

Government guidance on eligible disabilities

The Transport Act 2000 allows people with specific disabilities to receive travel concessions on local bus services. If you want a travel permit because you have one of the following disabilities, you must provide the appropriate evidence which is explained below.

Interpretation of the following eligibility categories is in accordance with statutory guidance issued by the Department of Transport (DfT) under section 146 of the Transport Act 2000. The DfT is of the opinion that the types of disability which should enable people to claim the statutory minimum are those which are permanent or which have lasted at least 12 months, or which are likely to last at least 12 months – and which have a substantial effect on a person's ability to carry out normal day-to-day activities.

People who are blind or partially sighted

Blind means having a high degree of vision loss i.e. seeing much less than is normal or perhaps nothing at all. Blind or partially sighted people may register with the council if they cannot see with glasses (if worn) the top letter of the eye test chart used by doctors and opticians at a distance of 3 metres or less.

Some people who can read the top letter of an eye chart at 3 metres but not at 6 metres may still be eligible for registration as blind if their field is also severely restricted. Only being able to read the top letter at 3 metres is sometimes referred to as 3/60 vision: the person can see at 3 metres what a person with normal vision can see at 60 metres.

'Partial sight' is a less severe loss of vision. Partially sighted people can see more than someone who is blind but less than a fully sighted person.

A person may be registered as partially sighted if they have a full field of vision but can only read the top letter of the eye test chart at a distance of 6 metres or less with glasses (if worn). However, if they can read the next three lines down at the same distance, but the field of vision is either moderately or severely restricted, they may still qualify for registration.

The DfT advises permits should be issued to people whose sight is so impaired that they would be able to register as blind or partially sighted. For both blind and partially sighted people, however, registration is voluntary. It is recognised that local authorities are unlikely to have the expertise to assess applicants. For the purposes of the travel concession local authorities may, where a person is not on the local authority blind and partially sighted register, require evidence that the applicant is registerable as blind or partially sighted from an eye specialist such as an optometrist.

People who are profoundly or severely deaf

Hearing loss is measured in decibels as dBHL (hearing level). People are generally regarded as having a severe hearing loss if it reaches 70-95 dBHL and a profound loss if it reaches 95+ dBHL. The DfT advises that the statutory minimum should be made available to people in these categories.

There is no statutory registration for deaf people. However, many will be registered on a voluntary basis with their local authority social services department. The register is open to people who have varying degrees of hearing loss, so in checking the register a local authority is advised to check that the applicant is profoundly or severely deaf.

Local authorities may, where appropriate, require applicants to show evidence of registration before issuing a permit or evidence that they are registrable. This might be an audiological report or a report from an aural specialist.

People without speech

People who are unable to communicate orally in any language will be:

Unable to make clear basic oral requests, for example, to ask for a particular destination or fare.

Unable to ask specific questions to clarify instructions, for example, 'Does this bus go to the High Street?'

This category would not, in the DfT's opinion, include people who are able to communicate orally but whose speech may be slow or difficult to understand because of a, for example, severe stammer.

In considering an application on these grounds the local authority may reasonably seek medical evidence to support the application in appropriate cases.

People who have a disability or have suffered an injury which has a substantial and long-term adverse effect on their ability to walk.

To simplify the assessment process, local authorities may wish to accept receipt of the following state benefits, which link eligibility to the ability to walk, as evidence of eligibility under this definition provided that the award of the benefit has been for at least 12 months:

Higher rate mobility component of disability living allowance (DLA)
War pensioner's mobility supplement.

Applicants claiming these benefits will be able to produce documentary evidence of their entitlement.

In assessing the eligibility of other applicants, local authorities will wish to consider:

Whether the applicant cannot walk for distances up to 100m without stopping, severe discomfort or help from another person

Whether a mobility aid such as a wheelchair, crutches, walking frame or stick is used.

It is envisaged that permits will be issued to people who can only walk with excessive labour and at an extremely slow pace or with excessive pain. In other words, the degree of disability should not fall far short of that required to qualify for the higher rate mobility.

People who do not have arms or have long-term loss of the use of both arms.

This category includes upper limb double amputees and those with congenital absence of both upper limbs.

In the DfT's opinion, it also covers both people with deformity of both arms and people who have both arms if in either case they are unable to use them to carry out day to day tasks, for example, paying coins into a fare machine. In these cases, the DfT advises a local authority should normally seek independent medical evidence to support the application.

People who have a learning disability i.e. a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning.

A person with a learning disability has a reduced ability to understand new or complex information, difficulty in learning new skills and may be unable to cope independently. These disabilities must have started before adulthood and have a lasting effect on development. The person should be able to qualify for specialist services and he or she may have had special educational provision.

The Department of Health adopted the term *learning disability* in 1992. It has the same meaning as *mental handicap* but it is seen as more acceptable, particularly in reducing the confusion with mental illness.

In determining eligibility in a case where there has been no previous contact with specialist services, a local authority should normally seek independent medical advice, or check any register of people with learning disabilities which might be held by the social services department of the applicant's local council.

People who if they applied for a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the grounds of persistent misuse of drugs or alcohol.

Under Section 92 of the Traffic Act 1988 the Secretary of State may refuse to issue a driving licence on the grounds of the applicant's medical fitness. Those barred from holding a licence are people with:

(i) uncontrolled epilepsy (ii) a severe mental disorder (iii) liability to sudden attacks of giddiness or fainting (whether as a result of cardiac disorder or otherwise) (iv) inability to read a registration plate in good light at 20.5 metres (v) other disabilities likely to cause the driving of vehicles by them to be a source of danger to the public.

It is not a condition of entitlement under this category that the disabled person should apply for and be refused a driving licence (which would be unduly burdensome for everyone involved). For people with any of the disabilities (ii) - (iv) listed above, the local authority can be confident a licence would be refused and should therefore be able to issue the travel pass automatically. For (i) epilepsy, the bar is not automatic and depends on the circumstances. The Motor Vehicles (Driving Licences) Regulations 1999 specify the conditions under which a person with epilepsy may be granted a driving licence.