
**DISABLED PERSONS (BADGES FOR MOTOR VEHICLES)
REGULATIONS 2007**

Revoked
Subsidiary
2007/059

Subsidiary Legislation made under s. 91 of the Traffic Act 2005.

**DISABLED PERSONS (BADGES FOR MOTOR
VEHICLES) REGULATIONS 2007**

Revoked by LN. 2011/057 as from 9.6.2011

(LN. 2007/059)

Commencement **5.4.2007**

Amending enactments	Relevant current provisions	Commencement date
None		

EU Legislation/International Agreements involved:
Council Recommendation 98/376/EC

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In exercise of the powers conferred on it by section 91 of the Traffic Act 2005 and all other powers enabling, the Government, for the purposes of implementing into the law of Gibraltar Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities, has made the following Regulations—

PART I

Preliminary

Title.

1. These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) Regulations 2007.

Interpretation.

2.(1) In these Regulations—

“disabled parking bay” means a parking bay that is demarcated in paint on the ground or by means of traffic signs as appointed parking spaces for the holders of badges issued under these Regulations;

“disabled person” means a person who is disabled within the meaning of regulation 3;

“disabled person’s badge” means a badge in the form prescribed under regulation 10—

- (a) for display on a motor vehicle driven by a disabled person, or
- (b) used for the carriage of a disabled person,

and includes a replacement badge issued under regulation 6;

“holder”, in relation to a disabled person’s badge, means the individual or institution to whom a disabled person’s badge was issued;

“institution” means an institution concerned with the care of disabled persons to which a disabled person’s badge may be issued;

“individual’s badge” means a disabled person’s badge issued to an individual disabled person under regulation 3(1);

“institutional badge” means a disabled person’s badge issued to an institution;

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“issuing authority”, in relation to a disabled person’s badge, means the Department of Transport;

“Minister” means the Minister with responsibility for Transport;

“relevant conviction” means any conviction of–

- (a) the holder of a disabled person’s badge; or
- (b) any other person using such a badge with the holder’s consent,

for an offence specified in regulation 14;

(2) Every notice given under these Regulations shall be in writing.

PART II

Issue, duration and revocation of badges

Disabled persons and disabled person’s badge.

3.(1) The issuing authority may issue a disabled person’s badge to a disabled person or to the parent of a disabled person who is a child.

(2) A person is a disabled person who is more than 2 years old and who–

- (a) is blind;
- (b) drives a motor vehicle regularly, has a severe disability in both upper limbs and is unable to turn by hand the steering wheel of a motor vehicle even if that wheel is fitted with a turning knob; or
- (c) has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

Institutional badges.

4. The issuing authority may issue an institutional badge to an institution for a motor vehicle where that institution wants to use the vehicle for carrying disabled persons.

Period of issue of a badge.

5. Subject to regulations 6(2) and 8, a disabled person’s badge shall be issued for a period of not exceeding three years from the date of issue as the issuing authority may deem fit.

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2007/059****Replacement of badges.**

6.(1) The issuing authority may issue a replacement badge with the word “duplicate” marked on the front of the badge if the disabled person’s original badge has been lost, stolen or destroyed, or has become so damaged or faded that it is not adequately legible when displayed on a vehicle.

(2) A replacement badge shall be valid from the date of issue until the original badge would have ceased to be valid.

Grounds for refusal to issue a badge.

7.(1) The issuing authority may refuse to issue a badge if–

- (a) the applicant holds or has held a badge issued under these Regulations and any misuse of which has led to at least three relevant convictions;
- (b) the applicant fails to provide the issuing authority with adequate evidence–
 - (i) in the case of an individual, that that person is a disabled person within the meaning of regulation 3; or
 - (ii) in the case of an institution, that it is an institution eligible to be issued with a disabled person’s badge under regulation 4; or
- (c) the issuing authority has reasonable grounds for believing that the applicant–
 - (i) is not the person that he claims to be; or
 - (ii) would permit another person to whom the badge was not issued to display it on a motor vehicle.

(2) Where the issuing authority receives an application for a disabled person's badge and refuses to issue one, it shall give the applicant particulars of the grounds of refusal in its notice of determination.

Return of badge to the issuing authority.

8.(1) A disabled person’s badge shall be returned to the issuing authority immediately on the occurrence of any of the following events–

- (a) the expiry of the period for which the badge was issued;

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- (b) the death of the holder or, in the case of an institutional badge, the institution ceasing to exist;
 - (c) the holder of the badge ceases to be a disabled person or, in the case of an institutional badge, the institution ceases to be eligible under regulation 4;
 - (d) a replacement of the badge has been issued under regulation 6 to replace a lost or stolen badge and that badge is subsequently found or recovered;
 - (e) the badge has become so mutilated or faded as no longer to be clearly legible when displayed on a vehicle; or
 - (f) the badge ceases to be required by the holder.
- (2) A disabled person's badge shall, within the prescribed period, be returned to the issuing authority if the authority gives a notice to the holder—
- (a) stating that the authority refuses to allow the badge to continue in use on account of its misuse leading to at least three relevant convictions and giving particulars of that misuse; or
 - (b) stating that the authority is satisfied that the badge was obtained by false representation.
- (3) For the purposes of sub-regulation (2) the prescribed period is 28 days beginning with the day on which the notice under the sub-regulation was issued.
- (4) The issuing authority may take such action as may be appropriate to recover a disabled person's badge that the holder is liable to return in accordance with this regulation.

Appeal.

- 9.(1) A person may appeal to the Minister if—
- (a) that person's application for a disabled person's badge has been refused on the ground specified in regulation 7(1)(a) or (b); or
 - (b) the holder of a badge who is required to return it and received a notice of determination under regulation 8(2).
- (2) The appeal shall be made by application to the Minister within 28 days from the date on which the notice of the determination is given.

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(3) The application of appeal shall be dated and signed by the appellant or by a person authorised to sign on his behalf and shall state the grounds of appeal.

(4) On receipt of the appeal the Minister shall send a copy of it to the issuing authority against whose determination the appeal is made and, within the period of 28 days beginning with the date of the application of appeal, the issuing authority shall send to the Minister and the appellant—

- (a) a copy of the notice issued by it to the appellant in accordance with regulation 7(2) or 8(2); and
- (b) any representation that it wishes the Minister to take into account in determining the appeal.

(6) The appellant may make representations by way of reply to any representations made by the issuing authority within the period of 28 days beginning with the date of those representations.

(7) Any representations made by the issuing authority or the appellant shall be signed and dated and submitted to the Minister on the date they bear.

(8) The Minister may in a particular case give directions setting later time limits than those prescribed by these Regulations.

(9) When the Minister determines an appeal he shall—

- (a) give notice to the appellant of his determination and of the reasons for it; and
- (b) send a copy of the notice to the issuing authority.

(10) The Minister may confirm, vary or quash the notice as it thinks fit, and make such order in the matter as it considers appropriate, and the determination of the Minister on any such appeal shall be binding on all the parties, and shall be final.

PART III

Form and display of badges

Form of badge.

10. A disabled person's badge is prescribed as follows—

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- (a) the front and reverse of the badge shall be in the form shown in—
 - (i) Part I of the Schedule to these Regulations in the case of an individual's badge issued under regulation 3(1); or
 - (ii) Part II of the Schedule in the case of an institutional badge issued under regulation 4; and
- (b) the badge shall comply with the specifications set out in Part III of the Schedule.

Manner in which a badge is to be displayed.

11. For the purposes of these Regulations a disabled person's badge shall be displayed on a vehicle in the following manner—

- (a) the badge shall be exhibited on the dashboard or fascia of the vehicle; or
- (b) where the vehicle is not fitted with a dashboard or fascia, the badge shall be exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.

Display of a badge when a vehicle is parked.

12.(1) An individual's badge shall be displayed on a vehicle while it is parked if it—

- (a) has been driven by the holder, or has been used to carry the holder, to the place where it is parked; or
- (b) is to be driven by the holder, or is to be used to carry the holder, from that place.

(2) An institutional badge shall be displayed on a vehicle while it is parked if it has been, or is to be, used by or on behalf of the holder for carrying a disabled person to or from the place where it is parked.

Disabled parking bay.

13. No person shall at any time wait with or park any vehicle at a disabled parking bay unless that vehicle complies with regulation 11 or 12, as the case may be.

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Traffic

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Offences.

14. A person who fails to comply with regulation 8, 10, 11, 12 or 13 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Amendments to the Traffic (Parking and Waiting) Order.

15.(1) The following provisions of the Traffic (Parking and Waiting) Order are repealed—

- (a) paragraph 27; and
- (b) Schedule 9.

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Regulation 10

Part I

Form of individual's badge

Date of expiry:	Parking Card for people with disabilities Parkeringskort Καρτα σταθμευσης Tarjeta de estacionamiento Parkausweis Contrassegno di parcheggio Parkeerkaart Cartão de estacionamento Pysäköintilupa Parkeringstillstånd Carte de stationnement
Issued by: Department of Transport	
Serial No:	
	

<i>Photograph of the card holder</i>	This card entitles the holder to the special local parking facilities available in the Member State concerned. When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes.
Surname:	MISUSE OF THIS CARD MAY CONSTITUTE A CRIMINAL OFFENCE
Forename:	
Signature: <small>(or other authorised mark)</small>	

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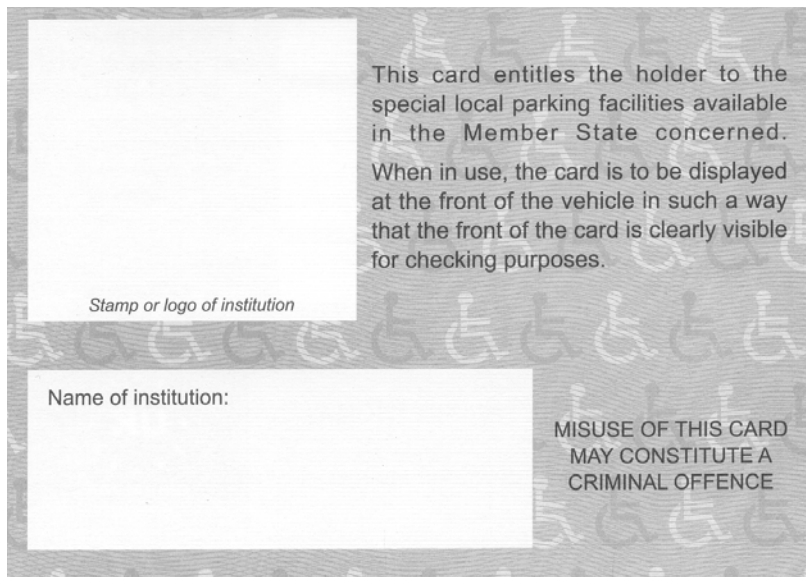
Part II

Form of Institutional Badge



The form is a template for a parking card. It features several fields and sections:

- Date of expiry:** A blank white box.
- Issued by:** A white box containing the text "Department of Transport".
- Serial No.:** A blank white box.
- INSTITUTIONAL BADGE:** A large white wheelchair symbol on a black square background.
- UK GIBRALTAR EUROPEAN COMMUNITIES MODEL:** A logo featuring the UK flag and the text "UK GIBRALTAR" and "EUROPEAN COMMUNITIES MODEL".
- Text on the right:** "Parking Card for people with disabilities" followed by translations in various languages: "Parkeringskort", "Κάρτα σταθμεύσης", "Tarjeta de estacionamiento", "Parkausweis", "Contrassegno di parcheggio", "Parkeerkaart", "Cartão de estacionamento", "Pysäköintilupa", "Parkeringstillstånd", "Carte de stationnement".



This card entitles the holder to the special local parking facilities available in the Member State concerned. When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes.

Stamp or logo of institution

Name of institution:

MISUSE OF THIS CARD
MAY CONSTITUTE A
CRIMINAL OFFENCE

Part III

Specifications for Badge

The specification for the badge shall be as follows—

- (a) 106 millimetres in height;

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- (b) 148 millimetres in width;
- (c) the background on the front and reverse sides of the badge shall be coloured light blue and shall include a background of wheelchair symbols;
- (d) the square box containing the wheelchair symbol and the rectangular box containing the country identifier shall be coloured dark blue. All other boxes on the badge shall be coloured white.