Disabled Persons’ Parking Badges (Scotland) Bill

<table>
<thead>
<tr>
<th>Bill Number:</th>
<th>SP Bill 44</th>
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<td>Introduced on:</td>
<td>17 December 2013</td>
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<td>Introduced by:</td>
<td>Dennis Robertson MSP (Member's Bill)</td>
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<td>Passed:</td>
<td>19 August 2014</td>
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<td>Royal Assent:</td>
<td>24 September 2014</td>
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Passage of the Bill

The Disabled Persons’ Parking Badges (Scotland) Bill was introduced on 17 December 2013. The Local Government and Regeneration Committee was designated as lead committee. The Bill completed stage 1 on 20 May 2014, stage 2 on 11 June 2014 and was passed by the Parliament at stage 3 on 19 August.

Purpose and objectives of the Bill

The Disabled Persons’ Parking Badges (Scotland) Bill is a Member’s Bill supported by the Scottish Government. It aims to tackle the misuse of the Blue Badge scheme and improve the quality of life for disabled people by freeing up parking spaces for legitimate Blue Badge users. Badge misuse may take a range of forms. For example, allowing a friend or family member to use the badge when the disabled person it belongs to is not in the car, tampering with a badge or using a badge that is out of date.

Provisions of the Bill

The main provisions are as follows:

- **Section 1 - Form of badge** provides that the form of a blue badge must fulfil any requirements specified in regulations or set administratively by the Scottish Ministers.
- **Section 2 – Power to cancel badge** provides a power for local authorities to cancel badges which are no longer held by the person to whom they were issued.
- **Section 3 – Power to confiscate badge** extends the provision which currently allows a constable or other enforcement officer to examine a blue
badge to allow confiscation where it is apparent that the badge should have been returned to the local authority or has been cancelled, misused or forged.

- **Section 4 - Offence of using cancelled badge** it is made an offence to use a badge that should have been returned to the local authority as provided for in the regulations or to use a badge that has been cancelled.

- **Section 5 – Enforcement officers** provides a power for local authorities to designate certain persons (other than parking attendants in uniform) to examine and retain badges in pursuance of matters relating to fraud or misuse of a blue badge.

- **Section 6 – Review of local authority decision** allows the making of regulations to require local authorities to have review processes in place for applicants who have been refused a blue badge on grounds of eligibility.

**Parliamentary consideration**

SPICe briefings [SB 14/24](#) and [SB 14/53](#) provide more detail on the Bill as introduced and at stage 2. No amendments were agreed to at Stage 2 or Stage 3 of the scrutiny process.

Key points of discussion during Stage 1 scrutiny related to the creation of a criminal offence for using a cancelled badge and whether the proposed review process would adequately meet the needs of scheme users. Evidence submissions questioned badge holders’ ability to identify the proposed non-uniformed enforcement officers and outlined the need for clear and sensitive guidance in relation to badge confiscation. They also highlighted the need for improved education surrounding what constitutes badge misuse. In written evidence, COSLA outlined concerns at the withdrawal of the Police Scotland Traffic Warden Service and the impact this would have on local authorities in terms of enforcement.

At Stage 2, seven amendments were lodged which focused on the following topics:

- Limiting the power to confiscate badges.
- Protecting disabled people from fraud and identifying non-uniformed enforcement officers.
- Protecting disabled people from being punished for inadvertently using a non-valid badge
- Making guidance statutory and ensuring the local authorities must have regard to it.

As noted above, all amendments were withdrawn following debate.