

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATED TO DISABLED PERSONS' BADGES

Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 41 In section 21(4) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by institutions concerned with the care of disabled people), for “institution” there is substituted “organisation” in both places where it occurs.

Road Traffic Regulation Act 1984 (c. 27)

- 42 The Road Traffic Regulation Act 1984 shall have effect with the following amendments.
- 43 (1) Section 105 (exemptions from section 104) is amended as follows.
- (2) In subsection (1), after paragraph (a) there is inserted—
- “(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle; or”.
- (3) After subsection (6) there is inserted—
- “(6A) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(aa) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6B) below are met.
- (6B) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970 (display of non-GB badges); and
- (b) he was not using the vehicle in circumstances falling within section 117(1A)(b) of this Act.”
- 44 (1) Section 117 (wrongful use of disabled person’s badge) is amended as follows.
- (2) In subsection (1), for “this section” there is substituted “this subsection” in both places where it occurs.

Status: This is the original version (as it was originally enacted).

(3) After subsection (1) there is inserted—

“(1A) A person who at any time acts in contravention of, or fails to comply with, any provision of an order under this Act relating to the parking of motor vehicles is also guilty of an offence under this subsection if at that time—

- (a) there was displayed on the motor vehicle in question a badge purporting to be a recognised badge, and
- (b) he was using the vehicle in circumstances where a concession would, by virtue of section 21B of the Chronically Sick and Disabled Persons Act 1970, be available to a vehicle lawfully displaying a recognised badge,

but he shall not be guilty of an offence under this subsection if the badge was a recognised badge and displayed in accordance with regulations made under section 21A of that Act.”

(4) In subsection (3), at the end there is inserted—

““recognised badge” has the meaning given in section 21A of the Chronically Sick and Disabled Persons Act 1970.”

Road Traffic Offenders Act 1988 (c. 53)

45 (1) Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences) shall have effect with the following amendments.

(2) After the entry for section 105(5) of the Road Traffic Regulation Act 1984, there is inserted—

RTRA	Misuse of	Summarily.	Level 3
section 105(6)	recognised badge (immobilisation devices).		on the standard scale.

(3) In the entry for section 117 of that Act, for “117” there is substituted “117(1)”.

(4) After that entry there is inserted—

RTRA	Wrongful use of	Summarily.	Level 3
section 117(1A)	recognised badge.		on the standard scale.

Road Traffic Act 1991 (c. 40)

46 (1) Section 70 of the Road Traffic Act 1991 (exemptions from section 69 of that Act) shall have effect with the following amendments.

(2) In subsection (1), after paragraph (a) there is inserted—

“(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle;”.

(3) After subsection (2) there is inserted—

“(2A) In any case in which section 69(1) of this Act would apply to a vehicle but for subsection (1)(aa) above and the vehicle was not, at the time at which it was parked, being used—

- (a) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and
- (b) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle at that time shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Courts Act 2003 (c. 39)

47 (1) Paragraph 46 of Schedule 5 to the Courts Act 2003 (provision to give effect to clamping orders) shall have effect with the following amendments.

(2) In sub-paragraph (2)(a), after “badge” there is inserted “or a current recognised badge”.

(3) In sub-paragraph (3), at the end there is inserted—

““recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).”

Traffic Management Act 2004 (c. 18)

48 (1) Section 79 of the Traffic Management Act 2004 (immobilisation of vehicle where penalty charge payable) shall have effect with the following amendments.

(2) After subsection (5) there is inserted—

“(5A) The regulations shall provide—

- (a) that an immobilisation device must not be fixed to a vehicle if a current recognised badge is displayed on the vehicle; and
- (b) that if, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (a), the vehicle was not being used—
 - (i) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and
 - (ii) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(3) In subsection (7), after the definition of “parking place” there is inserted—

Status: This is the original version (as it was originally enacted).

““recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970.”