

**Disabled Persons'  
Parking Badge Scheme  
(The Blue Badge Scheme)**

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## **Summary of the main issues on which recommendations are invited**

The issues set out in this paper reflect the outcome of the discussion groups which were convened to look at the future shape of the Blue Badge Scheme.

The Secretary of State for Transport, Local Government and the Regions is inviting recipients to make recommendations to the Disabled Persons Transport Advisory Committee (DPTAC), his statutory advisers on the transport needs of disabled people, on what, if any changes should be made to the Scheme. DPTAC will be submitting its report to the Secretary of State by mid-March 2002.

### **Eligibility**

- Automatic and discretionary criteria
- Children under two who need to travel with medical equipment
- Assessment procedures

### **Administration**

- Responsibility for administration
- Period of issue
- Fees for personal and institutional badges
- Appeals system – there is currently no formal appeals system against a refusal to issue a badge
- Renewal process and system for recalling badges
- Duplicate Badges
- Temporary badges for those with temporary disabilities (such as awaiting hip replacements) or intermittent disabilities
- Institutional Badges

### **Concessions**

- Concessions available to badge holders
- Local parking schemes
- Exemption applying to central London boroughs
- Yellow line concession time limits

### **Enforcement**

- Tackling abuse
- Powers to inspect badges
- Theft and forgery
- Advice and information



# 1 Disabled Persons Parking Badge Scheme

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## 1.1 Background

- 1.1.1 The Disabled Persons' Parking Badge Scheme was introduced in 1971. It is also known as the Blue Badge Scheme (formerly the Orange Badge Scheme). It is an on-street parking concession and does not apply to off-street car parks (although private landowners often provide concessions to badge holders).
- 1.1.2 Changes to regulations in 1975 extended concessions to badge holders by permitting vehicles displaying badges to park on yellow lines for a maximum of 2 hours in England, Wales and Northern Ireland (in Scotland there is no time limit). Badge holders are not allowed to park where there is a ban on loading and unloading or where there is a bus or cycle lane in operation. Authorities are able to impose a time limit on parking by badge holders in on-street spaces reserved for them.
- 1.1.3 The scheme (England, Wales and Scotland) was again reviewed in 1986, leading to a number of changes to the regulatory framework. This included extending the time limit for parking on yellow lines from 2 to 3 hours in England and Wales. Measures were introduced to curb abuse, for example by requiring a photograph on the badge. New guidance was also provided to local authorities to help improve the administration of the scheme.
- 1.1.4 There have also been changes to regulations affecting eligibility criteria: in 1975 when the scheme was extended to blind people; and in 1991 when it was extended to those with a severe disability in both upper limbs.
- 1.1.5 In April 2000, a new design of the disabled parking badge was introduced, in line with a recommendation of the Council of the European Union (98/376/EC) to harmonise the design of badges across member states. No changes were made to the eligibility criteria or the parking concessions available under the scheme. The new blue design is being phased in over the next two years.

In Scotland and Wales, the responsibility for the scheme lies with the devolved administrations. The scheme is operated in England by County, Metropolitan District or Unitary Councils and in Wales and Scotland by Unitary Councils. Northern Ireland's scheme is subject to separate legislation from the rest of the UK and is administered by the Department for Regional Development.

- 1.1.6 A total of 2.23 million badges were on issue across the UK in March 2000.
- 1.1.7 The Disabled Persons Transport Advisory Committee (DPTAC) – the Government's statutory advisers on the transport needs of disabled people - submitted a paper to Ministers about the scheme in 1998, which covers issues such as eligibility criteria, administration and abuse. It highlighted the large variation in the discretionary aspects of the scheme in different areas and made a number of recommendations for changes.
- 1.1.8 Following DPTAC's report, a survey of local authorities in England, Scotland and Wales was carried out for the DTLR by the Transport Research Laboratory (TRL) to examine their procedures for issuing parking badges. This survey confirmed wide variations between authorities in the criteria used to issue discretionary badges and in administrative practices.

## **1.2 The Current Review**

- 1.2.1 DTLR, working with the Scottish Executive, the National Assembly for Wales and the Department for Regional Development Northern Ireland, commissioned MVA to carry out this review in order to support the development of an updated mobility scheme for disabled motorists which:
- meets the needs of those who need the concessions for independent mobility;
  - minimises the potential for abuse;
  - is fair, robust and justifiable.

## **1.3 Structure of the Discussion Paper**

- 1.3.1 This paper summarises the main issues that were considered most important by the discussion groups convened by MVA in the first phase of this work. It covers a number of themes including eligibility, administration, concessions, enforcement and the implications of blue badge exemptions from WPPL and road user charging schemes. Some issues are presented individually while others that are interdependent are taken together to enable respondents to consider the full implications in framing their recommendations.



## 2 Eligibility

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### 2.1 Introduction

2.1.1 People who meet at least one of the following criteria have an 'automatic right' to a badge:

- receive the higher rate of the mobility component of the Disability Living Allowance (DLA)<sup>1</sup>;
- are registered blind;
- use a vehicle supplied by a Government Department;
- receive a grant from a government department for their vehicle;
- receive a War Pensioners' Mobility Supplement; or
- have a severe disability in both upper limbs, regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand, even if that wheel is fitted with a turning knob.

2.1.2 There is an additional 'discretionary' criterion. Under this, disabled people may be issued with a badge if they have a permanent and substantial disability that means they are unable to walk or have very considerable difficulty in walking. The local authority has responsibility for assessing those applications, but currently they may also consult the applicant's GP who may be asked to answer a series of questions to help determine whether the person is eligible.

2.1.3 It was clear from the TRL survey of local authorities that there is a lack of consistency in approach to the issue of discretionary badges, resulting in wide variations in different areas and uncertainty in the interpretation of the discretionary criterion.

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<sup>1</sup> The higher rate mobility component of DLA is awarded to a person if they are unable or virtually unable to walk or have to exert themselves to walk to such an extent that it would constitute a danger to life; or would be likely to lead to a serious deterioration in health or has had both legs amputated at or above the ankle or was born without legs or feet; or is both deaf and blind and needs someone with them outdoors; or is severely mentally impaired, displays severe behavioural problems and qualifies for the highest rate care component for day and night-time needs.

2.1.4 DPTAC, supported by many of those who participated in the discussion groups, consider that it is very important to review eligibility for the scheme. The *de facto* variation in eligibility is seen as a current weakness that greatly devalues the scheme for those who rely upon its concessions for their day to day mobility.

## 2.2 Eligibility Criteria

2.2.1 A number of concerns have been raised by stakeholders about the current automatic and discretionary eligibility criteria including:

- whether all those who are entitled to a badge automatically have mobility problems which justify the issue of a badge;
- inconsistencies in the issue of badges have arisen between local authorities because the discretionary criterion is too broad and insufficient guidance has been provided on interpretation; and
- people are now receiving badges for a wider range of mobility problems than was originally intended.

2.2.2 DPTAC recommended that discretionary criteria should only be used for those aged 66 or over who, but for their age, would have met the criteria for the higher rate mobility component of the DLA. This approach was not supported in the discussion groups where participants considered that discretionary criteria should be retained for all age groups to provide a safety net for those who really need a badge but cannot qualify under other criteria, or who choose not to apply for the qualifying benefit.

2.2.3 Currently the scheme applies only to those over the age of two. Strong representations have been made that children under this age whose physical needs require the transport of medical or other support equipment at all times, such as oxygen cylinders, should be included under the automatic criteria. It is believed that there are only a small number of children, estimated to be less than 12,000, who would

be affected by this change. The discussion groups generally supported this extension.

- 2.2.4 There was no general agreement within the discussion groups on the changes that should be made to the eligibility criteria. **Respondents are invited to make recommendations on eligibility.**

## 2.3 Assessing Eligibility

- 2.3.1 Regardless of whether changes are made to the eligibility criteria there will still be a need for at least some applications to be subject to a detailed assessment before a badge can be issued.
- 2.3.2 Currently, local authorities often ask a discretionary applicant's GP to verify that the individual meets the criteria for a blue badge. It is generally agreed that this is an unsatisfactory arrangement for both the GP and the administrators of the scheme. The GP-patient relationship can be compromised and the GP is not always best placed to assess an individual's eligibility. Many of those in the discussion groups agreed that the applicant's GP should be removed from any direct involvement in the system to reduce the administrative burden on them.
- 2.3.3 Removing the applicant's GP from the process would require a more suitable assessment technique and procedure to be put in place. It is argued that other healthcare professionals could be used; for example occupational therapists or contracted medical advisors. The discussion groups generally supported such an approach, to ensure that applications are assessed fully.
- 2.3.4 DPTAC recommended that local authority staff, trained in mobility issues, should be responsible for assessing eligibility. Applicants would need to complete a detailed standard questionnaire and would then be interviewed by these staff. There was general agreement within the discussion groups that a detailed standard questionnaire should be developed to help in the assessment of applications. However, some felt that a form of medical opinion should still be required

in assessing applications, although not from the applicant's GP.

**2.3.5 Recommendations are invited on the assessment process.**

## 3 Administration

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### 3.1 Introduction

- 3.1.1 There was wide recognition in the discussions of the variations in the current administration system between different local authorities and this was felt to be a significant weakness of the current approach. Some authorities report that administering the scheme has become too much of a burden given the increasing numbers on issue. Yet there was a suggestion that in some cases there may be a tendency to approve rather than refuse applications for fear of the time that would be taken to justify a refusal.
- 3.1.2 It was suggested that a good practice guide should be produced to help local authorities adopt efficient and effective administration systems. This would be developed in close consultation with local authorities.
- 3.1.3 **Recommendations on administration methods to ensure a consistent approach to administration of the scheme are invited.**

### 3.2 Responsibility for the Scheme within the Local Authority

- 3.2.1 Responsibility for administration rests with local authorities, except in Northern Ireland where the scheme is operated centrally. DPTAC recommended that responsibility for administration in the local authority should be moved from Social Services to the Highways Department so that one department would be responsible for issuing badges, providing parking bays and regulating on-street and off-street parking.
- 3.2.2 In that way it was argued that the Highways Department may have a greater incentive to improve enforcement and the number of disabled parking spaces. It may not have the same depth of understanding of the problems faced by disabled people.
- 3.2.3 Conversely it was pointed out in discussion that the Social Services Department may have a wider appreciation of disability issues and how they affect everyday life.
- 3.2.4 An alternative to retaining administration within one department would be to make the two departments jointly

responsible. Local authorities are less compartmentalised these days and are developing ways of dealing with the numerous issues that cut across departmental boundaries.

3.2.5 A more radical approach, requiring a change to primary legislation was proposed which would be to move administration of the Scheme to a third party with one body, with regional coverage, having responsibility for the administration. It was argued that this could ensure a more consistent interpretation of the Regulations and guidance issued. One possible approach emerging from the discussion groups would be to give this role to a national disability organisation with the necessary expertise and resources to carry out the task effectively contracting in such services as healthcare advice as necessary. It was suggested that this would give the scheme more credibility among disability organisations, but it was recognised that local authorities, and enforcement authorities, would have to be convinced of the suitability of the chosen organisation to carry out this role effectively.

3.2.6 **There was no consensus within discussion groups on this issue and respondents are invited to make recommendations.**

### **3.3 Period of Issue of Badges**

3.3.1 The need for temporary badges is discussed elsewhere in this paper (see Section 3.8); this section is concerned with the period for which blue badges are issued, currently three years. It is argued that if someone has a long-term disability they should not have to reapply to the scheme every three years, as now, but should be given the concession for an unlimited period.

3.3.2 To provide a badge for an unlimited period to relevant people has obvious advantages to the individual and reduces the administrative load. However, there may be concern that issuing such a badge could be too open to abuse, for example badges might not be returned to the local authority on the death of the holder.

3.3.3 An alternative approach, to extend the issue period from three years for all, was proposed to reduce the

administrative load and would require badge holders to reapply less often.

- 3.3.4 Providing the link with DLA remains, it is suggested there may be a case to link the period of issue of the blue badge to that of receipt of DLA where the benefit is awarded for a period less than the standard issue period of a badge. Currently, if DLA is taken away after a year, the individual may retain their blue badge under the automatic criteria until the end of the three year period. Though clearly the recipient could re-apply under the discretionary criteria.

- 3.3.5 **Recommendations are welcomed on the period of issue.**

### **3.4 Fees**

- 3.4.1 The current £2 charge for a badge is widely regarded as out-of-date and not worth collecting. Indeed, some local authorities have already abandoned it. If improvements to the administration of the scheme are adopted then local authorities may perceive no other option than to make a realistic charge for administration. Recovering the full costs of the scheme through charging badge holders is likely to meet with opposition. Those representing them in the discussion groups felt that some increase would be acceptable but full cost recovery would not.

- 3.4.2 It was also considered important to have a fee for issuing duplicate badges to prevent abuse. It was widely agreed, however, that if a badge was stolen and the person was in possession of a crime number, they should not have to pay for a duplicate.

- 3.4.3 **We would like to receive recommendations on the level of fees.**

### **3.5 Appeal System**

- 3.5.1 There is no statutory system of appeal against refusal of an application (although some local authorities have developed one). In other cases, there is a *de facto* system of appeal when an applicant who has been refused a badge contacts their local councillor. Under certain circumstances, it is also

possible to appeal against the withdrawal of a badge<sup>2</sup>. There was general agreement in the discussion groups that there should be a right of appeal against refusal of a badge and that applicants should be informed of this.

- 3.5.2 The likelihood of appeals will (most probably) be linked to the degree of flexibility and discretion allowed in the eligibility criteria. If these categories are tightened it could lead to fewer appeals. In considering this question, therefore, it is extremely important for respondents to consider the eligibility issues first.
- 3.5.3 Recommendations on whether an appeal system should be established, and if so, its form, are invited.**

### **3.6 Renewal Process**

- 3.6.1 The renewal process was widely seen in the discussion groups as too lax. It was felt that once a person had a badge it was easy to get another, as very few renewals are checked to ensure that the individual's circumstances still justify the issue of a badge.
- 3.6.2 DPTAC recommended that consideration should be given to requiring local authorities to reassess all applicants as part of the three year cycle. For example, applicants would have to produce a statement certifying that they continue to receive the higher rate mobility component of DLA or be re-assessed according to the discretionary criteria. This is already the case in Northern Ireland.
- 3.6.3 Within the discussions it was questioned whether reassessment every three years was necessary for all applicants. It was argued that for many people their disability is unlikely to change and therefore it would be a waste of resources to re-assess them at each renewal. It was noted that the issue of reassessment has to be considered alongside the question of the period of issue of the badge; a change in that area may have repercussions for the renewal process.

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<sup>2</sup> If a local authority withdraws a disabled person's badge, the applicant may appeal to the Secretary of State under regulations 10(1)-(2) of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 providing the appeal is made within 28 days of the date of the local authority's decision. In Scotland, there is a similar right of appeal to Scottish Ministers under Regulation 10(1)-(2) of The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.

- 3.6.4 If the eligibility criteria are more tightly specified it was suggested that there might be a need to carry out re-assessments for the three years (subject to the outcome of this review – see section 3.3) following their introduction to ensure that all those with a badge meet the new criteria. Once that period was over, however, there would be less need to carry out re-assessments of all applications.
- 3.6.5 DPTAC recommended that local authorities should keep adequate records so that reminders can be sent out for renewals and badges may be called back if necessary. This was widely supported. Badge holders welcomed the idea of receiving a reminder to ensure they obtain a new badge before their old one expires.
- 3.6.6 Efforts to improve the recall of badges have already been adopted in some areas e.g. Northern Ireland (where the return rate is 15-20%), but there is considerable scope for increasing the number of returns. It is recognised however that this is a difficult task and issues around local authority resources will need to be considered.
- 3.6.7 The only way to ensure that old badges are returned is not to issue a new badge until the previous one is returned. However, this would deprive the badge holder of the parking concessions until the new badge was received and it would do nothing to prevent abuse by those claiming to have lost their old badge.
- 3.6.8 It was pointed out that if local authorities are to facilitate the efficient issue of renewals they must improve their registers of badge holders that are required under Section 21(5) of the Chronically Sick and Disabled Persons Act 1970. This would ease the recall of badges and allow details to be checked thereby facilitating stricter enforcement. There was agreement in the discussion groups that the format of such databases should be standardised and there could be a case for developing a national database of badge holders. This could also facilitate checking badges to reduce abuse of the scheme, which is discussed in Chapter 5 on enforcement. However, the resources required to maintain an up-to-date database would need to be considered.
- 3.6.9 Recommendations are invited on the need for reassessments and the system for recalling badges.**

### **3.7 Duplicate Badges**

3.7.1 If badges are reported as lost or stolen there is little the local authority can do apart from issue a new one. This is the case even if people continually lose their badge and apply for new ones. In some areas people are asked to report stolen badges to the police and get a crime number, but in reality it is unlikely that they will be recovered.

3.7.2 Stakeholders considered there to be a need to standardise procedures for issuing duplicate badges. For example, some authorities currently re-issue badges with the same serial number as the original, which makes it impossible to track abuse.

**3.7.3 Recommendations on how to deal with lost or stolen badges would be welcomed.**

### **3.8 Temporary Badges**

3.8.1 Blue badges are currently issued for a period of three years and guidelines indicate that badges should be issued only to those who are permanently disabled. The TRL survey showed however that some local authorities have been awarding badges to those with temporary or intermittent disabilities.

3.8.2 The discussion groups acknowledged that the effect of some disabilities on mobility can diminish, for example following hip replacement, and generally agreed that, in principle, those who are temporarily disabled should be able to apply for a blue badge.

3.8.3 The discussion groups agreed that it would not be practical to issue badges in cases where the effect of the impairment was likely to be short term but reached no consensus on what the minimum period should be.

**3.8.4 Recommendations would be welcome on whether temporary badges should be introduced and if so under what conditions.**

### **3.9 Institutional Badges.**

3.9.1 Currently approximately 1% of blue badges are issued to institutions. Concerns have been expressed about the potential for abuse of such badges and the discussions

suggested that the eligibility criteria for these badges should be tightened up. One suggestion was that an institutional badge should only be issued to those organisations with a specially adapted vehicle.

- 3.9.2 An alternative suggested was to abolish the institutional badge altogether and for institutions providing transport for disabled people to rely on the badges held by their passengers.
- 3.9.3 It has been suggested that there should be a significant increase in cost for institutional badges.
- 3.9.4 **Recommendations on the future of the institutional badge and the level of fees are particularly welcome.**



## 4 Concessions

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### 4.1 Introduction

- 4.1.1 The concessions available to holders of a Disabled Persons' Parking Badge apply only to on-street parking. Vehicles displaying badges may park on yellow lines for a maximum of three hours in England, Wales and Northern Ireland (in Scotland there is no time limit). Badge holders are not allowed to park where there is a ban on loading and unloading or where there is a bus or cycle lane in operation. Authorities are able to impose a time limit on parking by badge holders in the on-street spaces reserved for them.
- 4.1.2 The scheme's concessions have never applied in the City of London, the London Boroughs of Westminster and Kensington and Chelsea and part of the London Borough of Camden.
- 4.1.3 Many participants in the discussion groups felt the parking concessions are essential to the quality of life and social inclusion of disabled people. It was recognised, however, that there are a number of areas where the concessions could be strengthened or improved.

### 4.2 Local Disabled Persons' Parking Schemes

- 4.2.1 In some areas, local authorities have introduced disabled persons' parking schemes available to local residents only. It has been suggested that this is a response to what they perceive as problems created on their roads because of the number of badges on issue.
- 4.2.2 The discussion groups generally agreed that these local schemes should be discouraged since they undermine the value of the badge and exclude disabled visitors from using local facilities.
- 4.2.3 **We would welcome recommendations on whether such schemes should be discouraged, and the appropriate form of any such discouragement.**

### 4.3 Exemptions

- 4.3.1 Similarly, there were strong arguments against the four central London Boroughs referred to in Paragraph 4.1.2 remaining outside the national scheme.

**4.3.2 We would therefore welcome views on whether this exemption should continue and, if so, on what grounds.**

#### **4.4 Length of Time**

4.4.1 There have been suggestions that the time limit of three hours for parking on yellow lines is too short for those who need longer, for example if their workplace has no off-street parking space. On the other hand, some people in the discussion groups in Scotland, where there is no time limit, pointed out that spaces are occupied on a first-come first-served basis and therefore are occupied all day by those going to work, to the detriment of others.

4.4.2 On the other hand, parking on yellow lines is considered a problem from a traffic management perspective. It is suggested that some local authorities introduce loading restrictions for this reason in places where they would not otherwise be deemed necessary.

**4.4.3 Recommendations on the concessions are invited.**

## 5 Enforcement

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### 5.1 Introduction

- 5.1.1 Of major concern to all participants in the discussion process is the abuse and misuse of the scheme, which is perceived to be undermining it. There is no data on the current level of abuse as it is difficult to survey and therefore opinions were very much based on a perceived level of abuse, which may or may not be accurate. DPTAC feels that a general lack of enforcement has allowed abuse of the scheme to grow and is devaluing it.
- 5.1.2 It is an offence to display a badge when driving a motor vehicle on a road unless it was issued and displayed in accordance with regulations (Section 21(4B) of the Chronically Sick and Disabled Persons Act 1970). Offenders can be prosecuted in a Magistrates Court with a maximum penalty of £1,000. The number of prosecutions is believed to be very small.
- 5.1.3 Badge holders can have their badges withdrawn after at least three instances of misuse that have led to conviction, for example, allowing somebody else to use it. Issuing authorities are encouraged to give warnings if a badge is being misused. Ninety four per cent of authorities in the TRL study record cases of misuse of the badge and a quarter note it on the holder's file. These instances, however, appear to be rarely followed up, except for the issuing of warning letters and only a few cases result in a court prosecution. The number of badges withdrawn is reported to be small.
- 5.1.4 Some local authorities issue reminders to badge holders inviting them to renew their badge, but many do not. It has been suggested that neglecting to call in out of date badges encourages abuse of the scheme and increases the number of badges in circulation. Furthermore, if a badge is lost or stolen, only two thirds of authorities surveyed require that it be reported to the police.
- 5.1.5 There were 4 main elements relating to the abuse of issued badges that came out of the discussion process and these are listed below:
- Non-disabled people parking in bays reserved for badge holders;

- people using the badge when the badge Holder isn't present;
- theft/vandalism/fraud/covering up details of the badge itself; and
- badge holders thinking they are entitled to park anywhere.

5.1.6 It was acknowledged that there would always be some level of abuse but it was felt that a lot could be done to substantially improve the current scheme.

## **5.2 Wider Checking of Badges**

5.2.1 DPTAC recommended that legislation should be introduced as soon as possible to improve the enforcement of the scheme by allowing badges to be checked. The power to inspect badges was recommended in the last review of the Scheme in 1992. This power already exists in Northern Ireland and in Scotland. England and Wales are seeking to enact the necessary legislation at the earliest opportunity. The majority of participants agreed with the DPTAC recommendation, although some were keen to point out that it would not solve all the enforcement problems associated with the scheme.

5.2.2 For England and Wales there is a question as to whether the power to inspect badges should be confined to police officers or also apply to traffic wardens and parking attendants. The need for the latter is increased by decriminalisation of parking enforcement. Disabled people in the discussion groups did not think that genuine badge holders would object to increased checking.

5.2.3 It has been suggested that if they suspected a badge had been tampered with or forged, police officers, traffic wardens and parking attendants could have the power to confiscate the badge and seek the name and address of the individual concerned, so that a prosecution could be made.

5.2.4 The basic design of the badge is now common throughout the European Union, but there is scope within that for variations that might help with enforcement. Although it has been argued that putting a photograph (or at least a name) on the front of the badge would facilitate the checking of

badges, there are important personal security and privacy implications involved. Some badge holders would be concerned that if their photograph was on display it could encourage robbers to wait for them to return to their vehicle.

**5.2.5 Recommendations are invited on ways to increase the effectiveness of checks made on badges, taking account of the issues raised in this section.**

**5.3 Issuing Penalty Notices**

5.3.1 DPTAC recommended that, where parking enforcement has been decriminalised, local authorities should instruct parking attendants to issue penalty notices to every car not duly displaying a valid badge in a parking space designated for the use of badge holders only.

5.3.2 Organisations representing disabled people have argued for consistency in enforcement between different local authority areas. It was evident from the discussions that, at present, there are many differences in levels of enforcement and interpretation of rules and regulations. Many participants agreed that too few of those who abuse the scheme are issued with penalty notices, including disabled people parking illegally.

5.3.3 The view of the enforcement authorities is that disabled drivers who are illegally parked should be treated the same as any other driver with regard to enforcement. In practice though it was reported that, police officers and traffic wardens appear reluctant to issue too many tickets to disabled people and there is concern that cases reaching court are dismissed by magistrates for similar reasons.

**5.3.4 Recommendations on whether it is feasible for police officers, traffic wardens and parking attendants to issue more penalty notices to those abusing the scheme would be welcomed.**

**5.4 Harsher Penalties for Abuse**

5.4.1 DPTAC recommended that local authorities should encourage prosecution of those who use badges illegally and publicise all prosecutions. There are three aspects to this including abuse by the badge holder; abuse by others and use of a badge that has been tampered with or forged.

### **Abuse by Badge Holders**

- 5.4.2 A badge holder has to misuse their badge leading to at least three relevant convictions before it can be withdrawn. There is a right of appeal against withdrawal. Very few badges are withdrawn for reasons of abuse. Local authorities find that collecting evidence of three different instances of abuse is time consuming.
- 5.4.3 It has been suggested that guidance to local authorities on the implications of regulations and when they can remove a badge for alleged misuse could be useful.
- 5.4.4 **Recommendations are invited on the level of abuse required before action can be taken.**

### **Abuse by Non-disabled People**

- 5.4.5 Most groups of badge holders advocated harsher penalties for abusers. Some felt larger fines were appropriate; some suggested fixed penalties; whilst others believed points on driving licences would be more effective. Some participants did not feel that the current penalties dissuaded people from abusing the scheme.
- 5.4.6 It is already illegal to use a badge that has not been issued in accordance with the regulations and this of course covers badges that have been tampered with or forged (Section 21(4B) of the Chronically Sick and Disabled Persons Act 1970).
- 5.4.7 **Recommendations on penalties for abuse and the circumstances for withdrawing a badge would be welcomed.**

## **5.5 Providing Information about the Scheme**

- 5.5.1 Leaflets explaining the scheme to users are issued to those receiving a badge but it is argued that the need for enforcement would be reduced if there were a greater understanding of the scheme. There was strong evidence from the discussion groups that many people are unsure about the current concessions. In Scotland, the time for which a badge holder can park on a yellow line is different to that in the rest of the UK. The concession has never applied in certain areas of central London because the volume of traffic in those areas means that any parking on

yellow lines could cause considerable congestion. Also, in some areas but not others, there are off-street parking concessions (not part of the scheme but granted by some local authorities to badge holders). Such variations it is argued can contribute to confusion and clear information needs to be provided.

- 5.5.2 It was also reported in the discussion groups that not everyone who is eligible for a badge is aware of the scheme. There may also be a need for information to be available in formats that are more accessible (versions of the main leaflet are already produced in large print, Braille and on audio tape). This would include formats suitable for those who do not have a high level of literacy.
- 5.5.3 The discussion groups also felt there is a need to raise general levels of awareness about the scheme. This applies equally to disabled people using the scheme, those trying to enforce and administer the scheme and non-disabled people.
- 5.5.4 Awareness is directly linked to the issue of publicity and it is suggested that there is a need to make the general public more aware about how the scheme operates. More publicity could dissuade non-disabled people from parking in disabled bays, particularly if it was coupled with some high profile cases of prosecution. It would be important for such a campaign to be backed by disabled rights groups.
- 5.5.5 **Recommendations on how to improve knowledge and understanding of the scheme would be welcomed.**