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## **Net Zero, Energy and Transport Committee**

# **Net Zero, Energy and Transport Committee report on The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 [draft]**



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# Contents

<b>Introduction</b>	<b>1</b>
<b>Consideration by the Delegated Powers and Law Reform (DPLR) Committee</b>	<b>2</b>
<b>Consideration by the Net Zero, Energy and Transport Committee</b>	<b>3</b>
Enforcement	3
Exemptions	4
Public Awareness	5
<b>Conclusion</b>	<b>6</b>

# Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition; on matters relating to land reform, natural resources and peatland, Scottish Land Commission; Crown Estate Scotland, and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands; and on matters relating to energy within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy.



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# Committee Membership



**Convener**  
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Scottish Conservative  
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**Deputy Convener**  
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**Bob Doris**  
Scottish National Party



**Jackie Dunbar**  
Scottish National Party



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Scottish Labour



**Douglas Lumsden**  
Scottish Conservative  
and Unionist Party



**Mark Ruskell**  
Scottish Green Party

# Introduction

1. [The Parking Prohibitions \(Enforcement and Accounts\) \(Scotland\) Regulations 2023](#)[draft] was laid before Parliament on 2 October 2023 and is subject to the affirmative procedure. The draft instrument was referred to the Net Zero, Energy and Transport Committee for consideration.
2. It is for the Net Zero, Energy and Transport Committee to recommend to the Scottish Parliament whether the draft Regulations should be approved. The Minister for Transport lodged motion [S6M-10704](#) which recommended the Committee approve the instrument.
3. The draft Regulations relate to Part 6 of the [Transport \(Scotland\) Act 2019](#) ('the 2019 Act') regarding parking prohibitions. In particular, the Act makes provisions which restrict the use of pavement parking, double parking and parking at a dropped footway. The [Policy Note](#) accompanying the draft Regulations say the purpose of the instrument is to "make detailed provision for the process a local authority should follow when enforcing the new parking prohibitions created by the Transport (Scotland) Act 2019".

# Consideration by the Delegated Powers and Law Reform (DPLR) Committee

4. At its meeting on 24 October 2023, the DPLR 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. [Read the Official Report – 24 October 2023](#).

# Consideration by the Net Zero, Energy and Transport Committee

5. At its meeting on 14 November 2023, the Committee took evidence on the draft Regulations from—
  - Fiona Hyslop MSP, Minister for Transport, Scottish Government;
  - Elise McIntyre, Principal Legal Officer, Scottish Government;
  - Fred O'Hara, Head of Road Policy, Transport Scotland.
6. The evidence taken and debate held at that meeting regarding this instrument can be found in the Official Report.

[Read the Official Report - 14 November 2023](#)

7. In her opening remarks, the Minister said:

”the Regulations and the subsequent parking standards guidance, which will go hand in hand with the Regulations, are needed to provide local authorities with a procedure to follow when enforcing the parking prohibitions and will be in line with the powers that are provided in the 2019 Act”<sup>i</sup>

## Enforcement

8. The Committee explored the circumstances by which a fixed penalty notice would be issued to the vehicle operator, not the owner of the vehicle. A Scottish Government official said the penalty charge would normally go to the registered keeper of the vehicle, however there were certain situations whereby the operator would be liable for the fine.<sup>ii</sup>
9. The Committee questioned to what extent local authorities should be pursuing a consistent approach to enforcement. The Minister said individual local authorities were best placed to judge the level of enforcement required in their localities. She added that this was why the Scottish Government have enabled local authorities to have discretion in how they use their enforcement powers.<sup>iii</sup>
10. The Committee explored the funding provision for enforcing parking prohibition measures. The Minister said the Scottish Government was working with partners including Society of Chief Officers of Transportation in Scotland and local authorities to discuss funding arrangements.<sup>iv</sup>
11. The Committee probed if all administrative work will be finished before the Regulations come into force. The Minister said it was up to local authorities to

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<sup>i</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 3.

<sup>ii</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 6.

<sup>iii</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , cols 7-8.

<sup>iv</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 9.



ascertain the amount of work required to get their operations up and running.<sup>v</sup>

12. The Committee explored whether local authorities would be taking a more lenient approach to enforcement when the prohibitions first come into force. A Scottish Government official said many local authorities were enacting a 'soft launch campaign' which involves placing educational leaflets on windscreens to raise awareness. He added that once the Regulations come into force local authorities will begin altering their approaches by using fixed penalty notices.<sup>vi</sup>
13. The Committee asked what guidance local authorities would receive about assessing the impact of inconsiderate parking on quality of life when taking enforcement decision. The Minister explained that discussions are taking place with local authorities regarding new guidance on parking standards. She added that this issue would be looked into as part of Scottish Government's considerations on the guidance.<sup>vii</sup>

## Exemptions

14. The designation of exemption zones for pavement parking was explored by the Committee at this meeting. Exemptions are not directly relevant to the instrument considered at this meeting but form part of the overall picture on pavement parking prohibitions. The Committee also considered [Regulations](#) on the design of the procedure for local authorities to issue exemption orders at its meeting on 1 November 2022. This discussion provided an opportunity for the Committee to question the Minister on how these Regulations are now being implemented.
15. The Committee asked if Ministerial directions had been issued to local authorities for the exemptions process. The Minister said there is ongoing engagement between Transport Scotland officials and local authorities. She added that some local authorities are further ahead than others in setting up their exemptions processes. A Scottish Government official said an update will shortly be sought from local authorities on the status of their exemptions regimes.<sup>viii</sup>
16. The Committee questioned if there was sufficient time for local authorities to establish their exemption zones before new Regulations come into force in December. A Scottish Government official said local authority are expected to utilise funding provided to them to help identify exemption zones in their local areas.<sup>ix</sup>
17. The Committee discussed the exemption of designated bays for pavement parking and whether this was sufficiently regulated. The Minister said it "it would be a common sense approach for a local authority to determine in its own local area whether it has such bays and what it needs".<sup>x</sup>

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v Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 11.

vi Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 11.

vii Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , cols 12-13.

viii Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , cols 2-3.

ix Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 3.

x Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 6.

18. The Committee sought confirmation that dropped kerbs in loading bays outside business premises were not subject to parking prohibitions. A Scottish Government official confirmed this assertion was accurate.<sup>xi</sup>

## Public Awareness

19. The Committee queried how members of the public could access information about exemption zones in their local areas. The Minister said individual local authorities are tasked with advertising the exemptions process in their constituencies. The Committee probed whether any local authorities have now fully established their exemptions regime. A Scottish Government official said local authorities are moving forward but none have so far completed the process.<sup>xii</sup>
20. The Committee discussed how public awareness activities would improve behaviour change. The Minister said she was keen to undertake a marketing campaign to help the public understand the various issues associated with inconsiderate parking and what their obligations are. She added that it was for local authorities to tailor the messaging in their localities on how the measures will be enforced.<sup>xiii</sup>
21. The Committee asked if marketing campaigns around parking prohibitions will be targeting businesses alongside the general public. The Minister said the Scottish Government has continuously engaged with stakeholders about the Regulations. She explained that the marketing campaign would be undertaken on a national level, but she expected local authorities would work with affected businesses where new measures are being introduced on their streets.<sup>xiv</sup>

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<sup>xi</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 7.

<sup>xii</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , cols 9-10.

<sup>xiii</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , col 11.

<sup>xiv</sup> Net Zero, Energy and Transport Committee. [Official Report, 14 November 2023](#) , cols 13-14.

## Conclusion

22. Following the conclusion of evidence taking, the Minister moved motion S6M-10704 in her name—

That the Net Zero, Energy and Transport Committee recommends that the Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 [draft] be approved.

23. The motion was agreed to without debate or division.

The Net Zero, Energy and Transport Committee recommends that the Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 [draft] be approved.

