

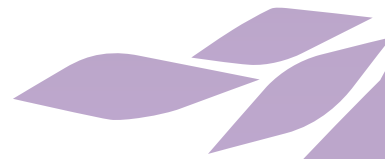


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Rural Economy and Connectivity Committee Comataidh Eaconomaidh Dùthchail is Co- cheangailteachd

Legislative Consent Memorandum on the Parking (Code of Practice) Bill (LCM(S5)13)



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Rural Economy and Connectivity Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Economy and Connectivity.



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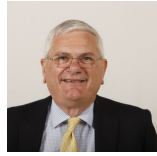
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Executive Summary

1. This report details the Rural Economy and Connectivity Committee's consideration of the Legislative Consent Memorandum on the Parking (Code of Practice) Bill and its agreement to —
 - recommend to the Parliament that it approves the Legislative Consent Memorandum on this Bill; and
 - recommend to the Parliament that it agrees the associated draft motion put forward by the Cabinet Secretary for Rural Economy and Connectivity as follows:
 - ” That the Parliament agrees that the relevant provisions of the Parking (Code of Practice) Bill, introduced in the House of Commons on 19 July 2017, relating to private parking, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

Background

2. The [Parking \(Code of Practice\) Bill](#) was introduced into the House of Commons on 19 July 2017, and had its second reading in the House of Commons on 2 February 2018.
3. The purpose of the Bill as set out in the [Legislative Consent Memorandum \(LCM\)](#) is as follows —
 - ” to improve the operation and management of private parking companies by regulating how they enforce parking.
4. The Bill seeks to deliver that purpose by requiring the Secretary of State to prepare a code of practice on private parking. The code of practice will provide guidance on the operation and management of private parking and guidance on appeals against parking charges. Failure to comply with the Code will inform the Secretary of State's decisions about whether an organisation can become, or remain, an Accredited Parking Association, and whether or not disclose vehicle keeper information for enforcement purposes.
5. The Bill consists of 11 clauses and all of the Bill extends to Scotland. The majority make provision on devolved matters, with only a few clauses relating to reserved matters. The areas of the Bill where the consent of the Scottish Parliament is required relate to:
 - Provisions on the code of practice of private parking (the code itself, consultation, review and revision, publication and effect). (Clauses 1, 2, 3, 4 and 5)
 - The ability for Scottish Minister, with agreement by the Secretary of State, to alter the code to address Scottish specific issues. (Clause 6)
 - A levy to cover the administration and investigation cost of breaches of the code. This will be an annual levy payable by Accredited Trade Associations. (Clause 7)
6. The Scottish Parliament's legislative competence and the executive competence of Scottish Ministers will not be altered by this Bill.

Scrutiny of the Legislative Consent Memorandum

7. The Cabinet Secretary for the Rural Economy and Connectivity, Fergus Ewing lodged LCM(S5)13 on 5 March 2018. The associated draft motion which will be lodged by the Cabinet Secretary is —
 - ” That the Parliament agrees that the relevant provisions of the Parking (Code of Practice) Bill, introduced in the House of Commons on 19 July 2017, relating to private parking, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.
8. The memorandum was referred to the Rural Economy and Connectivity Committee as lead committee by the Parliamentary Bureau on 13 March 2018. The remit of Delegated Powers and Law Reform Committee was not engaged.
9. As part of its scrutiny of the LCM, the Committee took evidence from the Minister for Transport and Islands and his officials on 16 May 2018. The Committee asked a range of questions of the Minister around access to vehicle keeper information and related data protection issues; whether a separate Scottish Bill would be a more appropriate approach; the impact of the Bill on wheel clamping and parking charges; powers to delegate in the Bill; and the interaction with Murdo Fraser MSP's Proposed Regulation of Privately-Operated Car Parks (Scotland) Bill.
10. Full details of the Committee's discussion of the LCM can be viewed in the Official Report of its meeting on 16 May 2018. <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/99825.aspx>

Recommendation

11. The Committee has considered the LCM on the Parking (Code of Practice) Bill and arrived at the following recommendations —

The Committee recommends to Parliament that it approves the Legislative Consent Memorandum on this Bill.

The Committee further recommends to Parliament that it agrees the associated draft motion put forward by the Cabinet Secretary for the Rural Economy and Connectivity .

