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Disabled Parking and the Blue Badge Scheme

Laura Haley

This briefing examines the Blue Badge scheme in Scotland, including eligibility criteria. It also considers where Blue Badge holders are able to park, and the enforcement of different types of parking regulations in relation to Blue Badges.

17 December 2024
SB 24-59

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The Blue Badge scheme

The Blue Badge scheme supports disabled people to lead independent lives by enabling badge holders to access parking bays situated closer to where they want to go, for example, their place of employment or the shops. It operates UK-wide and is administered by local authorities. It applies primarily to on-street parking, and holders of a Blue Badge can usually park in restricted areas for free. This includes:

- in pay and display bays
- in disabled parking spaces
- on single and double yellow lines, if it's safe to do so and there are no loading restrictions.

Originally known as “the Orange Badge scheme”, the Blue Badge scheme has been in place since 1971 as a result of section 21 of the [Chronically Sick and Disabled Persons Act 1970](#). This introduced a badge “of a prescribed form to be issued by local authorities for motor vehicles driven by, or used for the carriage of, disabled persons.”

Administration of the Blue Badge scheme is devolved to the Scottish Parliament and Scottish Ministers have the power to define and amend the eligibility criteria for badges. [Transport Scotland](#) is responsible for the legislation setting out the framework for the scheme and also provides support for the scheme to local authorities.

The key regulations for Scotland are in the [Disabled Persons \(Badges for Motor Vehicles\) \(Scotland\) 2000/59](#), as amended, as well as in the [Disabled Persons' Parking Badges \(Scotland\) Act 2014](#).

The total number of Blue Badges in Scotland in 2023 was 281,339. ¹ There are two routes to a Blue Badge, either [automatic entitlement](#) based on receipt of certain benefits, or through a [local authority assessment](#) based on set criteria. Local authorities can charge up to £20 for a Blue Badge and they usually last for three years and can then be renewed.

In addition, Blue Badges can also be issued to organisations supporting disabled people but must not be used by non-disabled staff members/volunteers for their own benefit. A Blue Badge issued to an organisation should only be displayed when picking up or dropping off disabled passengers.

The scheme does not allow badge holders to park indiscriminately. For instance, badge holders cannot park over pedestrian crossings or in bus lanes during their hours of operation. If a badge holder parks where their vehicle would cause an obstruction or danger to other road users, they can be fined, receive a parking ticket, or have their vehicle removed.

Blue Badges issued in the UK are recognised in a number of European countries. A full list of where they can be used can be found on the [UK Government website](#).

Eligibility for Blue Badges

There are two types of eligibility criteria for Blue Badges. Blue Badges can be issued by a local authority automatically, without assessment, if the applicant meets the criteria for

[automatic entitlement](#). Other applicants may be issued a Blue Badge following [assessment by the local authority](#).

Decisions about whether an applicant meets the eligibility criteria are the responsibility of the issuing local authority. The decision by a local authority not to award a Blue Badge on the basis of eligibility can be challenged, under [section 6 of the Disabled Persons' Parking Badges \(Scotland\) Act 2014](#).

The [Disabled Persons \(Badges for Motor Vehicles\) \(Scotland\) Amendment Regulations 2015](#) requires local authorities to have a review process for decisions made relating to a person's eligibility for a Blue Badge. Under the regulations, an applicant (or someone acting on their behalf) must submit their request for a review - in writing - within 28 days of the date of the local authority's decision letter and set out the reasons for their application.

The local authority must ensure that the review is carried out by someone who was not involved in the original decision and provide notification of their decision to the applicant within 28 days of the date of the request for review. If the timescale is not met, the local authority is required to provide their reasons for any delay beyond 28 days.

The [mygov.scot website](#) provides details on the eligibility criteria, and further information is also available in the leaflet, [Can I get a Blue Badge?](#)

Automatic entitlement to a Blue Badge

Some disabled people are [automatically entitled to a Blue Badge](#) but must apply to their local authority for one.

You will automatically get a Blue Badge when you apply if you:

- are under 16 and have a letter confirming your eligibility from your visual impairment care team
- are 16 or over and registered or certified as severely sight impaired
- get the higher rate of the mobility component of Disability Living Allowance
- get Personal Independence Payment and scored 8 points or more in the 'moving around' area of your assessment
- get Personal Independence Payment and scored 12 points in the 'planning and following a journey' area of your assessment
- get Personal Independence Payment and used to get the higher rate of the mobility component of Disability Living Allowance on an indefinite or lifetime basis
- get Personal Independence Payment, used to get the higher rate of the mobility component of Disability Living Allowance, and your Personal Independence Payment decision is being appealed
- get Adult Disability Payment and have been awarded mobility points of either 8 points or more in the Moving Around activity, or 12 points in the Planning and Following a Journey activity, or enhanced rate mobility under special rules for terminal illness
- get the higher rate of the mobility component of Child Disability Payment

- get War Pensioners' Mobility Supplement
- got a lump sum payment from tariffs 1 to 8 of the Armed Forces Compensation Scheme and have been certified as having a permanent and substantial disability.

Assessment for a Blue Badge

A local authority can also issue a Blue Badge following a mobility assessment by an independent physiotherapist or occupational therapist. In order to get a Blue Badge through the assessment process, the person must be more than two years old, and be assessed as meeting one of the following criteria:

- a substantial disability lasting at least 12 months that means they cannot walk at all
- a substantial disability lasting at least 12 months that means they're virtually unable to walk.

A Blue Badge may also be issued to a person who:

- regularly drives and cannot use parking meters because of a severe disability in both arms
- has a mental condition that means they lack awareness about the danger of traffic when making journeys.

If it is considered that an independent mobility assessment is required, it is the responsibility of the local authority to make the necessary arrangements for an assessment and applicants should not be charged for this.

Rules for children under three

A parent of a child aged under three can apply for a Blue Badge if they:

- are responsible for a child under three years old who needs to be kept close to a vehicle for medical treatment
- are responsible for a child under three years old who uses bulky medical equipment that cannot be carried around without great difficulty.

Local authorities may require further information from a medical professional involved in the child's care in order to assess eligibility.

Who can use a Blue Badge?

The [Rights and Responsibilities leaflet](#) explains that the Blue Badge is for the benefit of the person it has been issued to.

The Blue Badge must be displayed when the Blue Badge owner is travelling in the vehicle, either as a driver or passenger. This means that someone else can drive to help drop off

and pick up the Blue Badge owner. However, they would still then need to drive to another space, remove the badge, and park as they normally would until it is time to pick up the Blue Badge owner:

“ The driver should not wait in a disabled person's parking place and should remove the badge from display and park as they normally would. They can then return to a disabled persons parking place to collect the badge holder when required.”

Charges for the blue badge

Individuals (or organisations) apply to the local authority in which they are resident for a Blue Badge and badges are usually valid for up to three years. Applications for renewal of badges must be made to the relevant local authority before the expiry of the existing badge.

Local authorities in Scotland are able to charge a statutory fee of up to £20 for issuing a Blue Badge. The £20 maximum was introduced in the [Disabled Persons \(Badges for Motor Vehicles\) \(Scotland\) Amendment Regulations 2007](#) (the previous maximum had been £2). In comparison, the maximum fee a local authority in England can charge for a badge is £10.² In Wales the badge is free for individuals (but not for organisations), as the Welsh Government provides funding to local authorities to cover the cost of the Blue Badge through the Revenue Settlement Grant.³

Currently all local authorities in Scotland charge a fee of £20 for issuing a new Blue Badge. The fee for renewing a badge differs between local authorities, with around half having a renewal fee of less than £20.

Misuse of Blue Badges

Blue Badge holders have certain responsibilities placed upon them to ensure proper use of their badge. A badge holder must never give their badge to friends or family in order to allow them to benefit from parking concessions – even if they are helping the holder, for example, by doing their shopping or collecting a prescription for them. In addition, the badge should not be used to allow non-disabled people to take advantage of the parking benefits while the holder sits in the car. A badge holder must never use a copied badge to park or alter the details on a badge.⁴

Misuse of a Blue Badge is a criminal offence which can result in a £1,000 fine and confiscation of the badge. Blue Badges are owned by the local authority, not the individual. Therefore, the authority can ask for the return of any badge it considers is being misused. Badges can also be confiscated by an enforcement officer.

If a badge is confiscated by an enforcement officer due to misuse, under the [Disabled Persons \(Badges for Motor Vehicles\) \(Scotland\) Amendment Regulations 2015](#) it must be returned to the badge holder by the issuing local authority as soon as reasonably practicable, and within 14 days. If the 14 day deadline is not met, the local authority must explain the reason for the delay to the badge holder in writing. This does not apply to badges which have expired, have been cancelled or that should have been returned to the

local authority.

The primary aim of the [Disabled Persons' Parking Badges \(Scotland\) Act 2014](#) ("the 2014 Act") is to improve the ability of local authorities to tackle misuse of the Blue Badge scheme. This includes, for example, the use of Blue Badges by family or friends when the individual to whom the badge has been issued is not travelling with them or the use of an out-of-date badge. The 2014 Act gives local authorities stronger enforcement powers (as outlined above) than previously held, including the ability to cancel or confiscate a badge they consider is being misused.

The 2014 Act has six main provisions. The Act:

- states that the form of a Blue Badge must fulfil any requirements specified in regulations or set administratively by the Scottish Ministers
- gives local authorities the power to cancel badges which are no longer held by the person to whom they were issued
- extends those provisions which allow a constable (or other enforcement officer) to examine a blue badge and allow for confiscation of the badge where it is apparent it should have been returned to the local authority or has been cancelled, misused or forged
- makes it an offence to use a badge that should have been returned to the local authority or to use a badge that has been cancelled
- gives local authorities the power to designate certain persons (other than parking attendants in uniform) to examine and retain badges in reviewing matters relating to fraud or misuse of a blue badge
- allows for 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.

The 2014 Act came into effect on 30 March 2015.

On-street disabled parking

Typically, the disabled parking bays that are placed on roads in Scotland are enforceable, which means that anyone without a blue badge who parks in one is liable to receive a parking ticket.

Enforcement of bays is carried out either by the local authority or the police. [Twenty one local authorities \(as of 2020\) across Scotland operate decriminalised on-street parking enforcement](#), with a further three intending to bring it in.⁵ This means that, under section 43 of the [Road Traffic Act 1991](#)⁶, the local authority has assumed control of the enforcement of parking offences within their areas from the police.

In these areas, enforcement is carried out by parking attendants employed by the local authority, or a contractor appointed to undertake this task by the authority. Parking attendants can issue Parking Charge Notices (PCNs) for parking offences, which are enforceable by the local authority without recourse to the courts. Appeals against PCNs are heard by an Independent Parking Adjudicator. The level of the fixed penalty is set by the local authority.

In other local authorities, parking offences are still enforced by the police. In areas where police are responsible for parking enforcement, offences can be enforced through the courts, normally only after an offender chooses not to pay a parking ticket. An offender can - on conviction - be the subject of fines up to level 3 on the summary fine standard scale (i.e. up to £1,000).

Disabled Persons' Parking Places (Scotland) Act 2009

The main aim of the [Disabled Persons' Parking Places \(Scotland\) Act 2009](#) ("the 2009 Act") was to prevent disabled persons' parking places from being used by those who are not entitled to them (i.e. non-Blue Badge holders) by ensuring enforcement action can be taken.⁷ The 2009 Act places a duty on local authorities to promote proper use of parking places for disabled persons' vehicles.

The 2009 Act required:

- every local authority to undertake a one-off audit of all disabled persons' parking places within their area. Local authorities had 12 months from the Act coming into force to identify all advisory disabled parking spaces, whether on-street (residential), or off-street in private car parks (including supermarkets)
- every local authority to convert all appropriate (i.e. still in use) advisory on-street disabled persons' parking places into enforceable parking places. Any parking places deemed unnecessary would be removed (for example, where the person has moved away).

The 2009 Act also has provisions relating to off-street disabled parking which are covered [later in this briefing](#).

Under section 12 of the 2009 Act, local authorities are required to publish annual reports of

their progress within three months of 31 March, known as the reporting period. Scottish Ministers also have to publish reports within six months of the reporting period.

The latest report from Scottish Ministers, the [Disabled Persons' Parking Places \(Scotland\) Act 2009 Annual Report on Local Authorities' Functions: 2022-2023](#), provides information on progress of the 2009 Act ⁸. The report shows that in some local authority areas the duties under the Act have still to be fully carried out. It states that:

“We have noticed a trend in recent years, heightened by Covid restrictions, of Disabled Persons' Parking Places being marked on the ground with no associated Traffic Regulation Order being promoted to ensure that local authorities can correctly enforce these bays when required. Last year we wrote to all local authorities to remind them of their duties under the Act. Since raising this matter, we have noticed a change in priorities, with some local authorities prioritising a review of their TROs and putting plans in place to promote further TROs in the near future. We will continue to monitor the situation and raise the importance of promoting TROs for disabled bays with key stakeholders.”

Scottish Government. The Disabled Persons' Parking Places (Scotland) Act 2009 - Annual Report on Local Authorities' Functions: 2022 - 2023 Scottish Government, 2023⁸

Requests for on-street disabled parking bays

Qualifying individuals can apply to their local authority for an on-street (and therefore enforceable) disabled parking place to be created near to their residence. In order to be considered a qualifying individual the applicant must hold a Blue Badge and have a suitable vehicle registered at their address. Under section 5 of the [2009 Act](#), requests for spaces can be made by a person acting on behalf of the qualifying person in order to cover circumstances when the badge holder is unable to make the request themselves.

Applications for an on-street disabled parking place can also be made by an organisation which has been issued a Blue Badge. The organisation must have a vehicle registered at the organisation's address which is suitable for use by disabled people.

Once an application has been received (and the authority is satisfied that the applicant is a qualifying person), the local authority must ascertain if it is possible to identify a suitable street parking place from which there is convenient access to the person's address. If the authority decides that it is possible, it should then identify such a parking place.

The authority must next determine if there are any factors which would prohibit them creating a parking place, for example, places cannot be created on private roads. In addition, the authority must take into consideration its duties under the [Road Traffic Act 1984](#) (section 45(3) and section 122) ⁹ including, for instance, the need to maintain the free movement of traffic, the possible impact on local amenities, and the importance of allowing the safe and convenient use of public service vehicles by passengers. Authorities can also refuse the request for a parking place from a qualifying person if, for example, the applicant already has a driveway or other off-street parking facility.

If there are no prohibiting factors, then the authority should commence the statutory procedure for making a disabled street parking order (as per section 5(3) (b) of the 2009 Act). These are a type of Traffic Regulation Order (TRO). TROs are legal orders made by local authorities in order to apply Traffic Management controls to, for example, roads or car

parks. TROs are always advertised in the local press with a public notice detailing the reasons for the proposed changes and the likely effects they will have, giving residents the opportunity to voice their concerns/objections.

Once the local authority has started the statutory procedure it must, as soon as is reasonably practical, provide a temporary, advisory on-street disabled parking place until the whole procedure is complete. However, as advisory bays are not enforceable, Blue Badge holders will have to rely on the courtesy of other drivers not to park in them.

Any accompanying signs for the statutory space must be in place before the space can become enforceable.

Although requests for on-street residential bays are made by specific individuals/organisations, the disabled parking place is not solely for their use. Any Blue Badge holder is eligible to park in the space created. Consequently, an applicant should not be charged for the creation of the bay.

Off-street disabled parking

The Blue Badge scheme does not apply to all off-street car parking, for example in privately operated car parks at supermarkets or airports. Off-street car park operators should, however, provide parking spaces for disabled people. The Equality Act 2010 requires service providers to make 'reasonable adjustments' for disabled people in order for them to access their service. However, it is up to the car park owner to decide whether badge holders can park free of charge and whether or not they enforce the use of the disabled parking spaces.

Under sections 6-8 of the [2009 Act](#), local authorities have responsibilities regarding off-street car parking enforcement. As part of their initial duties under the Act, local authorities were required to identify every advisory disabled off-street parking place in its area at the time the Act came into force.

Once identified, local authorities were to enter into negotiations with the owners of existing off-street car parks containing disabled persons' spaces to see if these could be made enforceable. In those instances where they could not come to an agreement with the owner to make the spaces enforceable, local authorities were obliged to continue to seek such agreement at least once every two years.

In addition, local authorities monitor any new developments granted planning permission, which contain disabled persons' parking, with a view to entering into negotiations to make these spaces enforceable.

Hospital parking

Hospital car park charging was stopped in NHS Scotland hospitals in 2008, as noted in the [Scottish Government's Revised Guidance on Hospital Car Park Charging](#) sent to Scottish Health Boards.¹⁰

Car parking charges at the three Private Finance Initiative (PFI) hospitals (Royal Infirmary of Edinburgh, Glasgow Royal Infirmary and Ninewells Hospital, Dundee) were suspended in March 2020. This was at the onset of the COVID-19 pandemic and through an arrangement reached between the Scottish Government and the PFI operators.

The Scottish Government has since [bought out the car park contracts at Glasgow Royal Infirmary and Ninewells Hospital, Dundee](#), and is negotiating to do the same at the Royal Infirmary, Edinburgh.¹¹ In response to [PQ S6W-19242](#) (23 June 2023), the Scottish Government said that it had no plans to re-introduce charges for hospital car parks.¹²

It should be noted that, although there are no parking charges at hospitals in Scotland, this does not mean that disabled parking spaces are enforced. This is still the responsibility of the car park owner.

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