

# **Blue Badge Scheme: Consultation on Amendment to Regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000**

## **Summary of Responses and Government Response**

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## Part 1 - introduction

- 1.** On 28 June 2010, the Department for Transport launched a short, technical consultation on a proposal to clarify the meaning of regulation 8 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 ("the Exemption Regulations").
- 2.** The Exemption Regulations concern traffic orders made by local authorities under the Road Traffic Regulation Act 1984. The effect of the Regulations is to require local authorities to include in such orders certain exemptions in favour of vehicles displaying a Blue Badge.
- 3.** The consultation paper was primarily aimed at local authorities, as it concerned their interpretation of regulation 8. In addition, it was sent to disabled groups and other organisations interested in disabled parking issues and it was published on the Department's website.
- 4.** The consultation closed on 8 August 2011. A total of 35 responses were received.

## Part 2 - issue

5. The consultation sought views on a proposal to amend regulation 8 of the Exemption Regulations, for the purpose of putting its meaning beyond doubt.
6. It has become apparent that some local authorities interpret Regulation 8 to mean that they are required to allow Blue Badge holders to park in loading bays. The Department's view is that Regulation 8 does not apply to loading bays and does not, therefore, require local authorities to allow Blue Badge holders to park in loading bays. However a local authority could choose to allow Blue Badges holders to park in loading bays.
7. Furthermore, whilst it is generally agreed that Regulation 8 requires local authorities to allow Blue Badge holders to park on single or double yellow lines for up to 3 hours, questions have been raised as to whether this applies when a ban on loading or unloading is in force. The Department's view is that the regulation does not require local authorities to allow badge holders to park on yellow lines when loading restrictions apply.
8. Specifically, the Department asked:
  - i) for views on its proposal to put the intended meaning of regulation 8 beyond doubt, namely:
    - that it does not require local authorities to allow Blue Badge holders to park in loading bays; and
    - that it does not require local authorities to allow Blue Badge holders to park on a road where there are loading or unloading restrictions;
  - ii) whether local authorities considered that the proposal would result in them wishing to amend existing Traffic Regulation Orders and, if so, the likely costs involved; and
  - iii) for any other relevant views.

## Part 3 - summary of responses

9. About 80% of those who responded said they were clearly in favour of the amendment. The general sentiment was that to allow badge holders to park in areas restricted to loading would negate the purpose of such areas by allowing obstruction of loading operations. The remaining respondents did not comment specifically but none said they were opposed to the proposed amendment. In total, 60% of replies came from local authorities, 26% from private individuals and 14% from other organisations.
10. The local authorities who responded generally agreed with the DfT's interpretation that the regulation did not require them to allow Blue Badge holders to park in loading bays. None of those authorities said they were interpreting the regulation differently. However, they seemed to understand the potential for confusion and were in support of an amendment to the regulation to put its meaning beyond doubt. Some mentioned appeal cases that had been accepted at tribunal in favour of the badge holder, as it appears some adjudicators have been interpreting the regulations differently to the Department's intention.
11. A number of local authorities suggested the consultation should have had a wider scope as there was also confusion as to whether badge holders had to be allowed to park in all bays set aside for specific users. It appears that the difficulty arises because regulation 8 applies to traffic regulation orders made under section 35 of the Road Traffic Regulation Act 1984 (RTRA) and, as such, would apply to loading bays as well as to bays for other specific users.
12. Private individuals also favoured the proposed amendment of regulation 8. Some agreed that badge holders should not park in loading areas as this would have a negative effect on people who need to use these areas. Badge holders called for both clarity and a consistent approach across local authority areas to avoid confusion about where they were permitted to park. Some comments related to issues not covered by the Exemption Regulations.
13. The other organisations who commented were in favour of the amendment but some agreed there were wider issues requiring consideration (included below).
14. Local authorities who responded did not indicate that the proposal would cause them to amend existing Traffic Regulation Orders.
15. Other points which were raised were:
  - a) the same interpretation problem could apply to any bays that have been set aside for specific users, such as resident's bays, doctors bays, ambulance bays, motorcycle only bays, dual-use parking/loading bays etc, as well as to 'No Stopping' areas. This all relates to bays being made under section 35 of the RTRA (with implications for sections 45 & 46 also). It was

suggested that references to s35 should be removed to alleviate the problem and that s45 & 46 should be reviewed.

b) the exemption regulations may allow pavement parking by badge holders as no waiting restrictions (and exemptions from them) may apply to both the carriageway and the pavement or verge;

c) Regulation 8(5), concerning the parking clock, needs to be removed/amended to reflect the fact that Scotland does not have a clock and nor do EU visitors;

d) Regulation 3 needs to be amended as it refers to a superseded version of the Traffic Signs Regulations and General Directions;

e) badge holders should not be allowed to park on yellow lines and red lines;

f) the loading bay issue should be explained in the Explanatory Note at the end of the regulations;

g) there is confusion with Regulation 7 in relation to parking in residents bays; and

h) clarification of general on-street parking concessions for badge holders and whether disabled bays could be time limited would also be welcomed.

Summary of Responses		
Local Authorities	21	60%
Individuals	9	26%
Other Organisations	5	14%

## Part 4 - next steps

- 16.** Although the Department's view is that Regulation 8 does not require local authorities to allow badge holders to park in loading bays, or on yellow lines when loading restrictions apply, we had proposed a simple amendment of Regulation 8 of the Exemption Regulations, to put the meaning beyond doubt. However, this consultation has usefully highlighted issues that go far wider than a simple clarification of the meaning of Regulation 8 in relation to loading areas.
- 17.** The Department will therefore give detailed consideration to the further issues raised before deciding the degree to which the Exemption Regulations as a whole may require amending.

## Annex a - respondents

Local Government	
Barnsley MBC	Birmingham City Council
Carlisle City Council	Cheshire East Council
Cumbria County Council	East Herts District Council
Essex County Council	Gateshead Council
Hertfordshire County Council	Kingston upon Hull City Council
Kirklees Council	Leeds City Council
Leicestershire County Council	Liverpool City Council
Sheffield City Council	Shropshire Council
Surrey County Council	Test Valley Borough Council
Warwickshire County Council	Weymouth & Portland Borough Council
Wolverhampton City Council	

Other Organisations	
British Parking Association	Disabled Motoring UK
Disabled Persons Transport Advisory Committee	Traffic Penalty Tribunal
Utility Warehouse Discount Club	