

CAYMAN ISLANDS



Traffic Law, 2011

**TRAFFIC (DISABLED PERSONS)
(BADGES FOR MOTOR VEHICLES)
REGULATIONS, 2012**

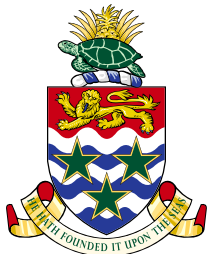
(SL 36 of 2012)

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TRAFFIC (DISABLED PERSONS) (BADGES FOR MOTOR VEHICLES) REGULATIONS, 2012

(SL 36 of 2012)

In exercise of the powers conferred by sections 119 and 142 of the Traffic Law, 2011 the Governor in Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Traffic (Disabled Persons) (Badges for Motor Vehicles) Regulations, 2012 and come into force immediately after the *Traffic Law, 2011* comes into force.

Interpretation

2. In these Regulations —

“**disabled person’s badge**” means a badge in the form prescribed by regulation 3 and includes a replacement badge;

“**holder**”, in relation to a disabled person’s badge, means the individual or institution to whom a disabled person’s badge was issued; and

“**institution**” means an institution concerned with the care of disabled persons to which a disabled person’s badge is issued.

Issuance of a disabled persons’ badge

3. (1) The Director may, upon application, issue a badge to —
 - (a) a disabled person;

- (b) a person who for want of mobility uses an invalid carriage, including a low speed battery-operated invalid carriage; or
 - (c) other person who is of limited mobility,
- which shall be displayed on a vehicle driven by a disabled person, or used for the carriage of such a person.
- (2) A disabled person's badge shall be in the dimensions and colours contained in the Schedule.
 - (3) A fee of five dollars shall be charged for the issuance of a disabled person's badge.
 - (4) Subject to these Regulations, a disabled person's badge shall be issued for a period of up to five years beginning with the date of issue.
 - (5) The Director may issue —
 - (a) a temporary disabled person's badge to a person who, due to illness, has become temporarily disabled; or
 - (b) a permanent disabled person's badge to a person whom, on account of age or other infirmity, has become a disabled person.
 - (6) The Director may, by notification in the Gazette, designate countries whose disabled person's badges will be recognised and used in the Islands.
 - (7) Subject to these Regulations, in implementing this section, the Director may by notification in the Gazette adopt, with or without modification, standards and procedures from another country.

Appeals

- 4. A person who is dissatisfied with a decision of the Director to refuse to issue a disabled person's badge may, within thirty days of notification of the decision, appeal in writing to the Chief Officer responsible for the Department of Vehicle and Drivers' Licensing who may conduct such investigation, seek such opinions and do such other things as he considers necessary or expedient to assist him in arriving at a decision.

Replacement badges

- 5. (1) When a disabled person's badge issued in the first instance has been —
 - (a) has been lost, stolen or destroyed; or
 - (b) has become so damaged or faded as to be no longer when displayed on a vehicle,the Director shall, upon payment of a fee of five dollars, issue a replacement badge with the word "duplicate" marked on the front.
- (2) A replacement badge shall be issued so as to be valid up to the date when the original badge would have expired.



Grounds for refusal to issue a badge

- 6.** (1) The Director may refuse to issue a badge on the grounds that —
- (a) the applicant holds or has held a badge issued under these Regulations and misuse has led to at least three convictions relating to improper use of a badge;
 - (b) the applicant has failed to provide the Director with adequate evidence —
 - (i) in the case of an individual, that he is a disabled person; or
 - (ii) in the case of an institution, that it is eligible to apply for a disabled person's badge; or
 - (c) he has reasonable grounds for believing that the applicant —
 - (i) is not the person that he claims to be; or
 - (ii) would permit another person other than himself to display it on a vehicle.
- (2) Where the Director receives an application for a disabled person's badge and refuses to issue one, he shall notify the applicant in writing and the notice shall contain the grounds of refusal.

Return of a badge to Director

- 7.** (1) A disabled person's badge shall be returned to the Director within thirty days of the occurrence of any of the following events —
- (a) the expiry of the period for which the badge was issued;
 - (b) the death of the holder or, in the case of a badge issued to an institution, the institution ceasing to exist;
 - (c) the holder of the badge ceasing to be a disabled person or, in the case of a badge issued to an institution, the institution ceasing to be eligible;
 - (d) a replacement badge issued under regulation 5 being subsequently found or recovered;
 - (e) the badge becoming so damaged or faded as to be no longer easily legible when displayed on a vehicle; or
 - (f) the badge being no longer required by the holder.
- (2) A disabled person's badge shall, within thirty days, be returned to the Director if the Director gives to the holder a written notice —
- (a) stating that the Director refuses to allow the badge to continue in use on account of convictions referred to in regulation 6(1)(a) and giving particulars of the convictions; or
 - (b) stating that the Director is satisfied that the badge was obtained by false representation.

- (3) The Director may take such action as may be appropriate to recover a disabled person's badge which the holder is liable to return under this regulation.

Manner in which a badge is to be displayed

8. A disabled person's badge shall —

- (a) be displayed on the dashboard or fascia of the vehicle; or
- (b) where the vehicle is not fitted with a dashboard or fascia, be displayed in any other position on the vehicle,

so that the front of the badge is clearly legible from the outside of the vehicle.

Display of a badge when a vehicle is being driven or parked

9. (1) A disabled person's badge shall be displayed on a vehicle —

- (a) while the holder is either driving or being carried in it;
- (b) while the vehicle is being used for the collection of the holder and no other purpose or if the vehicle, after being driven by or carrying the holder, is leaving the place where he got out; or
- (c) while it is parked, if it —
 - (i) has been driven by the holder, or has been used to carry the holder, to the place where it is parked; or
 - (ii) is to be driven by the holder, or is to be used to carry the holder, from that place.

(2) A disabled person's badge issued to an institution shall be displayed on a vehicle —

- (a) while it is being driven by or on behalf of the holder and is carrying a disabled person; or
- (b) while it is being driven by or on behalf of the holder and —
 - (i) the vehicle is being used for the collection of a disabled person and for no other purpose; or
 - (ii) the vehicle, after carrying a disabled person, is leaving the place where that person alighted from that vehicle; or
- (c) while it is parked, if it has been, or is to be, used by or on behalf of the holder for carrying a disabled person to or from the place where it is parked.



SCHEDULE

(Regulation 3)

SPECIFICATIONS FOR A DISABLED PERSON'S BADGE

1. The badge shall be -
 - (a) 3 ½ " x 10 ½ " (overall dimensions) in height;
 - (b) 2 1/8 " (overall dimensions) in width;
 - (c) the background on the front and reverse sides of the badge shall be coloured light blue and shall include a background of wheelchair symbols;
 - (d) the square box containing the wheelchair symbol and the rectangular box containing the country identifier shall be coloured dark blue; and
 - (e) all other boxes on the badge shall be coloured white.
2. A disabled person's badge issued to -
 - (a) a person with a permanent disability shall be blue in colour; and
 - (b) a person with a temporary disability shall be red in colour.

Made by the Governor in Cabinet the 29th day of August, 2012.

Kim Bullings
Clerk of the Cabinet.