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Net Zero, Energy and Transport Committee

Subordinate legislation considered by the Net Zero, Energy and Transport Committee on 1 November 2022



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Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport.



netzero.committee@parliament.scot

Committee Membership



Edward Mountain
Scottish Conservative
and Unionist Party



Deputy Convener
Fiona Hyslop
Scottish National Party



Natalie Don
Scottish National Party



Jackie Dunbar
Scottish National Party



Liam Kerr
Scottish Conservative
and Unionist Party



Monica Lennon
Scottish Labour



Mark Ruskell
Scottish Green Party

Introduction

1. At its [meeting on 1 November 2022](#), the Net Zero, Energy and Transport Committee considered the following instruments—
 - The Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022 [draft]
 - The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Order 2022 [draft]

The Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022 [draft]

2. The [Pavement Parking Prohibition \(Exemption Orders Procedure\) \(Scotland\) Regulations 2022 \[draft\]](#) were laid before the Parliament on 27 September 2022. The Regulations are subject to affirmative procedure. The draft instrument was referred to the Net Zero, Energy and Transport Committee for consideration.
3. The [Policy Note](#) accompanying the Regulations explains the Transport (Scotland) Act 2019 bans parking on the pavement, double parking and parking at dropped kerbs. The Act also confers powers to local authorities in order to enforce this but also provides them with exemption powers in certain circumstances.
4. This instrument outlines the process for local authorities to follow when issuing an exemption order, including requirements to consult and notify the public about exemptions.
5. At its meeting on 25 October 2022, the Delegated Powers and Law Reform Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.ⁱ [Read the Official Report for the meeting on 25 October 2022.](#)
6. It is for the Net Zero, Energy and Transport Committee to recommend to the Parliament whether the Regulations should be approved.
7. The Minister for Transport, Jenny Gilruth MSP, lodged motion [S6M-06081](#), which recommended the Committee to approve the Regulations.
8. At its meeting on 1 November 2022, the Committee took evidence on the draft Regulations from—
 - Jenny Gilruth, Minister for Transport, Scottish Government;
 - Elise McIntyre, Principal Legal Officer, Scottish Government; and
 - Donald Morrison, Head of Asset Management and Procurement, Transport Scotland.
9. In her opening remarks, the Minister stated the implementation of the Regulations will ensure local authorities are able to make informed decisions about the use of exemption orders and would allow them to complete their road assessment process to deliver improvements for pedestrians and road users.ⁱⁱ
10. Edward Mountain MSP asked the Minister under what conditions vehicles parked on walkways were not prohibited under the 2019 Act. Officials said in certain cases vehicles are allowed to be parked on walkways but must provide sufficient width to

ⁱ Delegated Powers and Law Reform Committee, Official Report, 25 October 2022, Col 27.

ⁱⁱ Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Cols 2-3.

enable 1.5 metres in order for them to remain passable for pedestrians.ⁱⁱⁱ

11. Edward Mountain MSP asked the Minister to confirm which dropped kerbs as defined in the Transport (Scotland) Act 2019 would require exemption orders. Officials said all dropped kerbs would require an exemption order with the exception of those lowered for accessing a driveway or garage.^{iv}
12. Mark Ruskell MSP asked the Minister if councils would be expected to bring together all of its exemptions into one hearing, or if multiple hearings could be held within different parts of a council area. The Minister said that it would be for local authorities to determine how hearings processes would work best in their local areas.^v
13. Mark Ruskell MSP asked how local authorities had been progressing the implementation of new pavement parking regulations and if councils had carried out associated work in other areas such as the designation of loading bays. The Minister said local authorities were at different stages of the implementation process, but had a 12 month period to do this. The Minister also confirmed the Scottish Government had provided £2.4 million of funding to local authorities in relation to signing and lining.^{vi}
14. Monica Lennon MSP asked how the Scottish Government has been progressing its national information campaign around parking prohibitions and what role the Minister envisages local authorities playing with regards to messaging. The Minister said preparations around the campaign were now underway. The Minister also stated local authorities had an important role in carrying out messaging in their local areas to promote the changes to parking laws.^{vii}
15. Liam Kerr MSP asked if the Minister was aware of any financial implications for local authorities resulting from the implementation of the new procedures specified in the Regulations. The Minister said it was difficult to accurately predict future costs because local authorities were at different stages of consulting and implementing their assessment processes.^{viii}
16. The evidence taken and debate held at that meeting on this instrument can be found in the Official Report. [Read the Official Report for the meeting on 1 November 2022.](#)
17. Following the evidence session, the Minister moved motion S6M-06081—

That the Net Zero, Energy and Transport Committee recommends that the Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022 [draft] be approved.
18. The motion was agreed to.

ⁱⁱⁱ Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Col 4.

^{iv} Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Col 5.

^v Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Col 5.

^{vi} Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Col 6.

^{vii} Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Cols 7-8.

^{viii} Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Cols 7-8.

The Net Zero, Energy and Transport Committee recommends that the Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022 [draft] be approved.

The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Order 2022 [draft]

19. The [Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(No. 3\) Order 2022 \[draft\]](#) was laid before the Parliament on 21 September 2022. The Order is subject to affirmative procedure. It was referred to the Net Zero, Energy and Transport Committee for consideration.
20. The [Explanatory Memorandum](#) accompanying the Order explains the UK Emissions Trading Scheme (UK ETS) is a new UK-wide scheme set up following EU-exit to deliver cost-effective emissions reductions. This instrument amends the UK ETS to include flights from Great Britain to Switzerland as part of the UK's allocated allowance for emissions from aviation activity from 1 January 2023 onwards.
21. At its meeting on 4 October 2022, the Delegated Powers and Law Reform Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.^{ix} [Read the Official Report for the meeting on 4 October 2022.](#)
22. It is for the Net Zero, Energy and Transport Committee to recommend to the Parliament whether the Order should be approved.
23. The Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson MSP, lodged motion [S6M-06005](#), which recommended the Committee to approve the Order.
24. At its meeting on the 1 November 2022, the Committee took evidence on the draft Order from—
 - Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport, Scottish Government;
 - Mariana Cover, Senior Policy Advisor, Carbon Markets and ETS, Scottish Government; and
 - Lucy Geoghegan, Head of Carbon Pricing and ETS Unit, Scottish Government.
25. In his opening remarks, the Cabinet Secretary stated the amendments included in the Order would ensure the proper functioning of the UK ETS in accordance with the UK's climate change and net-zero objectives. The Cabinet Secretary also confirmed all parties to the UK ETS have laid the draft Orders before their respective legislatures in order to deliver consistency across all Administrations.^x
26. Mark Ruskell MSP asked the Cabinet Secretary what the practical impacts have been from the exclusion of flights from UK to Switzerland up to this point. The Cabinet Secretary said the effects were minor due to the relatively small number of

^{ix} Delegated Powers and Law Reform Committee, Official Report, 4 October 2022, Col 56.

^x Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Col 11.

flights between the two countries and because prior to the UK leaving the EU this aviation activity was covered by the EU ETS.^{xi}

27. The evidence taken and debate held at that meeting on this instrument can be found in the Official Report. [Read the Official Report for the meeting on 1 November 2022](#)
28. Following the evidence session, the Cabinet Secretary moved motion S6M-06005—

That the Net Zero, Energy and Transport Committee recommends that the Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Order 2022 [draft] be approved.
29. The motion was agreed to.

The Net Zero, Energy and Transport Committee recommends that the Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Order 2022 [draft] be approved.

^{xi} Net Zero, Energy and Transport Committee, *Official Report*, 1 November 2022, Col 12.

