



BRIEFING PAPER

Number CBP 1360, 16 August 2018

Blue Badges and parking for disabled people in England

By Louise Butcher

Contents:

1. What is the Blue Badge scheme?
2. Who is eligible for a Blue Badge?
3. Enforcement of the Blue Badge scheme
4. Using your Blue Badge abroad, reciprocity & Brexit
5. Provision of parking spaces for disabled people



Contents

Summary	3
1. What is the Blue Badge scheme?	4
1.1 What legislation applies?	4
1.2 Where does it operate?	5
London	5
1.3 Major legislative changes, 1997-	5
1.4 Consultation on extending eligibility, 2018	7
2. Who is eligible for a Blue Badge?	9
2.1 Automatic entitlement	9
2.2 Eligible subject to further assessment	9
2.3 Children under the age of three	10
2.4 Temporary disabilities	11
2.5 Mental, cognitive and intellectual disabilities	11
2.6 Eligibility changes following the introduction of PIP	12
2.7 Appeals	14
3. Enforcement of the Blue Badge scheme	15
4. Using your Blue Badge abroad, reciprocity & Brexit	16
5. Provision of parking spaces for disabled people	17
5.1 Application of the Equality Act	17
5.2 Statutory and advisory on-street parking	18
5.3 Off-street car parks	18
5.4 Number of spaces and dimensions	19

Summary

This paper is chiefly concerned with the Blue Badge scheme; it also includes information on the provision of parking bays and on off-street parking for disabled people.

The Blue Badge scheme is a devolved matter so this paper deals largely with **England**.

The Blue Badge scheme provides a national arrangement of parking concessions for disabled people. A separate scheme operates in London. There are reciprocal arrangements for disabled drivers allowing them to park across the EU. The Blue Badge scheme does not apply to off-street car parks, whether local authority- or privately-owned.

The Labour Government introduced minor changes to the scheme, particularly with regard to eligibility. The Coalition Government introduced further changes to improve enforcement in the *Disabled Persons' Parking Badges Act 2013* and, separately, to scheme eligibility. Individuals have also been affected by the move from Disability Living Allowance to the Personal Independence Payment.

In January 2018 the Government issued a consultation on extending eligibility for the Blue Badge to those suffering from a mental, cognitive or intellectual disability and to those people who receive 12 points for the 'Planning and Following Journeys' activity of the mobility component of Personal Independence Payment (PIP), for non-physical mobility issues. On 29 July the Government announced its intention to proceed with these changes.

In addition to Blue Badges, one of the challenges faced by disabled people who use private vehicles is being able to park both outside their home and near shops and other facilities. Local authorities have powers to install disabled parking bays and spaces both on and off road – these can be statutory or discretionary. Discretionary spaces are cheaper to install but they rely on other motorists not to park in them and are not legally enforceable. In privately owned car parks (e.g. attached to supermarkets), it is up for the landowner to install spaces for disabled people and to enforce them.

For information on Wales, Scotland and Northern Ireland, see:

- **Wales** – Section 21 of the [Chronically Sick and Disabled Persons Act 1970](#) & the *Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000* ([SI 2000/1786](#)), both as amended; [Eligibility Guidance](#), January 2015; & [Eligibility Criteria](#), January 2015
- **Scotland** – Section 21 of the [Chronically Sick and Disabled Persons Act 1970](#); the *Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000* ([SSI 2000/59](#)); the *Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2014* ([SSI 2014/145](#)); and Transport Scotland, [Blue Badge scheme](#) [accessed 7 March 2018]
- **Northern Ireland** – Section 14 of the [Chronically Sick and Disabled Persons \(Northern Ireland\) Act 1978](#) & the *Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993* (NISI 1993/202), both as amended; and NI Direct, [The Blue Badge scheme](#) [accessed 7 March 2018]

Information on other parking matters can be found on the [Roads Briefings Page](#) of the Parliament website.

1. What is the Blue Badge scheme?

The Blue Badge scheme was introduced in 1971 (then called the Orange Badge scheme) to provide a national arrangement of parking concessions for disabled and blind people and is designed to give them the ability to park close to the facilities and services they need. It is an on-street parking concession and does not apply to off-street car parks, although private landowners often provide concessions to Badge holders.

1.1 What legislation applies?

The scheme operates under section 21 of the [Chronically Sick and Disabled Persons Act 1970](#), as amended, and regulations made under that section. The current regulations are the *Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000* ([SI 2000/682](#)), as amended. They provide for the issue of a "Badge of a prescribed form" by local authorities for motor vehicles driven or used by disabled people.

This legislation should be read in conjunction with the *Local authorities traffic orders (exemptions for disabled persons) (England) regulations 2000* ([SI 2000/683](#)). These require that certain traffic orders made by local authorities under the [Road Traffic Regulation Act 1984](#) that prohibit or restrict the waiting of vehicles in roads and street parking places must include a provision exempting any disabled person's vehicle displaying a disabled person's Badge. This exempts the holder from waiting conditions in certain circumstances, and from charges and time limits at places where vehicles may park or wait.

It is an offence under section 117 of the 1984 Act for the Badge to be misused by a non-disabled person, with a maximum fine on conviction of £1,000. Local authorities have the power to withdraw the Badge if the holder constantly misuses it or allows it to be misused by others. Section 94 of the [Traffic Management Act 2004](#) further tightened the legislation by giving uniformed enforcement officers the power to inspect Badges.¹ More information on enforcement can be found in section 3, below.

The scheme is operated in England by county, metropolitan, district or unitary councils and in Wales and Scotland by unitary councils.

Local authorities may charge up to £10 for a Badge.² They may also issue organisational Badges "to an organisation for a motor vehicle which is to be used to carry disabled persons".³ Since 2007 Badges have included an anti-fraud hologram, additional wording identifying the front of the Badge, and (on the individual Badge) a gender-specific serial

The main guidance for Blue Badge holders is: [The Blue Badge scheme: rights and responsibilities in England](#) (May 2017)

The main guidance for local authorities is the [Blue Badge Scheme local authority guidance \(England\)](#) (October 2014)

¹ in force since 29 September 2006 under [SI 2006/1736](#)

² Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 ([SI 2011/2675](#)); compared to £20 in Scotland via the *Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2007* ([SSI 2007/162](#))

³ Regulation 5 of SI 2000/682

number on both sides of the Badge. Since 2011 they have also included sophisticated anti-fraud technologies and specialist security printing techniques to prevent the Badge being copied, faked or altered.

1.2 Where does it operate?

The scheme operates throughout England except for the City of London, the City of Westminster, the Royal Borough of Kensington and Chelsea and that part of the London Borough of Camden to the south of and including Euston Road. These areas operate their own independent concessionary schemes for disabled people who live or work in the area. They offer some limited concessions regarding designated parking and meter parking to Blue Badge holders.

The scheme does not apply on private land; this includes the road systems at some airports, such as London Heathrow.

In Scotland and Wales, the responsibility for the scheme lies with the devolved administrations. Northern Ireland's scheme is subject to separate legislation from the rest of the UK and is administered by the Department for Infrastructure.

London

The London boroughs have been exempted from the Blue Badge scheme since 1971.⁴ There are four separate schemes for disabled people who live or work in central London:

- The [Red Badge scheme](#) operates in the City of London;
- The [White Badge scheme](#) operates in the City of Westminster;
- The [Purple Badge scheme](#) operates in the Royal Borough of Kensington and Chelsea; and
- The [Green Badge scheme](#) operates that part of the London Borough of Camden to the south of and including Euston Road.

They do offer some concessionary benefits to Blue Badge holders but one should always check before use.

1.3 Major legislative changes, 1997-

The Labour Government undertook a comprehensive review of the Blue Badge scheme in 1999 which was followed by a discussion paper that formed the basis of a public consultation that ended in 2002. In its response, the Disabled Persons' Transport Advisory Committee (DPTAC)⁵ made a long list of recommendations, primarily on the eligibility requirements, the administration of the scheme, the types of concessions permitted, and the enforcement of the scheme.⁶ In

⁴ by the *Road Traffic Authorities Traffic Orders (Exemption for disabled persons) (England and Wales) Regulations 1971* (SI 1971/1493); and now set out in Regulation 5 to the *Local authorities traffic orders (exemptions for disabled persons) (England) regulations 2000* (SI 2000/683)

⁵ DPTAC is an advisory non-departmental public body, sponsored by the Department for Transport [accessed 7 March 2018]

⁶ DPTAC, [Review of the disabled persons' parking scheme: recommendations to Government](#), April 2002

6 Blue Badges and parking for disabled people in England

December 2002 the then Transport Minister, David Jamieson, announced that the Government had considered the DPTAC recommendations and intended to take most of them forward.⁷ This resulted in various legislative changes between 2004 and 2007.⁸

In September 2007 the Government published an independent, strategic review of the Blue Badge scheme. This concluded that there was a case to be made for extending eligibility, but that could lead to greater administrative complexity, greater potential for abuse, lead to reduced benefits for Blue Badge holders more widely and possibly cause the scheme to be discredited.⁹ The Department for Transport published its response to the strategic review alongside a consultation paper in January 2008, primarily concerned with changes to eligibility and assessment criteria, and enforcement.¹⁰

As explained elsewhere in this paper the Government decided to proceed with changes to eligibility to help those with a temporary disability, children and veterans, to increase the fee local authorities could charge for the issue of a badge and reduce fraud and abuse.¹¹ In July 2009 the DfT published a 'high level implementation plan' setting out its proposed timetable for introducing these reforms by 2012.¹²

In February 2011 the new Conservative-Liberal Democrat Coalition Government announced that it intended to take forward most of the previous Government's planned changes.¹³ It intended to implement these changes before 2014. In May 2012 Simon Kirby, the Conservative MP for Brighton Kemptown and Peacehaven, drew number 17 in the ballot for Private Members Bills. His Bill, supported by the Government, became the [Disabled Persons Parking Badges Act 2013](#) (see section 3, below).

⁷ [HC Deb 18 December 2002, c52WS](#); see also DfT, [The Blue Badge Review: government response to DPTAC recommendations](#), December 2002

⁸ via the [Traffic Management Act 2004](#) and the [Disabled Persons \(Badges for Motor Vehicles\) \(England\) \(Amendment\) Regulations 2007 \(SI 2007/2531\)](#) [see also: DfT, [Consultation on the Blue Badge disabled parking scheme](#), 27 March 2007 and [New Blue Badge Scheme Regulations](#) (DfT Circular 3/2007), 13 September 2007]

⁹ DfT, [The Strategic Review of the Blue Badge Scheme: An independent report by Rob Smith](#), September 2007, Annex C

¹⁰ DfT, [Consultation on Developing a Comprehensive Blue Badge \(Disabled Parking\) Reform Strategy](#), January 2008; the Transport Select Committee published a report in response to the consultation in June 2008: Transport Committee, [The Blue Badge Scheme](#) (sixth report of session 2007-08), HC 475, 10 June 2008

¹¹ [HC Deb 20 October 2008, cc4-5WS](#) and DfT, [Comprehensive Blue Badge \(Disabled Parking\) Reform Strategy \(England\)](#), October 2008

¹² DfT, [Comprehensive Blue Badge Reform Programme: High Level Implementation Plan](#), July 2009; followed by a consultation on some aspects before it left office in 2010, see: DfT, [Blue Badge Reform Programme: A Consultation Document](#), 22 March 2010

¹³ DfT, [Blue Badge Consultation: Summary of Responses and Government Response](#), February 2011, paras 16-17

1.4 Consultation on extending eligibility, 2018

As set out in section 2.5, below, there is currently no automatic entitlement to a Blue Badge for those suffering from a mental, cognitive or intellectual disability.

However, in January 2018 the Government published a consultation document seeking views on extending the eligibility for the Blue Badge scheme to such individuals.¹⁴ The consultation paper stated that it had:

... become clear through discussions with local authorities and correspondence from the public that the application of the scheme to people with non-physical disabilities is not clearly understood or administered consistently across the country. We are therefore looking again at eligibility with a view to clarifying the regulations and guidance, ensuring that any equality issues are addressed and that there is parity for physical and non-physical disabilities.¹⁵

It also sought views on providing automatic eligibility to those people who receive 12 points for the 'Planning and Following Journeys' activity of the mobility component of Personal Independence Payment (PIP), for non-physical mobility issues.¹⁶ This would bring the scheme in England into line with that in Scotland – see section 2.6, below, for more information.

On 29 July the Government announced its intention to proceed with these changes. The DfT said:

People with hidden disabilities, including autism and mental health conditions will soon have access to Blue Badges, removing the barriers many face to travel [...] In the biggest overhaul to the scheme since the 1970s, this will now be extended to those with less visible conditions early next year.¹⁷

The changes that will be made are as follows:

- A new eligibility criterion for people who have an enduring and substantial disability the effect of which is that that person is unable to walk or undertake a journey without it causing very considerable difficulty when walking.
- A new eligibility criterion for people who have an enduring and substantial disability the effect of which is that that person is unable to undertake a journey without there being a reasonably foreseeable risk of serious harm to the health and safety of that person or any other person.
- A new eligibility criterion for people who have an enduring and substantial disability the effect of which is that that person is unable to undertake a journey without it causing very considerable psychological distress to that person.

¹⁴ DfT press notice, "[People with hidden disabilities could enjoy new freedom with Blue Badge changes](#)", 21 January 2018

¹⁵ DfT, [Blue Badge scheme: Consultation on Eligibility](#), 21 January 2018, para 1.2

¹⁶ *Ibid.*, para 1.5

¹⁷ DfT press notice, "[People with hidden disabilities to benefit from Blue Badges](#)", 29 July 2018

8 Blue Badges and parking for disabled people in England

- A new eligibility criterion for people who score 10 points under the planning and following journeys activity of Personal Independence Payment by virtue of being unable to undertake any journey because it would cause overwhelming psychological distress to the claimant.
- Replacing the role of Independent Mobility Assessor with an eligibility assessor.¹⁸

These changes will require secondary legislation (i.e. new Regulations), and as indicated above the Government's intention is to introduce this early in 2019. It has also said that DfT is working "with medical professionals and key stakeholders ... to develop the guidance that local authorities will need in order to be able to administer the scheme when the changes come into effect".¹⁹

¹⁸ DfT, [Blue Badge Consultation: Summary of Responses and Government Response](#), 29 July 2018, pp6-7

¹⁹ *Ibid.*, p7

2. Who is eligible for a Blue Badge?

2.1 Automatic entitlement

Entitlement to a Blue Badge is essentially automatic if a person is more than two years old and meets any of the requirements listed in Regulation 4(2)(a) to 4(2)(dd) and 4(2)(g) of the 2000 Regulations, as amended. These are as follows:

- (a) receives the higher rate of the mobility component of the disability living allowance in accordance with section 73 of the Social Security and Benefits Act [1992];
 - (b) . . . is in receipt of a grant pursuant to [paragraph 10(3) of Schedule 1 to the National Health Service Act 2006] or section 46 of the National Health Service (Scotland) Act 1978;
 - (c) is registered as . . . [severely sight-impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)] [or, in Wales, section 18(1) of the Social Services and Well-being (Wales) Act 2014] or, in Scotland, is a blind person within the meaning of section 64(1) of [the National Assistance Act 1948];
 - (d) receives a mobility supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983 including such a supplement by virtue of any scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983;
- [(dd) has—
- (i) received a lump sum benefit under article 15(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 within tariff levels 1 to 8 (inclusive); and
 - (ii) been certified by the Secretary of State as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking;]

[...]

- (g) receives the mobility component of personal independence payment at either the standard rate or the enhanced rate under section 79(3) of the Welfare Reform Act 2012 by virtue of obtaining a score of at least 8 points in relation to the “moving around” activity in an assessment carried out under the Social Security (Personal Independence Payment) Regulations 2013.

2.2 Eligible subject to further assessment

Eligibility under Regulation 4(2)(e) and 4(2)(f) is subject to further assessment by the local authority:

- (e) drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter]; or
- (f) [subject to paragraph (3A), has been certified by an independent mobility assessor as having] a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking;

10 Blue Badges and parking for disabled people in England

[...]

(3A) A person is to be deemed to be within the description set out in paragraph (2)(f) in the absence of the certification otherwise required if, in the opinion of the local authority to which the application for a disabled person's badge is being made, it is self-evident by reason of the information the authority has about the person that the person has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

How local authorities judge applicants against this criteria has long been an issue of debate.²⁰

Chapter 4 of the Government's guidance to local authorities in England advises how they should determine the eligibility of individual applicants.²¹ Since April 2012 the eligibility of those applying for a Blue Badge because of a "permanent and substantial disability that causes inability to walk or very considerable difficulty in walking" (Regulation 4(2)(f)) be confirmed by an independent mobility assessor. The guidance states that:

The DfT's view is that eligibility decisions are fairer and more objective if mobility assessments are undertaken by professionals who have been specifically trained in mobility and who are independent of the applicant. It is therefore important that local authorities use assessors who have been appropriately trained in mobility assessments, who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant.²²

Sometimes people want to know why the local authority cannot or will award a Badge on evidence from the applicant's GP. The guidance states:

It is the DfT's view that the definition of an independent mobility assessor contained in the regulations precludes the use of both the applicant's GP and anyone else who has been involved in the applicant's ongoing care and treatment in determining an applicant's eligibility. It does not, however, prevent a local authority from making use of factual information from the GP or from other medical professionals regarding an applicant's condition(s) and treatment(s) as evidence to support the eligibility decision making process.²³

[Chapter 4.4](#) of the guidance provides details of how local authorities should approach assessment of applicants with walking disabilities; [chapter 4.5](#) deals with applicants who have a severe disability in both arms.

2.3 Children under the age of three

Children under the age of three had been ineligible for an Orange Badge since 1983 because it was considered that disabled children

²⁰ see, e.g. [HC Deb 28 October 1994, cc1187-1192](#)

²¹ DfT, [Blue Badge Scheme local authority guidance \(England\)](#), October 2014; see also: [Changes to the Disabled Persons \(Badges for Motor Vehicles\) \(England\) Regulations 2000](#), 15 November 2011; and [Blue Badge scheme: eligibility changes](#), 1 June 2011

²² op cit., [Blue Badge Scheme local authority guidance \(England\)](#), p17

²³ *ibid.*, p18

below that age could reasonably be carried in a pram or pushchair, in much the same way as able-bodied children of a similar age.

Since June 2011 automatic eligibility was conferred on two categories of children under the age of two:

- (a) 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;
- (b) 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.

The Government's 2014 guidance states:

DfT recommends 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.²⁴

2.4 Temporary disabilities

As indicated above, eligibility for Blue Badges has long been linked to the permanence of a relevant disability or condition. In practice it means that those with a *temporary* disability are not eligible for the Blue Badge. There is one exemption to this: where receipt is linked to a shorter benefit payment. The Government guidance states:

Where HRMCDLA, WPMS or PIP has been granted for a period longer than three years, the badge should only be issued for the standard three year period. At the point of a renewal application, a badge should continue to be issued on a three yearly cycle provided that the applicant remains eligible ... In no circumstances should a badge be issued under the 'subject to further assessment' walking criterion, which states that a person needs to have a 'permanent and substantial disability', to applicants with a temporary disability or for a period of less than 3 years.²⁵

2.5 Mental, cognitive and intellectual disabilities

At present there is no automatic entitlement to a Blue Badge for those suffering from a mental, cognitive or intellectual disability: autism is one of the conditions most commonly raised in this context.

Entitlement will depend on whether the condition causes an individual to be unable to walk or have very considerable difficulty in walking. The Government's 2014 guidance states:

Whilst medical conditions such as asthma, Crohn's disease/incontinent conditions, autism, Myalgic Encephalomyelitis

Please note: there will be future changes in this area – see section 1.4, above.

²⁴ *ibid.*, p29

²⁵ *ibid.*, p38

(M.E.) and other mental/cognitive/intellectual disabilities are not in themselves a qualification for a badge, people with these conditions may be eligible for a badge if they are unable to walk or have very considerable difficulty in walking. Eligibility is not determined by the presence or absence of any particular diagnosis or condition. Provided that an applicant has a permanent and substantial disability, a local authority's eligibility decision should be based on whether the applicant's difficulty in walking meets the criterion in the regulations. Each application should be considered on its merits – not on a “one size fits all” basis. The final decision about whether an applicant meets the criterion is for the issuing authority to make.²⁶

2.6 Eligibility changes following the introduction of PIP

Personal Independence Payment (PIP) is replacing Disability Living Allowance (DLA) for people of working age. Like DLA, PIP is non-means-tested and is intended to help with the extra costs arising from ill-health or disability. It has two components:

- a mobility component, based on an individual's ability to get around; and
- a “daily living” component, based on ability to carry out other key activities necessary to be able to participate in daily life.

Each component has two rates.

PIP was introduced for new claims from April 2013, and DWP expects that all existing working age DLA claimants will have been reassessed for PIP by 2019-20. PIP is intended to target support more closely on those most in need, and significantly fewer people will qualify for PIP than would have qualified for DLA.²⁷

In England, individuals qualify for a Blue Badge if they are awarded 8 points or more in the ‘moving around’ activity, but can also qualify on other grounds. This is different from Scotland and Wales where individuals qualify for a Blue Badge if they are awarded 8 points or more in the ‘moving around’ activity *or* 12 points in the ‘planning and following journeys’ activity, and can also qualify on other grounds.

The decision to restrict eligibility in England to the ‘moving around’ component was explained to the House by the then Transport Minister, Norman Baker, in January 2013 following a public consultation. His argument was that this was the closest eligibility requirement to that existing under DLA:

As around a third of all Blue Badges are currently issued to people who receive the higher rate of the mobility component of disability living allowance [...] I have decided that, when DLA is replaced by PIP, there should still be a legislative link that means those people who score eight points or more in the “moving around” activity of PIP will be automatically eligible for a Blue Badge. This activity assesses a person's physical ability to get

Please note: there will be future changes in this area – see section 1.4, above.

FAQ on PIP and Blue Badges are answered in the DfT's [Personal Independence Payment and eligibility for a Blue Badge frequently asked questions](#), April 2013

²⁶ *ibid.*, p20

²⁷ information on the introduction of PIP can be found in HC Library briefing paper [SN6861](#)

around and a score of eight points or more will be awarded to people who are either unable to walk or who cannot walk further than approximately 50 metres. This means that future eligibility for a Blue Badge will be as similar to the current eligibility criteria for the scheme as possible.²⁸

In its consultation document the Government asked for views on three options for linking Blue Badge eligibility to PIP, one of which would have included the 'planning and following journeys' element. The paper argued *against* this on the following grounds:

This change to the regulations would significantly widen current eligibility for a Blue Badge to some people of working age with mental, cognitive and intellectual impairments who have high non-physical mobility needs, but who are able to walk. It would also mean a significant increase in the numbers of badges on issue. This option would benefit those between the ages of 16 and 64 who are currently not automatically eligible for a Blue Badge but who would become automatically eligible as a result of this option. It would, however, adversely impact on current badge holders as there would be more badge holders seeking available parking spaces, and an associated dilution in the benefit of the scheme to those who are unable to walk or who have considerable difficulty walking.

Based on the indicative modelling that we have carried out, we have estimated the potential costs to local authorities in comparison with the costs of operating the scheme in its current form. If we consider just the costs to local authorities, option 2 would cost between £15m and £25m more than it currently costs them to operate the scheme in its existing form. In two-tier local authority areas, the majority of the costs would fall to second tier enforcing authorities as they primarily result from greater parking revenue losses. There would also be additional administration costs for top-tier local authorities.

We believe it is important, when considering this option, to focus on the aims of the Blue Badge scheme. Whilst there are many disabled people who would benefit from being able to access the parking concessions it provides, we need to accept that there are restrictions on the number of available on-street parking spaces. Widening eligibility for a Blue Badge could dilute the benefits associated with access to these for all badge holders.²⁹

In Scotland, the decision to include 'planning and following journeys' was seemingly taken because they believed that this was in the spirit of the existing entitlement under DLA. This is discussed in evidence to the Scottish Welfare Reform Committee on 5 March 2013, where Jill Mulholland, speaking for the Scottish Government, said: "On the difference between ourselves and Wales and England, Sharon Grant has been describing the "moving around" mobility activities. Scotland and Wales have included one other criterion—planning and following a journey. We believe that that fully reflects the intention of the higher rate mobility component of DLA, but the DFT has not followed that".³⁰

²⁸ [HC Deb 25 January 2013, cc29-30WS](#)

²⁹ DfT, [Personal Independence Payment and eligibility for a Blue Badge](#), July 2012, pp24-5

³⁰ Scottish Welfare Reform Committee, [Evidence taken on 5 March 2013](#)

14 Blue Badges and parking for disabled people in England

In Wales, the Welsh Government consulted on its eligibility criteria in 2012 and explained its decision to link eligibility to 'moving around' or 'planning and following journeys' as follows:

The Welsh Government believe that the proposals provide a balanced approach to including people with physical, sensory and physical impairments who have restricted mobility. The PIP descriptors awarded 8-12 points for the moving around activity best matches the current eligibility criteria for a Blue Badge and will ensure that the status quo is maintained. The PIP descriptor awarded 12 points for planning and following a journey activity targets those with the greatest need who may not have a mobility impairment but who require guidance and/or supervision to ensure their safety.³¹

2.7 Appeals

There is no formal appeal procedure against a local authority decision to refuse an application for a Badge. Local authorities may sometimes reconsider a case if new evidence can be presented but this is entirely at their own discretion.

Formal appeals procedure only exists in relation to a local authority's refusal to issue a Badge where the person already holds a Badge but has been found to be misusing it.

The [Local Government Ombudsman](#) can look at cases where something has gone wrong such as unnecessary delay, a failure to act or follow the law or providing misleading information.

³¹ Welsh Government, [The Blue Badge Scheme in Wales: Changes to the Automatic Eligibility Criteria - Summary of Consultation Responses](#), 2012, pp4-5

3. Enforcement of the Blue Badge scheme

It is an offence under section 117 of the [Road Traffic Regulation Act 1984](#) for the badge to be misused by a non-disabled person, with a maximum fine on conviction of £1,000.

Local authorities have the power to withdraw the Badge if the holder constantly misuses it or allows it to be misused by others. Section 94 of the [Traffic Management Act 2004](#) further tightened the legislation by giving uniformed enforcement officers the power to inspect Badges.³²

Successive governments have sought to act in this area. Most recently the [Disabled Persons Parking Badges Act 2013](#):

- Provided 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);
- Amended the existing inspection power so that authorised enforcement officers in plain clothes may inspect Badges (this had been limited to constables and specified enforcement officers who generally had to be uniformed);
- Provided 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; and
- Clarified 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.³³

[Chapter 7](#) of the Government's 2014 guidance to local authorities advises on enforcement of Blue Badge offences.

Councils continue to crackdown on Blue Badge fraud, prosecuting 565 offenders in 2014 and seizing badges suspected of being used illegally. Some local authorities have set up specific enforcement teams to tackle Blue Badge fraud.³⁴ There were reports in December 2016 that 61 out of 152 local authorities had told the DfT that they did not have a policy for prosecuting drivers who abuse the scheme. The Local Government disputed these figures, telling the *Daily Telegraph* that "some councils listed as not having a policy for prosecuting abuse of the scheme do have reporting mechanisms for such incidents".³⁵

³² in force since 29 September 2006 under [SI 2006/1736](#)

³³ for more information, see DfT, [Blue Badge scheme: enforcement changes](#), 8 October 2013

³⁴ LGA press notice, "[Blue badge thefts more than double](#)", 22 August 2015

³⁵ "[Able-bodied motorists 'getting away' with disabled parking fraud](#)", *Daily Telegraph*, 31 December 2016

4. Using your Blue Badge abroad, reciprocity & Brexit

In 1998 EU Member States made an informal agreement to recognise badges of a common format issued in EU countries.³⁶ This is made clear in the Government's October 2014 guidance to local authorities:

There are currently no formal reciprocal arrangements in place for disabled parking badges issued outside the UK. The UK Government has informal reciprocal agreements in place with other European Union Governments to accept Blue Badges from these countries [...] Disabled parking badges from countries outside the EU vary in design and it would be hard for local enforcement officers to verify their authenticity.³⁷

Switzerland and Norway also recognise the standard format 'disabled parking card' (the 'Blue Badge' in the UK). Though the EU does not advertise this in [its guide](#) to using the parking card across the EU, it is included in the [FIA's guide](#).

It seems unlikely that Brexit would necessitate the UK changing the format of the Blue Badge, so there is no obvious reason why it would not continue to be recognised across Europe in the same way as those issued in Switzerland and Norway and, conversely, the UK would continue to recognise the badges of the 28 other countries in turn.

However, while negotiations are ongoing the Government remains circumspect. In January 2018 the transport minister, Jesse Norman, said:

The Blue Badge scheme is a UK scheme, enshrined in national legislation, and will continue after the UK's exit from the EU.

The Government recognises the benefits of mutual recognition of badges across the EU for UK citizens travelling to Europe. We are considering carefully the potential implications arising from the UK's exit from the EU, including for the continued recognition of Blue Badges.³⁸

³⁶ [Recommendation 98/376/EC](#), as amended by [Recommendation 2008/205/EC](#)

³⁷ *op cit.*, [Blue Badge Scheme local authority guidance \(England\)](#), section 8.3

³⁸ [Blue Badge Scheme: Written question – 123097](#), 23 January 2018

5. Provision of parking spaces for disabled people

On-street and in council-owned car parks, the provision of disabled parking bays is the responsibility of the local authority, elsewhere it is a matter for the private landowner of the car park.

5.1 Application of the Equality Act

There is no requirement as to the provision of parking in the [Equality Act 2010](#). However, public bodies must not, in the exercise of their functions, “do anything that constitutes discrimination, harassment or victimisation” (section 29(6)). The question as to whether a failure to provide disabled parking spaces for example within a reasonable distance of public facilities is discriminatory would be a matter for legal advice.

There are two types of unlawful discrimination: direct and indirect.

- **Direct discrimination** occurs when a person, because of a protected characteristic, treats another less favourably than he would treat those without the characteristic.
- **Indirect discrimination** occurs when a person applies a “provision, criterion or practice” which, although applied to persons with different protected characteristics (e.g. disabled and non-disabled) puts one group of persons at a particular disadvantage. Indirect discrimination can be lawful if shown to be a “proportionate means of achieving a legitimate aim” (section 19(2)(d)).

The question of whether the implementation or otherwise of parking restrictions and the presence or otherwise of any concessions or allocated spaces for disabled people would constitute either form of discrimination would be a matter for legal advice in any individual case.

Beyond the question of discrimination is the public sector equality duty set out in section 149 of the Act.

Section 149 provides that a public authority must, in the exercise of its functions “have due regard to the need to” among other things, “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”. This involves having due regard to the need to “take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it”. Section 149(4) states how this applies to the treatment of disabled persons:

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

This would likely involve considering, for example, the effect of a lack of parking spaces near public facilities on disabled persons' equality of

[Disabled Motoring UK](#) campaigns on behalf of all disabled motorists, passengers and Blue Badge holders including regarding the provision and enforcement of parking for disabled people.

opportunity. The most common way for public authorities to evidence their fulfilment of the duty is by way of equality impact assessments.

Individuals can pursue these issues further with regards to specific local cases by obtaining further advice on the application of equality law and potential means of challenging a council's policy. **The Equality Advisory and Support Service (EASS)** can advise individuals on the application of the 2010 Act: its website has here for [an overview of the assistance it provides](#), and [contact details](#).

5.2 Statutory and advisory on-street parking

Successive governments have generally held the view that the responsibility for the provision of disabled persons' parking bays on the public highway lies with individual local authorities who have a wide range of powers available to them to designate parking places for specific users.³⁹

Local authorities can make one of two types of space, each of which has a different effect:

- **Statutory spaces** are dedicated bays for disabled people, designated for this purposes by a Traffic Regulation Order (TRO).⁴⁰ It is an offence under section 47 of the [Road Traffic Regulation Act 1984](#), as amended, to park a vehicle not displaying a Blue Badge in one of these statutory bays. Anyone who has parked illegally in such a space can be issued with a fixed penalty notice or they can be prosecuted. In the latter case, misuse of such spaces can incur a fine of up to £1,000. Statutory spaces tend to be used relatively sparingly by local authorities because TROs can be complicated and costly to introduce. Usually anyone with a Blue badge can park in a statutory space; a space outside someone's house can be designated particularly for them by making it a subject to a residents' parking scheme for which only the one permit is issued.
- **Advisory spaces** are marked out for the use of disabled people, but they are not enforceable and there is no legal sanction to prevent other people using them.

In both cases a local authority may charge the disabled person for whom the space is made for the works required to mark out and otherwise install the space.

5.3 Off-street car parks

The Blue Badge scheme does not apply to off-street car parks whether local authority or privately owned.

- **Local authority off-street car parks:** the TRO under which the disabled parking spaces are designated normally makes it an offence for someone not displaying a valid Badge to park in a disabled persons' parking bay or makes it subject to the payment

³⁹ see, e.g. [HC Deb 10 March 2003, cc45-6W](#) and [HC Deb 16 November 2010, c702W](#)

⁴⁰ information on TROs can be found in HC Library note [SN6013](#)

of an 'excess charge'. In the latter case offenders can be issued with a penalty charge notice.

- **Privately-owned car parks (e.g. most supermarkets car parks):** effectively, the landowner (usually a parking enforcement company acting on their behalf) has the power to impose reasonable restrictions. So, in theory (and indeed often in practice) a space can be marked for particular groups, e.g. disabled people, and the company enforcing the parking restrictions may issue a penalty charge to people for parking otherwise than in accordance with the relevant markings or signs.

In the cases of both local authority- and privately-owned car parks there are appeals bodies which can adjudicate on these matters.⁴¹

In terms of disabled parking provision at hospitals, NHS Hospital Trusts and Foundation Trusts are responsible for setting their own car parking policies and schemes for patients, visitors and staff. They are not currently required under law to make exemptions (e.g. for Blue badge holders).⁴² In October 2015 the Department of Health published updated non-mandatory guidelines on NHS patient, visitor and staff car parking principles, recommending the provision of concessions to groups that need them, such as disabled people.⁴³

5.4 Number of spaces and dimensions

The Government's non-statutory *Manual for Streets*, published in 2007, advises that spaces for disabled people "need to be properly marked and meet the minimum space requirements":

It is preferable to provide these spaces in unallocated areas, including on-street, as it is not normally possible to identify which properties will be occupied by or visited by disabled people. It is recommended that spaces for disabled people are generally located as close as possible to building entrances. In the absence of any specific local policies, it is recommended that 5% of residential car-parking spaces are designated for use by disabled people. A higher percentage is likely to be necessary where there are proportionally more older residents. Local authorities should provide spaces on the basis of demand.⁴⁴

Traffic Advisory Leaflet 5/95, published in 1995, states that on-street and off-street parking spaces for disabled people should not be further than 150 metres from major destinations (e.g. banks, Post Office, supermarket) for the visually impaired and wheelchair users; 100 metres for those who are ambulatory without a walking aid and not more than 50 metres for stick users.⁴⁵

For off-street car parks whose primary purpose is shopping, recreation and leisure [the requirements are slightly lower for car parks for employees and visitors to business premises], the minimum number of disabled parking spaces is:

⁴¹ for details, see HC Library briefing paper [SN2235](#)

⁴² DoH, [NHS car-parking management](#) (HTM 07-03), November 2015

⁴³ DoH, [NHS patient, visitor and staff car parking principles](#), 29 October 2015

⁴⁴ DfT, [Manual for Streets](#), March 2007, p106, paras 8.3.24-26

⁴⁵ DfT, [Parking for disabled people](#), Traffic Advisory Leaflet 5/95, April 1995, p2

20 Blue Badges and parking for disabled people in England

- for car parks with less than 200 spaces: 3 bays or 6% of total capacity, whichever is greater; and
- for car parks with over 200 spaces: 4 bays plus 4% of total capacity.⁴⁶

In terms of the relevant dimensions for disabled parking spaces, the requirements are as follows:

- **On-street parking parallel to the kerb:** within the marked parking space, a clear rectangular space should be provided, which is a minimum of 6600 mm long by 2700 mm wide (preferably 3600 mm). The extra width allows for an access zone on kerb or street side;
- **On-street parking at an angle to the kerb:** the parking space should be a minimum of 4200 mm long by 3600 mm wide. It is recommended that kerbside parking bays should be sited where road gradient and camber are reasonably level, e.g. 1:50; and
- **Off-street parking:** bays should be a minimum of 4800 mm long by 2400 mm wide with additional space: (1) where bays are parallel to the access aisle and access is available from the side an extra length of at least 1800 mm, or (2) where bays are perpendicular to the access aisle, an additional width of at least 1200 mm along each side. Where bays are adjacent the same 1200 mm space can serve both sides. There should also be a 1200 mm wide safety zone at the vehicle access end of each bay to provide boot access or for use of a rear hoist.⁴⁷

The requirements insofar as they relate to on-street parallel parking spaces only are also set out in legislation.⁴⁸

⁴⁶ *ibid.*, p3

⁴⁷ *ibid.*, pp4-6

⁴⁸ *Traffic Signs Regulations and General Directions 2016* ([SL2016/362](#)), Sch. 7, Pt. 5, Reg. 2(1), to be read in conjunction with diagram 1028.4, item 6 in Sch. 7, Pt. 4

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcenquiries@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).