

# DISABILITY DISCRIMINATION ACT 2005

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### ***Section 9: Recognition of disabled persons' badges issued outside Great Britain***

109. This section amends the Chronically Sick and Disabled Persons Act 1970 (“CSDPA 1970”) which established the disabled persons’ parking badge (“blue badge”) scheme. This scheme provides for certain parking concessions to operate in favour of disabled people whose vehicles display blue badges. This section (which extends to England and Wales only) introduces new sections 21A to 21C into CSDPA 1970. The principal effect of the new provisions is to provide that the holders of foreign disabled persons’ badges be afforded the same concessions as holders of domestic “blue badges” in respect of parking concessions. The section makes provision to formalise existing (non-statutory) recognition of parking badges issued in the EU or in certain other European countries (for which there is reciprocal recognition), and to extend this recognition to badges issued in other countries.

#### **New section 21A of CSDPA 1970: Recognition of badges issued outside Great Britain**

110. New section 21A provides for the recognition of non-GB disabled persons’ badges (“recognised badges”). Disabled persons’ badges issued in Northern Ireland (new section 21A(1)(a)) will be recognised badges, as will badges issued under those provisions of foreign laws which the Secretary of State (for England) and the National Assembly (for Wales) will specify in regulations. Such regulations will also provide for the manner in which a recognised badge must be displayed (new section 21A(3)).
111. Section 21A(4) to (9) make provision in respect of non-GB recognised badges corresponding to existing provisions in respect of British blue badges. These provisions are intended to criminalise, and aid the detection of, the fraudulent use of purportedly genuine badges. The offence in new section 21A(4) mirrors section 21(4E) of CSDPA 1970 which relates to domestic badges. The power to inspect recognised badges (in section 21A(6)) and the following, consequential, subsections mirror the power and provisions in respect of British blue badges contained in section 94 of the Traffic Management Act 2004.

#### **New section 21B of CSDPA 1970: Recognised badges treated as badges under section 21 for certain purposes**

112. New section 21B provides for, or enables, concessions which currently apply in respect of GB blue badges to apply in respect of recognised badges. Those concessions may be concessions in or by virtue of local authority orders which would otherwise restrict parking or waiting (to which orders, among others, section 21B(2)(a) relates), or orders designating parking places for the use of disabled people (to which orders, among others, section 21B(2)(b) relates).
113. New section 21B(3) will enable this equality of treatment between GB and recognised badge holders to be extended for such other purposes as may be prescribed: this may

*These notes refer to the Disability Discrimination Act  
2005 (c.13) which received Royal Assent on 7 April 2005*

extend to provisions which grant concessions in respect of road use as well as those which grant concessions in respect of parking.

**New section 21C of CSDPA 1970: Sections 21A and 21B: regulations and interpretation**

114. This new section contains provision supplementary to the various regulation-making powers conferred on the Secretary of State or National Assembly for Wales by new sections 21A and 21B.
115. Note that Part 2 of Schedule 1 (the effects of which are explained below in the context of the notes to that Schedule) makes minor or consequential changes pursuant to the recognition of non-GB badges.