



THE ORANGE BADGE SCHEME OF PARKING CONCESSIONS FOR DISABLED AND BLIND PEOPLE

Joint Circular from
The Department of Transport
and
The Welsh Office

Local Authority Circular 3/91
(Department of Transport)
Circular 67/91
Welsh Office
13 December 1991

1. The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991 and The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1991 come into force on 2 March 1992. They amend the regulations currently governing the Scheme - The Disabled Persons (Badges for Motor Vehicles) Regulations 1982^(a) and The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986^(b) - and introduce a redesigned, "passport style" badge and changes to the eligibility criteria and parking concessions.

2. The purpose of this circular is to tell issuing authorities about the changes contained in the new regulations and the other administrative improvements which will be introduced to improve the working of the Scheme. **(These include a revised explanatory leaflet, the discontinuance of the current transparent adhesive containers, a new Medical Advice form for doctors to complete and model application forms and guidance notes for use by local authorities).** Authorities are asked to ensure that this circular is brought to the attention of all officers concerned with the issue of badges and that copies are always available for reference.

(a) SI 1982 No 1740

(b) SI 1986 No 178

BACKGROUND

3. The Orange Badge Scheme of parking concessions for disabled and blind people came into operation on 1 December 1971 by virtue of regulations made under Section 21 of the Chronically Sick and Disabled Persons Act 1970. The Scheme is designed to give registered blind people and those with severe mobility handicaps the ability to park close to the facilities and services they need to use, so as to improve their lifestyle, independence and freedom of choice.

4. The Scheme has operated in its present form since 16 March 1983. Unfortunately, the Scheme has continued to be the subject of strong criticism by the Police, local highway authorities, the general public and severely disabled people themselves. This is because of the large and increasing number of people holding or using badges, the associated problems of traffic congestion and parking enforcement and the alleged misuse of badges by able-bodied people. In the light of this concern, the Department has reviewed all aspects of the Scheme and, following extensive consultation with interested bodies, has drawn up a package of changes designed to help clarify the eligibility criteria for badges; to curb abuse of the Scheme; and to tailor the parking concessions more closely to the needs of severely disabled people.

5. If the Scheme is to continue to be workable and have a long term future, it is essential that use of badges is confined to those severely disabled people who most need the Scheme's parking concessions. Authorities will wish to consider the need to maintain a close liaison between their Social Services and Highways departments if this objective is to be achieved. Suggestions have been made to the Department that the Scheme might be more effectively administered by the Highways and Traffic side of an authority. There is much to commend this, however, it is for authorities to decide.

NEW OFFENCE OF DISPLAYING AN ORANGE BADGE WHEN DRIVING A MOTOR VEHICLE ON A ROAD UNLESS THE BADGE WAS ISSUED AND DISPLAYED IN ACCORDANCE WITH REGULATIONS

6. Section 35 of the Road Traffic Act 1991 creates a new offence in Section 21 of the Chronically Sick and Disabled Persons Act 1970 of displaying a disabled person's badge when driving a motor vehicle on a road unless the badge was issued and displayed in accordance with regulations. The maximum penalty for the new offence is a fine of £400. The existing parking offence under Section 117 of the Road Traffic Regulation Act 1984 (wrongful use of disabled person's badge) is also amended to enable regulations to be made about the display of badges relating to the parking of motor vehicles. The new "passport-style" badge is therefore not intended to be permanently displayed on a vehicle and should be stored safely when the parking or other concession is not being claimed. It is proposed to bring these provisions into force as soon as possible in 1992. Separate advice will be issued on this matter in due course.

NEW REGULATIONS

7. The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991, summarised at Appendix I, amend the corresponding 1982 Regulations. They provide for new eligibility criteria and a redesigned badge, and strengthen the grounds on which local authorities may refuse to issue badges or require their return.

8. The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1991,

summarised at Appendix II, amend the corresponding 1986 Regulations. They increase from 2 hours to 3 hours the limit on yellow line waiting, ban badge holders from parking in cycle lanes, allow local authorities to impose time limits at on-street parking bays reserved for disabled people, and amend the rules for display of a badge. They also amend Regulation 4(1) of the 1986 Regulations so that it now covers orders under Section 35 of the Road Traffic Regulation Act 1984, and they omit Regulation 4(4) of the 1986 Regulations.

Eligibility Criteria

9. Under the current regulations governing the Scheme badges may be issued to people receiving Mobility Allowance, people using cars supplied by Government Departments or receiving Government grants towards their own vehicles, and registered blind people. Other people may qualify if their disability is **permanent and substantial and causes inability to walk or very considerable difficulty in walking**. The new regulations reflect the introduction of the new Disability Living Allowance (which will succeed Mobility Allowance) and introduce two new categories of eligibility.

10. It is essential that all applications, particularly those made under the so-called discretionary criterion, are carefully considered. It is envisaged that badges will generally be issued to people who are able to walk only with excessive labour and at an extremely slow pace or with excessive pain. Applicants should generally be physically incapable of visiting shops, public buildings and other places unless allowed to park close to their destination. In all cases entitlement depends on the applicant's ability to walk and considerations such as difficulty in carrying parcels are not to be taken into account. The applicant's inability to walk or severe difficulty in walking must be permanent and not just intermittent or temporary. In other words, the degree of disability should not fall far short of that required to qualify for Mobility Allowance or the higher rate of the mobility component of the Disability Living Allowance.

Disability Living Allowance

11. Disability Living Allowance is one of the new benefits being introduced as a result of the Disability Living Allowance and Disability Working Allowance Act 1991. It is essentially an amalgam

of two existing benefits - Mobility Allowance and Attendance Allowance. It will have two separate components - a mobility component (paid at two different levels) and a care component (paid at three different levels).

12. The **higher rate of the mobility component** will be the equivalent of Mobility Allowance. Recipients of this higher rate will, therefore, be automatically eligible for a badge. (It should be noted that the higher rate of the mobility component will also be paid to people with severe mental impairment who in addition have severe behavioural problems. Although such people may not have the walking difficulties normally necessary to qualify for a badge, the Department is not, for Orange Badge eligibility purposes, proposing to distinguish between categories of people entitled to the higher rate. All who qualify for the higher rate of the mobility component can therefore be issued with a badge).

13. The **lower rate of the mobility component** will be awarded to people who are not independently mobile but who do not otherwise fulfil the current medical criteria for Mobility Allowance. Recipients of this lower rate are NOT automatically eligible for an Orange Badge, and will only qualify if they meet one of the eligibility criteria for a badge.

14. Similarly recipients of the care component of the allowance do **NOT** qualify for an Orange Badge unless they also meet one of the eligibility criteria for the Orange Badge Scheme.

War Pensioners' Mobility Supplement

15. The new regulations provide automatic eligibility for a badge to a person in receipt of War Pensioners' Mobility Supplement. This is a cash allowance which is intended to help war pensioners who have problems in walking. It is similar to Mobility Allowance but is paid at a higher rate and is not subject to age limitations.

16. It is understood that most War Pensioners' Mobility Supplement recipients have transferred from other benefits like Mobility Allowance which already gave badge entitlement; local authorities were asked in 1984 (Department of Transport Circular Roads 2/84 and Welsh Office Circular 4/84) to preserve eligibility for people in those circumstances. These arrangements did not, however, extend to new claimants of War

Pensioners' Mobility Supplement, and these people have had to be individually assessed under the so-called discretionary criterion. The new regulations will mean that these individual assessments will no longer be necessary.

17. There are a handful of people who served in Britain's former colonies who are paid an allowance analogous to WPMS by the Overseas Development Administration on an ex-statutory basis. These people will not be covered automatically by the new criterion, and local authorities are asked to consider applications from them under the so-called discretionary criterion but to accept documentary evidence confirming such an award as sufficient proof of entitlement. The ODA (tel 0355-843576) will be pleased to provide confirmation of an applicant's entitlement.

18. This new criterion does **NOT** extend eligibility for an Orange Badge to everyone in receipt of a War Disablement Pension. It relates purely to those in receipt of War Pensioners' Mobility Supplement.

Drivers with very severe upper limb disabilities

19. The Department's view confirmed by extensive consultation remains firmly that the Scheme can continue to be workable only if badges are generally restricted to those with the greatest difficulty in walking. Nevertheless, it does recognise that there may be a very small number of people who can drive but have such a severe upper limb disability that they are, for example, incapable of putting coins into parking meters or pay and display equipment. For this reason it is proposed to extend eligibility to drivers with very severe upper-limb disabilities such that they are unable to turn a steering wheel by hand.

20. To be eligible for a badge under this new criterion, an applicant will need to:-

- i) be in possession of a valid driving licence and drive motor vehicles regularly
- ii) have a severe disability in **both** upper limbs
- iii) be unable to turn by hand the steering wheel of a motor vehicle, even if that wheel is fitted with a turning knob.

21. Only a very small number of people are likely to qualify for badges under this criterion. Local authorities are recommended to treat each application as a special case. Authorities are also strongly advised to make arrangements to see not just the applicant but also his or her vehicle. This will normally be specially adapted for steering by foot or joystick if a badge is to be awarded.

22. This criterion is designed to assist only people with the most severe upper-limb disabilities; it is not proposed to extend eligibility generally to people who have difficulty in carrying parcels etc. In no circumstances should anyone who does not satisfy **all three** of the conditions in paragraph 20 receive a badge - in particular, a badge must not be issued under this criterion to a person who will be travelling purely as a passenger.

Model Forms

23. One of the significant issues to emerge from the review was the very wide variation in the rate of badges issued and re-issued by different local authorities. To assist local authorities in deciding whether or not the applicant meets the eligibility criteria, the Department has produced four model forms (see Annexes III to VI). These include a model application form for applicants to complete (OB1); notes for use by local authorities in considering completed application forms (OB2); a new medical advice form (OB3); and notes to help local authorities in considering a completed medical advice form (OB4).

24. The use of forms OB1, OB2 and OB4 is optional, but is strongly recommended by the Department and the Local Authority Associations.

Medical Advice Form

25. At present many applications for badges from people who do not qualify automatically are judged by local authorities in the light of advice from the applicant's General Practitioner (GP) - Appendix II of Department of Transport Circular 4/82 and Welsh Office Circular 49/82 sets out a form which applicants are asked to have completed by a doctor. The current form effectively puts the doctor in the position of saying whether or not an applicant should be issued with a badge. Comments received during the review of the Scheme have led the Department to the conclusion that this is undesirable.

Decisions on applications should rest solely with local authorities acting on the basis of facts supplied by the GP or other medical assessor. We have introduced changes to make this concept work better in practice.

26. The new OB3 medical advice form now requires doctors to provide factual answers to a **series** of questions. The answers should give the local authority a more solid basis for deciding whether an applicant is eligible for a badge. **The ultimate decision to grant or refuse a badge will continue to rest entirely with the issuing authority.**

27. The use of the existing medical advice form should be discontinued when the new Scheme comes into operation. However, as with current practice, authorities are recommended to continue asking applicants to hand to their doctor a sealed envelope containing the new Standard Medical Advice Form and a pre-paid envelope addressed to the relevant Department and marked "In Confidence". Issuing authorities will also continue to have no obligation to take account of any other unsolicited medical certificates which may accompany applications for badges.

The New Badge

28. The Orange Badge has been re-designed in the form of a personal, "passport-type" document and will have space for a photograph of the holder to be displayed. To reduce the risk of badges being forged a hologram has been incorporated into the design of the badge. The new badge is intended to be placed loose on the dashboard or fascia panel of the vehicle when the parking facility is to be used. It is not intended to be stuck to the windscreen or otherwise fixed to the vehicle (see paragraph 41).

Photographs

29. Each applicant should be asked to supply two passport type photographs of him/herself. Both photographs should be signed on the back by the applicant. The photographs should be returned to the applicant if his/her application is unsuccessful.

30. There are no powers to make the provision of a photograph a legal requirement but the photograph will be a key feature in minimising abuse of the Scheme. It is in the best interests of people with disabilities to co-operate as far as

they possibly can in supplying one. Failure to supply a photograph should not lead to automatic rejection of an application but local authorities should scrutinise very closely the reasons given by applicants for being excused from providing one. The most common reason for failure to supply a photograph may be from wheelchair users who claim they are unable to use photo-booths. However, the majority of people in this category should be able to obtain a photograph by other means eg by cutting down a photograph of themselves to an appropriate size. There may be a very few cases which deserve special consideration, including people with severe facial deformities. These matters should be considered in the context of the provision in the regulations that a local authority may refuse to issue a badge if they have reason to believe that the applicant is not who he/she claims to be or that the applicant would permit another person to display the badge on a motor vehicle (see paragraph 33). If exceptionally the local authority decide a photograph need not be displayed they should endorse the badge accordingly in the space provided for the photograph.

31. It is essential that the photograph on the badge should be embossed or over-stamped with the name of the issuing authority in such a way that another photograph cannot be substituted.

32. Photographs will, of course, not need to be provided for Institution badges. Such badges should, however, be stamped or sealed with the name of the Institution in the relevant space.

Grounds for Refusing to Issue a Badge or Requiring its Return

33. The grounds on which local authorities may refuse to issue badges have been expanded to include cases where the authority has reasonable grounds for believing that the applicant for a badge is not the person whom he/she claims to be or that the applicant would permit another person to display the badge on a vehicle. This amendment has been made to cover the situation where an applicant refuses to submit a photograph (see paragraph 30).

34. Decisions to refuse to issue a badge on these grounds should not be taken lightly. In all cases the final decision should be taken by a senior officer after careful examination of the

facts. Applicants should be advised in writing of the reasons why they have been refused issue of a badge.

35. The grounds on which a badge shall be returned to a local authority have also been expanded to include cases where the badge has become mutilated or where the details on the front of the badge have faded and become illegible.

Increased Time Limit for waiting on yellow lines

36. The time limit for which vehicles displaying an Orange Badge may wait on a yellow line has been extended from 2 hours to 3 hours. This exemption should be included automatically in all orders to which Regulation 4(2) of the 1986 Regulations apply and which come into operation on or after 2 March 1992. **Authorities will also need to amend all their existing orders of this type so that they contain the new exemption from waiting restrictions for Orange Badge holders.** The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989^(a) include a simplified procedure for making traffic orders where the sole effect of the order is to introduce exemptions for Orange Badge holders. (See Regulation 20 and Schedule 5).

Cycle Lanes

37. Orange Badge holders are already banned from parking where there is a ban on loading and unloading or where there is a bus lane in operation. This prohibition is extended to include waiting in cycle lanes during their hours of operation.

Time Limits at On-street Parking Places reserved for Orange Badge holders

38. Authorities will in future be able to impose a time limit on parking by Orange Badge holders in on-street spaces reserved for them. This will increase flexibility and allow a higher turnover of spaces where appropriate. It may also encourage the greater use of designated disabled bays while discouraging all-day parking.

(a) SI 1989 No.1120

39. It should be recognised that disabled people with Orange Badges take a lot longer than non-disabled people in getting in and out of a car, travelling to and from the car and their desired destination and in transacting business there. It is recommended, therefore, that as a general rule badge holders should be allowed to park for at least three hours in these spaces. Authorities may see advantage in setting a more generous limit without going so far as to encourage all day parking. Introducing a lower limit could lead to badge holders parking on nearby yellow lines (where they would be able to park for up to three hours), thereby defeating the object of providing special parking places. Authorities will also wish to have regard to the needs of Orange Badge holders with city centre employment when considering the use of this new power, and consider the need for manoeuvre space for wheelchair users in setting out and marking designated bays.

Relevant position for display of Badge

40. Under current regulations, the Orange Badge must be displayed on the nearside of the front windscreen when the parking concessions are being used. Badge holders should continue to display old style badges, issued before the start of the modified scheme, in this position until expiry.

41. However, the relevant position for the display of the **new** badge has been amended. It must be displayed on the dashboard or fascia panel of the vehicle with the front facing forward so that the relevant details (ie name of badge holder, date of expiry of badge) are legible from outside of the vehicle. (The provision regarding the display of a badge remains largely unchanged for a vehicle not fitted with a front windscreen). The issue of transparent adhesive containers should be discontinued (see paragraph 47). **Authorities will also need to consider whether their existing orders should be amended.**

Exemptions in Orders for Vehicles displaying Disabled Person's Badges

42. The exemption from orders required under Regulation 4(4) of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 was largely duplicated by the exemption from orders required under Regulation 4(1). However, orders

under Section 35 of the Road Traffic Regulation Act 1984 were not covered by Regulation 4(1). The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England and Wales) (Amendment) Regulations 1991 provide that Section 35 orders are so covered and accordingly Regulation 4(4) is omitted.

Other Administrative Measures to Improve the Scheme

New Parking Disc

43. A new parking disc, designed to signify that badge holders may wait for up to 3 hours on yellow lines, has been produced. This should be given to all new badge holders after the revised Scheme comes into operation. It is also recommended that the new disc should be given to all successful applicants renewing their badges after this time.

44. The current disc will remain valid after the new Scheme comes into operation and badge holders will still be able to wait on yellow lines for up to three hours although the disc refers to a time limit of 2 hours. (The operative data on the disc for enforcement purposes is the time of commencement of parking).

45. The relevant position for the display of a parking disc is not defined in the current regulations. A suitable definition has been included in the new regulations.

Abolition of Transparent Adhesive Containers

46. When the use of transparent adhesive containers was introduced in 1983, it was hoped that because the badge could then be removed more easily, badge holders would remove the badge from their vehicle when the parking concessions were not being used. This has clearly not been the case, and most badges continue to be permanently fixed to the windscreen.

47. This leads to the temptation for able-bodied people who may use the vehicle to take advantage of the parking concessions. To reduce this possibility, authorities should cease to issue transparent adhesive containers. Paragraph 41 of this Circular sets out where the new badge should be displayed in future.

Indelible Pens

48. It has been brought to the attention of the Department that ink used to write the name of the badge holder etc on the current badge has sometimes faded after only a few months. This makes enforcement difficult. HMSO can recommend suitable permanent indelible pens to counter this possibility.

Supply of Badges, Discs, Pens and Stamps

49. Following consultation with the Local Authority Associations, arrangements have been made for the new badge and parking disc to be printed and sold centrally through Her Majesty's Stationery Office. This arrangement should also help to guard against badges being forged. HMSO will also hold stocks of the pens referred to in paragraph 48 and will be able to make up rubber stamps suitable for over stamping the photograph (see paragraph 32).

50. Authorities may initially wish to discuss their requirements with Mr A Davies (Telephone 071-873-8336, from 13 January 1992 071-261-8394). Orders should be sent to:-

Mr B England
HMSO
Room 409
51, Nine Elms Lane
London SW8 5DR
(Tel 071-873-8212)

From 13 January 1992:-

Mr B England
HMSO
Lincoln House
Westminster Bridge Road
London SE1 7HS
(Tel 071-261-8297)

New Explanatory Leaflet on the Scheme

51. A new explanatory leaflet is being prepared to take account of the changes. A copy should be given automatically to each new badge holder and anyone renewing their badge. Authorities should make arrangements to obtain a supply shortly before the new rules come into force. Authorities in England should contact the Department's agents:-

ISCO 5
Paddock
Frizinghall
Bradford
West Yorkshire BD9 4HD

The Welsh Office will in due course issue separate guidance to Local Authorities and other interested parties in Wales to say where bilingual versions of the leaflet may be obtained.

Renewal of Badges and Warning Notices to Badge Holders

52. Authorities have already been asked to send reminder notices to blind badge holders when their badges are approaching the expiry date. During the review it was suggested that this procedure should be extended to all badge holders. Authorities are asked to consider whether the introduction of such a system would be helpful and to decide accordingly having regard to resources available.

53. Badge holders can have their badges withdrawn after at least three instances of mis-use. It is strongly recommended that authorities should issue a warning to a badge holder who is mis-using a badge, or allowing his or her badge to be mis-used, prior to consideration being given to the withdrawal of the badge.

Introduction of Local Schemes for Parking Concessions

54. In recent years a growing number of authorities have introduced measures to exclude vehicles from certain areas and then to permit access only on the display of a local badge rather than recognising the national Orange Badge. For the most part such local schemes, which favour people living or working in the locality, have been introduced to limit demand and to counteract the perceived abuse of the national Scheme. The Department has received strong representations from a number of disability organisations against such schemes because of the unnecessary and inconvenient restrictions this places on the mobility and freedom of travel otherwise enjoyed by people with Orange Badges. The Department understands the difficulties in areas where parking demand is high. But it hopes that under the new arrangements the national Scheme, properly administered and enforced, will prevail wherever possible and that authorities who have introduced their own schemes will review the position.

Commencement

55. The new regulations will come into effect on 2 March 1992. This should give local authorities sufficient time to obtain stocks of the new badge and parking disc, and should enable authorities to adapt the model forms (including translation by Welsh authorities) for their own use and to arrange for supplies to be printed. The new Medical Advice form (OB3) should not be used until the new Scheme comes into force.

Further Information

56. For further information about the effect of the new regulations, local authorities in England should contact:-

Traffic Policy Division
Department of Transport
Room C10/02
2, Marsham Street
LONDON SW1P 3EB
(Tel: 071-276-6292, 6291 or 6290)

Local authorities in Wales should contact:-

Community Care Division
Welsh Office
1st Floor
New Crown Buildings
Cathays Park
CARDIFF CF1 3NQ
(Tel: 0222-823357, 825359 or
823425)

Manpower and Cost Implications

57. The new regulations are expected to have minimal net costs and manpower implications for local authorities; any initial costs should be more than balanced by subsequent savings.

N T REES
Assistant Secretary

S H MARTIN
Assistant Secretary

**THE DISABLED PERSONS (BADGES FOR MOTOR VEHICLES)
(AMENDMENT) REGULATIONS 1991**

1. These Regulations amend the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as follows:-
2. **Regulations 3 and 4** replace out-of-date references to the Road Traffic Regulation Act 1967 with references to the Road Traffic Regulation Act 1984. They also remove the reference to “relevant conviction” from the interpretation section, and in order to make the regulations easier to follow, place the definition of “relevant conviction” in a separate provision. In addition, the reference to Fixed Penalty Notices in the 1982 Regulations is omitted as it is superfluous. Furthermore, a local authority will in future be empowered to take into account convictions for the offences in Section 53(5) and (6) of the Road Traffic Regulation Act 1984 (contraventions of composite orders dealing with parking places and also ancillary traffic regulations) when refusing to issue badges or when requiring the return of badges.
3. **Regulation 5.** A new form of disabled person’s badge is prescribed for issue by local authorities on or after 2 March 1992. The badge contains a space for a photograph of the badge holder to be displayed.
4. **Regulation 6.** The descriptions of prescribed persons to whom badges may be issued are amended to cover: recipients of the higher rate of the mobility component of the Disability Living Allowance; persons in receipt of mobility supplements paid in respect of service in the naval, military or air forces during the World War of 1914-18 and also up to and including 30th September 1921 and after 2nd September 1939, including mobility supplements by virtue of any other scheme or order, or in respect of civilian injuries in the World War of 1939-45; and also persons who drive regularly, have a severe disability in both upper limbs and are unable to turn by hand the steering wheel of a vehicle even if that wheel is fitted with a turning knob.
5. **Regulation 7.** Drafting amendments have been made to the provisions on duplicate badges.
6. **Regulation 8.** The grounds on which local authorities may refuse to issue badges are expanded so that a refusal may be made if the local authority has reasonable grounds for believing that the applicant for a badge is not the person who he/she claims to be or that the applicant will permit another person to display the badge on a vehicle.
7. **Regulation 9.** The grounds on which local authorities can require the return of a badge are expanded to cover the situation where a badge has become so mutilated or faded as to cease to be effectively legible.
8. **Regulation 10.** The transitional provisions are omitted as they are spent.
9. **Regulation 11** incorporates other minor drafting amendments.

THE LOCAL AUTHORITIES' TRAFFIC ORDERS (EXEMPTIONS FOR DISABLED PERSONS) (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 1991

1. These Regulations amend the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 ("the 1986 Regulations") as follows:-
2. **Regulation 4** amends the definition of the relevant position for the display of a badge to take account of the new form of badge to be issued on or after 2nd March 1992. A definition of the relevant position for the display of a parking disc is also given.
3. **Regulations 5 and 9.** In the 1986 Regulations, the exemption from orders prohibiting the waiting of vehicles in a street parking place ("street parking place orders") was largely duplicated by the exemption from no waiting orders. Orders under Section 35 of the Road Traffic Regulation Act 1984 (orders as to the use of parking places) however were not covered by the exemption from no waiting orders. These Regulations provide that Section 35 orders are so covered and accordingly the exemption from street parking place orders is omitted.
4. **Regulation 6** will enable local authorities to impose a time limit on waiting by badge holders in on-street spaces reserved for disabled people.
5. **Regulation 7** will ban Orange Badge holders from waiting in cycle lanes during their hours of operation.
6. **Regulation 8** will extend from 2 hours to 3 hours the period from which vehicles displaying an Orange Badge may wait on a yellow line. It will also remove the requirement for a parking disc to comply with the 1970 British Standard specification. The other requirements relating to the disc are unchanged, but an additional requirement that the overall size should be 125mm square has been added.

The Orange Badge Scheme of Parking Concessions for Disabled and Blind People

Application Form

❖ Please as appropriate.

Part A

Full name of applicant

Mr/Mrs/Miss/Ms

Address

Date of Birth

Postcode



Part B

1 Are you registered as blind under the National Assistance Act 1948?

Yes No

If **Yes**, please give the name of the local authority with which you are registered.

2 Do you receive Mobility Allowance or the higher rate of the mobility component of the Disability Living Allowance?

Yes No

If **Yes**, please supply evidence (eg an official letter confirming an award of the allowance, a Vehicle Excise Duty Exemption certificate, or a Post Office Order Book for payment of the allowance).

3 Was your vehicle supplied by the Department of Health and Social Security, the Scottish Home and Health Department, or the Welsh Office?

Yes No

If **Yes**, please give details

4 Do you receive a Government grant towards your own vehicle?

Yes No

If **Yes**, please give details

5 Do you receive War Pensioners' Mobility Supplement?

Yes No

If **Yes**, please supply evidence (eg. an official letter confirming an award of War Pensioners' Mobility Supplement).



If you have answered Yes to any of the questions in Part B, please go to Part F.

If you have answered No to all the questions in Part B, you may qualify for a badge under Part C or Part D.

Important Notes - Please read before completing Parts C or D.

- ❖ If you have answered No to all the questions in Part B you will qualify for a badge only if you cannot walk or can walk only with severe difficulty or if you hold a valid driving licence and have a severe disability in both upper limbs and are unable to turn by hand the steering wheel of a vehicle even if that wheel is fitted with a turning knob.
- ❖ The intention of the Scheme is that only very severely disabled people will qualify under these conditions.
- ❖ It is essential that each application under Part C or Part D is considered carefully. You may be asked to provide medical evidence of your disability or have a medical examination.
- ❖ Badges will only be issued to people who would otherwise find it impossible to visit shops, public buildings or other places; or to drivers who cannot turn by hand the steering wheel of a vehicle.
- ❖ People with temporary disabilities, such as a broken leg, will not qualify for badges.

If after reading these notes you think you may qualify for a badge, please read Part C and Part D.

Part C

Complete this part only if you consider that you have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

1 What is the nature of your disability?

2 What is the maximum distance you can walk without stopping, severe discomfort, or help from another person?

3 Do you regularly use a walking aid?

Yes No

If Yes, please state type of aid.

Now go to Part E.

Part D

Complete this part only if you hold a valid driving licence and have a severe disability in both upper limbs and are unable to turn by hand the steering wheel of a vehicle even if that wheel is fitted with a turning knob.

1 What is the nature of your disability?

Part D (Continued)

2 Do you drive a specially adapted car?

Yes No

If Yes, please state type of adaptation.

Part E

Please complete this part if you have completed Part C or Part D.

1 What is the name and address of your family doctor?

Name

Address

2 Are you willing to have a medical examination to determine the extent of your disability for the purpose of obtaining information to support your application?

Yes No

Part F

This part must be completed in all cases.

Applications should normally be accompanied by 2 passport type photographs of the applicant. Both photographs should be signed on the back by the applicant. Your photographs will be returned if your application is unsuccessful. You may send photographs taken from self-service booths or any suitable photographs cut down to an appropriate size.

❖ I attach 2 photographs

I am unable to provide photographs because

❖ I declare that to the best of my belief all the statements I have made on this form are true and I agree to the local authority contacting my family doctor if necessary for the purpose of obtaining information to support my application.

Signed

Date

Name

The Orange Badge Scheme

Notes for use by Local Authorities In Considering Completed Application Forms (OB 1)

Form OB 1, the application form for an Orange Badge, reflects all the criteria under which people may qualify for a badge. These notes are for the use of local authorities in considering completed forms.

Part A asks for the applicant's name, address, date of birth and telephone number.

Part B lists five criteria under which applicants may qualify for a badge. Before issuing a badge in response to an answer in PART B, local authorities are recommended to satisfy themselves that sufficient evidence of entitlement has been supplied.

QUESTION 1 asks registered blind people for the name of the local authority with which they are registered. Blind people are registered with county, metropolitan district and London borough councils or in Scotland, regional or island councils. In many cases, therefore, the person will be registered with the same authority to which the application for a badge is being made. In all cases where the answer to this question is YES, local authorities are recommended to check for themselves with the named authority that the applicant is indeed registered as blind.

QUESTION 2 deals with those receiving Mobility Allowance or the higher rate of the mobility component of the Disability Living Allowance and lists the three most likely documents which local authorities could accept as evidence of receipt. It is the responsibility of the applicant to provide such evidence, if necessary by obtaining a copy of the relevant document. Any document should be returned as quickly as possible to the applicant when it is no longer needed by the issuing authority.

QUESTIONS 3 AND 4 are likely to receive YES answers from very few people. Invalid three-wheelers were supplied by DHSS to severely disabled people up to the end of 1975. There are very few still in use. The grant referred to in question 4 is a private car allowance which was an alternative to receipt of an invalid three-wheeler. Only a handful of people in the whole country still receive such a grant.

It is almost certain that a person who claims under Questions 3 or 4 will be renewing a badge. First-time applications under these criteria should be examined particularly carefully.

QUESTION 5 asks for those who claim to be receiving War Pensioners Mobility Supplement to provide the letter notifying them of their receipt of the grant. Alternatively, a Vehicle Excise Duty Exemption Certificate should be produced. If these documents are not available, local authorities should use their judgement in deciding what alternative evidence to accept. All documents should be returned to the applicant as soon as possible.

If the applicant can prove to the satisfaction of the local authority that he meets one of the criteria in Part B AND he completes Part F satisfactorily he will normally be eligible for an Orange Badge without further checks or medical assessment.

Part C is for completion by people who do not qualify under any of the criteria in Part B but who have "a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking".

Local authorities are advised not to issue badges simply on the strength of the answers to the questions in Part C, particularly for new applicants. Advice from the applicant's GP or other medical assessor should usually be sought.

There may however be cases where authorities would feel justified in refusing an application on the basis of the answers in Part C. Examples would be where the answer to Question 1 indicates a disability which would not affect walking ability; or one which is temporary rather than permanent (eg a broken leg). Alternatively, the distance given in the answer to Question 2 might clearly refute the applicant's claim to have severe difficulty in walking.

If an application is refused because of the answers to Questions 1 or 2, it is recommended that the applicant is told the grounds for refusal.

The fact that a walking aid is or is not used (Question 3) may be relevant to the eventual decision. But this alone should not determine whether or not a badge is issued.

Part D is for completion by applicants who hold a valid driving licence but suffer from severe disability in both upper limbs such that they are incapable of turning by hand the steering wheel of a vehicle even if that wheel is fitted with a turning knob.

This criterion is designed to allow drivers who are unable to operate parking meters or pay-and-display equipment to qualify for badges. There are very few people in Great Britain who would qualify under this criterion. Local authorities are recommended to treat each application as a special case.

They may wish to make arrangements to see not just the applicant but also his or her car, which should usually be specially adapted for steering by foot or joystick.

Part E should be completed by all those who claim a badge under Part C or Part D. Refusal to undergo a medical examination should not in itself lead to rejection of an application but there should be very good reasons why an applicant is not prepared to be examined.

Part F must be completed by all applicants. The new design of Orange Badge includes space for a photograph of the holder. Failure to supply a photograph should not lead to automatic rejection of an application. However, the regulations provide that a local authority may refuse to issue a badge if they have reason to believe that the applicant is not who he claimed to be or that the badge would be used by someone other than the person to whom it has been issued.

Accordingly, in cases where a photograph is not supplied, local authorities will need to decide whether this means that the badge, if issued, would be likely to be mis-used. They should bear in mind that there may be good reasons for failure to supply a photograph, for example where the applicant has a facial deformity or being a wheelchair user cannot use a self-service booth and is unable to obtain help to provide a photograph by other means. Such cases are however likely to be exceptional and the success of the Scheme depends upon everyone cooperating as far as they can. If the local authority decide a photograph need not be displayed, they should endorse the badge to the effect that a photograph has not been requested.

It is recommended that the photographs should be signed on the back by the applicant. It will then be possible to check this signature with the signature on the application form should any problems arise.

The Orange Badge Scheme of Parking Concessions for Disabled and Blind People

- ❖ The Orange Badge Scheme is governed by Regulations approved by Parliament. The Scheme is principally designed to allow people with severe walking disabilities to park close to places they wish to visit. It is essential that Badges are issued only to people who would otherwise be incapable of visiting shops, public buildings or other places.

Full name of applicant

Mr/Mrs/Miss/Ms

Address

Date of Birth

Postcode

Nature of disability quoted by applicant

- ❖ In order to assist the issuing authority to decide whether the applicant is eligible for a Badge this certificate **should be completed by a medical practitioner** and returned to the local authority in the envelope provided. The ultimate decision to issue or refuse a badge rests entirely with the issuing authority.
- ❖ The applicant has consented to the local authority contacting his/her family doctor for the purpose of obtaining information to support his/her application.
- ❖ The answers to the questions in this form should not be divulged to the applicant.
- ❖ Please as appropriate.

To be completed by a Medical Practitioner

1 Does the applicant have a disability which affects walking ability?

Yes No

If you have answered **No**, please sign this form and return it to the local authority. There is no need to answer further questions.

2 Is the disability
 Permanent Temporary Intermittent

3 Does the applicant regularly need to use
 a wheelchair Yes No Not known
 a walking aid Yes No Not known

If **Yes**, please state the type of walking aid.

4 From your knowledge of the applicant's condition, how far can the applicant walk without stopping, severe discomfort or help from another person?

Less than 50 metres Between 50 metres and 100 metres More than 100 metres

Signed

Practice Stamp

Date

Name



The Orange Badge Scheme

Notes to Help Local Authorities Consider Completed Forms (OB3)

Form (OB3) is for use by medical practitioners in cases where an application is made for an Orange Badge on the grounds that a person has "a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking".

The form does not require the medical practitioner to give a view on whether or not this criterion is met. The answers to the questions on the form should, however, enable the local authority to make a decision. The answers should not be divulged to the applicant.

Question 1 Asks the doctor whether or not the applicant has a disability which affects his or her walking ability. If the answer is **no**, then clearly there can be no question of issuing a badge and the doctor is requested simply to sign and return the form.

Question 2 Badges should be issued only to applicants with a permanent disability, rather than an intermittent or temporary problem.

Question 3 The answer or answers to this question should not of themselves decide whether the applicant is eligible for a badge. Some people who do not use walking aids nevertheless have extreme difficulty in walking. Conversely, many people who regularly use, for example, a walking stick are able to get about fairly easily. The answers to this question could however provide an indication of the eligibility of the applicant - for example if he or she regularly uses a wheelchair or walking frame.

Question 4 Asks the doctor to assess how far the applicant can walk without stopping, severe discomfort, or help from another person. There is no specific distance limit for walking which governs the award of an Orange Badge. Local authorities will wish to consider the answer to this question in the light of other information supplied on the form. Considerations such as difficulty in carrying parcels should not be taken into account when deciding whether an applicant is unable to walk or has severe difficulty in walking.



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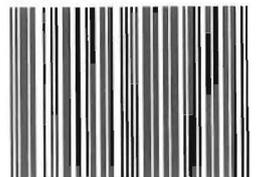
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