

## 1971 No. 1521 (S.177)

## ROAD TRAFFIC

**The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971**

*Made* - - - - - 9th September 1971  
*Laid before Parliament* 22nd September 1971  
*Coming into Operation* 1st December 1971

The Secretary of State in exercise of his powers under section 84C(2) and (3) of the Road Traffic Regulation Act 1967(a) as amended by Part IX of the Transport Act 1968(b) and as read with section 32 of the Countryside Act 1968(c) and section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970(d), and (for regulation 5 below only) the Secretary of State and the Secretary of State for the Environment in exercise of the said powers, and of all other enabling powers, after consultation with representative organisations in accordance with section 107(2) of the said Act of 1967, hereby make the following regulations:—

*Citation, commencement and interpretation*

1. These regulations may be cited as the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971, and shall come into operation on 1st December 1971.

2.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them:—

“the Act of 1967” means the Road Traffic Regulation Act 1967 as amended by Part IX of the Transport Act 1968 and as read with section 32 of the Countryside Act 1968 and section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970;

“the Act of 1970” means the Chronically Sick and Disabled Persons Act 1970;

“disabled person's badge” has the same meaning as in regulation 1(2) of the Disabled Persons (Badges for Motor Vehicles) Regulations 1971(e), except that the expression includes a badge treated as a disabled person's badge for a period of 2 years by regulation 11 of those regulations;

“disabled person's vehicle” means a motor vehicle driven by, or used for the carriage of, a disabled person of a description prescribed in the said regulations of 1971.

(2) Any reference in these regulations to an order under any particular section of the Act of 1967 includes a reference to an order varying an order made, or having effect as if made under that section.

(3) Any reference in these regulations to any enactment should be construed as a reference to that enactment as amended by or under any subsequent enactment.

(4) The Interpretation Act 1889(f) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1967 c. 76. (b) 1968 c. 73. (c) 1968 c. 41. (d) 1970 c. 44.  
(e) S.I. 1971/1492. (1971 III, p. 4177). (f) 1889 c. 63.

*Application of regulations*

3. These regulations apply to orders made by a local authority under any of the following provisions of the Act of 1967, that is to say, sections 1, 9, 31, 35 and 36, after the date of the coming into operation of these regulations.

*Exemptions in orders for vehicles displaying disabled person's badges*

4.—(1) Where an order under sections 1, 9 or 31 of the Act of 1967—

(a) includes a provision, or

(b) applies a provision of an existing order under any such section, which—

(i) prohibits the waiting of, but not the loading or unloading of goods from vehicles or any class of vehicle on any road or part of a road ;

(ii) restricts the period of time during which vehicles or any class of vehicle may wait or be left on a road or part of a road or in a street parking place ; or

(iii) prescribes a period which must elapse before a vehicle which has been taken away from any such place on a road or part of a road or from a street parking place may again be left therein,

then, in the case mentioned in (a) above, the order shall also include a provision for exempting from any such prohibition or restriction contained therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned at (b) above, the order shall also include a provision for exempting from any prohibition or restriction as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(2) Where an order under section 35 or 36 of the Act of 1967—

(a) includes a provision ; or

(b) applies a provision of an existing order under either such section, which prescribes—

(i) a charge for a vehicle, or a vehicle of any class, left in a parking place,

(ii) a time limit in relation to the leaving of, or waiting by, vehicles or vehicles of any class, in a parking place, or

(iii) a period which must elapse before a vehicle which has been taken away from a parking place may again be left therein,

then in the case mentioned at (a) above, the order shall also include a provision for exempting from any such matter prescribed therein any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority, and in the case mentioned at (b) above, the order shall also include a provision for exempting from any matter prescribed and as applied and as originally enacted and subsequently extended (where this is the case) any disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority.

(3) Any provision for exemption required by this regulation to be contained in any order referred to therein may be limited to the same class of vehicle as that to which the provision, for which exemption is required to be given by this regulation, applies.

(4) For the purposes of this regulation and any order referred to therein, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when—

- (a) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen ; and
- (b) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.

*Amendment of Procedure Regulations of 1969*

5. The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1969(a) shall have effect as though—

- (a) in regulation 2(1) for the definition of "consolidation order" there were substituted the following definition—

"consolidation order" means an order which revokes provisions of one or more existing orders and reproduces those provisions without any change in substance and makes no other provision, but so however, that for the purpose of this definition the inclusion in the order (by way of addition to the provisions of any existing order or orders) of an exemption required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971 in respect of a disabled person's vehicle shall not be regarded as constituting a change in substance ;"

- (b) in regulation 4(3) after the words "regulation 18" there were inserted the words "and regulation 20" ;
- (c) in regulation 5(2) and 6(3) for the words "18 and 19" there were substituted the words "18, 19 and 20" ;
- (d) after regulation 19 there were inserted the following regulation—

*"Special provisions for certain variation orders*

20. Regulations 4(1)(a) and (c), 5 and 6 above shall not apply to an order the sole effect of which is to vary an order under sections 1, 9, 31, 35 or 36 of the Act so as to include in the order being varied an exemption in respect of a disabled person's vehicle of the same kind as is mentioned in regulation 4 of the Local Authorities' Traffic Order (Exemptions for Disabled Persons) (Scotland) Regulations 1971."

Given under the seal of the Secretary of State for Scotland on 9th September 1971.

*Gordon Campbell,*  
One of Her Majesty's  
Principal Secretaries of State.

Signed by authority of the Secretary of State for the Environment.

*R. Graham Page,*  
Minister of Local Government and Development  
Department of the Environment.

9th September 1971.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These Regulations concern certain Orders made by local authorities in Scotland under the Road Traffic Regulation Act 1967 after the 1st December 1971, and relating to the waiting of vehicles in roads and parking places on roads. The Regulations require the Orders to which they relate to include an exemption from certain requirements in respect of a disabled person's vehicle which displays a disabled person's badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970. The Regulations also make certain amendments to the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1969 in connection with Orders which include exemptions for disabled persons' vehicles.