1979 No. 365

ROAD TRAFFIC AND VEHICLES

Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1979

Made . . . . . 10*th October* 1979

Coming into operation . . . 31*st October* 1979

The Department of the Environment for Northern Ireland 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) 1979 and shall come into operation on 31st October 1979.

Interpretation

2. In these regulations:—

"the Act of 1970" means the Road Traffic Act (Northern Ireland) 1970(**b**);

"the Department" means the Department of the Environment for Northern Ireland;

"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, either in both directions or in one direction only and either 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 section 190(1) of the Act of 1970) or particular classes of such vehicles;

(*b*) vehicles (not being motor cars) which are similar in construction to public service vehicles and are being used for the carriage of passengers, or particular classes of such vehicles;

(*c*) taxis;

(*d*) cycles.

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

"disabled person" means a disabled person of a description prescribed by regulation 4;

"disabled person's vehicle" means a motor vehicle which:—

(*a*) is driven by a disabled person; or

(*b*) is used by an institution for carrying disabled persons as passengers; or

(*c*) is otherwise used for carrying disabled persons as passengers and is either:—

(a) 1978 c. 53
(b) 1970 c. 2 (N.I.)

(i) a vehicle which is constructed or adapted for the carriage of not more than 12 passengers (exclusive of the driver) and is not a public service vehicle (as defined in section 190(1) of the Act of 1970) or

(ii) a dual-purpose vehicle as defined in section 190(1) of the Act of 1970 as amended by the Roads and Road Traffic (Northern Ireland) Order 1978(c)

and is in each case, a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by regulation 9 to be included in an instrument under the Act of 1970 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;

"disabled person's badge" has the meaning assigned by regulation 3;

"institution" means an institution concerned with the care of the disabled;

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

Form of badge

3. The badge to be issued by the Department for motor vehicles driven by, or used for the carriage of, disabled persons (hereinafter referred to as a "disabled person's badge") shall—

(*a*) in the case of a badge issued by virtue of regulation 4 be in the form shown in diagram 1 in Part I of the schedule;

(*b*) in the case of a badge issued by virtue of regulation 5 be in the form shown in diagram 2 in the said Part I;

and shall comply with the specification set out in Part II of the schedule.

Description of disabled persons

4. A disabled person shall be eligible to apply for the issue to him of a disabled person's badge for one or more motor vehicles, if he is a person who—

(*a*) by reason of his disability, uses a motor vehicle provided for him by the Department of Health and Social Services for Northern Ireland or by the Department of Health and Social Security or is in receipt of a grant under article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972(d); or

(*b*) by reason of his disability, uses a motor vehicle which is exempted or is eligible to be exempted from any duty under the Vehicles (Excise) Act (Northern Ireland) 1972(e) by virtue of section 4(1)(*g*) or 7(2) thereof; or

(*c*) has amputation or absence of a limb which causes considerable difficulty in walking; or

(*d*) suffers from defects of the spine or of the central nervous system or other motor defect which makes control of the lower limbs difficult; or

(*e*) has some other permanent and substantial disability which causes considerable difficulty in walking; or

(*f*) is registered with a Health and Social Services Board as a blind person; or

(*g*) is dependent upon the use of a wheelchair outside his home.

(c) S.I. 1978/1051 (N.I. 21)
(d) S.I. 1972/1265 (N.I. 14)
(e) 1972 c. 10 (N.I.) and in so far as section 7(2) is concerned as substituted by 1978 c. 42 s. 9(1)

Institution for disabled

5. An institution shall be eligible to apply for the issue to it of a disabled person's badge for any motor vehicle or, as the case may be, for each motor vehicle, used by or on behalf of the institution to carry disabled persons.

Period of issue of badges and duplicates

6.—(1) A disabled person's badge shall be issued for a period of three years beginning with the date upon which it is issued.

(2) A duplicate badge may be issued, if the badge which it will replace has been lost or stolen or has become so mutilated or faded as to cease to be effectively legible when displayed on a vehicle, and shall be issued only for such period as remains unexpired of the period of issue of the badge which it will replace.

Grounds for refusing to issue badge

7.—(1) Subject to paragraph (2), the Department may refuse to issue a disabled person's badge only—

(*a*) if an application for a badge (other than a duplicate badge) is not accompanied by a certificate by a medical practitioner, to the effect that the applicant is a disabled person or that the institution named in the application is concerned with the care of disabled persons of such a description; or

(*b*) if a badge already issued to an applicant has become due for return to the Department in any of the circumstances specified in regulation 8(*f*) or (*g*).

(2) Paragraph (1)(*a*) shall not apply in relation to an application by a disabled person if the application is made on the grounds that he is a disabled person of a description prescribed by paragraph (*b*) of regulation 4 and he produces to the Department the current document in the form of a licence for his vehicle issued under paragraph (3A)(*b*) of regulation 27 of the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973(f) which relates to the registration and licensing of vehicles exempt from excise duty.

Return of badge to issuing authority

8. A disabled person's badge (including a duplicate badge) shall be returned immediately to the Department on the occurrence of any of the following circumstances—

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

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

(*c*) on the death of the holder, where the holder is other than an institution;

(*d*) if the holder (not being an institution) ceases to be eligible to obtain a badge under regulation 4;

(*e*) if an institution to which a badge has been issued ceases to be concerned with the care of disabled persons of a description prescribed by regulation 4;

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

(f) S.R. & O. (N.I.) 1973 No. 490 (II, p. 2818)

(*g*) if it is displayed on a motor vehicle at times when the vehicle is not being used by, or for the carriage of, a disabled person of any description prescribed by regulation 4;

(*h*) where a duplicate badge has been issued to replace a badge lost or stolen, and the badge replaced is subsequently found or recovered.

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

9.—(1) Where an instrument made, or having effect as if made, under section 19 of the Act of 1970(g) 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 by that vehicle permitted by that provision; or

(*b*) if less than a specified period has elapsed since a previous period of waiting by that vehicle in that road or that part of a road, as the case may be,

then unless an instrument made under that section specifically provides to the contrary any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by the Department shall be exempt from any such prohibition.

(2) Where an instrument made, or having effect as if made, under section 19 of the Act of 1970 includes a provision which—

(*a*) prohibits the waiting of vehicles, or any classes of vehicles, in a road or part of a road, except for the purpose of loading or unloading; and

(*b*) in relation to a particular vehicle would have the effect of prohibiting that vehicle from waiting in that road or that part of a road at all times in any day or during one or more specified periods in any day; and

(*c*) is not a provision applying to a bus lane at a time when the bus lane restriction is in operation; and

(*d*) is not a provision to which paragraph (1) refers;

then unless an instrument made under that section specifically provides to the contrary the vehicles referred to in paragraph (3) shall be exempt from such prohibitions to the extent described in paragraph (4).

(3) The vehicles referred to in paragraph (2) are any disabled person's vehicle in relation to which the following requirements are satisfied, namely that—

(*a*) in all cases a disabled person's badge is displayed in the relevant position on the vehicle; and

(*b*) in the case mentioned in paragraph (4)(*b*), a parking disc, issued by the Department complying with the requirements of the British Standard Specification for Parking Discs (BS No 4631: 1970), coloured orange, and capable of showing the quarter hour period during which a period of waiting begins, is displayed in a relevant position on the vehicle, and the driver, or other person in charge of the vehicle, marks on the parking disc the time at which the period of waiting has begun.

(4) The extent of the exemption referred to in paragraph (2) is:—

(g) substituted by art. 14 and schedule 2 to S.I. 1978/1051 (N.I. 21)