

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT DISABLED PERSONS' PARKING BADGES (SCOTLAND) ACT 2014 (CONSEQUENTIAL PROVISIONS) ORDER 2016

Tuesday 15 March 2016

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Saturday 19 March 2016

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chair: SIR DAVID AMESS

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|---|---|
| † Barclay, Stephen (<i>North East Cambridgeshire</i>)
(Con) | † Lee, Dr Phillip (<i>Bracknell</i>) (Con) |
| † Bridgen, Andrew (<i>North West Leicestershire</i>) (Con) | † Mathias, Dr Tania (<i>Twickenham</i>) (Con) |
| † Coffey, Dr Thérèse (<i>Deputy Leader of the House of Commons</i>) | † Morris, Grahame M. (<i>Easington</i>) (Lab) |
| † Cunningham, Mr Jim (<i>Coventry South</i>) (Lab) | † Murray, Ian (<i>Edinburgh South</i>) (Lab) |
| † Davies, Byron (<i>Gower</i>) (Con) | † Poulter, Dr Daniel (<i>Central Suffolk and North Ipswich</i>) (Con) |
| † Freer, Mike (<i>Finchley and Golders Green</i>) (Con) | † Rees-Mogg, Mr Jacob (<i>North East Somerset</i>) (Con) |
| † Haselhurst, Sir Alan (<i>Saffron Walden</i>) (Con) | Smeeth, Ruth (<i>Stoke-on-Trent North</i>) (Lab) |
| † Hendry, Drew (<i>Inverness, Nairn, Badenoch and Strathspey</i>) (SNP) | † Whiteford, Dr Eilidh (<i>Banff and Buchan</i>) (SNP) |
| Hodge, Dame Margaret (<i>Barking</i>) (Lab) | Gavin O’Leary, Jonathan Whiffing, <i>Committee Clerks</i> |
| Johnson, Alan (<i>Kingston upon Hull West and Hessle</i>)
(Lab) | † attended the Committee |

Fourth Delegated Legislation Committee

Tuesday 15 March 2016

[SIR DAVID AMESS *in the Chair*]

Draft Disabled Persons' Parking Badges (Scotland) Act 2014 (Consequential Provisions) Order 2016

2.30 pm

Stephen Barclay (North East Cambridgeshire) (Con): I beg to move,

That the Committee has considered the draft Disabled Persons' Parking Badges (Scotland) Act 2014 (Consequential Provisions) Order 2016.

In this rare speaking part, I would first like to give the apologies of my ministerial colleague, the Deputy Leader of the House, who is unable to be with the Committee today due to trains being cancelled.

The statutory instrument, which was laid before Parliament on 22 February, is made under section 104 of the Scotland Act 1998 as a consequence of the Disabled Persons' Parking Badges (Scotland) Act 2014, which makes provisions about badges for display on motor vehicles used by disabled persons. The draft order was requested by the Scottish Government and has been agreed between the UK and Scottish Governments.

One of the main aims of the 2014 Act is to help tackle blue badge misuse by providing additional powers to local authorities and the police to enforce the blue badge scheme in Scotland. The 2014 Act strengthens enforcement powers, including the ability to cancel or confiscate a badge in certain circumstances, and provides for security features of the blue badge format to be approved administratively by Scottish Ministers.

Although eligibility for badges, scheme administration and enforcement measures all vary between Scotland, England and Wales, there is agreement between the Administrations and their respective local authorities to work together on the common parts of the blue badge scheme. That has led to the creation of a shared database for the production of badges, and allows local authorities to enforce the scheme across Great Britain.

The draft order will ensure consistency throughout Great Britain with regard to the validity of blue badges issued in Scotland and will give full effect to the 2014 Act. This will produce certain practical results—for example, a badge issued by a local authority in Scotland will be in a valid form if it meets the requirements of section 1 of that Act. That will ensure that enforcement officers can confiscate badges that are being misused and that have been cancelled by a local authority in another area of Great Britain.

Section 104 of the Scotland Act 1998 provides for subordinate legislation to be made by the UK Government that contains provisions necessary under an Act of the Scottish Parliament. In this case, the provision is required in consequence of provisions made by the 2014 Act, which received Royal Assent on 24 September 2014. The draft order extends to the law of England and

Wales the effect of certain amendments made in Scots law by the 2014 Act; those amendments are to section 21 of the Chronically Sick and Disabled Persons Act 1970, which provides for badges to be issued to disabled persons and their carers, entitling them to parking concessions.

Section 1 of the 2014 Act changes the rules about the form badges issued in Scotland must take to be recognised as valid. Section 2 ensures that, in certain circumstances, Scottish local authorities can cancel badges that they have issued. Article 4 of the draft order will fix a cross-reference in section 21(8C) of the 1970 Act, which glosses references to local authorities elsewhere in section 21, so that they fall to be read as including the Secretary of State.

As I have said, the need for and content of the draft order have been agreed between the UK Government and the Scottish Government. The Department for Transport, which has responsibility for the legislation covered by the draft order, has been consulted throughout the order's drafting, and all its provisions have the approval of that Department and the Scottish Government. The draft order demonstrates this Government's continued commitment to working with the Scottish Government to make the devolution settlement work.

I hope that the Committee agrees that the draft order is appropriate and sensible in its use of the powers in the Scotland Act 1998, and I commend it to the Committee.

2.34 pm

Ian Murray (Edinburgh South) (Lab): It is always a great pleasure to see you in the Chair, Sir David. I wonder who you have upset on the Speaker's Panel to get such orders. I am disappointed not to see my favourite Minister, the Deputy Leader of the House, but she informed me earlier that she had missed two trains. She did not quite say that that was the result of the dreadful privatisation of the railways, but she said that she had missed two on the trot and that it was unfortunate that she could not be here. The hon. Member for North East Cambridgeshire did a fine job in her place. [HON. MEMBERS: "Hear, hear!"] He has just got Back-Bench approval for his promotion on the Front Bench.

The Opposition supported the aims and objectives of the 2014 Act when it went through Parliament and we support the draft order today. However, it is worth noting that my colleagues emphasised on a number of occasions when the Act was going through Parliament that appropriate resources should be given to local authorities both in Scotland and in England and Wales to ensure that such provisions are enforced robustly, so that the system is robust and can be relied on by the disabled people who use blue badges.

That notwithstanding, the draft order will make the necessary amendments to the existing legislation to ensure that blue badges issued in Scotland are treated in a valid and consistent fashion across every nation in Great Britain. This applies both to the form badges must take to be recognised as valid, and to the circumstances under which such a badge can be rescinded, so that if a badge is cancelled by a Scottish local authority that takes effect in England and Wales, too.

We are committed to ensuring that our towns and cities are more accessible for disabled people. I was delighted that the Government accepted our amendments,

in both this place and the House of Lords, for pavement parking to be devolved to the Scottish Parliament. I thank Living Streets for the campaign that it ran. I also thank my former colleague, Mark Lazarowicz, the former Member for Edinburgh North and Leith, who campaigned on the issue when he was in this House in the previous Parliament.

There is little else to say on the draft order, apart from 37 technical questions that I hope the Minister is able to answer in depth, otherwise we may not be able to pass it. Seriously, I want to ask just one question, on paragraph 8.6 in the explanatory notes, about public awareness. Will the Minister tell us whether the UK Government intend to carry out some multi-agency work, which is referred to in the explanatory notes, and what that would consist of, just to ensure that people are aware of the changes and so that disabled people can feel confident that the system will be robust, whether they are driving through Swansea or Southampton or, indeed, Glasgow?

2.37 pm

Dr Eilidh Whiteford (Banff and Buchan) (SNP): I am very glad to see that the Deputy Leader of the House has managed to get here for at least the tail end of the debate. I am glad to have an opportunity to make a few brief remarks about this draft order, which will ensure that the blue badges that have been cancelled, lost or stolen in Scotland cannot be used in England or Wales with impunity.

As we have heard, the background to this measure is the Disabled Persons' Parking Badges (Scotland) Act 2014, which significantly strengthened the law, to prevent the misuse of blue badges and ensure that those who need disabled parking spaces have access to them. That Act started life as a private Member's Bill in the Scottish Parliament, brought forward by my colleague Dennis Robertson, MSP for Aberdeenshire West, and I pay tribute to him today. We all know only too well how hard it is in this place to steer a private Member's Bill on to the statute book, so Dennis and his staff deserve enormous recognition for their efforts in navigating public consultations and parliamentary processes to ensure that that valuable piece of legislation received Royal Assent.

One of Dennis Robertson's aims when he brought the original Bill forward was to tackle the misuse of blue badges. Research by Transport Scotland found that 83% of the 800 badge holders it consulted had experienced the misuse of blue badges or disabled people's parking spaces. Even more telling was an Audit Scotland report,

which found that around 4,000 badges belonging to people who had died had not been returned to councils by their families or carers. Not all those badges were necessarily being misused, but it did help to manifest the problem. There are around 228,000 legitimate blue badge holders in Scotland and they need to be able to access the parking spaces to which they are entitled. We know that there were some brazen and blatant instances of blue badges being traded in the informal economy. Those loopholes have now been closed, and Scottish councils' enforcement procedures have been significantly strengthened, but it is very important that those badges do not find their way to England and Wales, where they could be misused.

The 2014 Act gives local councils extra powers to crack down on the misuse of disabled people's parking badges. It has helped to raise awareness about the impact their misuse has on disabled people and encouraged a more responsible attitude towards disabled parking spaces overall. Thanks to the Act, the proper use of disabled people's parking badges is now far more easily enforced, with tougher penalties for misuse, including fines of up to £1,000.

I am very pleased that the UK Government are introducing these consequential changes to ensure that badges originating in Scotland can no longer be misused in England or Wales, and that people who need disabled parking spaces have access to them.

2.40 pm

Stephen Barclay: I am grateful to the hon. Members for Banff and Buchan and for Edinburgh South for their supportive remarks. In respect of the one issue that has been raised, it is the responsibility of the Scottish Government to publicise these measures, but we will pass on the concerns of the hon. Member for Edinburgh South.

It is worth pointing out that both before and during the passage of the Disabled Persons' Parking Badges (Scotland) Act 2014, Transport Scotland engaged with a multi-agency group to bring forward new and focused ways to educate badge holders, with the aim of improving compliance. As the hon. Member for Banff and Buchan mentioned, the wider consultation with Dennis Robertson also raised awareness, but we are happy to pass on those concerns to the Scottish Government.

Question put and agreed to.

2.41 pm

Committee rose.

