
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 9

ROAD TRAFFIC

**The Disabled Persons (Badges for Motor Vehicles)
(Scotland) Amendment Regulations 2015**

<i>Made</i>	- - - -	<i>14th January 2015</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>16th January 2015</i>
<i>Coming into force</i>	- -	<i>30th March 2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970⁽¹⁾ and section 6(1) of the Disabled Persons' Parking Badges (Scotland) Act 2014⁽²⁾ and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2015.

(2) These Regulations come into force on 30th March 2015.

Amendment of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000

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

New regulation 9A

3. After regulation 9, insert—

(1) 1970 c.44; as relevantly amended by the Disabled Persons' Parking Badges Act 2013 (c.4), sections 1 and 4(4) and the Disabled Persons' Parking Badges (Scotland) Act 2014 (asp 17), sections 1 and 3; the functions of the Secretary of State under section 21, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c.46), section 53.

(2) 2014 asp 17.

(3) S.S.I. 2000/59; as amended by S.S.I. 2000/170, S.S.I. 2002/451, S.S.I. 2007/162, S.S.I. 2011/89, S.S.I. 2011/410, S.S.I. 2013/65 and S.S.I. 2014/145.

“Return of retained badge

9A.—(1) This regulation applies to a disabled person’s badge which—

- (a) has been retained on the ground referred to in sub-paragraph (iii) of paragraph (b) of section 21(4D) of the 1970 Act; and
- (b) does not fall within sub-paragraph (i) or (ii) of that paragraph.

(2) The constable or enforcement officer who has retained the badge is to return it to the issuing authority as soon as reasonably practicable.

(3) On receipt of a badge returned under paragraph (2), the issuing authority is to return it to the holder as soon as reasonably practicable.

(4) If a badge is returned under this regulation more than 14 days after it was retained, the issuing authority is to explain in writing to the holder the reasons for the delay.”.

New regulation 10A

4. After regulation 10, insert—

“Review of local authority decision

10A.—(1) Where a local authority has decided that a person (“the applicant”) is not a disabled person of a description specified in regulation 4, an application for review of that decision may be made by—

- (a) the applicant; or
- (b) any person appearing to the local authority to be an appropriate representative of the applicant.

(2) An application for review must—

- (a) be made in writing to the local authority;
- (b) be made within 28 days of notification to the applicant of the authority’s decision; and
- (c) set out the reasons for the application.

(3) On receipt of an application for review, a local authority is to arrange for its decision to be reviewed by a person who was not, or persons who were not, involved in taking that decision.

(4) A local authority must—

- (a) provide the person who made the application with written notification of the outcome of the review; and
- (b) endeavour to do so within 28 days of receipt of the application.

(5) Where it appears to the local authority that it will not be possible to provide the notification within the period specified in paragraph (4)(b), it must intimate this (and the reasons for the delay) in writing to the person who made the application for review.”.

Amendment of the Schedule

5. In paragraph 1 of Part IIIA of the Schedule(4) (form of badge)—

- (a) omit sub-paragraphs (b), (d) to (h), (j) and (k); and
- (b) omit the words from “For the purposes” to the end.

(4) Part IIIA was added by [S.S.I. 2011/410](#).

St Andrew's House, Edinburgh
14th January 2015

DEREK MACKAY
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (“the 2000 Regulations”). Those Regulations deal with what is known as the “blue badge” scheme.

Regulation 3 inserts a new regulation 9A into the 2000 Regulations. Regulation 9A provides for the return to its holder of a blue badge which has been retained by a constable or enforcement officer on the ground that it was being displayed on a vehicle other than in accordance with the 2000 Regulations.

Regulation 4 inserts a new regulation 10A into the 2000 Regulations. Regulation 10A requires a local authority to review (on request) any decision made by it that a person is not eligible for a blue badge.

Regulation 5 amends paragraph 1 in Part IIIA of the Schedule to the 2000 Regulations so as to delete certain requirements as to the form of a blue badge.