

# Adult Social Care

## Blue Badge Parking Scheme for Disabled Drivers and Passengers Policy

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## Blue Badge Parking Scheme Policy

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## **1. Introduction**

- 1.1. A Blue Badge is a parking permit that entitles people with severe mobility problems caused by visible and non-visible ('hidden') disabilities to access goods and services by allowing them to park close to where they need to go.
- 1.2. Badge holders are also entitled to apply for other concessions, for example on toll charges (see [GOV.UK](https://www.gov.uk)) or exemption from London Congestion Charges (see [Transport for London](https://www.transportforlondon.com)).
- 1.3. When using concessions, the Blue Badge must be displayed where it can be clearly read through the front windscreen.
- 1.4. Concessions apply only when the badge is displayed **and** the badge holder is part of the journey, for example when travelling in the vehicle as a driver or passenger.
- 1.5. Blue Badge scheme requirements are set by central Government and are administered and enforced by local authorities. Similar schemes operate in other European Union countries.
- 1.6. The Blue Badge team within Gloucestershire County Council (the County Council) is responsible for administering the Blue Badge scheme within Gloucestershire.
- 1.7. Blue Badges are produced by a provider commissioned by the Department for Transport and badge holder details retained on a national database.

## **2. Purpose**

- 2.1. This policy explains how the County Council's Blue Badge Team administers the Blue Badge scheme in Gloucestershire.

## **3. Scope**

- 3.1. This policy applies to all members of the County Council's Blue Badge team.

#### 4. Legal context

4.1. The Blue Badge Scheme was originally introduced in December 1971 through regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (Badges for display on motor vehicles used by disabled persons). This Act was later amended by the Disabled Persons' Parking Badges Act 2013.

4.2. The scheme is now governed by the following Regulations:

- the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000
- the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000
- the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007
- the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment No. 2) Regulations 2007
- the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2011
- the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011
- the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013
- the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019

4.3. Other relevant legislation and guidance:

- section 21A (Recognition of badges issued outside Great Britain) of the Chronically Sick and Disabled Persons Act 1970.
- sections 115 (Mishandling of parking documents and related offences), 117 (Wrongful use of disabled person's badge) and 142(1)(General interpretation of Act) of the Road Traffic Regulation Act 1984 (provides powers to tackle parking related abuse of the scheme).
- Department for Transport (August 2019) The Blue Badge Scheme Local Authority Guidance (England)

## **5. Information about the Blue Badge scheme**

5.1 Information about the Blue Badge scheme is available:

- on the [County Council's website and](#)
- on the [GOV.UK website](#)

## **6. Applying for a Blue Badge**

6.1. Applications for a Blue Badge may be made by:

- or on behalf of a disabled person, or
- in limited circumstances, an organisation which provides care and support to disabled people.

6.2. Applications for children under the age of 16 must be made by a parent / other person with parental responsibility for the child.

6.3. All required information must be provided and the application must be accompanied by:

- a passport sized and passport standard colour photograph showing the applicant's full face and taken within one month prior to the date of the application (photographs are not required for applicants which are organisations), and
- the £10 Blue Badge issue fee. The issue fee will be refunded in full to the applicant if the application is unsuccessful.

6.4. Applications which are incomplete and / or do not include the required evidence will be returned to the applicant or their representative.

6.5. Applications may be made electronically using the online application form on the [GOV.UK website](#) or in hard copy.

6.6. Hard copy applications should be posted to the County Council's Countywide Blue Badge team at the address shown on the [County Council's website](#).

## 7. Eligibility for a Blue Badge

7.1. Eligibility decisions will usually be made within six to twelve (6 – 12) weeks of the receipt of a correctly completed application accompanied by all required information where no further assessment is necessary.

7.2. To be eligible for a Blue Badge, applicants must be able to satisfy residency and identity checks and be able to demonstrate that they meet one of two types of eligibility criteria.

Type 1: Eligible without further assessment: people who automatically qualify for a Blue Badge:

7.3. Applicants aged over two (2) years old will automatically qualify for a Blue badge where the applicant meets one or more of the following criteria:

- receives the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA); or
- receives the mobility component of Personal Independence Payment (PIP) and has obtained 8 points or more under the ‘moving around’ activity; or
- receives the mobility component of PIP and has obtained 10 points **specifically for Descriptor E** under the ‘planning and following journeys’ activity on the grounds that they are ‘unable to undertake any journey because it would cause them overwhelming psychological distress’; or
- is registered blind (severely sight impaired); or
- receives a War Pensioner’s Mobility Supplement (WPMS); or
- has been both awarded a lump sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

Note: Armed Forces Independence Payment (AFIP) awards are not included in Type 1 eligibility criteria.

7.4. Where Blue Badge entitlement is linked to an award of the HRMCDLA, WPMS or PIP and the period of the relevant allowance is less than three years, the badge will be awarded for a corresponding period.

7.5. Where an applicant is denied a Blue Badge because they have not been awarded or no longer receive the HRMCDLA or the appropriate PIP score, the application will be assessed under the Type 2: *Eligible subject to further assessment* criteria before a final decision is made.

Type 2: Eligible subject to further assessment

7.6 Applicants aged over two (2) years will be issued with a Blue Badge if they are able to demonstrate either that:

- they have an enduring and substantial disability which causes them during the course of a journey to:
  - be unable to walk;
  - experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or
  - be at serious risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.

Any of the three types of difficulty whilst walking could be caused by a physical or a non -visible ('hidden') disability but entitlement under these criteria depends on the disability experienced by the applicant enduring in some way throughout the three year badge issue period.

Criteria are specific to difficulties in walking. The applicant's ability to carry parcels or luggage, or to follow a journey independently, are not taken into account.

Unless it is self evident that the applicant meets / does not meet the criteria, the Blue Badge team may arrange for an expert assessor to certify whether or not the applicant meets the eligibility criteria. Failure to attend an assessment may result in the application being declined.

**or**

- they regularly drive an adapted or non adapted vehicle, and
  - have a severe disability in both arms, and
  - are unable to operate, or have considerable difficulty in operating, all or some types of parking meter.

A badge will not be issued under these criteria to people who for example have difficulty carrying parcels or shopping or to people who travel solely as passengers.

### Children under the age of three

7.7. In addition, children under the age of three (3) may be eligible where the child has a medical condition which means that:

- the child must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty, for example:
  - ventilators
  - suction machines
  - feed pumps
  - parenteral equipment
  - syringe drivers
  - oxygen administration equipment
  - continuous oxygen saturation monitoring equipment
  - casts and associated medical equipment for the correction of hip dysplasia

**and / or**

- the child needs to be near a vehicle at all times so that if necessary treatment can be given in the vehicle or the child can be quickly taken in the vehicle to a place where they can receive treatment, such as at a hospital. Examples are:
  - children with tracheostomies
  - children with severe epilepsy / fitting
  - children with highly unstable diabetes
  - terminally ill children who can only access brief moments of outside life and need a quick route home

Badges issued to children under the criteria listed at 7.7 will expire the day after the child's third birthday or earlier if the condition is temporary, for example hip dysplasia which normally lasts between three and six months.

## Organisations

7.8. In exceptional circumstances, a Blue Badge may be issued to an organisation where the organisation is able to demonstrate that:

- the organisation both cares for **and** transports disabled people who themselves meet the eligibility criteria for a badge. Residential care homes, hospices or local authority social services departments are common examples of organisations that may be eligible.

Taxis, private hire operators and community transport operators are not Blue Badge eligible as they are involved only in transporting disabled people but are not involved in their care.

**and**

- there is a clear need for an organisational badge rather than using the individual badges of the people it is transporting. It is preferable for disabled people to apply for their own badges. This then allows badge holders to use the badge in any vehicle in which they are travelling either as a passenger or a driver.

7.9. Where an organisational badge is issued, the badge must only be displayed when someone who would be eligible for a Blue Badge in their own right is being transported.

## **8. Issuing a Blue Badge**

8.1 Blue Badges will be produced by a provider commissioned by the Department for Transport for a standard period of three years except for:

- children under three whose badge will expire:
  - on the day after the child's third birthday or
  - at an earlier date if the child's condition is temporary, for example in the case of hip dysplasia.
- entitlements linked to an award of the HRMCDLA, WPMS or PIP where the period of the relevant allowance is less than three years. In such cases the Blue Badge will be awarded for the period of the allowance rather than the standard three years.

8.2. Badge holder details will be added to the national Blue Badge database.

## **9. Grounds for not issuing a Blue Badge**

9.1. The following are grounds for not issuing a Blue Badge:

- the applicant holds or has held a Blue Badge but either the badge holder or a third party has been convicted for wrongful or fraudulent use of the Blue Badge, or
- there was insufficient evidence of the applicant's eligibility, or
- the applicant did not pay the Blue Badge issue fee, or
- there are reasonable grounds for believing that the applicant is not the person they claim to be or would permit another person to use the badge; or
- the applicant is unable to provide evidence of residency; or
- the applicant already holds a valid badge issued by another issuing authority.
- A report from an expert assessor confirming an applicant's eligibility has not been made available to the County Council in a form that is satisfactory.

9.2. Applicants assessed under Type 1 eligibility criteria (see [paragraph 7.3](#)) will not be refused a Blue badge solely on the grounds that they have not been awarded (or no longer receive) the HRMCDLA or the appropriate PIP score. Instead the application will be assessed under the Type 2 criteria (see [paragraphs 7.6 and 7.7](#)) before a final decision is made.

## **10. When an application for a Blue Badge is declined**

10.1. When an application for a Blue Badge is declined, the Blue Badge team will advise the applicant (or their representative) in writing of the reason why.

10.2. Applicants (or the applicant's representative) who believe that the application was wrongly declined or that relevant facts were not fully considered may request the Blue Badge team to arrange for the decision to be reviewed.

10.3. Reviews will be carried out within two (2) weeks of the receipt of the request.

### Applicant provides new or additional medical evidence:

10.4. The Blue Badge team will arrange for any new or additional medical evidence provided by the applicant (or their representative) to be reviewed by an expert assessor. The applicant may also be required to participate in further assessment by an expert assessor.

- 10.5. The Blue Badge team will advise the applicant (or their representative) in writing of the outcome of the review. If the decline decision is overturned, a Blue Badge will be issued (see [paragraph 8.1](#))
- 10.6. Where the original decision is upheld, the applicant (or their representative) may request that the decision is reviewed by the relevant Integrated Social Care Manager whose decision will be final.
- 10.7. The Blue Badge team will advise the applicant (or their representative) in writing of the outcome of the Integrated Social Care Manager's review. If the decline decision is overturned, a Blue Badge will be issued (see [paragraph 8.1](#))

No new or additional medical evidence provided:

- 10.8. Where an applicant is unable to provide new or additional medical evidence to support their case, the decline decision will be reviewed by the relevant Integrated Social Care Manager whose decision will be final.
- 10.9 The Blue Badge team will advise the applicant (or their representative) in writing of the outcome of the Integrated Social Care Manager's review. If the decline decision is overturned, a Blue Badge will be issued (see [paragraph 8.1](#))

Applicant's right to re-apply if situation changes

- 10.10 Unsuccessful applicants are entitled to re-apply for a Blue Badge after a period of six (6) months if their situation changes significantly.

**11. When a Blue Badge expires (re-application)**

- 11.1. Blue Badges remain valid until the expiry date shown on the badge.
- 11.2. A re-application is used to ensure that Blue Badge eligibility continues to apply. Badge holders are advised to re-apply for their Blue Badge at least twelve (12) weeks prior to the expiry date.
- 11.3 Re-applications may be made electronically using the online application form on the [GOV.UK website](#) or in hard copy.
- 11.4 Applications awarded under [Type 1 eligibility criteria](#) will be re-assessed against [Type 2 criteria](#) if the badge holder no longer receives the qualifying benefit.
- 11.5. The Blue Badge team will re-assess eligibility for Blue Badges issued by another local authority where the Blue Badge is due to expire and the applicant has since become resident in Gloucestershire.

11.6. The applicant's photograph will be updated at each re-application to ensure it is still a recognisable likeness.

11.7 A £10 issue fee will be charged whenever a card is issued.

## **12. Damaged, lost and stolen cards**

12.1. Badge holders may request a replacement Blue Badge if the original has been lost, stolen, damaged, destroyed or has become illegible.

12.2. Replacements can be requested electronically using the online form on [GOV.UK](https://www.gov.uk) or by using the hardcopy 'request for a duplicate badge' form and payment of the issue charge of £10.

12.3 Original badges are cancelled when a replacement is issued.

12.4. Stolen badges should be reported to the Police and the Police crime reference provided to the Blue Badge team.

12.5. In most cases the replacement badge will be valid until the expiry date of the original.

12.6 If the original card was due to expire in less than six (6) months, the applicant may choose to make a fresh application for a new card which will be valid for three years or as indicated at [paragraph 8.1](#).

12.7. Damaged badges and badges reported as lost or stolen which are subsequently found or recovered must be returned to the Blue Badge team for destruction.

12.8. The date and reason for re-issue of a badge will be recorded on the badge holder's record for monitoring purposes.

## **13. Blue Badges that must be returned to the Blue Badge team**

13.1. Blue Badges remain the property of the County Council at all times and must be returned to the Blue Badge team when:

- the badge expires
- the badge holder is no longer eligible or, in the case of an organisational badge, the organisation no longer exists or is no longer eligible.

Note: Existing HRMCDLA recipients will be permitted to retain their current badge until the expiry date where they are reassessed by the Department for Work and Pensions and fail to score:

- 8 points or more under the 'Moving Around' mobility component of PIP; or

- 10 points **specifically for Descriptor E** under the 'planning and following journeys' activity of the mobility component of PIP on the grounds that they are 'unable to undertake any journey because it would cause them overwhelming psychological distress'
- the badge was issued as a replacement for one that was lost or stolen and the original has been found or recovered
- the badge is so damaged or faded that it is no longer legible or it cannot be identified correctly or distinguished from a forgery;
- the badge is no longer required by the badge holder, for example because their condition has improved so they are no longer eligible or because they have become housebound
- another valid badge was inadvertently issued to the badge holder by another issuing authority
- the badge holder dies.

#### **14. Grounds for withdrawing a Blue Badge**

14.1. The County Council will investigate concerns about fraudulent applications and / or badge misuse and may withdraw the Blue Badge if it is satisfied that fraud / misuse has occurred.

14.2 The County Council may withdraw a Blue Badge when:

- a badge holder or third party is successfully prosecuted for:
  - an offence under section 21(4B) of the Chronically Sick and Disabled Persons Act 1970 (misuse of a real blue badge by a third party or use of a fake/altered badge by a third party or the badge holder while the vehicle is being driven)
  - an offence under sections 115 or 117 of the Road Traffic Regulation Act 1984 (misuse of a real blue badge by a third party or use of a fake/altered badge by a third party or the badge holder while the vehicle when the vehicle is parked)
  - dishonesty or deception committed under any other UK legislation in relation to the badge (for example offences under the Fraud Act 2006, the Theft Act 1968, the Forgery and Counterfeiting Act 1981, and so on).

14.3. Where a prosecuted offence was committed by a third party, the County Council will not withdraw the Blue Badge where it is satisfied that the badge holder was unaware that the third party was using the badge.

14.4. The County Council may withdraw a Blue badge where it is satisfied that the badge holder has acted fraudulently or misused the card, for example:

- obtained the badge through a fraudulent application (providing false information)
- used an expired or illegible badge
- used a badge declared as lost or stolen for which a replacement was issued
- used a badge which they are no longer entitled to use
- permitted a third party to use the badge
- allowed a third party to copy, alter, fake or forge the badge.

## **15. Using the Blue Badge outside Gloucestershire**

15.1. Blue Badges issued in Gloucestershire are valid throughout the United Kingdom and in other European Union countries which operate similar schemes.

15.2. Badge holders are advised to check requirements for concessions such as exemptions from toll charges and London Congestion Charges before travelling as most require advance registration.

## **16. Visitors to Gloucestershire**

16.1. Visitors with badges issued in another part of the United Kingdom or by another European Union country with a similar scheme are entitled to use their badge within Gloucestershire.

16.2. People visiting Gloucestershire from non-European Union countries should bring their disabled parking badges with them and check with the County Council's Integrated Transport Unit in the first instance to see if their badge will be recognised within the County.

## **17. Monitoring**

17.1. The Blue Badge team will maintain records of all applications, re-applications and eligibility decisions.

17.2. Details of badge holders will be maintained on a national database.

17.3. Badges may be inspected by Police, parking enforcement officers and other authorised personnel.

**18. Dissatisfaction / complaints**

- 18.1 Anyone who is dissatisfied with County Council services, a County Council decision and / or feels that they have been treated unjustly has the right to make a complaint to the County Council and subsequently to the Local Government and Social Care Ombudsman.

**19. Implementation**

- 19.1. This policy will be implemented following approval and will be published on the County Council's external website.

**20. Policy review**

- 20.1 This policy will be reviewed by August 2022.

## Appendix 1: Extracts from the Department for Transport *The Blue Badge Scheme Local Authority Guidance (England)* August 2019

### Type 1: 'Eligible without further assessment'

The 'eligible without further assessment' criteria

4.4 People who may be issued with a badge without further assessment are those who are more than two years old and fall within one or more of the following descriptions:

- Receives the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA); or
- Receives the mobility component of Personal Independence Payment (PIP) and has obtained 8 points or more under the "moving around" activity; or
- Receives the mobility component of PIP and has obtained 10 points **specifically for Descriptor E** under the "planning and following journeys" activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress; or
- Is registered blind (severely sight impaired); or
- Receives a War Pensioner's Mobility Supplement (WPMS); or
- Has been both awarded a lump sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

### NOTES:

Armed Forces Independence Payment (AFIP) awards are not included in the Type 1 eligibility criteria.

For applicants in receipt of PIP, a local authority should not base a decision to award a Blue Badge on a combined score from both the 'planning and following journeys' and 'moving around' Mobility Activity. If an applicant does not meet the required score for either Mobility Activity, then they fail to meet either of the above 'eligible without further assessment' PIP criteria and may be considered instead under the 'subject to further assessment' criteria (see below).

While cumulative points under the "moving around" mobility activity can count towards qualification under this criterion, this does not apply to the 'planning and following journeys' mobility activity. Under the 'planning and following journeys' mobility activity only a score of 10 points for Descriptor E ("cannot

undertake any journey because it would cause overwhelming psychological distress to the claimant") counts as meeting eligibility. Applicants in receipt of 10 points for Descriptor D, or 12 points for Descriptor F under the 'planning and following journeys' mobility activity do not qualify under this criterion. Such applicants should be considered under the 'subject to further assessment' criteria.

Applicants in receipt of a grant pursuant to paragraph 10(3) of Schedule 1 to the National Health Service Act 2006 or section 46 of the National Health Service (Scotland) Act 1978; also qualify for a Badge without further assessment. However, we believe that the number of people this will apply to is very small. Applicants in this position, and who are not able to demonstrate their eligibility under one of the other '...without further assessment criteria' should contact their local authority with recent evidence of this grant being awarded.

## **Type 2: 'Eligible subject to further assessment'**

The 'eligible subject to further assessment' criteria

4.26 People who may be issued with a badge after further assessment are those who are more than two years old and may be described as one or more of the following:

- A person who drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all, or some types of parking meter; or
- A person who has been certified\* by an expert assessor as having an enduring and substantial disability which causes them, during the course of a journey, to:
  - Be unable to walk;
  - Experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or
  - Be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.

4.27 \*Persons needing such certification are those in whose case a local authority does not consider it self-evident that they fall within these descriptors. (See regulation 4 (3A) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000. (S.I.2000 No.682)14 If it is not self-evident to a local authority on the basis of the information available to them, from the applicant and health or social care practitioners, whether the applicant falls within these descriptors, then a referral should be made to an expert assessor for certification.

4.28 Any of the above three types of difficulty whilst walking could potentially be caused by a physical disability, or by a non-visible ('hidden') disability. In either case, the disability experienced by the applicant must endure for at least three years.

4.29 In addition, children under the age of three may be eligible for a badge if they fall within either or both of the following descriptions:

- A child who, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty;
- A child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.