

# **DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009**

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## **EXPLANATORY NOTES**

### **SUMMARY OF AND BACKGROUND TO THE ACT**

3. The Act will lead to all disabled street parking places becoming enforceable. The general approach of the Act is to impose a duty on local authorities, in particular circumstances, to exercise its power to make a particular kind of order under either section 45 (street parking places) or section 35 (off-street parking places) of the Road Traffic Regulation Act 1984 (the 1984 Act). The Act does not amend the 1984 Act itself in any way. These kinds of orders which the local authorities are to be required to make are already open to them under the 1984 Act. The powers under the 1984 Act are not affected; rather, this Act separately imposes a duty to exercise those powers in particular circumstances. Once the duty under this Act is triggered, the provision as to procedure and enforcement etc. is that applicable under the 1984 Act.
4. The Act requires local authorities to identify all existing advisory disabled street parking places<sup>1</sup> and, for those still needed, to promote orders. For those that are no longer required then the Act requires the local authority to remove any road markings or sign posts. In relation to disabled off-street parking, local authorities will be required to promote an order covering the disabled persons' parking places in its own public car parks. The Act also requires each local authority to contact and seek to negotiate arrangements with owners of, or person having an interest in, private car parks including supermarkets and out of town retail centres. Securing an arrangement would enable the local authority to promote an order to make the disabled persons' parking places in private car parks enforceable.
5. The Act also prevents any further advisory disabled street parking places being created. It enables temporary advisory disabled street parking places to be created while an order is being promoted in relation to that parking place.
6. A requirement is placed on local authorities to report to the Scottish Ministers on their performance in relation to their functions and duties under the Act. The Scottish Ministers are required to collate this information and report to the Scottish Parliament on the overall performance of local authorities.

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<sup>1</sup> See paragraphs 12 to 18 of Policy Memorandum