



Disabled Persons Act 1981

CHAPTER 43

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ELIZABETH II



Disabled Persons Act 1981

1981 CHAPTER 43

An Act to impose on highway authorities and other persons executing or proposing to execute works on highways a duty to have regard to the needs of disabled and blind persons; to amend the Road Traffic Regulation Act 1967 in relation to persons who improperly seek to avail themselves of concessions provided for disabled persons; to impose a duty on planning authorities in England and Wales to draw the attention of persons to whom they grant planning permission to certain statutory and other provisions relating to access for disabled persons to buildings and other premises used by the public; to require local authorities in England and Wales when serving a notice under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 to draw the attention of the person on whom it is served to certain statutory and other provisions relating to the needs of disabled persons; to make further provision for the display of signs giving information as to such access; to require the Secretary of State to lay before Parliament a report as to proposals for ensuring or facilitating the improvement of means of access to such buildings and premises; to amend the law relating to the duty to make provision for the needs of disabled persons using certain buildings and premises; to facilitate the making of corresponding amendments to the law of Northern Ireland; and for connected purposes.

[27th July 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Highways and road traffic

Needs of the disabled and blind.
1980 c. 66.
1970 c. 20.

1.—(1) The following section shall be inserted after section 175 of the Highways Act 1980 and section 27 of the Roads (Scotland) Act 1970, as section 175A of the former and section 27A of the latter:—

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

(1) In executing works in a street which may impede the mobility of disabled persons or blind persons highway authorities, local authorities and any other person exercising a statutory power to execute works on a highway shall have regard to the needs of such persons.

(2) Any such authority or person as is mentioned in subsection (1) above 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) Highway authorities 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 subsection (1) above, any such authority or person as is mentioned in that subsection shall have regard to the need of blind persons to have any openings, whether temporary or permanent, in the street, properly protected.

(5) Section 28 of the Chronically Sick and Disabled Persons Act 1970 (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 section.”

(2) The following paragraph shall be inserted in subsection (1) of section 50 of the Roads (Scotland) Act 1970, after the definition of “statutory undertakers” —

““street”, for the purposes of section 27A of this Act, means a road or footpath;”.

2.—(1) In the Road Traffic Regulation Act 1967—

(a) in section 31 (provisions as to use of parking places provided under s. 28)—

(i) in subsection (3), for the word “In” there shall be substituted the words “Subject to subsection (3A) below, in”; and

Amendments of Road Traffic Regulation Act 1967 relating to misuse of concessions for the disabled.
1967 c. 76.

(ii) the following subsection shall be inserted after that subsection:—

“(3A) A person who is guilty of an offence under subsection (3) above 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 liable on summary conviction to a fine not exceeding £50.”:

(b) in section 42 (offences relating to parking places on highways where charge is made)—

(i) in subsection (1), for the word “subsection” there shall be substituted the words “subsections (1A) and”; and

(ii) the following subsection shall be inserted after that subsection—

“(1A) A person who is guilty of an offence under subsection (1) above 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 liable on summary conviction to a fine not exceeding £50.”;

(c) the following section shall be inserted after section 86:—

“Wrongful use of disabled person’s badge.

86A.—(1) A person who is guilty of an offence in relation to a motor vehicle under a provision of this Act other than this section (“the first offence”) is also guilty of an offence under this section if the conditions specified in subsection (2) below are satisfied.

(2) The conditions mentioned in subsection (1) above 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) he 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 21(4) (institutional use) of the Chronically Sick and Disabled Person's Act 1970.

(3) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding £200.

(4) In this section—

“disabled person's badge” means a badge of a form prescribed under section 21(1) of the Chronically Sick and Disabled Persons Act 1970; and

“disabled person's concession” means—

(a) an exemption from an order under this Act given by reference to disabled persons' vehicles; or

(b) a provision made in any order under this Act for the use of a parking place by disabled persons' vehicles.”; and

(d) in section 104 (general interpretation provisions), the following definition shall be inserted in subsection (1) after the definition of “designation order” :—

““disabled person's vehicle” means a vehicle lawfully displaying a badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970;”.

(2) Subsection (1) above shall not have effect in relation to offences committed before the commencement of this section.

Buildings etc

3. The following sections shall be inserted after section 29 of the Town and Country Planning Act 1971 :—

“Duty to draw attention to certain provisions for benefit of disabled.

29A.—(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 Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);

(b) of any of the following, being in each case, premises in which persons are employed to work,—

(i) office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;

Duty to draw attention to provisions as to access—
Planning.
1971 c. 78.

(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 1961,

the local planning authority 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 Act 1970 ; and

(ii) to the Code of Practice for Access for the Disabled to Buildings.

(2) In subsection (1) of this section—

“ the relevant provisions of the Chronically Sick and Disabled Persons Act 1970 ” means—

(a) for the purposes of paragraph (a), sections 4 and 7 ;

(b) for the purposes of paragraph (b), sections 7 and 8A ; and

“ 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) Section 28 of the Chronically Sick and Disabled Persons Act 1970 (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 section.

“ Duty to draw attention to certain provisions for benefit of disabled—educational buildings.

29B.—(1) When granting planning permission for any development which will result in the provision of a building intended for the purposes—

(a) of a university, university college or college, or of a school or hall of a university ; or

(b) of a school within the meaning of the Education Act 1944, a teacher training college maintained by a local education authority in England or Wales or any other institution providing further education pursuant to a scheme under section 42 of that Act,

the local planning authority shall draw the attention of the person to whom the permission is granted—

(i) to sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 · and

(ii) to the Design Note.

(2) In subsection (1) of this section "the Design Note" means Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State.

(3) Section 28 of the Chronically Sick and Disabled Persons Act 1970 (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 section."

Duty to draw attention to provisions as to access—
Sanitary appliances at places of entertainment.
1976 c. 57.

4. The following subsections shall be inserted after subsection (10) of section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary appliances at places of entertainment)—

"(11) A notice under this section shall draw the attention of the person on whom it is served—

(a) to sections 6(1) and 7 of the Chronically Sick and Disabled Persons Act 1970; and

(b) to the Code of Practice for Access for the Disabled to Buildings.

(12) In subsection (11) of this section "the Code of Practice for Access for the Disabled to Buildings" means, subject to subsection (13) of this section, the British Standards Institution code of practice referred to as BS 5810: 1979.

(13) Section 28 of the Chronically Sick and Disabled Persons Act 1970 (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 section."

5. The following section shall be substituted for section 7 of the Chronically Sick and Disabled Persons Act 1970:—

"Signs at buildings etc.

7.—(1) Where any provision required by or under section 4, 5, 6, 8 or 8A of this Act 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

Signs indicating provision for the disabled.
1970 c. 44.

appropriate routes for persons who are disabled to get to those places.

(2) Subsection (1)(a) above 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 of this Act, 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.”.

6.—(1) In each of sections 4(1), 5(1), 6(1), 8(1) and 8A(1) of the Chronically Sick and Disabled Persons Act 1970 (which impose on persons undertaking the provision of public buildings etc. certain duties as regards the needs of the disabled)—

Further provision as to duty to provide for needs of the disabled.
1970 c. 44.

(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 Secretary of State 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 ; and different bodies and different procedures may be prescribed for different classes of buildings or other premises to which this subsection applies ”.

(2) After the said section 4(1), there shall be inserted the following subsection—

“ (1A) In subsection (1) above “ 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 and “ prescribed ” means prescribed by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament ; and in the foregoing provisions of 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 the said section 5(1) the following words shall be inserted as section 5(1A)—

“ Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection

of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section.” ;
and the same words shall be inserted as sections 6(1A) and 8A(1A) of the said Act of 1970.

(4) The following subsection shall be inserted after the said section 8(1)—

“(1A) In subsection (1) above “appropriate provision” in relation to any case, means provision conforming with so much of the Design Note as is relevant to that case and “prescribed” means prescribed by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament ; and in the foregoing provisions of this subsection “the Design Note” means Design Note 18 “Access for the Physically Disabled to Educational Buildings”, published on behalf of the Secretary of State.”.

(5) In section 28 of the said Act of 1970 (which empowers the Secretary of State to define certain expressions appearing therein), after the word “Parliament” there shall be inserted “— (a)” and at the end there shall be added the words “; or

(b) amend—

(i) the definition of “the Code of Practice for Access for the Disabled to Buildings” in section 4(1A) of this Act ; and

(ii) the definition of “the Design Note” in section 8(1A) of this Act.”.

(6) This section shall come into force on such a date as the Secretary of State may appoint by order made by statutory instrument.

(7) This section extends to England and Wales only.

7. The following section shall be inserted after section 8A of that Act:—

“ Report by Secretary of State on improvement of means of access.

8B.—(1) The Secretary of State shall lay before Parliament a report on his 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, 8 and 8A above ;

(b) to public sanitary conveniences ; and

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

Duty of Secretary of State to report on proposals as to access to buildings etc. for the disabled.

(2) The places referred to in subsection (1)(c) above 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.”.

Supplementary

8. An Order in Council made under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 which contains a statement that its purposes correspond to those of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament instead of the Order or a draft of the Order being subject to the procedure set out in paragraph 1(4) or (5) of that Schedule.

Extension to Northern Ireland. 1974 c. 28.

9.—(1) This Act may be cited as the Disabled Persons Act 1981.

Short title, commencement and extent.

(2) Subject to section 6(6) above, this Act shall come into force at the expiration of the period of three months beginning with the date on which it is passed.

(3) With the exception of section 8 above this Act does not extend to Northern Ireland.

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