person who—

(a) receives the higher rate of the mobility component of the disability living allowance pursuant to sections 71 and 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**5**);

(b) by reason of his disability, drives or uses a motor vehicle provided for him by the Department of Health Social Services and Public Safety;

(c) is registered with a Health and Social Services Board as a blind person;

(d) receives a mobility supplement under Article 20 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006(**6**) including such a supplement by virtue of any other scheme or order under Article 25A of the Personal Injuries (Civilians) Scheme 1983(**7**);

(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; or

(f) is unable to walk or has considerable difficulty in walking because of a permanent and substantial disability.

(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

(**5**) 1992 c. 7
(**6**) S.I. 2006/606 to which there are amendments not relevant to these Regulations
(**7**) S.I. 1983/686; Article 25A was inserted by S.I. 1983/1164 Article 3 and amended by S.I.s 1983/1540 Article 2, 1986/628 Article 4, 1990/1300 Article 2, 1991/708 Article 4, 1992/702 Article 5, 1995/445 Article 3, 1997/812 Article 3 and 2001/420 Article 2

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

(b) "parking meter" has the same meaning as in the Regulation Order."

(5) For regulation 5 (period for which a badge issues) substitute—

"**5.** Subject to the provisions of regulation 8 a disabled person's badge shall be issued to a person who—

(a) falls within the description specified in regulation 4(1)(b) for a period ending on the day immediately following his second birthday;

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

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

(ii) the period which begins with the date of issue and ends on the date on which he will cease to receive the higher rate of the mobility component of the disability living allowance or the mobility supplement;

(c) does not fall within sub-paragraph (a) or (b) for a period of 3 years beginning with the date of issue."

(6) In regulation 10 (revocation and transitional provisions) omit paragraph (3).

(7) For the Schedule to those Regulations substitute the Schedule to these Regulations.

Transitional provisions

3. Nothing in regulation 2(3) and (7) shall affect the validity of a badge which—

(a) was issued before the coming into operation of these Regulations; and

(b) was in a form which complied with the Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993 at the time of its issue.

Sealed with the Official Seal of the Department for Regional Development on 17th December 2008

R. Sherman
A senior officer of the
Department for Regional Development