
STATUTORY INSTRUMENTS

1982 No. 1535 (N.I. 18)

NORTHERN IRELAND

The Disabled Persons (Northern Ireland) Order 1982

Made 27th October 1982

Laid before Parliament 12th November 1982

Coming into operation in accordance with Article 1.

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Needs of the disabled and blind.
4. Amendments of Road Traffic (Northern Ireland) Order 1981 relating to misuse of concessions for disabled.
5. Duty to draw attention to provisions as to access — Planning.
6. Duty to draw attention to provisions as to access — Sanitary appliances at places of entertainment.
7. Signs indicating provision for disabled.
8. Further provision as regards needs of disabled.
9. Duty of Department of the Environment for Northern Ireland to report on proposals as to access to buildings, etc. for disabled persons.

At the Court of Saint James, the 27th day of October 1982

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 30th day of September 1982, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas the purposes of this Order in Council correspond to those of the Disabled Persons Act 1981 (a):

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by

paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) (as modified by section 8 of the said Act of 1981), and of all other powers enabling Her Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Disabled Persons (Northern Ireland) Order 1982.

(2) This Order, except Article 8, shall come into operation on the expiration of the period of three months beginning with the date on which it is made.

(3) Article 8 shall come into operation on such date as the Head of the Department of the Environment may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the Act of 1978” means the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c).

Needs of the disabled and blind

3. The following Article shall be inserted after Article 43 of the Roads (Northern Ireland) Order 1980 (d)—

‘Duty to have regard to needs of disabled and blind in executing works, etc.

43A.—(1) In executing works in a street which may impede the mobility of disabled persons or blind persons the Department and any other person exercising a statutory power to execute works on a road shall have regard to the needs of such persons.

(2) The Department or other person mentioned in paragraph (1) shall have regard to the needs of disabled persons and blind persons when placing lamp-posts, bollards, traffic-signs, apparatus or other permanent obstructions in a street.

(3) The Department shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.

(4) In executing in a street any such works as are mentioned in paragraph (1), the Department or other person mentioned in that paragraph shall have regard to the need of blind persons to have any openings, whether temporary or permanent, in the street, properly protected.

(5) Section 18 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (power to define certain expressions for the purposes of provisions of that Act) shall have effect as if any reference in it to a provision of that Act included a reference to this Article.

(6) In this Article “street” has the meaning given in Article 24 (2) and includes any part of a street.’

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1978 c. 53.

(d) S.I. 1980/1085 (N.I. 11).

Amendments of Road Traffic (Northern Ireland) Order 1981 relating to misuse of concessions for disabled

4.—(1) In the Road Traffic (Northern Ireland) Order 1981 (a)—

- (a) in Article 2 (2) (general interpretation provisions) the following definition shall be inserted after the definition of “Department”—

“disabled person’s vehicle” means a vehicle lawfully displaying a badge of a form prescribed under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;”

- (b) in Article 105 (power to make byelaws as to use of parking places)—

(i) in paragraph (3), after the words “paragraph (1)” there shall be inserted “and subject to paragraph (3A)”, and

(ii) the following paragraph shall be inserted after paragraph (3)—

“(3A) A person, who through contravention of a bye-law made by the Department under paragraph (1) is guilty of an offence committed in a street parking place reserved for disabled persons’ vehicles or in an off-street parking place reserved for such vehicles and who would not have been guilty of that offence if the motor vehicle in respect of which it was committed had been a disabled person’s vehicle, shall be guilty of an offence under this Order.”;

- (c) in Article 115 (offences relating to parking places on roads where charges made) the following paragraph shall be inserted after paragraph (1)—

“(1A) A person who is guilty of an offence under paragraph (1) committed in a street parking place reserved for disabled persons’ vehicles and who would not have been guilty of that offence if the motor vehicle in respect of which it was committed had been a disabled person’s vehicle shall be guilty of an offence under this Order.”;

- (d) the following Article shall be inserted after Article 174—

‘Wrongful use of a disabled person’s badge

174A.—(1) A person who is guilty of an offence in relation to a motor vehicle under a provision of this Order other than this paragraph (“the first offence”) is also guilty of an offence under this Article if the conditions specified in paragraph (2) are satisfied.

(2) The conditions mentioned in paragraph (1) are that at the time of the commission of the first offence—

- (a) a disabled person’s badge was displayed on the motor vehicle;
- (b) the person concerned was using the motor vehicle in circumstances where a disabled person’s concession would be available to a disabled person’s vehicle; and
- (c) the vehicle was not being used either by the person to whom the badge was issued or under section 14(4) (institutional use) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.

(3) In this Article—

“disabled person’s badge” means a badge of a form prescribed under section 14 (1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and

(a) S.I. 1981/154 (N.I. 1).

“disabled person’s concession” means—

- (a) an exemption from an order under this Order given by reference to disabled persons’ vehicles; or
- (b) a provision made in any byelaw under this Order for the use of a parking place by disabled persons’ vehicles.’;

(e) in Schedule 4—

(i) after the entry relating to Article 97 there shall be inserted the following entry—

“105 (3A) Using parking places reserved for disabled persons’ vehicles, contrary to byelaws under Article 105. Summary. A fine of £50.”;

(ii) for the entry in column 4 relating to Article 115 (1) (offences relating to parking places on roads where charges made) there shall be substituted the following entry—

“In the case of an offence committed through contravention of a byelaw relating to the use of street parking place reserved for disabled persons’ vehicles which would not have been an offence if the vehicle in respect of which it was committed had been a disabled person’s vehicle, a fine of £50.

In any other case, a fine of £25.”;

(iii) after the entry relating to Article 174 (2) (forgery, etc.) there shall be inserted the following entry—

“174A Wrongful use of disabled person’s badge. Summary. A fine of £200.”.

(2) Paragraph (1) shall not have effect in relation to offences committed before the coming into operation of this Article.

Duty to draw attention to provisions as to access – Planning

5. In the Planning (Northern Ireland) Order 1972 (a)— the following Article shall be inserted after Article 17—

‘Duty to draw attention to certain provisions for benefit of disabled

17A.—(1) When granting planning permission for any development which will result in the provision—

- (a) of a building or premises to which section 4 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);
- (b) of a building intended for the purposes of an educational institution;
- (c) of any of the following, being in each case, premises in which persons are employed to work,—
 - (i) office premises and shop premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies;

(a) S.I. 1972/1634 (N.I. 17).

- (ii) premises which are deemed to be such premises for the purposes of that Act; or
- (iii) factories as defined by section 175 of the Factories Act (Northern Ireland) 1965,

the Department shall draw the attention of the person to whom the permission is granted—

- (i) to the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
- (ii) to the Code of Practice for Access for the Disabled to Buildings.

(2) In paragraph (1)—

“the Code of Practice for Access for the Disabled to Buildings” has the same meaning as in section 4 (1A) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;

“educational institution” means any of the following—

- (a) a university;
- (b) the Ulster Polytechnic;
- (c) a school within the meaning of the Education and Libraries (Northern Ireland) Order 1972;
- (d) a college of education or other establishment for the training of teachers maintained in pursuance of Article 55 of that Order or in respect of which grants are paid under that Article, or
- (e) any other institution providing further education under Article 23 of that Order; and

“the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978” means—

- (a) for the purposes of sub-paragraph (a), sections 4 and 7;
- (b) for the purposes of sub-paragraph (b), sections 7 and 8 (1) and (2); and
- (c) for the purposes of sub-paragraph (c), sections 7 and 8 (1) and (3).

Duty to draw attention to provisions as to access—Sanitary appliances at places of entertainment

6. In section 44 of the Public Health Acts Amendment Act 1907 (a) (compulsory provision of urinals and sanitary conveniences)—

(a) the following subsection shall be inserted after subsection (2)—

“(2A) A notice under subsection (1) or (2) shall draw the attention of the person on whom it is served—

- (a) to sections 6 and 7 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
- (b) to the Code of Practice for Access for the Disabled to Buildings.”;

(b) the following subsection shall be inserted after subsection (3)—

“(3A) In subsection (2A) “the Code of Practice for Access for the Disabled to Buildings” has the same meaning as in section 4 (1A) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.”

Signs indicating provision for disabled

7. The following section shall be substituted for section 7 of the Act of 1978—

“7.—(1) Where any provision required by or under section 4, 5, 6 or 8 is made at a building or premises—

- (a) a notice or sign indicating that provision is made for the disabled shall be displayed outside the building or premises or so as to be visible from outside the building or premises; and
- (b) notices or signs shall be displayed in the building or on the premises indicating the places where such provision is made and appropriate routes for persons who are disabled to get to those places.

(2) Subsection (1) (a) applies to a sanitary convenience provided elsewhere than in a building, and not itself being a building, as it applies to a building.

(3) Where parking facilities for persons who are disabled are provided under section 4, notices or signs shall be displayed indicating an appropriate route for such persons to get from the place where the parking facilities are provided to the building or premises in connection with which they are provided.”.

Further provision as regards needs of disabled

8.—(1) In each of sections 4 (1), 5 (1), 6 and 8 (1) of the Act of 1978 (which impose on persons undertaking the provision of public buildings, etc. certain duties as regards the needs of the disabled)—

- (a) for the words “provision, in so far as it is in the circumstances both practicable and reasonable” there shall be substituted the words “appropriate provision”; and
- (b) at the end there shall be added the words “unless such body as may be prescribed by the Department of the Environment for Northern Ireland is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made.”.

(2) After section 4 (1) of the Act of 1978 there shall be inserted the following subsection—

“(1A) In subsection (1)—

“appropriate provision” in relation to any case means provision conforming with so much of the Code of Practice for Access for the Disabled to Buildings as is relevant to that case;

“prescribed” means prescribed by regulations;

and in this subsection “the Code of Practice for Access for the Disabled to Buildings” means the British Standards Institution Code of practice referred to as BS 5810: 1979.”.

(3) After sections 5 (1) and 8 (1) of the Act of 1978, the following words shall be inserted as sections 5 (1A) and 8 (1A) respectively—

“Subsection (1A) of section 4 shall apply in relation to the interpretation of subsection (1) as it applies in relation to the interpretation of subsection (1) of that section.”.

(4) Section 6 of the Act of 1978 shall be re-numbered as section 6(1) and the words set out in paragraph (3) shall be inserted as subsection (2) of that section.

(5) Section 18 of the Act of 1978 shall be re-numbered as section 18(1) and at the end the following subsection shall be added—

‘(2) The Department of the Environment for Northern Ireland may by regulations amend the definition of “the Code of Practice for Access for the Disabled to Buildings” in section 4 (1A).’

Duty of Department of the Environment for Northern Ireland to report on proposals as to access to buildings, etc. for disabled persons

9. The following section shall be inserted after section 8 of the Act of 1978—

“Report by Department of the Environment for Northern Ireland on improvement of means of access.” **8A.—(1)** The Department of the Environment for Northern Ireland shall lay before the Northern Ireland Assembly a report on its proposals for ensuring or facilitating the improvement of means of access for disabled persons—

(a) to buildings or premises such as are mentioned in sections 4 and 8;

(b) to public sanitary conveniences; and

(c) to sanitary conveniences provided in any of the places mentioned in subsection (2).

(2) The places referred to in subsection (1) (c) are—

(a) a place which is normally used or is proposed to be normally used for any of the following purposes, namely—

(i) the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise,

(ii) the sale of food or drink to members of the public for consumption at the place;

(b) a place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for any of the purposes aforesaid, and

(c) a betting office.”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which corresponds in its purposes to those of the Disabled Persons Act 1981, relates to the welfare of the disabled and blind.

Article 3 imposes on the Department of the Environment and others who may execute works on roads a duty to have regard to the needs of the disabled and the blind. Article 4 provides for increased penalties for certain traffic offences committed by persons seeking to avail themselves of certain parking facilities provided for disabled persons.

Under Articles 5 and 6 the Department of the Environment is required to draw attention to certain statutory provisions relating to access for disabled persons to buildings and other premises used by the public and to the Code of Practice on the subject. Article 7 requires the displaying of signs indicating provision for the disabled. Article 8 empowers the Department of the Environment to prescribe a body to examine circumstances where it is not considered practicable or reasonable to make provision for the disabled, while Article 9 imposes a duty on that Department to report on proposals for improving the means of access for disabled persons to certain buildings.

The Code of Practice referred to above is the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS 5810: 1979), published by the British Standards Institution, 2 Park Street, LONDON W1A 2BS.