
WELSH STATUTORY INSTRUMENTS

2012 No. 309 (W.50)

ROAD TRAFFIC, WALES

The Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>7 February 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 February 2012</i>
<i>Coming into force</i>	- -	<i>1 March 2012</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 21 of the Chronically Sick and Disabled Persons Act 1970 (1), transferred to the National Assembly for Wales(2), and now vested in them(3) make the following Regulations.

Title, commencement and application

1.—(1) These regulations are called the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2012 and come into force on 1 March 2012.

(2) These Regulations apply in relation to Wales.

Amendment of Regulations

2.—(1) The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000(4) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “the 1984 Act” insert—

““date of issue” (“*dyddiad rhoi*”) means, the date on which a disabled person’s badge is first valid for use;”

(b) replace paragraph (3) with—

(1) 1970 c. 44.

(2) Powers of the Secretary of State under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the National Assembly for Wales by article 2, Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) Powers of the National Assembly for Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970 were transferred to the Welsh Ministers by virtue of paragraph 30, Schedule 11 to the Government of Wales Act 2006 (c. 32).

(4) S.I. 2000/1786 (W.123).

- “(3) In these Regulations “relevant conviction” (“*collfarn berthnasol*”) means any conviction for an offence specified in paragraph (4) committed in relation to a disabled person’s badge of—
- (a) the holder of that badge; or
 - (b) any other person using that badge with the knowledge of the holder at any time during which the offence was being committed.”; and
- (c) replace paragraph (4) with—
- “(4) The offences mentioned in paragraph (3) are any offence—
- (a) under section 21(4B) of the 1970 Act;
 - (b) under section 115 or 117 of the 1984 Act; or
 - (c) involving dishonesty or deception under any other provision of the 1970 Act, of the 1984 Act or of any other legislation applicable in the United Kingdom, or any part of the United Kingdom.”.

(3) In regulation 4 (descriptions of disabled persons) in paragraph (1)(a) replace “3” with “2”.

(4) In regulation 6 (fee for issue and period of issue of a badge)—

 - (a) replace paragraph (1) with—

“(1) In the case of an individual’s badge which has a date of issue on or after 1 April 2012, a local authority may not charge a fee for the issue of a badge where—

 - (a) the applicant has not previously held a disabled person’s badge; or
 - (b) the applicant is applying to renew an existing disabled person’s badge, where that badge has expired or is about to expire.”
 - (b) after paragraph (1) insert—

“(2) In the case of an organisational badge which has a date of issue on or after 1 April 2012, a local authority may not charge a fee of more than £10 for the issue of a badge where—

 - (a) the applicant has not previously held a disabled person’s badge; or
 - (b) the applicant is applying to renew an existing disabled person’s badge, where that badge has expired or is about to expire.”
 - (c) After paragraph (2) insert—

“(3) In the case of a replacement individual’s badge or a replacement organisational badge issued in accordance with regulation 7 which has a date of issue on or after 1 April 2012, a local authority may not charge a fee of more than £10 for the issue of that replacement badge.”
 - (d) re-number existing paragraph (2) as paragraph(4).

(5) In regulation 7—

 - (a) for the heading substitute “Replacement badges”;
 - (b) in paragraph (1)—
 - (i) after the word “vehicle” insert “or which otherwise prevents it from being identified correctly or distinguished from a forgery”; and
 - (ii) replace “with the word “duplicate” marked on the front” with “in a form which identifies by consecutive numbering each successive badge issued to the disabled person or organisation (as the case may be) by the issuing authority.”.

(6) In regulation 8 (grounds for refusal to issue a badge)—

- (a) in paragraph (2)(a)—
 - (i) delete “or under the 1982 Regulations”; and
 - (ii) replace “at least three relevant convictions” with “a relevant conviction”;
 - (b) at the end of paragraph (2)(b)(i) insert “or that he or she is resident in the area of that local authority”;
 - (c) at the end of paragraph (2)(c) delete “or”; and
 - (d) after paragraph (2)(d)(ii) insert—
 - “(e) the applicant already holds a valid badge which has been issued by another issuing authority.”.
- (7) In regulation 9 (return of badge to issuing authority)—
- (a) at the end of paragraph (1)(e) insert “or has suffered any other damage which otherwise prevents it from being identified correctly or distinguished from a forgery”;
 - (b) at the end of paragraph (1)(f) insert “or another valid badge is issued to the holder by another issuing authority.”;
 - (c) in paragraph (2)(a) replace “at least three relevant convictions” with “a relevant conviction”; and
 - (d) at the end of paragraph (2)(b) insert “or that the holder has purported to transfer the badge to another person”.
- (8) Replace regulation 11 (form of badge) with—

“Form of badge

- 11.**—(1) Paragraph (2) applies in respect of a badge with a date of issue before 1 April 2012 and paragraph (3) applies in respect of a badge with a date of issue on or after that date.
- (2) A disabled person’s badge is in the prescribed form if—
- (a) the front and reverse of the badge are in the form shown in—
 - (i) Part I of the Schedule in the case of an individual’s badge; or
 - (ii) Part II of the Schedule in the case of an organisational badge; and
 - (b) the badge complies with the specifications in Part III of the Schedule.
- (3) A disabled person’s badge is in the prescribed form if—
- (a) the front and reverse of the badge are in the form shown in—
 - (i) Part IA of the Schedule in the case of an individual’s badge (with the omission of the word “sample” where it appears); or
 - (ii) Part IIA of the Schedule in the case of an organisational badge (with the omission of the word “sample” where it appears); and
 - (b) the badge complies with the specifications in Part IIIA of the Schedule.”
- (9) In the Schedule—
- (a) in the heading to Part I, delete the words “Form of”;
 - (b) after the heading “Individual’s Badge”, insert (with a date of issue before 1 April 2012)”;
 - (c) after Part I, insert the provision set out in Schedule 1 to these Regulations;
 - (d) in the heading to Part II delete the words “Form of”;
 - (e) after the heading “Organisational Badge”, insert “(with a date of issue before 1 April 2012)”;

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- (f) after Part II, insert the provision set out in Schedule 2 to these Regulations;
- (g) in Part III (Specifications for Badge), after the heading “Specifications for Badge”, insert “(with a date of issue before 1 April 2012)”; and
- (h) after Part III, insert the provision set out in Schedule 3 to these Regulations.

7 February 2012

Carl Sargeant
Minister for Local Government and
Communities, one of the Welsh Ministers

SCHEDULE 1

Regulation 11(3)(a)(i)

“PART IA

INDIVIDUAL'S BADGE

(WITH A DATE OF ISSUE ON OR AFTER 1 APRIL 2012)

SCHEDULE 2

Regulation 11(3)(a)(ii)

“PART IIA

ORGANISATIONAL BADGE

(WITH A DATE OF ISSUE ON OR AFTER 1 APRIL 2012)

SCHEDULE 3

Regulation 11(3)(b)

“PART IIIA

SPECIFICATIONS FOR BADGES

(WITH A DATE OF ISSUE ON OR AFTER 1 APRIL 2012)

All Badges

1. The specifications applicable to all badges are as follows—
 - (a) the badge must be 106 millimetres in height, 148 millimetres in width (with 5mm radius rounded corners) and 720 microns in thickness, with height and width tolerances of plus or minus 1 millimetre and a thickness tolerance of plus or minus 20 microns;
 - (b) the badge must be printed on white polyvinyl chloride core sheets and all print must be fused with clear plastic outer layers;
 - (c) the badge must be printed with a unique serial number, comprising a series of numbers and letters that identify key information about the badge and the holder, including the consecutive number of each replacement badge issued to the badge holder by the issuing authority;
 - (d) the background on the front and reverse sides of the badge must be lithographically security printed to include fine line guilloche, numismatics, variable width text workings and other fine line structures which are consistent with paragraph (1);
 - (e) a security printed, tamper evident background must be printed in the boxes which identify the expiry date and number of the badge and the name of the holder;
 - (f) micro text features which are only visible under magnification must be printed on the front and reverse sides of the badge;

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- (g) embossed tactile and Braille features (which incorporate visual, line structure patterns) must be included on the front side of the badge, without any corresponding indentation on the reverse side of the badge;
- (h) the wheelchair user symbol that appears on the front side of the badge must be a security hologram enclosed within a square with sides each measuring 30 millimetres, incorporating an image flip, micro-text, nano-text, a separate nano-feature and the design of the wheelchair logo against a background of the words “blue badge”;
- (i) the rear side of the badge must contain a variable bar code which identifies the expiry date of the badge;
- (j) the coloured block which appears on the front side of all badges issued during any calendar year must be a consistent year identifier colour which differs substantially from the colours used in prior calendar years;
- (k) the badge must be constructed so that it is heat resistant and stable to a temperature of at least 120 degrees Celsius (and a local authority must satisfy itself that badges it proposes to issue are compliant with this requirement (before issuing any such badges) by obtaining a report verifying such compliance (by reference to a sample badge) from an appropriate body); and
- (l) the badge must include such additional security features as will further mitigate the risk of forgery by, so far as practicable, preventing the badge from being copied readily and allowing genuine badges to be distinguished from forgeries.

For the purposes of paragraph (k) an “appropriate body” means a body accredited to Standard ISO 9001:2008 (Quality management Systems) (prepared by the International Organisation for Standard-ization)(5)) and which, in the opinion of the local authority, has the necessary expertise to provide the report.

Individual’s Badges

2. The additional specifications applicable to an individual’s badge are as follows—
 - (a) subject to paragraphs (b) and (c), the rear side of an individual’s badge must contain a close up digital photograph of the head and shoulders of the badge holder. The photograph must have a strong definition between face and background and must be—
 - (i) in colour;
 - (ii) 45 millimetres in height and 35 millimetres in width (passport size);
 - (iii) taken—
 - (aa) within a month prior to the date of the application;
 - (bb) against a light grey or cream background;
 - (iv) undamaged;
 - (v) free from “red eye”, shadows, reflection or glare from spectacles;
 - (vi) of the full head of the holder (without any other person visible or any covering, unless it is worn for religious beliefs or medical reasons)—
 - (aa) facing forward;
 - (bb) with nothing covering the face;
 - (cc) looking straight at the camera;

(5) The British Standards Institution publication of the Standard has the ISBN 9780580687389.

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- (dd) with a neutral expression and mouth closed; and
 - (ee) with eyes open and clearly visible (without sunglasses or tinted spectacles and without hair or spectacle frames obscuring the eyes);
 - (vii) in sharp focus and clear;
 - (viii) printed professionally or in digital format; and
 - (ix) a true likeness, without amendment.
- (b) paragraph (a) does not apply to a badge issued pursuant to an application made by a disabled person if the issuing authority is satisfied that the estimated life expectancy of that person is less than six months from the date of the application, in which case the space that would otherwise include a photograph must contain a copy of the flag that appears on the front of the badge.
- (c) paragraphs (a)(vi)(cc) and (a)(vi)(dd) do not apply to photographs of children aged five years and under.
- (d) the variable bar code on the rear side of the badge must identify the year of birth and (in code) the gender of the holder.
- (e) the serial number printed on the badge must identify the month and year of birth and (in code) the gender of the holder.

Organisational badges

3. The additional specifications applicable to an organisational badge are as follows—

The reverse side of an organisational badge must contain a colour copy of the logo (if any) of the organisation, which must be 5 millimetres in height and 35 millimetres in width. If the organisation does not have a logo, the space that would otherwise include the logo must contain a copy of the flag that appears on the front of the badge.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

A disabled person’s badge (known as a “Blue Badge”) enables the holder to benefit from a range of parking concessions and exemptions from certain charges which apply to other motorists. The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 (S.I. 2000/1786 (W.123)) (“the Principal Regulations”) make provision regarding the issue of the badges by local authorities.

These Regulations amend the Principal Regulations, primarily, by requiring that the design and manufacture of badges must comply with substantially more sophisticated technical requirements, designed to mitigate the risk of forgery.

Other significant amendments include removing the fee for a badge for new applicants and for renewals of existing badges, raising the maximum fee from £2 to £10 in the case of replacement badges and for organisational badges, and enabling local authorities to refuse to issue or to withdraw badges following a single conviction under the legislation used to prosecute fraudulent misuse of badges.

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A full regulatory impact assessment of the effect that the amendments will have on the cost to business and the voluntary sector is available from the Integrated Transport Division, Cathays Park, CF10 3NQ.