



Llywodraeth Cymru  
Welsh Government

GUIDANCE

# Blue Badge Scheme in Wales: guidance for local authorities 2021

Guidance for local authorities on how to deliver the Blue  
Badge Scheme.

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# Introduction

This non-statutory guidance has been prepared by the Welsh Government to assist local authorities in administering the Blue Badge Scheme. The guidance will be subject to regular review.

## The Blue Badge Scheme

The Blue Badge (Disabled Persons' Parking) scheme was introduced in 1971 under section 21 of the Chronically Sick and Disabled Persons Act 1970.

The scheme provides a national arrangement throughout the UK of on-street parking concessions for people who experience the greatest barriers to their mobility when seeking to access community based facilities. The scheme is open to eligible people who may be travelling as a driver or a passenger.

## Role of Welsh Government

The Welsh Government is responsible for the policy and legislative framework for the Scheme. This includes:

- the prescribed description of people to whom a badge may be issued i.e. the eligibility criteria
- the fee that can be charged by local authorities for the issue, or reissue of a badge
- the period of issue of a badge
- the grounds for refusal to issue a badge and the grounds to withdraw a badge

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- the circumstances in which a badge should be returned to the issuing authority
- Blue Badge Digital Service (BBDS) decision to refuse to issue or to withdraw a badge
- the manner in which the badge should be displayed and
- the concessions available nationally under the scheme to badge holders

The Welsh Government cannot intervene in individual applications. These are matters for the relevant local authority.

## Role of local authorities

Local authorities are responsible for the day-to-day administration and enforcement of the scheme. They are responsible for determining and implementing administrative, assessment and enforcement procedures in accordance with the governing legislation.

**A list of the relevant legislation is at annex a.**

The key responsibility of local authorities is to ensure that badges are only issued to those applicants who meet the strict eligibility criteria set out in the relevant legislation.

As part of their role, it is important that there is effective communication between the teams that issue Blue Badges and those that conduct on-street parking enforcement.

It is recommended that local authorities have clear desk instructions on how to administer the scheme, including policy on circumstances when local authorities will charge for a Blue Badge in the case of a replacement or organisational badge, as well as procedures for reviewing decisions.

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Under no circumstances should anyone who does not satisfy at least one of the criteria receive a badge.

All members of staff who deal regularly with applicants and badge holders should be included in the local authority's disability and equality awareness training programme, which should include information on the social model of disability. Such training will help staff to understand the importance of the scheme to those who may rely upon it to access goods and services.

## Provision of information

It is important that people in the local authority area, who might be eligible for a Blue Badge, are made aware of the scheme and how they can apply for a badge.

The Welsh Government has made the following publications available on their website so that they can be downloaded and printed locally:

- **Who is eligible for a Blue Badge**
- **The Blue Badge Scheme: rights and responsibilities in Wales** (a copy is sent with every Blue Badge issued through the Blue Badge Digital Service (BBDS))
- **The Blue Badge Scheme: organisational rights and responsibilities**

In addition, large print, Braille and audio versions of 'The Blue Badge Scheme: rights and responsibilities in Wales' are available on request from

**[BlueBadge@gov.wales](mailto:BlueBadge@gov.wales)**

In accordance with the Equality Act 2010, local authorities should provide information about the scheme bilingually and in accessible formats on their website and at locations that are accessible.

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# Role of Blue Badge Digital Service (BBDS)

Local authorities' procedures for administering the Blue Badge Scheme need to incorporate the **Blue Badge Digital Service (BBDS)**. The BBDS, provided by Valtech Ltd includes:

- secure printing, supply and distribution of a Blue Badge
- a common store of key information on badges and badge holders to enable verification checks to be made quickly and easily, either from a PC or via smart phones or similar technology
- a web-based management information system for local authorities
- a national online application form available via GOV.UK
- a helpline and whistleblowing service

Local authorities have instant access to details on Blue Badge holders from anywhere in Great Britain, not just in their local authority area. Having a common system for processing Blue Badge information and securely printing and distributing badges prevents many types of fraud and abuse.

## Social Model of Disability and the Equality Act 2010

The social model of disability makes an important distinction between 'impairment' and 'disability'. Impairment is the thing about the individual that is different, affecting their appearance or how they function and possibly causing difficulties such as pain or fatigue. Disability, by contrast is the disadvantage experienced by people with impairments as a result of the way the environment is constructed, the way in which a service is delivered or the attitudes of those providing services. Disabled people are not disabled by their impairments but by barriers and we need to remove those barriers to remove inequality. This model

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is recognised by disabled groups and was formally adopted by the Welsh Government in 2002.

The Welsh Government aims to use appropriate language in line with the social model. However, the legislation supporting the Scheme often contains language which does not reflect the social model of disability and assumes that disabled people are disabled by their impairments (or 'disabilities') and that is why we have used this language. The Welsh Government definition is published externally in [Action on Disability: the right to independent living framework and action plan](#).

It is important in assessing eligibility for a Blue Badge that the assessment process correctly identifies people who require a Badge to overcome the barriers they face in accessing services. The provision of parking for disabled people is limited and if Blue Badges are issued to people who do not meet the criteria, that limited provision will be in greater demand.

Section 20 of the Equality Act 2010 places a duty upon service providers to take reasonable steps to ensure that people with protected characteristics are not put at a substantial disadvantage compared to other people when accessing services. This requirement has implications for car park operators who may have to demonstrate that, as well as marking out parking spaces for Blue Badge holders, they have taken reasonable steps to ensure that they are available and accessible to people with impairments.

Section 149 of the Equality Act 2010 introduced a Public Sector Equality Duty which requires public bodies - including local authorities - to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act
- advance equality of opportunity between people who share a protected characteristic and those who do not and

- foster good relations between people who share a protected characteristic and those who do not

This Duty came into force on 6 April 2011. Protected characteristics consist of: race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership and gender reassignment.

In order to meet this duty a public authority must embed equality considerations in everything they do, including decisions relating to the design and delivery of parking enforcement.

The Equality Act 2010 allows for the better or more favourable treatment of people with impairments based on evidence, in order to provide equality of opportunity.

## **Chapter 1: Blue Badge application process**

### **Initial enquiries / initial sift criteria**

Local authorities are responsible for delivering the Blue Badge scheme and providing a service and information to people who want to apply for a Blue Badge. It is recommended that local authorities provide applicants or carers on behalf of an applicant with information on the scheme, in particular eligibility criteria, the application process and assessments.

It is important that detailed information on the eligibility criteria is provided to all applicants at an early stage to provide realistic expectations and prevent time being wasted by applicants who do not meet the criteria. Applicants must be made aware that in order to be issued with a badge they will need to provide evidence in support of their application. The evidence required includes proof of residency, a photograph and healthcare professional evidence of conditions,



symptoms and difficulties mobilising in the community. Applicants applying through Gov.UK can check their eligibility on-line.

## Blue Badge application processes

It is for the local authority to decide their own procedures and these may include drop-in centres, telephone, postal and online services. Local authorities will need to capture core data in order to determine eligibility and to process the application through the BBDS to obtain the badge.

## Applications through BBDS

BBDS provides a national online application through **GOV.UK**. Applicants will still need to provide the appropriate photographs, any supporting documents required (i.e. proof of identity, residency and eligibility and healthcare professional evidence of conditions and difficulties). Local authorities will need to ensure that they check the BBDS for any applications received through GOV.UK.

Good practice: local authorities should process all applications through the BBDS. This allows a more comprehensive analysis of statistics by local authorities and Welsh Government. It also reduces the potential for fraud through multiple applications.

For an individual person badge the mandatory fields for applications through BBDS are:

- full name
- surname at birth
- gender
- date of birth

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- town of birth
- country of birth
- full address, including postcode and photo of the applicant

Whilst the National Insurance Number is not a mandatory field, the Welsh Government recommends that local authorities complete this field, where possible, because it is helpful in confirming the identity of an applicant. This can assist with enforcement if such action were to become necessary.

For an organisational badge the mandatory fields for applications through BBDS are:

- organisation name (this must be less than 30 characters to appear on the badge)
- forename and surname of the contact for the organisation and full address including postcode
- either an organisation logo or a reason for not supplying one
- number of badges required
- confirmation the organisation cares for eligible people
- confirmation that the care includes transportation

Local authority officers will need to set up an account to gain access and will need to consider how they integrate the BBDS into their daily working procedures. Separate guidance on how to use the BBDS is available: [BBDS guidance \(confluence\)](#)

## Other required information and considerations

A carer can apply on behalf of any applicant however they must read and sign the declarations within the application, stating their relationship to the applicant. Local authorities may wish to consider that the badge may only be sent out to the Blue Badge holder's address which could be a care home, as this is the

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address used to conduct a residency check. In cases where this is not possible badges may be delivered to the local authority office for collection.

## Special cases terminally ill applicants

Local authorities may wish to consider having a fast-track application process for people who have a terminal illness that seriously limits their mobility, in order to make the final weeks of their life easier. For example Motor Neurone Disease (MND) or some cancers.

A shorter model application form has been provided for use in this type of case and the requirement for a photograph can be lifted. However, applicants will need to provide healthcare professional supporting evidence and need to show that they have considerable difficulty walking. All applications should be handled sensitively and applicants and their carers treated with respect and courtesy, but this is particularly important when an applicant is terminally ill.

## Verifying identity

Verifying identity, proof of residence and checking that the applicant meets the eligibility criteria is essential to protect against fraudulent applications and abuse of the scheme.

It is recommended good practice that identity be checked through one of the following forms of evidence:

- birth / adoption certificate
- marriage / divorce certificate
- civil partnership/dissolution certificate
- valid driving licence
- valid passport

- concessionary Travel Pass

Local authorities may also use a holistic approach to establish identity because it is recognised that in some rare cases, an applicant will not have any of the above standard documentation. However, in these cases, the local authority has the discretion to verify the applicants identity through a review of existing records held. It is recommended that an auditable record of the approach be kept where identity is verified in this way.

It is for the local authority to decide whether they will accept only originals or certified photocopies of documents.

If documents are provided as certified photocopies they should include the text: “This copy is a true likeness of the original” alongside the signature; printed name and occupation of the person providing certification.

It is recommended that proof of address be provided in the form of an original council tax bill bearing the applicant’s name and address. This is unnecessary if the applicant gives consent for the local authority to check council tax records, the electoral register or school records to confirm the address. If this evidence is not available then it is recommended that the local authority accept a benefit award letter. In the absence of any other proof, it is recommended that local authorities accept a utility bill.

Where an applicant has provided a caravan or mobile home site address on their application, local authorities will need to verify this information. Local authorities in Wales are responsible for licensing these sites; and deciding, through the conditions that they impose, whether tenants are able to use the site address as their principle address.

The photograph is a key feature in reducing abuse of the scheme and enabling effective enforcement. Local authorities can refuse to issue a badge if they have reason to believe that the applicant is not who they claim to be.

Each applicant for an individual badge will be asked to supply a passport-size photograph to be scanned into the BBDS. The detailed requirements of the photograph are provided in the guidance accompanying the application form. The photo should be recent and show the applicant's face clearly. Photos should be in the style of passport photos, but as there are no biometric scanners involved in the use of Blue Badges the photos do not need to meet all of strict requirements for passport photos (such as 'no smiling' and 'no glasses'). It is recommended that the applicant's name be written clearly on the back of each photograph and that the applicant, or the person applying on their behalf, confirms in the declaration section of the application form that the photograph is a true likeness.

Where suitable, local authorities can accept electronic photographs in a similar style to passport photos. If possible no other person should be visible in the photograph.

In some circumstances strict adherence to the photograph specification is not possible due to the applicant's individual circumstances. Local authorities will need to deal with these on a case by case basis.

Photographs do not need to be provided for organisational badges. However, it is recommended that where possible, organisations should provide local authorities with an electronic file of their logo. This can be uploaded to the BBDS system and included on the badge.

It is recommended that if a local authority is unable to invite applicants to an interview and accept applications via other methods, they should request that a certified photograph be provided to satisfy the identity verification checks.

In those circumstances, it is recommended that the photograph is certified by a person, other than a partner or family member of the applicant, who has known them for a minimum of two years and is 18 years or over. Applicants should be asked to provide contact details for the person certifying their application. The

local authority may wish to contact the certifying person where deemed necessary.

## Declarations

It is recommended that local authorities include declarations at the end of the application form for the applicant to review and sign. These can help to combat fraud and allow the local authority to cross-check relevant information with other council departments.

Declarations can be used to confirm that the applicant:

- understands the application process and has answered the questions honestly
- understands that they will need to abide by the rules of the scheme
- understands how the data provided will be used by the council and, where necessary, has given permission for data sharing in accordance with the UK General Data Protection Regulations
- gives their consent for the release of medical and other information required for assessing eligibility

These declarations will also provide evidence in any enforcement action that may be taken if badges are issued because of inaccurate information being provided on the application form.

## Transsexual and transgender applicants

Transsexual and transgender people live permanently in a gender other than that assigned at birth. Accordingly, their name and personal details will have changed. Discrimination against transsexual and transgender people is unlawful and good practice is to regard the individual in the gender with which they

identify.

Some applicants may find it difficult to provide the appropriate documentation, so it is recommended that local authorities are more flexible in assessing the proof of identity of transgender people. Respect for the individual and privacy of gender history are of paramount importance and it is recommended that a Gender Recognition Certificate not be requested as proof of identity. It is important that local authorities deal with applications made by transsexual and transgender people sensitively, and issue badges under the requested gender.

## Blue Badge fee

Local authorities in Wales are not able to charge individual holders for their Blue Badge. Welsh Government provides funding to local authorities to cover the cost of the Blue Badge through the Revenue Settlement Grant.

Local authorities are allowed to charge a fee of up to £10.00 for an organisational or replacement badge. This charge is at the discretion of the local authority. Local authorities may not wish to charge for replacement badges if there is evidence that the badge has been stolen, for instance where the badge holder has reported the theft to the police and provides the local authority with a police incident number. This would be a cost to the local authorities, Welsh Government do not provide additional funds for this. Please note that some police forces will only issue an incident number if there is evidence that a crime has taken place.

It is recommended that local authorities have a clear policy on how much, and under which circumstances, they will charge for a replacement badge and organisational badge.

## **Streamlined processes**

Where the local authority is satisfied that an applicant will permanently meet the eligibility criteria, the local authority is able to mark their records as such to shorten the 'renewal' process when their badge expires. This will be the case where a person clearly meets the criteria and their impairment will not improve, such as a double amputee. In such cases the applicant will have a simplified renewal process, only needing to supply evidence of their identity, residence and a photograph. They will still be expected to sign the declaration form.

## **Chapter 2: Determining eligibility of applicants**

### **Eligibility criteria**

In no circumstances should a badge be issued to an applicant who does not meet one of the eligibility criteria set out in the legislation that governs the scheme and badges should never be issued to people solely on the basis of their age.

An individual's eligibility for a Blue Badge is considered in terms of being eligible with or without further assessment. Provided that the applicant can evidence one of the criteria listed and can satisfy identity and residency checks, a badge should be issued.

### **Eligible without further assessment (automatic eligibility)**

People who may be issued with a badge without further assessment are those who are more than two years old and fall within one or more of the automatic eligibility descriptions below.

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The table below details the eligibility criteria and evidence requirements.

Automatic eligibility criteria	Evidence
Applicant is in receipt of Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA)	An original HRMCDLA award letter dated within the last 12 months
Applicant is in receipt of War Pensioners' Mobility Supplement	An original entitlement letter
Applicant is in receipt of Armed Forces Compensation Scheme (tariff 1-8)	An original award letter, which also certifies that you have a permanent and substantial disability which causes inability to walk or very considerable difficulty walking
People awarded Tariff 6, - Permanent Mental Disorder of the Armed Forces Compensation Scheme	An original award letter which demonstrates that the applicant has been awarded tariff 6 - Permanent Mental Disorder under the Armed Forces Compensation Scheme
Applicant is registered as sight impaired under section 29(4)(g) of the National Assistance Act 1948	An ophthalmologist report or CV1/BD8 form confirming that the person is "severely sight impaired (blind)" or registration with local authority as sight impaired

Please note: For applicants in receipt of PIP, a local authority should not base a decision to award a badge under the PIP criteria on a combined score of the mobility descriptors i.e. Mobility Activity 1 plus Mobility Activity 2. If an applicant does not meet the required score for either Mobility Activity 1 (12 points) or Activity 2 (8 to 12 points), they fail to meet the automatic criteria.

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If an applicant wishes to challenge a decision not to award a badge you should explain that these descriptors and qualifying scoring are detailed in regulations. If they wish to appeal against their PIP award, then they should be directed to the [Department for Work and Pensions \(DWP\)](#).

## Eligible subject to further assessment (discretionary eligibility)

Local authorities are responsible for checking that applicants have provided relevant and sufficient evidence in support of their application.

The local authority must ensure that a robust assessment can be made, using healthcare professional evidence, including reports, letters (not appointment letters) summaries and assessments by relevant healthcare professionals involved in an applicant's care.

At the point of application, each local authority must request further relevant evidence, should evidence provided by the applicant be insufficient.

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### Discretionary eligibility criteria Evidence

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Has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking

Welsh government recommends that all appropriate available evidence is used and the local authority may wish to take into account the following:

- assessments undertaken by service providers within the local authority
- walking aids used
- excessive pain during and after walking
- breathlessness
- distance they are able to walk

- 
- use of oxygen
  - certain types of medication

Further non-statutory guidance is available to local authorities to assist them in determining whether an individual meets the criteria, by awarding a weighting to the different kinds of evidence that is presented. The weighting has not been made publically available in order to tackle fraudulent applications

Local authorities are recommended to not rely on letters from GPs. GPs are clinicians, who specialise in diagnosis and treatment. Eligibility for a Blue Badge does not depend on diagnosis, but on how an individual's mobility is impaired, which is outside of the specialism of the majority of GPs

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Has a temporary and substantial disability which causes inability to walk or very considerable difficulty in walking. The disability must last at least 12 months

In these cases Welsh Government recommends that the application is assessed by the Independent Assessment Service, to determine if the applicant meets the mobility and the time criteria

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Drives a vehicle regularly, has a disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking equipment

The applicant's driving license should be coded as either of the following:

- 40: adapted steering
- 79: restricted to vehicles in conformity with the specifications stated in brackets

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## General guidance on determining eligibility

Each Blue Badge application should be treated on a case-by-case basis and the

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final decision about whether an applicant meets the criterion is for the issuing local authority to make. Welsh Government has no power to intervene in decisions made in individual cases.

Eligibility should be carefully considered to maximise the fairness and consistency of decision making on eligibility for a badge before it is issued. Local authorities should also keep a record of the procedures used and the outcome of applications. This will help the authority to provide greater transparency to applicants and to demonstrate that correct procedures have been followed in event of a complaint.

Welsh Government recommends that where possible, evidence of a person's medical condition should be obtained from an independent healthcare professional, rather than the applicant's own GP.

## Sharing information

The intelligent use of cross-checking existing council records may identify information to support an application under the 'subject to further assessment' walking criterion. An applicant may have undergone a related functional assessment with a different council department or health provider and this should be checked when disclosed during an assessment.

Healthcare providers are likely to be a good source of evidence to help the local authority to determine eligibility for a Blue Badge. Local authorities may have arrangements in place to access information from health providers, or the applicant may have evidence of mobility services they have accessed in the last 12 months from:

- hospital consultants or specialists
- physiotherapists
- occupational therapists

- specialist nurse
- pain clinics
- district nurse
- community psychiatric nurse

Other sources of evidence should also be considered to provide a full overview of the applicant and their difficulties and limitations in the community or when completing day to day activities. Other professionals with knowledge who may be able to provide evidence are:

- speech and language therapy
- orthotics
- school Individual Development Plan or Additional Learning Provision statement, social worker, play specialist, teacher or teaching assistant
- osteopath/Chiropractor
- memory clinic/specialist nurse or therapist
- psychologist/behavioural therapist
- care agency/key worker/

It is important to ensure that the evidence gathered allows the local authority to assess using case-by-case evidence relevant to that individual.

All relevant evidence presented as part of an application for a Blue Badge, must be considered fully and as part of the Blue Badge assessment process.

Appropriate declarations need to be incorporated into the Blue Badge application form in order to enable applicants to give their permission to the local authority to access existing records.

If the information available is not sufficient to make a decision on the application the local authority may wish to interview the person further or refer them to the Independent Assessment Service. In all cases, it is important that the applicant signs a declaration to state that this is a true reflection of their condition and that

they are aware that fraudulent claims could lead to a criminal conviction and fine, of up to £1,000.

## **How to establish proof of eligibility: without further assessment**

In order to streamline administration when verifying an applicant's proof of entitlement, local authorities should consider using electronic records held about the applicant by other council departments and agencies, where such records are accessible and up to date. Applicants must give their consent to sharing any personal information for a secondary purpose under the UK General Data Protection Regulations . This consent should be asked for in the Declaration section of the Blue Badge application form.

## **Higher rate mobility component of disability living allowance**

An applicant in receipt of Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA) will have an award notice letter from the Department for Work and Pensions (DWP). They are also issued with an annual uprating letter, stating their entitlement. Local authorities should ask for a copy of the original letter if the HRMCDLA has been awarded within a period of 12 months prior to the date of the application for a Blue Badge. If the award letter is more than 12 months old, local authorities should ask applicants for a copy of the annual uprating letter as proof of their receipt of HRMCDLA.

“Indefinite or “life” awards are still subject to review, and therefore older award letters may not be reliable indicators of whether a person currently has an award of HRMCDLA. If the applicant has lost their HRMCDLA award or uprating letter, then they can be advised to contact the Disability Service Centre for a current

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award letter. The following link has all the contact details: [Contact the Disability Service Centre](#)

Under this criteria the uprating letter will note how long HRMCDLA is awarded for. The Blue Badge should be issued for the same period or for three years, whichever is the shorter period.

## **Proof of being registered blind (severely sight impaired)**

An applicant who is registered blind or as “severely sight impaired” will often be registered with the local authority’s Social Services Department (or their agents). However, local authority administrators should note that registration is voluntary. The formal notification required to register as “severely” sight impaired is a Certificate of Vision Impairment (CVI(W)) signed by a Consultant Ophthalmologist. The individual should have a copy of their CVI(W), and should be encouraged to register if they have not already done so as they may also be entitled to various other benefits.

## **Proof of receipt of the War Pensioner’s Mobility Supplement (WPMS)**

An applicant receiving the WPMS will have an award letter from Veterans UK. They can be contacted via the free-phone enquiry number: 0808 191 4218.

## **Proof of receipt of the armed forces: reserve forces (compensation) scheme (AFCS)**

Proof of both award of a lump sum benefit at tariffs 1 to 8 of the Armed Forces; Reserve Forces (Compensation) Scheme and certification of having a

permanent and substantial disability which causes inability to walk or very considerable difficulty in walking; or is in receipt of Armed Forces Compensation Scheme at tariff 6 for a permanent mental disorder, causing severe functional limitation or restriction.

An applicant with the above award and certification will have an award letter from the Service Personnel and Veterans Agency confirming that they are in receipt of the appropriate award and any qualifying criteria with regards to mobility.

Local authorities can verify the eligibility of an applicant by contacting Veterans UK on 0808 191 4218.

## **How to establish proof of eligibility: subject to further assessment**

### **People with walking impairments**

The discretionary criteria relating to mobility and cognitive impairments enable applicants who are unable, or choose not, to apply for DLA or PIP to have an opportunity to apply for a Blue Badge. It is important to maintain equity in the scheme so that all people are assessed against the same criteria and measure of mobility. In these circumstances applicants who apply for a badge are expected to provide healthcare professional evidence to support their application.

Local authorities will need to carefully consider the evidence provided by applicants. Without sufficient evidence that the applicant meets the eligibility criteria the authority must not issue a Blue Badge.

To qualify under this criteria an applicant must have a permanent and



substantial disability (i.e. a condition that is likely to last for the duration of a person's life) that means they cannot walk, or means they have very considerable difficulty walking. Applicants will need to demonstrate that their ability to walk is affected to the extent that they would be unable to access goods and services unless allowed to park close to shops, public buildings and other facilities.

Local authorities should be aware that it is not appropriate to refuse to issue to an applicant a Blue Badge solely on the basis that they are able to use public transport independently or because they already have a concessionary travel pass.

In all cases, entitlement depends on the applicant's difficulty in walking. Other considerations such as difficulty in carrying parcels, luggage or problems getting in and out of vehicles are not to be taken into account.

The applicant should be reminded in their decision letter that they have a duty to return the badge to the local authority if at any time their mobility improves.

There are cases where an applicant will have been diagnosed with a condition that is permanent and chronic, but the condition may be subject to fluctuations and periods where the person is more mobile. These conditions, such as multiple sclerosis may improve temporarily but the prognosis for the condition is permanent and degenerative. In these circumstances a badge would not only be necessary to that person for periods but will become increasingly essential. It is recommended that a badge is awarded once an applicant's mobility starts to be affected in a way that meets the eligibility criteria.

Medical conditions such as asthma, Crohn's disease, conditions leading to incontinence and Myalgic Encephalomyelitis (M.E.) are not in themselves a qualification for a badge. People with these conditions may be eligible for a badge, but only if they are in receipt of HRMCDLA on account of their condition or are unable to walk or have very considerable difficulty in walking, in addition

to their condition.

Assessing applications under discretionary criteria can be challenging. The Welsh Government has provided guidance and funded an Independent Assessment Service to help authorities undertake assessments. If the local authority is using a specialist in functional mobility they need to determine whether the application meets the criteria found in Appendix B.

## Temporary impairments

This criteria is intended to capture people who have a mobility impairment that is expected to last at least 12 months. It will be important to identify people at the earliest opportunity and if possible whilst they are undergoing initial treatments and therapy to aid their recovery. Examples may include:

- a person recovering from complex leg fractures sometimes managed with external fixators for periods well over a year;
- a person recovering from stroke or head injury that has impacted on their mobility;
- a person recovering from spinal trauma which impacts their mobility
- a person with a serious illness where the treatment may be debilitating, for example treatment for cancer;
- a person with severe functional leg impairments who is awaiting or who has undergone joint replacement (e.g. unilateral or bilateral hip, knee, etc.).

This list is indicative only and is not intended to be exhaustive: all applications will need to be considered on their individual merits.

In cases where it is clear that the applicant's impairment will improve within 12 months the application should be rejected without further assessment. Healthcare professional evidence should be used to form the basis of this decision.

## Proof of eligibility

The eligibility criteria for a temporary Blue Badge is based on the applicant being unable to walk or having considerable difficulty walking, and uses the same measure of mobility as used for the permanent eligibility criteria. Applications made under the temporary eligibility category will need to be subject to a robust assessment process. It is recommended that this is undertaken by health professionals who specialise in functional mobility, such as occupational and physiotherapists.

Evidence will be required to determine whether the impairment is likely to last for a period of 12 months. This will likely require evidence from consultants, specialists or therapists and this may be provided by

- acute hospital teams and therapists
- community therapy services
- specialist nurses
- hospital re-enablement teams involved in patient care
- local authority social services who assist in patients' rehabilitation
- health professionals providing specialist services, and these may be paid for privately or
- the Independent Assessment Services (IAS) funded by Welsh Government

Local authorities who receive an application under the temporary criteria will need to check if the applicant has supporting evidence from health providers or social services. The evidence should indicate that the applicant is unable to walk or has considerable difficulty walking and is expected to experience these difficulties for 12 months or more. Wherever possible the onus is on the applicant to provide supporting evidence. If no such evidence is provided, the local authority will need to decide whether to refer the application to the IAS.

- A good indicator is if the applicant is undertaking a course of rehabilitative

therapy, for instance physiotherapy, then the application will merit further assessment by IAS

- The normal recovery time for simple lower limb fractures is three to four months and applications in these cases should be declined without referral to IAS, but using healthcare professional evidence as the main component of the decision-making process.
- Where an applicant requires lower limb joint replacement but is not suitable, for example due to their age or level of fitness, the application should be considered under the permanent discretionary criteria

If the applicant applies for a further badge after their temporary badge expires the local authorities should assess their mobility in the normal way, including if necessary referral to the IAS.

It is expected that all applicants reapplying for a Blue Badge under the temporary criteria, having previously been issued a badge under the same criteria, will be referred to the IAS for assessment unless there is sufficient evidence available to the authority to allow them to make a decision.

When dealing with such reapplications, local authorities are also reminded that this criteria seeks to capture individuals who have a condition which is expected to last 12 months. Whilst an original assessment may have determined that they meet the criteria for a period of more than 12 months, consideration will need to be given to the applicant's recovery or progress as well as anything else which could affect or change the original prognosis.

If the person regains their mobility or it substantially improves during the issue period of the badge they should surrender the badge as outlined in the rights and responsibilities Booklet they receive when they are issued with their badge.

## Assessing people with impairment in both arms

This criteria is intended to cover disabled drivers who, because of impairments in both of their arms, are unable, or find it very difficult, to use parking equipment.

When making an assessment under this criterion, local authorities will need to consider whether the applicant meets all of the following:

- regularly drives an adapted or non-adapted vehicle
- has impairments in both arms and
- is unable to operate, or has considerable difficulty operating, all or some types of parking meter

For this purpose, a 'parking meter' includes a machine for issuing pay-and-display tickets which shows that a charge has been paid and the period of parking paid for, as well as a parking meter which itself indicates that a charge has been paid and whether the period paid for has expired.

Most drivers with impairments in both arms drive an adapted vehicle and should be able to provide insurance documents which contain statements to this effect. In addition, applicants who have registered their adapted vehicle with the DVLA will be able to present their driving licence which will contain codes that refer to the modifications made to the vehicle. These can be found on the reverse of a photocard driving licence (under category 12, information codes) and in the 'codes' sections on the front of the counterpart driving licence. The following driving licence codes are relevant to this criterion:

- 40, adapted steering and
- 79, restricted to vehicles in conformity with the specifications stated in brackets

Only drivers with impairments in both of their arms who cannot operate a parking meter should be considered eligible. This may include people with, for example: a limb reduction deficiency of both arms; bilateral upper limb amputation; muscular dystrophy; spinal cord injury; motor neurone disease; or a condition of comparable severity.

## **Special cases: terminally ill**

It is possible that a person applying for the Blue Badge may not meet the general eligibility criteria but have been diagnosed with a terminal condition and have mobility impairments. For example, because of the nature of the condition they have only experienced mobility impairments for a very short period. In order to make the final weeks of life easier for the person local authorities could consider issuing a Blue Badge.

In these circumstances it will not be necessary for the applicant to provide proof that their impairment has existed for six months and will continue to exist. Good practice has been established whereby a badge is issued if their application is supported by MacMillan, Tenovus or relevant health specialist (such as a hospice worker, occupational therapist or welfare benefit advisor) that support people in these circumstances. In these cases the application is supported by the form SR1. It is more often the case that a MacMillan nurse or relevant health specialist will be the person applying on behalf of an individual. In these cases, the applicant may not have been made aware that they are terminally ill.

## **Assessing children under the age of three**

Children under the age of three are eligible for a badge if they fall under either or both of the following criteria:

- a child who, on account of a condition, must always be accompanied by

bulky medical equipment which cannot be carried around with the child without great difficulty and

- a child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given

Examples of children under the age of three likely to fall into the criterion mentioned in the first bullet point may be those who need to be accompanied at all times by any of the following types of equipment:

- Ventilators: drive air through a tube placed into the windpipe. They blow oxygen-enriched air gently into the lungs through a tube that is passed through the mouth or nose, or via a tracheostomy
- Suction machines: are portable suction apparatus used for aspirating fluids and vomit from the mouth and airway by sucking the material through a catheter into a bottle using a vacuum pump (piston, diaphragm, or rotary vane), bacterial filter, vacuum gauge, trap for moisture (or any debris accidentally drawn into the mechanism), a reservoir for the aspirated material, and a suction catheter or nozzle
- Feed pumps: deliver fluid feeds via nasogastric tube to the child's stomach
- Parenteral equipment: services intravenous lines providing nutrition if a child is unable to take food or fluids through his or her mouth. The line can also be used for injecting medication
- Syringe drivers: are used to deliver medication by intravenous injection (e.g. antibiotics), or by subcutaneous injection (e.g. insulin to control diabetes) this can be given by using a small pump known as a syringe driver. A syringe is attached to the syringe driver and the drug is released through a small needle
- Oxygen administration equipment: consists of a tank and regulator with supply equipment for oxygen; mask or nasal prongs and tubing
- Continuous oxygen saturation monitoring equipment: involves a device usually strapped to the child's foot or hand. This shines light through the skin

and monitors the amount of oxygen in the blood. It is used to monitor where a child may need access to oxygen

- Casts and associated medical equipment for the correction of hip dysplasia: between birth and six months of age, a brace called a Pavlik Harness can be used to hold the baby's hips in position. The Pavlik harness is made of canvas, with straps, Velcro and buckles. From six months and over a child can be placed in a Spica cast after surgery. A Spica cast can be either plaster or fibreglass and will encase the child from the chest down to cover one leg or both. In both cases the apparatus is likely to be deployed for a period of up to three months per hip

Examples of children with highly unstable medical conditions who need quick access to transport to hospital or home and are likely to qualify under the criterion are set out below. This group may also need to stop to perform an urgent medical procedure e.g. suction of a tracheostomy tube:

- children with tracheostomies
- children with severe epilepsy/fitting
- children with highly unstable diabetes and
- special cases terminally ill children who can only access brief moments of outside life and need a quick route home

It is recommended that local authorities treat each application for children under the age of three as a special case. This may mean making arrangements to see the child, although this should not be necessary if the child's paediatrician is able to write a letter outlining the child's medical condition and any special equipment they need to use.

A medical assessment should not be necessary.

Local authorities should make it clear when issuing the badge that it should be returned to them on expiry, or if the recipient no longer needs it, because the condition under which it was issued no longer applies. This is particularly



relevant in the case of children with hip dysplasia, as after treatment is normally limited to three and six months.

Local authorities should note that the lists provided above are indicative only and are not intended to be exhaustive in order to allow for new advances in technology and treatment equipment.

## People unable to plan or follow a journey

This eligibility criteria is for people who are unable to apply for PIP because they are not of working age or choose not to apply for PIP. If they applied for PIP they would be assessed as meeting Mobility Activity 1, descriptor f (12 points) because they are unable to follow the route of any journey without the assistance of another person. Therefore this discretionary criteria ensures that there is equitable access to the Blue Badge scheme for children aged between 3 and 16 and people over 65 years old.

Applications in these cases must be able to confirm they have a diagnosis of a cognitive impairment. Examples of cognitive impairments are given below:

- Alzheimer's
- Dementia
- Autistic Spectrum Disorder
- Learning disability
- Mental health impairment

The application will need to show evidence that because of their cognitive impairment the person is unable to plan and follow any journey, in the form of the following:

- The applicant is registered with the local authority as having a learning disability (this may be called a learning difficulty) or

- The applicant has attended a memory clinic or
- The applicant can provide evidence in the form of letters, reports or functional assessments from relevant health professionals (psychiatrist, psychologist, occupational therapist, social worker, care agency) who confirms they require supervision for all journeys over and above that which is normally expected of a person of their age

In those cases where an applicant cannot provide this evidence but can provide evidence of an award of Higher Rate Care Component of Disability Living Allowance, the case should be sent to the Independent Advisory Service established by Welsh Government for advice on eligibility.

## Organisational eligibility criteria

An organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry people who would themselves be eligible for a badge were they to make an individual application ([Footnote 1](#)).

An 'organisation' is defined as meaning an organisation concerned with the care of disabled persons to which a Blue Badge may be issued in accordance with section 21(4) of the Chronically Sick and Disabled Persons Act 1970 ([Footnote 2](#)).

Local authorities will need to check whether the organisation in question:

- cares for and transports people who would themselves meet one or more of the eligibility criteria for a individual Blue Badge and
- has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting

## Assessing organisational badge applications

Applications for badges from organisations caring for people should be examined to ensure that they are genuine and necessary. It is for local authorities to make this judgement, based on their local knowledge of the organisation concerned. Common examples of organisations that may be eligible include residential care homes, hospices or local authority social services departments that transport groups of people who would meet the eligibility criteria for an individual Blue Badge.

When making an application, organisations could be asked to provide the same type of information required by the Driver and Vehicle Licensing Agency (DVLA) for licensing a vehicle under the Disabled Passenger Vehicle (DPV) taxation class for exemption from Vehicle Excise Duty (VED)). To license a vehicle in the DVP taxation class, an organisation needs to make a signed declaration on the organisation's letter-headed paper. The declaration needs to say that they are an organisation concerned with the care of eligible people and that they will be using the vehicle solely for the purpose of transporting those people.

This should be signed by a Board Member or Trustee of the organisation.

In order to help determine eligibility of applications, local authorities could ask the applicant organisations:

- about the number of qualifying people being cared for
- about the type of vehicle(s) being used to carry them, whether it is adapted and how
- why the organisation feels they need an organisational badge rather than using individual Blue Badges of people in their care and how often the badge is likely to be used and for what purpose

The Regulations governing the scheme does not specifically mention actual

numbers to be 'cared for' in order to qualify for a badge. Eligible organisations may apply for an organisational badge in their own right, however, Welsh Government recommends that where relatively few people meet the eligibility criteria for a badge that the eligible people themselves or their carer /relative should apply for the badge. This then allows the eligible person to use the badge independently of the organisation in any vehicle they travel in as a driver or passenger to visit family/friends or medical appointments etc.

In all circumstances, badges must be issued to the organisation and not to individual employee's. However, like other successful applicants, it is recommended that organisations issued with a Blue Badge are sent a copy of the leaflet 'The Blue Badge Scheme: Organisational rights and responsibilities'.

It is also recommended that all employees of the organisation who will be using the badge are reminded that they must only use the badge for the purposes of transporting eligible people who meet one or more of the eligibility criteria for a badge. These employees should be reminded that if they use the badge to take advantage of the concessions when there are no passengers in the vehicle who are themselves eligible for a badge they could face a fine of up to £1,000.

## **Chapter 3: Administering the scheme after the assessment**

### **Applications meeting the eligibility criteria**

When the local authority has determined that an application meets the criteria they will need to process the application details through BBDS Manage Blue Badges web-app (or via their own Case Management System). Further information is available at: [BBDS guidance \(confluence\)](#)

BBDS have several delivery arrangements including fast track delivery for

applications from people with a special case terminally ill (for an additional cost). BBDS will send out the badge to an address as specified by the local authority. It is for local authorities to decide which delivery system to use and whether the delivery address should be to the applicant's home address or to a local authority office where it can be collected.

In cases where the local authority has accepted and processed an application by telephone, post or electronically and have not seen the applicant, the local authority may prefer that the applicant collects the badge. At this point the local authority can verify that the photograph matches the person named on the badge. Collection from a local authority officer will also enable the local authority to collect old expired badges. Removing expired badges from circulation reduces fraud.

In Wales, a badge is issued in bilingual format along with a clock. The badge holder will also be given the booklet "Blue Badge rights and responsibilities" so that they are aware of how to use the badge and avoid inadvertent misuse. A photograph is taken of each badge and booklet dispatched by BBDS as evidence that they have been sent to the badge applicant.

Where a badge is issued by post a covering letter will be included referring to the rules and responsibilities of the badge holder.

## Period of issue

The majority of Blue Badges issued will be for a three year period (**Footnote 3**). However, there are certain exceptions as explained below:

- in case of children under three, a badge should be issued for a maximum period ending on the day immediately following their third birthday (**Footnote 4**)
- where entitlement for a Blue Badge is linked to the receipt of PIP,

HRMCDLA or the War Pensioners Mobility Supplement (WPMS), the period of issue should be linked to the period of receipt of that allowance, where that period is less than 3 years (**Footnote 5**)

- badges issued under the temporary mobility impairment criteria will be issued for 12 months

Where HRMCDLA, PIP or WPMS has been granted for a period of longer than three years, the badge can still only be issued for the standard three year period. The badge holder has to re-apply every time their badge expires.

## Grounds for refusal to issue a Blue Badge

A local authority may refuse to issue a Blue Badge (**Footnote 6**) if:

- the applicant holds or has held a badge and misuse has led to a “relevant conviction” of an offence (**Footnote 7**)
- the applicant fails to provide the local authority with adequate evidence of their eligibility, either as an individual or as an eligible organisation
- the applicant fails to provide adequate evidence of residency
- the applicant already holds a valid badge issued by another local authority or
- the local authority:
  - has reasonable grounds for believing that the applicant is not the person
  - they are claiming to be or would permit another person to whom the badge was not issued to use the badge
- the required fee has not been paid in respect to organisational or replacement badges

In these cases the refusal letter must clearly state the reasons the application has been turned down.

There is no time limit set out in legislation on the period for which a local authority can refuse to issue a Blue Badge to an applicant. Local authorities

need to develop their own procedures setting out circumstances when applicants can re-apply and include this advice in their letters.

## Applications that do not meet the eligibility criteria

Where an application does not meet the eligibility criteria and the application is refused local authorities should explain the reasons behind the decision to not issue a Blue Badge (**Footnote 8**). It is recommended that letters contain the following information:

- the application has been declined, from the information provided, because they do not meet the eligibility criteria as laid down in legislation
- the specific reason for declining the application with as much information as possible
- if the applicant finds that their condition deteriorates rapidly and their ability to walk gets worse, or where a new disability occurs which renders them unable to walk or causes considerable difficulty to walk, to contact the local authority and
- what internal review procedures are available

Providing a full explanation of the aims of the scheme and the reason why an application is turned down will enable the applicant to understand why their condition does not meet the eligibility criteria.

## Challenges to the local authority decision

In the majority of cases there is no statutory appeal process after the local authority has decided to turn down an application (**Footnote 9**). Welsh Government recommends that the authority has a clear policy on how they will review Blue Badge decisions should a decision be challenged by an applicant. A local authority will need to ask the applicant to provide further evidence. Welsh

Government understands that some local authorities may offer further assessment of the applicant by an occupational therapist or other health professionals. This new evidence should then be considered by the Blue Badge Team or case officer and if the application is rejected again, a further explanation of the decision should be provided. If there is a further challenge this should be considered by an independent person within the local authority such as the Monitoring Officer.

Local authorities should note that Welsh Government does not have the power to intervene in individual applications which have not been successful and that they should not advise applicants to appeal to the Welsh Government, unless in the very specific circumstances set out in Regulation 10 of the 2000 Regulations.

Some Blue Badge applicants may be unhappy about the way the process has been conducted. In such circumstances these applicants should be made aware of the local authority's standard complaints procedure, in the same way that any other user of the local authority's services would be informed of their right to complain.

Applicants should also be reminded that if they consider that there have been procedural irregularities in dealing with their applications, they can report their cases to the [Public Services Ombudsman for Wales](#).

## Appeal to Welsh Ministers

Local authorities may refuse to issue a badge where the applicant holds or has held a badge, misused it and received a "relevant conviction" ([Footnote 10](#)). In these circumstances, where a local authority receives an application and refuses to issue a badge they are required to issue a notice stating the grounds for refusal to the applicant ([Footnote 11](#)). It is for the local authority to determine for how long they withdraw or refuse to issue a badge to an applicant in such



cases.

A local authority may require the return of a badge on account of its misuse leading to a relevant conviction or where the authority is satisfied that the badge was obtained by false representation (**Footnote 12**).

An applicant can only appeal to the Welsh Ministers against the local authority's decision not to award a Blue Badge or to request the return of a badge where the grounds for refusal / return are:

- that the applicant has a relevant conviction or
- in cases where a badge is required to be returned, that the badge was obtained by false representation

The appeal must be made within 28 days beginning with the date of the local authority's determination. Welsh Government recommends that where a badge application is refused or a badge is withdrawn under these circumstances the applicant should be informed by the local authority of his right to appeal and the time limit for doing so.

## **Expiring badges and returning badges**

BBDS has a system of reminder letters to badge holders when a Blue Badge is approaching its expiry date. Local authorities can sign up to this service at no cost to themselves.

Regulations require the immediate return of expired badges. Welsh Government considers it important to establish procedures for the return of expired badges; it may be a case of simple exchange, an expired badge for a new issue. Local authorities may also wish to consider establishing a designated period for the return of the badge, informing the badge holder that action may be taken if the old badge is not returned, for example information about the expired badge will

be passed to enforcement officers.

Local authorities should make it clear when issuing a badge that it should be returned to the issuing authority if the recipient no longer needs it (**Footnote 13**). Badge holders should be made aware that by continuing to use the badge in these circumstances they will be committing a criminal offence and be liable for a fine up to £1000.

## Death of a badge holder

When a badge holder dies, their badge should be returned to the local authority (**Footnote 14**). Welsh Government recommends that local authorities include details of how to return Blue Badges in their death registry packs, and cross-reference deaths registered in their area against their Blue Badge holder records so that these badges can be cancelled on BBDS and issue a reminder to the family as required. Any such reminders should be handled very sensitively given the circumstances that family or carers will be facing following their bereavement. An example recall letter in these circumstances is provided at **Annex E**.

The 'Tell Us Once' system should be used to ensure that Blue Badges are cancelled as soon as possible after the badge holder dies. Some local authorities regularly run a check against monthly death records supplied by the Registrars. On the GOV.UK website the Blue Badge is included in a list of items about which a deceased individual's family may need to contact their local authority, as part of the process of registering the death.

## Replacement of damaged, lost or stolen badges

When a badge has been lost, stolen or destroyed, or has become so damaged / faded that it is illegible, the local authority can issue a replacement badge.

(**Footnote 15**).

In the case of stolen badges, it is recommended that the authority ask badge holders to provide a police crime reference number for the local authorities to include in their records. Please note that some police forces will only issue an incident number when there is evidence that a crime has taken place.

If the badge is subsequently found or recovered, the original badge should be returned to the local authority so that it can be destroyed (**Footnote 16**). The BBDS has an on-line facility to allow a badge holder to notify their local authority of a lost or stolen badge.

It is recommended that replacement requests include a signed declaration by the applicant, their carer or guardian where relevant, confirming the loss and acknowledging that any subsequent use of the old badge, should it turn up, would be a criminal offence subject to a maximum £1,000 fine.

Damaged badges should also be returned to the local authority to be officially destroyed (**Footnote 17**). This ensures that civil enforcement officers and the police checking the validity of badges displayed in vehicles are able to check badge details. This would cover, for example, cases where a badge has suffered accidental damage or where a badge may have been tampered with in some way. Wherever possible we recommend that this process involves the badge holder collecting their replacement badge from their local authority offices or a nearby contact centre, so that it can be exchanged for the damaged badge.

Local authorities have discretion to charge a fee of up to £10 for an organisational or replacement badge. Local authorities may not wish to charge for replacement badges if there is evidence that the badge has been stolen, for instance where the badge holder has reported the theft to the police and provides the authority with a police incident number.

## Badge holder that has already been issued with a badge

Local authorities may require the return of a badge from a resident where another local authority issues the same person with a badge and both badges are valid at the same time (**Footnote 18**). Individual badge holders should not to be in possession of more than one badge because this would undermine the scheme and increase the opportunities for abuse.

However more than one organisational badge can be held by a single organisation, depending on the number of vehicles they use and the number of people in their care who are eligible for a badge.

## When a badge holder moves address

If a badge holder relocates to a new local authority it is the responsibility of the badge holder to inform the issuing authority of the change of address. The local authority that issued the badge is able to change the address details and inform the new local authority through the BBDS system. The badge holder does not need to be issued with a replacement badge with the new local authority name.

## Record keeping

Local authorities have a statutory obligation under section 21(5) of the Chronically Sick and Disabled Persons Act 1970 to maintain a register showing:

- the holders of badges issued by the authority and
- the vehicle or vehicles for which each of the badges is held

A robust system that can identify badge holders within a local authority is invaluable not only to issuing authorities, but also to police and enforcement

authorities in dealing with instances of misuse, stolen or fraudulent badges. The **Blue Badge Digital Service** enables data sharing and enforcement checks quickly and easily.

## Chapter 4: Enforcement

This section sets out some of the more prevalent forms of abuse and misuse of the Scheme, as well as some of the actions local authorities can take to combat this. It also explains the existing powers available to local authorities.

Local authorities should consider developing a range of tools and techniques to deal with different types of offenders and different types of offences. Reports from some local authorities in England note that conventional enforcement complemented by additional preventative measures are likely to be the most successful and effective in the long term.

### Types of abuse / misuse

Badges can be abused or misused in a number of different ways and it is important that local authorities are vigilant. The following is not an exhaustive list, but illustrates the most common ways in which badges can be abused or misused, from the minor to more serious transgressions:

- by the badge holder
  - parking in the wrong place or at the wrong time
  - forgetting to display the badge/clock
  - displaying the badge incorrectly
  - using a badge that is no longer valid (i.e. out of date or the badge holder is no longer eligible)
  - using a badge that has been reported as “lost” or “stolen”

- letting a friend or relative use the badge
- using a copied badge
- altering the details on the badge, for example, the expiry date and
- making a fraudulent application (e.g. providing false information on the application form or making multiple applications) or using a badge obtained fraudulently
- by a third party
  - using someone else's badge (with or without the badge holder's knowledge) without the badge holder being present in the vehicle
  - using a badge belonging to someone who has died
  - copying, altering or making badges
  - using a lost or stolen badge and
  - using a fake badge

## What can a local authority do?

Local authorities should consider ways of preventing abuse and misuse of the scheme from the outset. Ensuring that only eligible people are issued badges is the first step. Additionally local authorities will need to consider how to collect expired badges. Removing expired badges from circulation will reduce fraud.

Ensuring all successful applicants are properly informed of - and understand - what they can and cannot do with a badge (and when / how it should be returned to the issuing authority) is likely to reduce the chances of accidental misuse occurring and avoid disputes. The badge is supplied with a copy of the guidance leaflet 'The Blue Badge Scheme: rights and responsibilities'. The leaflet explains clearly their rights and responsibilities as a badge holder along with other useful information about where badge holders can park. If a person collects a badge in person from the local authority this can be an opportunity to highlight to the badge holder key facts pertinent to the use of the badge.

Those who abuse or misuse the Blue Badge scheme may find it easy to

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convince themselves that no one really suffers as a consequence of the abuse or misuse, or that it is acceptable because 'everyone does it'. Publicising the consequences for people with impairments who meet the eligibility criteria who are unable to park close to where they need to get, and publicising the potential consequences for offenders of misusing badges, could reduce the number of offences.

Where badges are subsequently reported as stolen by badge holders, some authorities will request the badge holder provides a crime investigation number (issued by the police), before providing a replacement. This is considered to be good practice because a badge holder is less likely to falsely claim that a badge has been stolen if required to formally report this to the police. It is more difficult to verify lost badges, because very few police authorities will provide an incident number for lost articles.

The most commonly reported problems tend to relate to misuse of the Blue Badge by the friends and family of the badge holder. Where this is a problem, and local authorities wish to take action, it is important that authorities are sure that misuse is taking place and have obtained sufficient evidence, especially if a prosecution is to be pursued. It is for local authorities to decide how to do this.

Some local authorities enable the general public to report abuse or misuse. Where third parties report abuse, we would encourage local authorities to follow up the matter and to take action as appropriate in order to deter or prevent repeat offending and to encourage greater public involvement. We would also encourage issuing authorities to work closely with their enforcement authorities and act on information supplied by enforcement officers. Offenders can be prosecuted and face a fine of up to £1,000 on conviction. Badges can also be withdrawn after one relevant conviction.

## **Enforcing authorities**

In civil enforcement areas, civil enforcement officers employed by local authorities enforce parking contraventions (e.g. parking in the wrong place, not displaying the badge or clock correctly) and issue Penalty Charge Notices. In areas where parking has not been decriminalised, the police and civil enforcement officers enforce criminal offences and issue Fixed Penalty Notices (FPN's) on street, and local authorities' civil enforcement officers issue Excess Charge Tickets (ECT'S) in Council operated car parks.

There is a wide range of legislation available to enforcement authorities to enforce the Blue Badge scheme. Local authorities can be flexible in how they use these powers, to address their own local circumstances and the specifics of each case. Below is a summary of the powers which local authorities may use:

### **Fraud Act 2006: section 2**

In cases where an applicant makes a fraudulent application (i.e. providing false information), it may be possible to prosecute the individual under section 2 of the Fraud Act 2006. This carries a penalty of a fine of up to £5,000 and/or up to 12 months imprisonment on summary conviction. If a badge has been issued, the local authority can require its return under Regulation 9(2)(b) of the Disabled Persons (Badges for Motor Vehicles)(Wales) Regulations 2000.

### **Chronically Sick and Disabled Persons Act 1970: section 21**

A person can be prosecuted under this section and receive a fine of up to £1,000 where:

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- they use a fake badge
- they do not produce the badge for inspection by a civil enforcement officer or the police
- they use a cancelled or stolen badge
- they use a badge when they are not entitled/no longer entitled
- they are using a badge which belongs to another person with or without consent
- they are using an expired badge
- they are using a badge which a local authority has requested be returned
- the badge is not displayed correctly

## **Road Traffic Regulation Act 1984: sections 115 and 117**

### **Section 115**

A person can be prosecuted under this section and receive up to a £5,000 fine and up to two years in prison if they:

- allow their badge to be used by someone not entitled
- use a badge not intended for their use
- forge a badge
- use a forged badge or has one in his possession and
- provide false information to obtain a badge for himself or anyone else

### **Section 117**

A Blue Badge holder can be prosecuted under this section and receive a fine of up to £1,000 if they contravene any parking provision of a road traffic order and also:

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- use a fake badge
- use a stolen badge
- use a badge when they are not entitled/ no longer entitled
- are using a badge which belongs to another person with or without consent
- are using an expired or cancelled badge
- are using a badge which a local authority has requested be returned or
- the badge is not displayed correctly

## **Police and Criminal Evidence Act 1984: section 19**

The Police can seize a badge under section 19 if the officer believes that it has been obtained in consequence of a commission of an offence (e.g. it has been stolen or forged or is being used by someone who is not the true holder).

## **Forgery and Counterfeiting Act 1981: sections 1 to 4**

A person can be convicted of forging or copying a blue badge and/or using that forgery/copy under this Act. On summary conviction a person may receive a fine of up to £5,000, a maximum prison sentence of 6 months or both.

## **Third party use of the badge**

In cases where a badge holder lets a third party use their badge, the local authority can seek to withdraw the badge, but only after a relevant conviction. A relevant conviction requires that the non-badge holder is using the badge with the holder's consent. This is often very difficult for local authorities to prove, even when they know it is happening. It should be remembered, however, that whilst this may make it difficult to withdraw a badge that is being systematically abused by a friend or family member, a local authority may refuse to reissue a badge if it has reasonable grounds for believing that the applicant would permit

another person to use it (Regulation 8(2)(d)(ii) of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000).

It is strongly recommended that local authorities should issue a warning notice to a badge holder who is misusing a badge, or allowing their badge to be misused, prior to consideration being given to withdrawing the badge.

## Returning a Blue Badge

Local authorities need to make clear to applicants and badge holders that a badge should be immediately returned to the local authority where:

- the badge has expired
- the holder has died
- the organisation using the badge has ceased to exist
- the holder ceases to qualify for a badge
- a replacement badge has been issued where a badge is lost/stolen and that badge is subsequently recovered
- the badge is no longer legible
- the badge is no longer required by the holder
- there exists a relevant conviction in relation to misuse of the badge or
- the badge was obtained by false representation

## Enforcement of designated parking spaces

Anyone who parks in a designated parking for disabled people's space without displaying a valid Blue Badge and/or clock if appropriate will be issued with a Fixed Penalty Notice/ Penalty Charge Notice/Excess Charge Ticket, dependent on the parking enforcement arrangements in that County.

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## Other offences

In the case of other offences:

- the Theft Act 1968 (in particular sections 1 and 22) may be used to prosecute anyone found guilty of stealing or handling stolen badges
- Section 329(1)(c) of the Proceeds of Crime Act 2002 may offer another means of obtaining a conviction where someone is in possession of a stolen Blue Badge or uses a stolen Blue Badge knowing it to be stolen
- it is possible in certain circumstances for Courts to disqualify persistent offenders from driving for a period of time under section 146 of the Powers of Criminal Courts (Sentencing) Act 2000 and
- there have been cases where people have attempted to sell badges through web-sites and social media platforms. The badge remains the legal property of the issuing local authority, so it is unlawful for someone else to sell a badge. The rightful owner can take action to recover the goods through the civil courts. It may also be possible to prosecute the person offering the badge for sale under section 7 of the Fraud Act 2006

It may also be possible to use Section 11 of the Fraud Act 2006 (relating to obtaining services dishonestly) to take enforcement action when vehicles are fraudulently using Blue Badges to gain parking concessions in off-road parking areas.

## Inspecting badges

Under section 21(4BA) of the Chronically Sick and Disabled Persons Act 1970 (“the 1970 Act”), a police officer, parking attendant or civil enforcement officer can approach a person in a vehicle displaying a Blue Badge (or a person who appears to have been in or to be about to get into, the vehicle) and require them to produce the badge for inspection. Typically this would be done to check the

detailed information and the photograph of the badge holder on the back of the badge, in order to verify whether the badge is being used by the correct person. A person who without reasonable excuse fails to produce a badge when required to do so shall be guilty of an offence under section 21 (4BD) of the Act and liable to a fine not exceeding £1000.

Whenever misuse or abuse of a badge is suspected, the enforcement officer should deal with the badge holder in a sensitive manner. No assumptions or questions should be raised about why the individual has been issued with a badge, as this is not the enforcement officer's role. In addition, some disabilities may not be immediately visible. In enforcing the Blue Badge Scheme, we recommend that enforcement officers receive disability awareness training so that they can carry out their duties appropriately. This should be part of a training package which includes wider equality issues.

To aid the inspection process, a gender marker has been added to the badge serial number. The marker has been added to the badge to help civil enforcement officers and police officers to identify obvious cases of badge misuse. When using this marker to check that the correct badge holder is using the badge, officers should be aware of, and deal sensitively with, individuals who may have undergone - or be undergoing - gender reassignment. These individuals will have been issued with a male or female badge according to whichever gender they are living under.

The BBDS will enable quicker and easier verification checks by civil enforcement officers. Welsh Government recommends local authorities take full advantage of the BBDS to check the national database for key information about the status of individual badges.

Local authority personnel should also be aware of remote access facilities offered by BBDS which allow civil enforcement officers and local authority empowered individuals to access a limited section of the BBDS database from a 3G device. Particularly useful information provided as part of this free service is

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a home telephone number of the badge holder (where provided) and a copy of the photograph used on the badge.

A script for civil enforcement officers when dealing with suspected misuse can be found at Annex I.

## **Collaborative working regionally and with the police**

Targeted operations are often the most effective ways of tackling abuse. There is a role however, for all enforcement officers in identifying, lost, stolen and fraudulent badges as part of their day to day activities. Enforcement officers should be able to identify lost, stolen or fraudulent badges when carrying out their daily windscreen checks.

The Welsh Government would like to see local authorities working on a regional basis to reduce misuse of the Blue Badge.

Where local authorities perceive misuse of the Blue Badge by friends and family of the badge holder to be a significant problem, it is possible for them to obtain authorisation to carry out undercover surveillance under the Regulation of Investigatory Powers Act 2000 (**Footnote 19**). Surveillance can identify cases of suspected systematic abuse and build up evidence that can later be used to prosecute a person.

The Disabled Persons' Parking Badges Act 2013 allows civil enforcement officers to retain a badge which is suspected of being abused or misused.

Good Practice: It is recommended that where possible, civil enforcement officers undergo PACE training as part of their role. This training covers the following topics:

- what constitutes an interview

- when and how to caution
- vulnerable people
- comments made outside of the interview
- recording of interviews whether written or tape recorded
- role of a solicitor
- how to deal with any third party during the interview process
- disclosure of evidence prior to interview

## **Disabled Persons' Parking Badges Act 2013**

The Disabled Persons' Parking Badges Act 2013 (the 2013 Act) supported by the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2014 provides local authorities with further powers to take enforcement action against abuse and misuse of the scheme. To summarise, the 2013 Act:

- provides local authorities with the power to cancel badges no longer held by the person to whom they were issued (e.g. when the badge is lost or stolen)
- amends the existing inspection power so that authorised enforcement officers in plain clothes may inspect badges (this was limited to constables and specified enforcement officers who in consequence of other legislation generally had to be uniformed)
- provide constables and enforcement officers with power to retain a badge that has been produced to them and which is cancelled, due for return, being misused or fake
- clarify the existing offences relating to the wrongful use of Blue Badges to put beyond doubt that it is an offence to use a badge that should have been returned and apply the same offences to a badge that has been cancelled

## Inspection and retention of badges

The 2013 Act enables enforcement officers to inspect and retain a badge without police presence if they have reasonable grounds for believing that the badge:

1. is fake
2. has already been cancelled e.g. because it was reported lost or stolen
3. should have been returned to the issuing authority (e.g. because it has expired, the holder has died, the holder is no longer disabled, a replacement has been issued, the badge has become damaged/faded, the authority has written to the holder requesting return of the badge either following a relevant conviction for misuse or because it was obtained by false representation) or
4. was being misused (including by someone other than the holder when the genuine holder is not involved in the journey)

In using these powers, it is expected that enforcement officers take appropriate steps to establish “reasonable grounds” for retaining the badge. Local authorities may wish to establish suitable procedures for their enforcement officers to follow but they could include checking the BBDS database; telephoning their local authority to establish further details of the badge / badge holder; or interviewing the person using the badge at the roadside.

When using the power to retain a badge being misused by someone other than the genuine badge holder ((d), as above), enforcement officers should establish that the disabled badge holder is not part of the journey. Even if they are not present, the badge holder may have been dropped at that place or may be being picked up from that place. Very often the person using the badge will admit on questioning that the holder is not involved in the journey; some local authorities telephone the holder to establish their whereabouts.

When a badge is retained in scenarios (a)-(c) above we would expect the local



authority to destroy it in due course, as it would no longer be valid (if the authority recovering the badge is not the badge-issuing authority, we would suggest they liaise with the issuing authority in this respect).

However, when a valid badge is retained under (d) above it should normally be returned to the holder. That is because the power to retain a badge is not the same thing as a power to permanently withdraw/confiscate a badge. Indeed, the badge holder may not know the third party is using the badge. A badge can only be permanently withdrawn from use if a relevant conviction for misuse has been obtained under regulation 9(2) of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or if it was obtained by false representation.

The 2000 regulations now make it explicit that a valid badge retained because it is being misused must be returned as soon as reasonably practicable to the holder (provided that the authority does not have pre-existing grounds, under the regulations, for withdrawing the badge). The badge must firstly be returned to the issuing authority by the enforcing authority and then to the holder. The issuing authority may wish to warn the holder about the seriousness of misuse when returning the badge. The act of returning the badge does not preclude the relevant authority from prosecuting any offence that has been committed, if desired.

The Disabled Persons' Parking Badges Act 2013 does not empower the local authority to use force when attempting to retain a badge. If an enforcement officer encounters any form of resistance we would advise that they take no further action without police support.

Each local authority will wish to consider its own training and procedures for enforcement officers employing the new powers.

## Definition of enforcement officer

Where a badge is displayed on a motor vehicle, section 21 of the 1970 Act provides a power for constables or enforcement officers to require any person who is in the vehicle, or appears to have been in, or to be about to get into, the vehicle, to produce the badge for inspection.

The definition of enforcement officer is a person who is employed by a local authority or with whom the authority have made arrangements for the purpose of inspecting and retaining badges. This could include a direct employee of the local authority or a contractor. Furthermore, the “enforcement officer” does not need to be in uniform but they do need to be authorised in writing by the authority to carry out badge inspections and retentions. They should produce appropriate evidence of authority when exercising their powers; otherwise there is no obligation on an individual to hand their badge to the enforcement officer. In practice, the local authority should hold written documentary evidence of authorised officers and should ensure that all officers carry some form of identification authorising them to carry out inspections/badge retention.

## Building evidence

It is important to collect strong evidence against potential fraudsters. This includes full pocket book notes (or electronic equivalent), such as descriptions of any persons seen, who parks the vehicle, gets out of the vehicle and where they go upon leaving. It is also important to gather photographic evidence, including people in or getting out of the vehicle.

Some local authorities operate a dedicated phone line and / or email address for people to report misuse. If this is to be successful, they must be able to demonstrate that the information supplied can be acted on and responded to. Publicising a helpline (if sufficiently resourced to be useful) also serves as a

deterrent to potential fraudulent Blue Badge users and it instils confidence among people with impairments that the council is responding to this serious issue.

Following any report of misuse, the Welsh Government suggests that a letter be sent to the badge holder informing them of the report of suspected misuse, reiterating their rights and responsibilities and the repercussions of abusing or misusing the badge. An example of such a letter can be found at Annex C. The Welsh Government recommends that local authorities consult their own legal teams before taking any action.

## **Multi agency approach**

Tackling Blue Badge fraud can be complicated and resource intensive. A common theme among some authorities that have had success in this area is involving other departments and other agencies. Some of the most common delivery partners are shown below:

## **Civil Enforcement Officers / Enforcement contractor**

In order to gather evidence and respond quickly to cases of fraud, the enforcement team (or contractor if outsourced) needs to be involved from the outset to ensure their systems are able to cope with enhanced evidence collection. They should also be involved in any targeted enforcement activity: once a Blue Badge is seized, a PCN can be issued as the vehicle is illegally parked. This will go some way to recouping costs of enforcement, and will also serve as an immediate consequence to the motorist. Depending on the circumstances and local policies, the vehicle may also be removed to a pound. Having the removal team (or contractor) primed will enable them to respond quickly.

## **Internal fraud team**

Most local authorities have an internal fraud investigation team to consider council tax / benefit fraud etc. Making use of their specialist skills and resources can enable the enforcement operation to better target their attention, improving success rates.

## **Communications teams**

It is important to promote this work and Communications colleagues should be involved at the earliest opportunity to ensure the council capitalises on this work.

## **Targeted enforcement activity**

Effective enforcement is resource intensive and authorities may find it makes sense to focus their attention on those areas where the most fraud appears to take place. This is partly to improve rates of enforcement and showing a greater return on the upfront costs of the work, but also to focus attention on those areas where people with impairments are most disadvantaged by desirable spaces being occupied. Such locations include commuter hubs, colleges, stations, shopping centres, sports grounds and entertainment venues, or anywhere that parking is in high demand. This kind of approach may require some joined up working with private land owners or developers as without this local authorities are not empowered to enforce the scheme off-street.

## **Sharing information**

It is important that there is effective communication between issuing departments and parking enforcement teams or other enforcement agencies.

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They need to be able to share the information they have on badge holders.

However, local authorities are reminded that badge holders must have given their consent to sharing their personal information under the UK General Data Protection Regulations.

This will probably have been done at the initial application stage in the “Declaration” section of the Blue Badge application form.

Where possible, local authorities should provide enforcement teams with data on local badge holders, particularly in relation to badges that have been reported as lost or stolen so that these badges can be recognised if used on the street. This process can be made easier through the use of technology.

For example civil enforcement officers may use hand held Personal Digital Assistance type devices, or use the Global System for Mobile Communication network to check the national database for key information about the status of individual badges.

Where a badge has been issued by a different authority, enforcement teams can ask their local authority to check the status of that badge with the relevant authority. This process may be easier if local authorities work together to share information on lost and stolen badges in their area. The BBDS system will facilitate this.

## Chapter 5: Other useful information

### Knowledge hub

The Slack Workspace is dedicated to Blue Badge Digital Service and wider Blue Badge Scheme. It allows public sector workers to share good practices, ideas

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and practical tips: [bbds-uk-gov.slack.com](https://bbds-uk-gov.slack.com)

## Visitors from other EU countries

The UK Government has informal reciprocal arrangements in place with many European Union Governments to accept Blue Badges from these countries. Details are set out in the "[Parking Card for People with Disabilities in the European Union](#)". There are currently no formal reciprocal arrangements in place for disabled parking badges issued outside the UK.

We are aware of some cases where local authorities believe people may be trying to use fake badges, claiming they have been issued by another country, and enforcement officers have remained suspicious about their validity.

Recognition is voluntary, rather than mandatory, and so local authority enforcement officers can refuse to recognise an overseas badge if they have reasonable grounds to believe that it is fake or forged.

Parking badges for people with impairments from countries outside the EU vary in design and it would be hard for local enforcement officers to verify their authenticity; inspection of a badge would be advisable where there is doubt. The Welsh Government advises people visiting the UK from non-EU countries that they should bring their parking badges with them and notify the local authority in the areas they intend to visit to see if their badge would be recognised, but emphasise that this is entirely at the discretion of the local authority.

It may be advisable where visitors from another country have contacted the local authority about using their Badge in the local area that details and possibly an image of that badge is shared with enforcement officers to avoid advice conflicting with the issue of parking tickets.

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## Data collection

Local authorities have been asked to supply information to Welsh Government based on their BBDS standard management report. Further information may be required from time to time. Local authorities can arrange to share the information held by BBDS which will reduce requests for ad hoc information.

## Annex A: relevant legislation

The Blue Badge scheme came into operation on 1 December 1971 by means of Regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (Badges for display on motor vehicles used by disabled persons).

The scheme as it currently stands is governed by the following Regulations:

- the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 (as amended) and
- the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000

Other relevant legislation:

- Section 21A (Recognition of badges issued outside Great Britain) of the Chronically Sick and Disabled Persons Act 1970
- Section 117 (Wrongful use of disabled person's badge) and 142(1) (General interpretation of Act) of the Road Traffic Regulation Act 1984 (provides powers to tackle parking related abuse of the scheme)
- Fraud Act 2006
- Section 19 Police and Criminal Evidence Act 1984

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- Counterfeiting Act 1981
- Theft Act 1968
- Proceeds of Crime Act 2002
- Powers of Criminal Courts (Sentencing) Act 2000 and
- Disabled Persons Parking Badges Act 2013

All of the above Statutory Instruments (and the Acts) can also be viewed on [Legislation.gov.uk](https://www.legislation.gov.uk) website.

## **Annex B: guide to assessing mobility for functional mobility experts**

### **The applicant has very considerable difficulty in walking**

The applicant will need to provide healthcare professional evidence that, as a result of their permanent and substantial disability, they are unable to walk very far without experiencing severe difficulty. Several factors may be relevant and having considerable difficulty walking is defined as one or more of the following:

Excessive pain reported by the applicant when walking, or as a consequence of the effort of walking.

Pain is subjective, and some people have higher pain thresholds than others. Consideration may need to be given to cross-referencing an applicant's reported experience of pain with the healthcare professional evidence and information they provide about their permanent and substantial disability, details of medication they take, coping strategies they have adopted and any courses of treatment designed to help them manage their pain.

Any breathlessness reported by the applicant when walking, or as a consequence of the effort of walking.

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The applicant's reported breathlessness will need to be cross-referenced with details of diagnosed medical conditions known to cause breathlessness (e.g. emphysema, heart conditions, etc.) and the evidence provided by the applicant.

The applicant may provide healthcare professional evidence that the excessive pain or breathlessness occurs at the time of walking, or later as a direct result of their attempt to walk.

The distance an applicant is able to walk without excessive pain or breathlessness; taking due consideration of the environment the individual usually walks.

If an applicant is unable to walk 50 metres (55 yards) in total, then their walking ability is not appreciable and they can be deemed as having very considerable difficulty in walking.

The applicant may be deemed eligible if they can walk 50-80 metres (approximately 55 to 87.5 yards) without pain or breathlessness, but demonstrate very considerable difficulty in walking through a combination of other factors (e.g. extremely slow pace and / or their manner of walking).

The speed at which they are able to walk.

As a guide the average person can walk in a minute:

- Brisk pace: >90 metres per minute
- Normal pace: 61 to 90 metres per minute
- Slow pace: 40 to 60 metres per minute
- Very slow pace: <40 metres per minute

If an applicant cannot walk 40 metres (44 yards) in a minute (a pace of less than 0.67 metres/second), including any stops to rest, then this is an extremely slow pace which is likely to make walking very difficult when considered in isolation.

If an applicant can walk 40 metres (44 yards) in less than a minute (a pace of 0.67 metres/second or more), including any stops to rest, then the speed at which they walk is not likely to make walking very difficult when considered in isolation. The applicant may still be considered eligible if they demonstrate very considerable difficulty in walking through any other factors.

The length of time that an applicant is able to walk for.

For example, if an applicant is only able to walk for less than one minute in total then walking is likely to be very difficult for them.

## **The manner in which the applicant walks**

The applicant's posture, rhythm, coordination, balance and stride should be considered in terms of the degree of effect they have on their ability to walk.

## **An applicant's use of walking aids**

The fact that a walking aid is or is not used may be relevant to the eventual decision, but this alone should not determine whether or not a Blue Badge is issued.

For example, if a person can walk relatively normally with the use of a walking stick, then they should not be considered as meeting the criteria to be eligible to receive a Blue Badge.

It may also be relevant to consider whether an applicant who is not using any form of walking aid at the time of their application could improve their walking ability, to the extent that they would no longer demonstrate very considerable difficulty in walking, through the correct use of such an aid.

## The applicant's outdoor walking ability

It is important to consider the person's ability to negotiate the types of pavement or road one would normally expect to find in the course of walking outdoors. No pavement or road is absolutely flat therefore a degree of "incline" and "decline" should be considered in the course of a mobility assessment.

Whether the effort of walking presents a danger to the applicant's life, or would be likely to lead to a serious deterioration in their health.

The applicant needs to provide evidence that they should not walk very far because of the danger to their health.

This part of the criteria is intended to identify people with serious chest, lung or heart conditions who may be physically able to walk normally.

The serious deterioration that occurs does not need to be permanent but it should require medical intervention for them to recover.

They will need to evidence (written healthcare professional evidence or during a mobility assessment) that any danger to their health is a direct result of the effort required to walk. Bear in mind that healthcare professionals do encourage mild exercise to improve certain conditions so these cases will need to be looked at and considered on an individual basis.

People with epilepsy will need to show (by providing healthcare professional evidence) that any fits were brought about by the effort required to walk.

Applicants who can walk more than 80 metres (87.5 yards) and do not demonstrate very considerable difficulty in walking through any other factors would not be deemed as eligible

1. See regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 (S.I. 2000/1786) (“the 2000 regulations”).
2. See regulation 2(1) of the 2000 regulations.
3. See regulation 6(4)9(c) of the 2000 regulations.
4. See regulation 6(4)9(a) of the 2000 regulations.
5. See regulation 6(4)(b) of the 2000 regulations.
6. See regulation 8 of the 2000 regulations.
7. A relevant conviction is one for successful prosecution of a badge holder or third party of 1) an offence under section 21 (4B) of the Chronically Sick and Disabled Persons Act 1970 (this covers misuse of a real badge or use of a fake/ altered badge when the vehicle is being driven); or 2) an offence under sections 115 or 117 of the Road Traffic Regulation Act 1984 (this covers misuse of a real badge or use of a fake/altered badge when the vehicle is parked); or 3) dishonesty or deception committed under any other provision of the Chronically Sick and Disabled Persons Act 1970, the Road Traffic Regulation Act 1984 or any other UK legislation in relation to the badge (which takes account of offences under, for example, the Fraud Act 2006, the Theft Act 1968, the Forgery and Counterfeiting Act 1981, etc).
8. See regulation 8(3) of the 2000 regulations.
9. See regulation 10 of the 2000 regulations (as amended by S.I. 2012/309 (W. 50)) for circumstances in which an appeal to Welsh ministers will be considered. (In summary if a badge has been refused following a conviction.)
10. See regulation 8(2) of the 2000 regulations.
11. See regulation 8(3) of the 2000 regulations.

12. See regulation 9(2) of the 2000 regulations.
13. See regulation 9(1)(c) of the 2000 regulations.
14. See regulation 9(1)(b) of the 2000 regulations.
15. See regulation 7(1) of the 2000 regulations.
16. See regulation 9(1)(d) of the 2000 regulations.
17. See regulation 9(1)(e) of the 2000 regulations.
18. See regulation 9(1)(f) of the 2000 regulations.
19. See sections 27 and 28 of the Regulation of Investigatory Powers Act 2000.

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