1993 No. 202

ROAD TRAFFIC AND VEHICLES

Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993

Made . . . . . *22nd April 1993*
Coming into operation . . *1st July 1993*

ARRANGEMENT OF REGULATIONS

	Regulation
Citation and commencement	1
Interpretation	2
Form of badge	3
Descriptions of disabled persons	4
Period for which a badge issues	5
Fee for badge	6
Grounds for refusing to issue a badge	7
Return of badge to the Department	8
Exemptions for vehicles displaying disabled persons' badges from provisions in certain instruments	9
Revocation and transitional provisions	10

THE SCHEDULE

Part I — Form of badge
Part II — Specifications for badge

The Department of the Environment, in exercise of the powers conferred on it by section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**a**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993 and shall come into operation on 1st July 1993.

(**a**) 1978 c. 53 as amended by S.I. 1981/154 (N.I. 1) Sch. 7, para. 21

Interpretation

2.—(1) In these regulations—

"the Order of 1981" means the Road Traffic (Northern Ireland) Order 1981(**a**);

"bus lane" means a road, or part of the width of a road, the use of which by vehicles is restricted by or under any enactment, in both directions or in one direction only and at all times or at particular times only, to any one or more of the following categories of vehicles—

(*a*) public service vehicles (as defined in Article 2(2) of the Order of 1981) or particular classes of such vehicles;

(*b*) vehicles (not being motor cars or public service vehicles) which are being used for the carriage of passengers;

(*c*) cycles.

"bus lane restriction" means a restriction by virtue of which a particular road or the particular part of the width of a road, is a bus lane;

"cycle lane" means a road, or part of a road, the use of which by vehicles is restricted by or under any enactment, in both directions or in one direction only and at all times or at particular times only, to pedal cycles;

"cycle lane restriction" means a restriction by virtue of which a particular road or the particular part of the width of a road, is a cycle lane;

"disabled person" means a person who is over 2 years of age and who is of a description prescribed by regulation 4;

"disabled person's badge" means a badge of the form prescribed by regulation 3 issued by the Department for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person or of several disabled persons;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and is a vehicle which, immediately before or after any period of waiting allowed by virtue of an exemption specified in regulation 9, has been or is to be driven by a disabled person, or as the case may be, has been or is to be used for carrying disabled persons as passengers;

"enactment" has the same meaning as in section 1(*b*) of the Interpretation Act (Northern Ireland) 1954(**b**);

"holder" in relation to a disabled person's badge, means the person or support organisation to whom the badge was issued;

"pedal cycle" means a bicycle or tricycle which is designed and constructed for propulsion solely by the physical exertions of a person or persons seated thereon;

"support organisation" means an institution concerned with the care of disabled persons.

(**a**) S.I. 1981/154 (N.I. 1) as amended by S.I. 1982/1535 (N.I. 18) Article 4
(**b**) 1954 c. 33 (N.I.)

(2) In these regulations "relevant conviction" means the conviction of—

(i) the holder of a disabled person's badge; or

(ii) any other person using a disabled person's badge with the holder's consent;

of the offences specified in paragraph (3).

(3) The offences referred to in paragraph (2) are—

(*a*) any offence under—

(i) Article 21(2) of the Order of 1981 in relation to an order under Article 21(1)(*c*) (prohibition or restriction on waiting);

(ii) Article 22(3)(*b*)(**a**) of the Order of 1981 (contravention of an order prohibiting or restricting the use by vehicles of a road); or

(iii) Article 158 of the Order of 1981 in relation to contravention of an indication, given by a traffic sign, prohibiting waiting by a vehicle.

(*b*) any offence under—

(i) Article 105(3A)(**b**) of the Order of 1981 (using a parking place reserved for disabled persons' vehicles, in contravention of a byelaw under Article 105);

(ii) Article 115(1A)(**c**) of the Order of 1981 (using a street parking place reserved for disabled persons' vehicles, in contravention of a byelaw under Article 107); or

(iii) Article 174A(**d**) of the Order of 1981 (wrongful use of a disabled person's badge).

(4) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these regulations as it applies to a measure of the Northern Ireland Assembly.

Form of badge

3.—(1) A disabled person's badge issued to an individual shall be in the form shown in diagram 1 of Part I of the Schedule.

(2) A disabled person's badge issued to a support organisation shall be in the form shown in diagram 2 of Part I of the Schedule.

(3) The badge mentioned in paragraphs (1) and (2) shall comply with the specifications set out in Part II of the Schedule.

Descriptions of disabled persons

4.—(1) For the purposes of section 14(2) (issue of badges to disabled drivers) and (3) (issue of badges to disabled passengers) a badge may be issued to, and for the purposes of section 14(4) (issue of badges to support organisations) a badge may be issued in respect of, persons who—

(**a**) Article 22(3) was substituted by para. 2(3) of S.I. 1984/1986 (N.I. 15)
(**b**) Article 105(3A) was inserted by Article 4(1)(*b*)(ii) of S.I. 1982/1535 (N.I. 18)
(**c**) Article 115(1A) was inserted by Article 4(1)(*c*) of S.I. 1982/1535 (N.I. 18)
(**d**) Article 174A was inserted by Article 4(1)(*d*) of S.I. 1982/1535 (N.I. 18)
(**e**) 1954 c. 33 (N.I.)

(*a*) receive 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(**a**); or

(*b*) by reason of their disability, drive, or as the case may be, use a motor vehicle provided for them by the Department of Health and Social Services for Northern Ireland, by the Department of Health or by the Department of Social Security; or

(*c*) are registered with a Health and Social Services Board as blind persons; or

(*d*) receive a mobility supplement under Article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(**b**) including such a supplement by virtue of any other scheme or order under Article 25A of the Personal Injuries (Civilians) Scheme 1983(**c**); or

(*e*) have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking; or

(*f*) drive motor vehicles regularly, have a severe disability in both upper limbs and are unable to turn by hand the steering wheel of a motor vehicle notwithstanding that the wheel is fitted with a turning knob.

(2) In this regulation "section 14" means section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.

Period for which a badge issues

5. Subject to the provisions of regulation 8 a disabled person's badge shall be issued for a period of 3 years from and including the date on which it is issued.

Fee for badge

6. The fee for the issue or re-issue of a disabled person's badge shall be £2.

Grounds for refusing to issue a badge

7. The Department may refuse to issue a disabled person's badge where—

(*a*) the applicant for the badge holds or has held a disabled person's badge and in respect of that badge there has occurred on at least 3 occasions misuse which has led to a relevant conviction or which would give grounds for a relevant conviction; or

---

(**a**) 1992 c. 7

(**b**) S.I. 1983/883; Article 26A was inserted by S.I. 1983/1116 Article 4 and amended by S.I.s 1983/1521 Article 2, 1986/592 Article 6, 1990/1308 Article 2, 1991/766 Article 4 and 1992/710 Article 5

(**c**) 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 and 1992/702 Article 5

(*b*) the applicant fails to provide the Department with adequate evidence that he is a person to whom one or more of the descriptions of disabled person prescribed in regulation 4 applies; or in the case of a support organisation, fails to provide the Department with adequate evidence that it is concerned with the care of disabled persons; or

(*c*) the applicant fails to pay the fee chargeable for the issue or re-issue of the badge; or

(*d*) the Department has reasonable grounds for believing that the applicant—

(i) is not the person whom he claims to be; or

(ii) would permit another person to display the badge on a motor vehicle.

Return of badge to the Department

8. A disabled person's badge shall be returned to the Department immediately on the occurrence of any of the following events—

(*a*) if the badge ceases to be required for the motor vehicle or all the motor vehicles in respect of which it was issued;

(*b*) the expiry of the period for which the badge was issued;

(*c*) the death of the person to whom the badge was issued or, where the badge was issued to a support organisation, the support organisation ceasing to exist;

(*d*) if the holder of the badge ceases to be a disabled person or, in the case of a support organisation ceases to be concerned with the care of disabled persons or the motor vehicle for which the badge was issued ceases to be used to carry disabled persons falling within any of the descriptions prescribed by regulation 4;

(*e*) if the badge has been obtained by false representation;

(*f*) where a duplicate badge has been issued to replace a badge lost or stolen, and the duplicated badge is subsequently found or recovered;

(*g*) if the badge has become so mutilated or faded as to cease to be effectively legible when displayed on a vehicle;

(*h*) misuse of the badge on at least 3 occasions which has either led to a relevant conviction or would give grounds for a relevant conviction.

Exemptions for vehicles displaying disabled persons' badges from provisions in certain instruments

9.—(1) Subject to paragraph (2), where an instrument made, or having effect as if made, under Article 21 of the Order of 1981 includes a provision which prohibits the waiting of vehicles or of any class of vehicles, in a road or part of a road and the provision is one which in relation to any particular vehicle prohibits that vehicle from waiting in that road or that part of a road either—

(*a*) beyond a specified period of waiting permitted under that provision; or