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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 95**

**TRIBUNALS AND INQUIRIES**

**The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020**

*Made* - - - - *24th March 2020*  
*Coming into force* - - *1st April 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 20(2), 28(2), 79(1) and paragraph 1(1) of schedule 2 of the Tribunals (Scotland) Act 2014<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 11(1)(a) and (b) of that Act, the Scottish Ministers have obtained the Lord President's approval and have consulted such other persons as they considered appropriate.

In accordance with section 79(2)(a) and (b) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 and come into force on 1 April 2020.

**Interpretation**

2. In these Regulations—

“the 1991 Act” means the Road Traffic Act 1991<sup>(2)</sup>,

“the 2014 Act” means the Tribunals (Scotland) Act 2014,

“First-tier Tribunal” means the First-tier Tribunal for Scotland,

“parking adjudicator” (except insofar as the context otherwise requires in regulation 5) means a person who is appointed as a parking adjudicator under section 73(3) of the 1991 Act, and

“penalty charge” has the meaning given by section 66 of the 1991 Act.

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(1) 2014 asp 10.  
(2) 1991 c.40.

### **Transfer of functions of parking adjudicators to the First-tier Tribunal**

3. The functions exercised by parking adjudicators by virtue of section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act are transferred to the First-tier Tribunal with allocation to the General Regulatory Chamber(3).

### **Transfer of parking adjudicators to the First-tier Tribunal**

4.—(1) Parking adjudicators are transferred to and become legal members of the First-tier Tribunal.

(2) Parking adjudicators transferred to the First-tier Tribunal under paragraph (1) are (subject to the provisions of the 2014 Act) to be members of the First-tier Tribunal in accordance with such terms and conditions of appointment as the Scottish Ministers may determine, which are to supersede any existing terms and conditions of appointment in effect prior to 1 April 2020.

(3) Paragraph (1) does not apply to any parking adjudicator if the parking adjudicator has already been transferred to and is a member of the First-tier Tribunal by virtue of regulations made under section 28(2) of the 2014 Act which were in force prior to these Regulations coming into force.

### **Abolition of the office of parking adjudicator**

5. The office of parking adjudicator (created by section 73 of the 1991 Act) is abolished.

### **Transitional and saving provisions**

6. Schedule 1 which contains transitional and saving provisions has effect.

### **Consequential amendments**

7. Schedule 2 which contains consequential amendments has effect.

### **Revocations**

8. Schedule 3 which contains revocations has effect.

St Andrew's House,  
Edinburgh  
24th March 2020

*ASH DENHAM*  
Authorised to sign by the Scottish Ministers

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(3) The General Regulatory Chamber of the First-tier Tribunal for Scotland was brought into being by [S.S.I. 2016/341](#).

## SCHEDULE 1

Regulation 6

### Transitional and saving provisions

#### **Representations, appeals and proceedings in progress before parking adjudicators immediately prior to 1 April 2020 to transfer to the First-tier Tribunal**

1. Any representation or appeal to a parking adjudicator in progress or pending immediately prior to 1 April 2020 not yet determined and any proceedings before a parking adjudicator in progress or pending immediately prior to that date must be transferred to and must be completed by the First-tier Tribunal but with so far as possible the same person hearing and determining the case before the First-tier Tribunal as a member of that Tribunal as was prior to 1 April 2020 hearing the case as a parking adjudicator.

#### **Decisions, directions and orders of parking adjudicators to continue in force**

2. Any decision (whether or not called a decision), direction or order given or made in, or in respect of a representation or appeal to, any proceedings before a parking adjudicator which is given or made immediately prior to 1 April 2020 remains in force on and after that date as if it were a decision, direction or order of the First-tier Tribunal.

#### **Time limits in respect of representations and appeals to, and proceedings before, parking adjudicators to carry over to the First-tier Tribunal**

3. Any time limit which has started to run prior to 1 April 2020 in respect of a representation, appeal or proceedings before a parking adjudicator (and which has not expired) continues to apply where representations, appeals or proceedings are transferred to the First-tier Tribunal.

#### **Unexercised right of review if exercised, is a right of review by the First-tier Tribunal**

4. Where in respect of a decision of a parking adjudicator prior to 1 April 2020, there lies a right to apply for review which has not been exercised prior to that date, but is still exercisable, any application for review on or after 1 April 2020 is to be to the First-tier Tribunal as if the decision has been made by the First-tier Tribunal and the review is to be a review under section 43 of the 2014 Act.

#### **Exercised right of review is a right of review by the First-tier Tribunal**

5. Where in respect of a decision of a parking adjudicator prior to 1 April 2020, there lies a right of review, which has been exercised prior to that date, the review is to be completed by the First-tier Tribunal as if the application for a review were a request for a review under section 43 of the 2014 Act.

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## SCHEDULE 2

Regulation 7

## Consequential amendments of secondary legislation

**Road Traffic (Permitted Parking Area and Special Parking Area) (Falkirk Council) Designation Order 2018**

1.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Falkirk Council) Designation Order 2018<sup>(4)</sup> is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(5)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”,

(b) after paragraph 3 insert—

“3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier Tribunal in relation to decisions under section 71”.”,

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service<sup>(6)</sup>—

<sup>(4)</sup> S.S.I. 2018/279.

<sup>(5)</sup> 1992 c.53.

<sup>(6)</sup> The Scottish Courts and Tribunals Service was established by section 60 of the Judiciary and Courts (Scotland) Act 2008 (2008 asp 6).

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- (a) for the provision of all accommodation and administrative staff and facilities; and
  - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.””
- (iv) for sub-paragraph (11) substitute—
  - “(11) In subsection (17)—
    - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
    - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
    - (c) for “him” substitute “their”.”
  - (v) in sub-paragraph (12), after head (b) insert—
    - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.”
  - (vi) after sub-paragraph (12) insert—
    - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.”
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
  - (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”; and”,
  - (ii) in sub-paragraph (6)—
    - (aa) omit “and” in sub-head (i) of head (a),
    - (bb) after sub-head (i) of head (a) insert—
      - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”, and
    - (cc) omit heads (b) and (c),

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- (iii) in sub-paragraph (7)—
  - (aa) omit “and” in head (a),
  - (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
- (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018**

2.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018(7) is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(8) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.

(b) after paragraph 3 insert—

“3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier Tribunal in relation to decisions under section 71”.

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”.

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(7) S.S.I. 2018/60.

(8) 1992 c.53.

- (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
- (iii) for sub-paragraph (4) substitute—
  - “(4) After subsection (3) insert—
    - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
      - (a) for the provision of all accommodation and administrative staff and facilities; and
      - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
- (iv) for sub-paragraph (11) substitute—
  - “(11) In subsection (17)—
    - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
    - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
    - (c) for “him” substitute “their”.
- (v) in sub-paragraph (12), after head (b) insert—
  - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
- (vi) after sub-paragraph (12) insert—
  - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
  - (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”; and”,
  - (ii) in sub-paragraph (6)—
    - (aa) omit “and” in sub-head (i) of head (a);

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- (bb) after sub-head (i) of head (a) insert—
  - “(i) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”;
- (cc) omit heads (b) and (c);
- (iii) in sub-paragraph (7)—
  - (aa) omit “and” in head (a);
  - (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
- (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (North Lanarkshire Council) Designation Order 2017**

**3.—**(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (North Lanarkshire Council) Designation Order 2017<sup>(9)</sup> is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(10)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.

(b) after paragraph 3 insert—

**“3A.—**(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

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<sup>(9)</sup> S.S.I. 2017/342.

<sup>(10)</sup> 1992 c.53.



- (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”,
- (c) in paragraph 4—
- (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”,
  - (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—
    - “(4) After subsection (3) insert—
      - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
        - (a) for the provision of all accommodation and administrative staff and facilities; and
        - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”,
  - (iv) for sub-paragraph (11) substitute—
    - “(11) In subsection (17)—
      - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
      - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
      - (c) for “him” substitute “their”.”,
  - (v) in sub-paragraph (12), after head (b) insert—
    - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.”,
  - (vi) after sub-paragraph (12) insert—
    - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.”.
- (d) in paragraph 6(2)—
- (i) before the entry relating to “hiring agreement” insert ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
- (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(a) for “a parking adjudicator’s”, wherever it occurs, substitute “the First-tier Tribunal;”, and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—

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- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
  - (ii) for “costs” substitute “expenses”; and
  - (iii) for “him” substitute “it”; and”,
- (ii) in sub-paragraph (6)—
- (aa) omit “and” in sub-head (i) of head (a),
  - (bb) after sub-head (i) of head (a) insert—
    - “(ia) for “a parking adjudicator”, substitute “the First-tier Tribunal”; and”, and
  - (cc) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
- (aa) omit “and” in head (a),
  - (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
- (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.

**Road Traffic (Permitted Parking Area and Special Parking Area) (Stirling Council) Designation Order 2017**

4.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Stirling Council) Designation Order 2017(11) is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(12) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”,

(b) after paragraph 3 insert—

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(11) S.S.I. 2017/82.

(12) 1992 c.53.

- “3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.
- (2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.
- (3) Omit subsections (2) and (3).
- (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.
- (c) in paragraph 4—
- (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”.
- (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
- (iii) for paragraph (4) substitute—
- “(4) After subsection (3) insert—
- “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
- (a) for the provision of all accommodation and administrative staff and facilities; and
- (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
- (iv) for sub-paragraph (11) substitute—
- “(11) In subsection (17)—
- (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
- (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
- (c) for “him” substitute “their”.
- (v) in sub-paragraph (12), after head (b) insert—
- “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
- (vi) after sub-paragraph (12) insert—
- “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
- (i) before the entry relating to “hiring agreement” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
- (ii) at the end of the entry relating to “prescribed” omit “and”,
- (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
- (iv) after the entry relating to “traffic commissioner” insert—
- ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
- (i) in sub-paragraph (5)—

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- (aa) after head (a) insert—
  - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”,” and
- (bb) for head (b) substitute—
  - “(b) in subparagraph (b)—
    - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
    - (ii) for “costs” substitute “expenses”; and
    - (iii) for “him” substitute “it”; and”,
- (ii) in sub-paragraph (6)—
  - (aa) omit “and” in sub-head (i) of head (a),
  - (bb) after sub-head (i) of head (a) insert—
    - “(ia) for “a parking adjudicator” substitute “First-tier Tribunal” and”, and
  - (cc) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
  - (aa) omit “and” in head (a),
  - (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
  - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

**Road Traffic (Permitted Parking Area and Special Parking Area) (Angus Council) Designation Order 2017**

5.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Angus Council) Designation Order 2017(13) is amended in accordance with sub-paragraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(14) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

- (a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

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(13) S.S.I. 2017/79.

(14) 1992 c.53.

- (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
- (b) in paragraph (b)—
  - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
  - (ii) “costs” substitute “expenses”; and
  - (iii) for “him” substitute “it”.
- (b) after paragraph 3 insert—

“**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

  - (2) In subsection (1) for “a parking adjudicator” wherever it occurs substitute “the First-tier Tribunal”.
  - (3) Omit subsections (2) and (3).
  - (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.
- (c) in paragraph 4—
  - (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;
  - (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

    - (a) for the provision of all accommodation and administrative staff and facilities; and
    - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
  - (iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

    - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
    - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
    - (c) for “him” substitute “their”.
  - (v) in sub-paragraph (12), after head (b) insert—

“(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
  - (vi) after sub-paragraph (12) insert—

“(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—

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- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
- (ii) at the end of the entry relating to “prescribed” omit “and”,
- (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
- (iv) after the entry relating to “traffic commissioner” insert—
- ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
- (i) in sub-paragraph (5)—
- (aa) after head (a) insert—
- “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and
- (bb) for head (b) substitute—
- “(b) in subparagraph (b)—
- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”; and”,
- (ii) in paragraph (6)—
- (aa) omit “and” in sub-head (i) of head (a),
- (bb) after sub-head (i) of head (a) insert—
- “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”, and
- (cc) omit heads (b) and (c),
- (iii) in paragraph (7)—
- (aa) omit “and” in head (a),
- (bb) in head (b) for “.” substitute “;”, and
- (cc) after head (b) insert—
- “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
- (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
- (iv) in paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
- (a) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (East Lothian Council) Designation Order 2016**

**6.—**(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (East Lothian Council) Designation Order 2016(15) is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

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(15) S.S.I. 2016/407.

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(16) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”.

(b) after paragraph 3 insert—

“3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”.

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”.

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”.

(iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

(a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;

(b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and

(c) for “him” substitute “their”.”.

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- (v) in sub-paragraph (12), after head (b) insert—
  - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.”,
- (vi) after sub-paragraph (12) insert—
  - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
  - (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal;””, and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”; and”,
    - (ii) in sub-paragraph (6)—
      - (aa) omit “and” in sub-head (i) of head (a),
      - (bb) after sub-head (i) of head (a) insert—
        - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal; and”, and
      - (cc) omit heads (b) and (c),
    - (iii) in sub-paragraph (7)—
      - (aa) omit “and” in head (a),
      - (bb) in head (b) for “.” substitute “;”, and
      - (cc) after head (b) insert—
        - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
        - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
      - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
  - (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
    - (a) omit paragraph 6.



## **Road Traffic (Permitted Parking Area and Special Parking Area) (Highland Council) Designation Order 2016**

7.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Highland Council) Designation Order 2016<sup>(17)</sup> is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(18)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”,

(b) after paragraph 3 insert—

“**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”,

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”,

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(b) in relation to the remuneration and expenses of legal members,

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<sup>(17)</sup> S.S.I. 2016/245.

<sup>(18)</sup> 1992 c.53.

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required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”,

(iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

(a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;

(b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and

(c) for “him” substitute “their”.”,

(v) in sub-paragraph (12), after head (b) insert—

“(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.”,

(vi) after sub-paragraph (12) insert—

“(13) The heading of the section becomes “Parking Authority Costs and Administration”.”,

(d) in paragraph 6(2)—

(i) before the entry relating to “hiring agreement” insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,

(ii) at the end of the entry relating to “prescribed” omit “and”,

(iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and

(iv) after the entry relating to “traffic commissioner” insert—

““Upper Tribunal” means the Upper Tribunal for Scotland;”,

(e) in paragraph 7—

(i) in sub-paragraph (5)—

(aa) after head (a) insert—

“(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and

(bb) for head (b) substitute—

“(b) in subparagraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”; and”,

(ii) in sub-paragraph (6)—

(aa) omit “and” in sub-head (i) of head (a),

(bb) after sub-head (i) of head (a) insert—

“(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”, and

(cc) omit heads (b) and (c),

(iii) in sub-paragraph (7)—

(aa) omit “and” in head (a),

- (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
  - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
- (a) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (Inverclyde Council) Designation Order 2014**

**8.—**(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Inverclyde Council) Designation Order 2014<sup>(19)</sup> is amended in accordance with sub-paragraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(20)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

- (a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

- (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

- (b) in paragraph (b)—

- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”.

- (b) after paragraph 3 insert—

**“3A.—**(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.

- (c) in paragraph 4—

- (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”.

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<sup>(19)</sup> S.S.I. 2014/169.

<sup>(20)</sup> 1992 c.53.

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- (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—
    - “(4) After subsection (3) insert—
      - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
        - (a) for the provision of all accommodation and administrative staff and facilities; and
        - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
  - (iv) for sub-paragraph (11) substitute—
    - “(11) In subsection (17)—
      - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
      - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
      - (c) for “him” substitute “their”.
  - (v) in sub-paragraph (12), after head (b) insert—
    - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
  - (vi) after sub-paragraph (12) insert—
    - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
- (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
- (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”; and”,
  - (ii) in sub-paragraph (6)—

- (aa) omit “and” in sub-head (i) of head (a),
- (bb) after sub-head (i) of head (a) insert—
  - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
- (cc) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
  - (aa) omit “and” in head (a),
  - (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
  - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

#### **Road Traffic (Permitted Parking Area and Special Parking Area) (Argyll and Bute Council) Designation Order 2014**

**9.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Argyll and Bute Council) Designation Order 2014(**21**) is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(**22**) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.

(b) after paragraph 3 insert—

**“3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

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(21) S.S.I. 2014/84.

(22) 1992 c.53.

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- (2) In subsection (1) for “a parking adjudicator” in both places where it appears substitute “the First-tier Tribunal”.
- (3) Omit subsections (2) and (3).
- (4) The heading of the section becomes “Appeals to the First-tier Tribunal in relation to decisions under section 71”.
- (c) in paragraph 4—
  - (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”.
  - (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—
    - “(4) After subsection (3) insert—
      - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
        - (a) for the provision of all accommodation and administrative staff and facilities; and
        - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
  - (iv) for sub-paragraph (11) substitute—
    - “(11) In subsection (17)—
      - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
      - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
      - (c) for “him” substitute “their”.
  - (v) in sub-paragraph (12), after head (b) insert—
    - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
  - (vi) after sub-paragraph (12) insert—
    - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
  - (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—

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- “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”,”, and
- (bb) for head (b) substitute—
  - “(b) in subparagraph (b)—
    - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
    - (ii) for “costs” substitute “expenses”; and
    - (iii) for “him” substitute “it”; and”,
  - (ii) in sub-paragraph (6)—
    - (aa) omit “and” in sub-head (i) of head (a),
    - (bb) after sub-head (i) of head (a) insert—
      - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”,
    - (cc) omit heads (b) and (c),
  - (iii) in sub-paragraph (7)—
    - (aa) omit “and” in head (a),
    - (bb) in head (b) for “.” substitute “;”, and
    - (cc) after head (b) insert—
      - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
      - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
    - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (East Dunbartonshire Council) Designation Order 2013**

10.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (East Dunbartonshire Council) Designation Order 2013<sup>(23)</sup> is amended in accordance with subparagraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(24)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—
  - (a) for paragraph 3(4) substitute—
    - “(4) In subsection (8)—

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<sup>(23)</sup> S.S.I. 2013/311.

<sup>(24)</sup> 1992 c.53.

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- (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
- (b) in paragraph (b)—
  - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
  - (ii) for “costs” substitute “expenses”; and
  - (iii) for “him” substitute “it”.
- (b) after paragraph 3 insert—

“**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

  - (2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.
  - (3) Omit subsections (2) and (3).
  - (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.
- (c) in paragraph 4—
  - (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;
  - (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

    - (a) for the provision of all accommodation and administrative staff and facilities; and
    - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
  - (iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

    - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
    - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
    - (c) for “him” substitute “their”.
  - (v) in sub-paragraph (12), after head (b) insert—

“(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
  - (vi) after sub-paragraph (12) insert—

“(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—



- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
- (ii) at the end of the entry relating to “prescribed” omit “and”,
- (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
- (iv) after the entry relating to “traffic commissioner” insert—
  - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
  - (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”; and”,
  - (ii) in sub-paragraph 6)—
    - (aa) omit “and” in sub-head (i) of head (a),
    - (bb) after sub-head (i) of head (a) insert—
      - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”, and
    - (cc) omit heads (b) and (c),
  - (iii) in sub-paragraph (7)—
    - (aa) omit “and” in head (a),
    - (bb) in head (b) for “.” substitute “;”, and
    - (cc) after head (b) insert—
      - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
      - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its ”.”,
    - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (Fife Council) Designation Order 2013**

**11.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Fife Council) Designation Order 2013(25) is amended in accordance with sub-paragraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

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### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(26) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—
- (a) for paragraph 3(4) substitute—
- “(4) In subsection (8)—
- (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”;
- (b) in paragraph (b)—
- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”; and
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”.”,
- (b) after paragraph 3 insert—
- “3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.
- (2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.
- (3) Omit subsections (2) and (3).
- (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”,
- (c) in paragraph 4—
- (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”,
- (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
- (iii) for sub-paragraph (4) substitute—
- “(4) After subsection (3) insert—
- “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
- (a) for the provision of all accommodation and administrative staff and facilities; and
- (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”,
- (iv) for sub-paragraph (11) substitute—
- “(11) In subsection (17)—
- (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
- (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
- (c) for “him” substitute “their”.”,

- (v) in sub-paragraph (12), after head (b) insert—
  - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.”,
- (vi) after sub-paragraph (12) insert—
  - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.”,
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and” , and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
  - (i) in sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”; and”,
  - (ii) in sub-paragraph (6)—
    - (aa) omit “and” in sub-head (i) of head (a),
    - (bb) after sub-head (i) of head (a) insert—
      - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and” , and
    - (cc) omit heads (b) and (c),
  - (iii) in sub-paragraph (7)—
    - (aa) omit “and” in head (a),
    - (bb) in head (b) for “.” substitute “;” , and
    - (cc) after head (b) insert—
      - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
      - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
  - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

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## **Road Traffic (Permitted Parking Area and Special Parking Area) (East Renfrewshire Council) Designation Order 2013**

**12.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (East Renfrewshire Council) Designation Order 2013<sup>(27)</sup> is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(28)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”,

(b) after paragraph 3 insert—

“**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”,

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”,

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(b) in relation to the remuneration and expenses of legal members,

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<sup>(27)</sup> S.S.I. 2013/67.

<sup>(28)</sup> 1992 c.53.

- required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
- (iv) for sub-paragraph (11) substitute—
- “(11) In subsection (17)—
- (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
- (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
- (c) for “him” substitute “their”.
- (v) in sub-paragraph (12), after head (b) insert—
- “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
- (vi) after sub-paragraph (12) insert—
- “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
- (i) before the entry relating to “hiring agreement” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
- (ii) at the end of the entry relating to “prescribed” omit “and”,
- (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
- (iv) after the entry relating to “traffic commissioner” insert—
- ““Upper Tribunal” means the Upper Tribunal for Scotland;”.
- (e) in paragraph 7—
- (i) sub-paragraph (5)—
- (aa) after head (a) insert—
- “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and
- (bb) for head (b) substitute—
- “(b) in subparagraph (b)—
- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”; and”,
- (ii) in sub-paragraph (6)—
- (aa) omit “and” in sub-head (i) of head (a),
- (bb) after sub-head (i) of head (a) insert—
- “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”, and
- (cc) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
- (aa) omit “and” in head (a),

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- (bb) in head (b) for “.” substitute “;”, and
- (cc) after head (b) insert—
  - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
  - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
- (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012**

- 13.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012<sup>(29)</sup> is amended in accordance with sub-paragraphs (2) and (3).
- (2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(30)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—
- (a) for paragraph 3(4) substitute—
    - “(4) In subsection (8)—
    - (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
    - (b) in paragraph (b)—
      - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
      - (ii) for “costs” substitute “expenses”; and
      - (iii) for “him” substitute “it”.
  - (b) after paragraph 3 insert—
    - “**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.
    - (2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.
    - (3) Omit subsections (2) and (3).
    - (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.
  - (c) in paragraph 4—
    - (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;

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<sup>(29)</sup> S.S.I. 2012/140.

<sup>(30)</sup> 1992 c.53.

- (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
- (iii) for sub-paragraph (4) substitute—
  - “(4) After subsection (3) insert—
    - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
      - (a) for the provision of all accommodation and administrative staff and facilities; and
      - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
- (iv) for sub-paragraph (11) substitute—
  - “(11) In subsection (17)—
    - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
    - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
    - (c) for “him” substitute “their”.
- (v) in sub-paragraph (12), after head (b) insert—
  - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
- (vi) after sub-paragraph (12) insert—
  - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
  - (i) sub-paragraph (5)—
    - (aa) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”;”, and
    - (bb) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”: and”,
  - (ii) in sub-paragraph (6)—

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- (aa) omit “and” in sub-head (i) of head (a),
- (bb) after sub-head (i) of head (a) insert—
  - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
- (cc) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
  - (aa) omit “and” in head (a),
  - (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
  - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

**Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012**

**14.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012<sup>(31)</sup> is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(32)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.

(b) after paragraph 3 insert—

**“3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

<sup>(31)</sup> S.S.I. 2012/137.

<sup>(32)</sup> 1992 c.53.



- (2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.
- (3) Omit subsection (2) and (3).
- (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.
- (c) in paragraph 4—
  - (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”
  - (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—
    - “(4) After subsection (3) insert—
      - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
        - (a) for the provision of all accommodation and administrative staff and facilities; and
        - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”
  - (iv) for sub-paragraph (11) substitute—
    - “(11) In subsection (17)—
      - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
      - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
      - (c) for “him” substitute “their”.
  - (v) in sub-paragraph (12), after head (b) insert—
    - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
  - (vi) after sub-paragraph (12) insert—
    - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”
- (e) in paragraph 7—
  - (i) sub-paragraph (5)—
    - (aa) after head (a) insert—

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- “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”,” and
- (bb) for head (b) substitute—
  - “(b) in subparagraph (b)—
    - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
    - (ii) for “costs” substitute “expenses”; and
    - (iii) for “him” substitute “it”; and”,
  - (ii) in sub-paragraph (6)—
    - (aa) omit “and” in sub-head (i) of head (a),
    - (bb) after sub-head (i) of head (a) insert—
      - “(ia) for “a parking adjudicator” substitute “the First-tier Tribunal”; and”,
    - (cc) omit heads (b) and (c),
  - (iii) in sub-paragraph (7)—
    - (aa) omit “and” in head (a),
    - (bb) in head (b) for “.” substitute “;”, and
    - (cc) after head (b) insert—
      - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
      - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
    - (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

**Road Traffic (Permitted Parking Area and Special Parking Area) (Renfrewshire Council) Designation Order 2010**

15.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Renfrewshire Council) Designation Order 2010<sup>(33)</sup> is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(34)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

<sup>(33)</sup> S.S.I. 2010/96.

<sup>(34)</sup> 1992 c.53.

- (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
- (b) in paragraph (b)—
  - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
  - (ii) for “costs” substitute “expenses”; and
  - (iii) for “him” substitute “it”.
- (b) after paragraph 3 insert—

“**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

  - (2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.
  - (3) Omit subsections (2) and (3).
  - (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.
- (c) in paragraph 4—
  - (i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;
  - (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

    - (a) for the provision of all accommodation and administrative staff and facilities; and
    - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
  - (iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

    - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
    - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
    - (c) for “him” substitute “their”.
  - (v) in sub-paragraph (12), after head (b) insert—

“(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
  - (vi) after sub-paragraph (12) insert—

“(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—

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- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
- (ii) at the end of the entry relating to “prescribed” omit “and”,
- (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
- (iv) after the entry relating to “traffic commissioner” insert—
- ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
- (i) sub-paragraph (5)—
- (aa) after head (a) insert—
- “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and
- (bb) for head (b) substitute—
- “(b) in subparagraph (b)—
- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”; and”,
- (ii) in sub-paragraph (6)—
- (aa) omit “and” in sub-head (i) of head (a),
- (bb) after sub-head (i) of head (a) insert—
- “(ia) for “a parking adjudicator”, in each place where it occurs, substitute “the First-tier Tribunal”; and”, and
- (cc) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
- (aa) omit “and” in head (a),
- (bb) in head (b) for “.” substitute “;”, and
- (cc) after head (b) insert—
- “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
- (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
- (iv) in sub-paragraph (9), for “paragraph 8” substitute “paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (South Lanarkshire Council) Designation Order 2005**

16.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (South Lanarkshire Council) Designation Order 2005(35) is amended in accordance with sub-paragraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

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(35) S.S.I. 2005/11, as amended by S.S.I. 2006/446.

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(36) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”.

(b) after paragraph 3 insert—

“3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”.

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”.

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”.

(iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

(a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;

(b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and

(c) for “him” substitute “their”.”.

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(36) 1992 c.53.

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- (v) in sub-paragraph (12), after head (b) insert—
  - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.”,
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”.
- (e) in paragraph 7—
  - (i) sub-paragraph (5)—
    - (aa) in head (a) omit “and” where it occurs on the second occasion,
    - (bb) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and”, and
    - (cc) for head (b) substitute—
      - “(b) in subparagraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”.”,
  - (ii) in sub-paragraph (6)—
    - (aa) in head (a), for “and” substitute “,” and after “parking authority’s decision” insert “and for “a parking adjudicator” substitute “the First-tier Tribunal”, and
    - (bb) omit heads (b) and (c),
  - (iii) in sub-paragraph (7)—
    - (aa) in head (a) omit “and”,
    - (bb) in head (b) for “.” substitute “;”, and
    - (cc) after head (b) insert—
      - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
      - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
    - (iv) in sub-paragraph (9), for “Paragraph 8” substitute “Paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

## **Road Traffic (Permitted Parking Area and Special Parking Area) (Dundee City Council) Designation Order 2004**

17.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Dundee City Council) Designation Order 2004<sup>(37)</sup> is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(38)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”,

(b) after paragraph 3 insert—

“3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”,

(c) in paragraph 4—

(i) in sub-paragraph 4(2) for “and (2)” substitute “, (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(b) in relation to the remuneration and expenses of legal members,

<sup>(37)</sup> S.S.I. 2004/87, as amended by S.S.I. 2006/446.

<sup>(38)</sup> 1992 c.53.

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- required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”,
- (iv) for sub-paragraph (11) substitute—
- “(11) In subsection (17)—
- (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
- (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
- (c) for “him” substitute “their”.”,
- (v) in sub-paragraph (12), after head (b) insert—
- “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal””,
- (vi) after sub-paragraph (12) insert—
- “(13) The heading of the section becomes “Parking Authority Costs and Administration”.”,
- (d) in paragraph 6(2)—
- (i) before the entry relating to “hiring agreement” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
- (ii) at the end of the entry relating to “prescribed” omit “and”,
- (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
- (iv) after the entry relating to “traffic commissioner” insert—
- ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) in paragraph 7—
- (i) in sub-paragraph (5)—
- (aa) in head (a) omit “and” where it occurs on the second occasion,
- (bb) after head (a) insert—
- “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and”, and
- (cc) for head (b) substitute—
- “(b) in sub paragraph (b)—
- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”.”,
- (ii) in sub-paragraph (6)—
- (aa) in head (a), for “and” substitute “; ” and after ““parking authority’s decision”” insert “and for “a parking adjudicator” substitute “the First-tier Tribunal””, and
- (bb) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
- (aa) in head (a) omit “and”,
- (bb) in head (b) for “.” substitute “;”, and



- (cc) after head (b) insert—
  - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
  - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
- (iv) in sub-paragraph (9), for “Paragraph 8” substitute “Paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
  - (a) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003**

**18.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003<sup>(39)</sup> is amended in accordance with sub-paragraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(40)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

- (a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

- (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

- (b) in paragraph (b)—

- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”.”,

- (b) after paragraph 3 insert—

“**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”,

- (c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (1A), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

<sup>(39)</sup> S.S.I. 2003/70, as amended by S.S.I. 2006/446.

<sup>(40)</sup> 1992 c.53.

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- (iii) for sub-paragraph (4) substitute—
  - “(4) After subsection (3) insert—
    - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
      - (a) for the provision of all accommodation and administrative staff and facilities; and
      - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
- (iv) for sub-paragraph (11) substitute—
  - “(11) In subsection (17)—
    - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
    - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
    - (c) for “him” substitute “their”.
- (v) in sub-paragraph (12), after head (b) insert—
  - “(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
- (vi) after sub-paragraph (12) insert—
  - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) after paragraph 6(3) insert—
  - “(3A) In subsection (6), for “a Minister of the Crown” there will be substituted “the Scottish Ministers”.
- (f) in paragraph 7—
  - (i) sub-paragraph (5)—
    - (aa) in head (a) omit “and” where it occurs on the second occasion,
    - (bb) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and”, and
    - (cc) for head (b) substitute—
      - “(b) in sub paragraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

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- (ii) for “costs” substitute “expenses”; and
  - (iii) for “him” substitute “it”.
- (ii) in sub-paragraph (6)—
- (aa) in head (a), for “and” substitute “,” and after “parking authority’s decision” insert “and for “a parking adjudicator” substitute “the First-tier Tribunal”, and
  - (bb) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
- (aa) in head (a) omit “and”,
  - (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
- (iv) in sub-paragraph (9), for “Paragraph 8” substitute “Paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
- (a) in paragraph 3(a), for “local authority” substitute “Scottish Ministers”, and
  - (b) omit paragraph 6.

#### **Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002**

**19.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002(41) is amended in accordance with sub-paragraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(42) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—
- (a) for paragraph 3(4) substitute—
    - “(4) In subsection (8)—
    - (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
    - (b) in paragraph (b)—
      - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
      - (ii) for “costs” substitute “expenses”; and
      - (iii) for “him” substitute “it”.
  - (b) after paragraph 3 insert—

(41) S.S.I. 2002/398, as amended by S.S.I. 2006/446.

(42) 1992 c.53.

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“3A.—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (1A), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”;

(iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

(a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;

(b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and

(c) for “him” substitute “their”.

(v) in sub-paragraph (12), after head (b) insert—

“(c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”;

(vi) after sub-paragraph (12) insert—

“(13) The heading of the section becomes “Parking Authority Costs and Administration”.

(d) in paragraph 6(2)—

(i) before the entry relating to “hiring agreement” insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,

(ii) at the end of the entry relating to “prescribed” omit “and”,

(iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and

(iv) after the entry relating to “traffic commissioner” insert—

““Upper Tribunal” means the Upper Tribunal for Scotland;”,

(e) after paragraph 6(3) insert—

- “(3A) In subsection (6), for “a Minister of the Crown” substitute “the Scottish Ministers”.”,
- (f) in paragraph 7—
- (i) in sub-paragraph (5)—
- (aa) in head (a) omit “and” where it occurs on the second occasion,
- (bb) after head (a) insert—
- “(aa) for “a parking adjudicator” wherever it occurs, substitute “the First-tier Tribunal”; and”, and
- (cc) for head (b) substitute—
- “(b) in sub paragraph (b)—
- (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
- (ii) for “costs” substitute “expenses”; and
- (iii) for “him” substitute “it”.”,
- (ii) in sub-paragraph (6)—
- (aa) in head (a), for “and” substitute “,” and after “parking authority’s decision” insert “and for “a parking adjudicator”, substitute “the First-tier Tribunal””,
- (bb) omit heads (b) and (c),
- (iii) in sub-paragraph (7)—
- (aa) in head (a) omit “and”,
- (bb) in head (b) for “.” substitute “;”, and
- (cc) after head (b) insert—
- “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
- (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,
- (iv) in sub-paragraph (9), for “Paragraph 8” substitute “Paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
- (a) for paragraph 3 substitute—
- “3. In section 63A subsection (4)—
- (a) for “Greater London” substitute “the parking area”;
- (b) for “Greater London Authority” substitute “Scottish Ministers”;
- (c) for “adjudicator”, wherever it occurs, substitute “First-tier Tribunal”; and
- (d) for “his” substitute “its”.”, and
- (b) omit paragraph 6.

### **Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow) Designation Order 1999**

**20.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow) Designation Order 1999<sup>(43)</sup> is amended in accordance with sub-paragraphs (2) and (3).

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(43) S.S.I. 1999/59, as amended by S.S.I. 2002/187 and S.S.I. 2006/446.

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(2) For article 6 (consequential modification) substitute—

**“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(44)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”.

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

“(4) In subsection (8)—

(a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and

(b) in paragraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”.

(b) after paragraph 3 insert—

“**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.”.

(c) in paragraph 4—

(i) in sub-paragraph (2) for “and (2)” substitute “, (1A), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

“(4) After subsection (3) insert—

“(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”.

(iv) for sub-paragraph (11) substitute—

“(11) In subsection (17)—

(a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;

<sup>(44)</sup> 1992 c.53.

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- (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
  - (c) for “him” substitute “their”.
- (v) after sub-paragraph (11) insert—
  - “(12) In subsection (18)—
    - (a) for “Joint Committee” substitute “parking authority”;
    - (b) for “the Secretary of State” substitute “the Scottish Ministers”; and
    - (c) for “parking adjudicators” substitute “First-tier Tribunal and the Upper Tribunal”.
- (vi) after sub-paragraph (12) insert—
  - “(13) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) after paragraph 6(3) insert—
  - “(3A) In subsection (6), for “a Minister of the Crown” there will be substituted “the Scottish Ministers”.
- (f) in paragraph 7—
  - (i) in sub-paragraph (5)—
    - (aa) in head (a) omit “and” where it occurs on the second occasion,
    - (bb) after head (a) insert—
      - “(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and”, and
    - (cc) for head (b) substitute—
      - “(b) in sub paragraph (b)—
        - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
        - (ii) for “costs” substitute “expenses”; and
        - (iii) for “him” substitute “it”.
  - (ii) in sub-paragraph (6)—
    - (aa) in head (a), for “and” substitute “, ” and after ““parking authority’s decision”” insert “and for “a parking adjudicator” substitute “the First-tier Tribunal””,
    - (bb) omit heads (b) and (c),
  - (iii) in sub-paragraph (7)—
    - (aa) in head (a) omit “and”,

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- (bb) in head (b) for “.” substitute “;”, and
  - (cc) after head (b) insert—
    - “(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and
    - (d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.
  - (iv) in sub-paragraph (9), for “Paragraph 8” substitute “Paragraphs 8 and 9”.
- (4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—
- (a) for paragraph 3 substitute—
    - “3. In section 63A subsection (4)—
    - (a) for “Greater London” substitute “the parking area”;
    - (b) for “Greater London Authority” substitute “Scottish Ministers”;
    - (c) for “adjudicator”, wherever it occurs, substitute “First-tier Tribunal”; and
    - (d) for “his” substitute “its”.
  - (b) omit paragraph 6.

#### **Road Traffic (Permitted Parking Area and Special Parking Area) (City of Edinburgh) Designation Order 1998**

**21.**—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Edinburgh) Designation Order 1998<sup>(45)</sup> is amended in accordance with sub-paragraphs (2) and (3).

- (2) For article 6 (consequential modification) substitute—

#### **“Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

**6.** The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992<sup>(46)</sup> to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.”

- (3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—
- (a) for paragraph 3(4) substitute—
  - “(4) In subsection (8)—
  - (a) in paragraph (a) for “a parking adjudicator” substitute “the First-tier Tribunal”; and
  - (b) in paragraph (b)—
  - (i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;
  - (ii) for “costs” substitute “expenses”; and
  - (iii) for “him” substitute “it”.
- (b) after paragraph 3 insert—
  - “**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

<sup>(45)</sup> S.I. 1998/1539 (S.80), as amended by S.S.I. 2002/188, S.S.I. 2007/446 and S.S.I. 2011/323.

<sup>(46)</sup> 1992 c.53.



- (2) In subsection (1) for “a parking adjudicator” in both places where it occurs substitute “the First-tier Tribunal”.
- (3) Omit subsections (2) and (3).
- (4) The heading of the section becomes “Appeals to the First-tier tribunal in relation to decisions under section 71”.
- (c) in paragraph 4—
  - (i) in sub-paragraph (2) for “and (2)” substitute “, (1A), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)”;
  - (ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),
  - (iii) for sub-paragraph (4) substitute—
    - “(4) After subsection (3) inserted—
      - “(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—
        - (a) for the provision of all accommodation and administrative staff and facilities; and
        - (b) in relation to the remuneration and expenses of legal members, required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.
  - (iv) for sub-paragraph (10) substitute—
    - “(10) In subsection (17)—
      - (a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;
      - (b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and
      - (c) for “him” substitute “their”.
  - (v) after sub-paragraph (10), insert—
    - “(11) In subsection (18)—
      - (a) for “Joint Committee” substitute “parking authority”;
      - (b) for “the Secretary of State” substitute “the Scottish Ministers”; and
      - (c) for “parking adjudicator” substitute “First-tier Tribunal and the Upper Tribunal”.
  - (vi) after sub-paragraph (11) insert—
    - “(12) The heading of the section becomes “Parking Authority Costs and Administration”.
- (d) in paragraph 6(2)—
  - (i) before the entry relating to “hiring agreement” insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,
  - (ii) at the end of the entry relating to “prescribed” omit “and”,
  - (iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and
  - (iv) after the entry relating to “traffic commissioner” insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland;”,
- (e) after paragraph 6(3) insert—

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“(4) In subsection (6), for “a Minister of the Crown” there will be substituted “the Scottish Ministers”.

(5) In subsection (7), for “either House of Parliament” there will be substituted “the Scottish Parliament”.

(f) in paragraph 7—

(i) in sub-paragraph (5)—

(aa) in head (a) omit “and” where it occurs on the second occasion,

(bb) after head (a) insert—

“(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and”, and

(cc) for head (b) substitute—

“(b) in subparagraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.

(ii) in sub-paragraph (6)—

(aa) in head (a), for “and” substitute “, ” and after “parking authority’s decision” insert “and for “a parking adjudicator” substitute “the First-tier Tribunal””,

(bb) omit heads (b) and (c),

(iii) in sub-paragraph (7)—

(aa) in head (a) omit “and”,

(bb) in head (b) for “.” substitute “;”,

(cc) after head (b) insert—

“(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and

(d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.

(iv) in sub-paragraph (9), for “Paragraph 8” substitute “Paragraphs 8 and 9”.

(4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—

(a) for paragraph 3 substitute—

“3. In section 63A subsection (4)—

(a) for “Greater London” substitute “the parking area”;

(b) for “Greater London Authority” substitute “Scottish Ministers”;

(c) for “adjudicator”, wherever it occurs, substitute “First-tier Tribunal”; and

(d) for “his” substitute “its”.

### SCHEDULE 3

Regulation 8

#### Revocations of secondary legislation

- 1.—(1) The following instruments are revoked—
- (a) The Road Traffic (Parking Adjudicators) (Falkirk Council) Regulations 2018**(47)**,
  - (b) The Road Traffic (Parking Adjudicators) (Midlothian Council) Regulations 2018**(48)**,
  - (c) The Road Traffic (Parking Adjudicators) (North Lanarkshire Council) Regulations 2017**(49)**,
  - (d) The Road Traffic (Parking Adjudicators) (Stirling Council) Regulations 2017**(50)**,
  - (e) The Road Traffic (Parking Adjudicators) (Angus Council) Regulations 2017**(51)**,
  - (f) The Road Traffic (Parking Adjudicators) (East Lothian Council) Regulations 2016**(52)**,
  - (g) The Road Traffic (Parking Adjudicators) (Highland Council) Regulations 2016**(53)**,
  - (h) The Road Traffic (Parking Adjudicators) (Inverclyde Council) Regulations 2014**(54)**,
  - (i) The Road Traffic (Parking Adjudicators) (Argyll and Bute Council) Regulations 2014**(55)**,
  - (j) The Road Traffic (Parking Adjudicators) (East Dunbartonshire Council) Regulations 2013**(56)**,
  - (k) The Road Traffic (Parking Adjudicators) (Fife Council) Regulations 2013**(57)**,
  - (l) The Road Traffic (Parking Adjudicators) (East Renfrewshire Council) Regulations 2013**(58)**,
  - (m) The Road Traffic (Parking Adjudicators) (South Ayrshire Council) Regulations 2012**(59)**,
  - (n) The Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012**(60)**,
  - (o) The Road Traffic (Parking Adjudicators) (Renfrewshire Council) Regulations 2010**(61)**,
  - (p) The Road Traffic (Parking Adjudicators) (South Lanarkshire Council) Regulations 2005**(62)**,
  - (q) The Road Traffic (Parking Adjudicators) (Dundee City Council) Regulations 2004**(63)**,
  - (r) The Road Traffic (Parking Adjudicators) (Aberdeen City Council) Regulations 2003**(64)**,
  - (s) The Road Traffic (Parking Adjudicators) (Perth and Kinross Council) Regulations 2002**(65)**,
  - (t) The Road Traffic (Parking Adjudicators) (City of Glasgow) Regulations 1999**(66)**, and

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**(47)** S.S.I. 2018/281.

**(48)** S.S.I. 2018/62.

**(49)** S.S.I. 2017/344.

**(50)** S.S.I. 2017/84.

**(51)** S.S.I. 2017/81.

**(52)** S.S.I. 2016/409.

**(53)** S.S.I. 2016/247.

**(54)** S.S.I. 2014/171.

**(55)** S.S.I. 2014/86.

**(56)** S.S.I. 2013/312.

**(57)** S.S.I. 2013/95.

**(58)** S.S.I. 2013/68.

**(59)** S.S.I. 2012/142.

**(60)** S.S.I. 2012/139.

**(61)** S.S.I. 2010/98.

**(62)** S.S.I. 2005/13.

**(63)** S.S.I. 2004/86.

**(64)** S.S.I. 2003/71.

**(65)** S.S.I. 2002/400.

**(66)** S.S.I. 1999/60.

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(u) The Road Traffic (Parking Adjudicators) (City of Edinburgh) Regulations 1998**(67)**.

2. Article 3 (amendment of the 1998 Regulations) of the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Edinburgh) Designation Amendment Order 2007**(68)** is revoked.

3.—(1) The schedule of the Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013**(69)** is amended in accordance with sub-paragraph (2).

(2) Paragraphs 82, 96 and 97 are revoked.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the transfer to the First-tier Tribunal for Scotland General Regulatory Chamber of the functions of parking adjudicators. The office of parking adjudicator was created to hear appeals in connection with motor vehicle penalty charges under the Road Traffic Act 1991.

The First-tier Tribunal was established by section 1 of the Tribunals (Scotland) Act 2014. It is divided into chambers, with the chambers hearing cases according to their subject-matter. The First-tier Tribunal General Regulatory Chamber already has functions transferred from the Scottish Charity Appeals Panel. On 1 April 2020, parking adjudicators will transfer into, and become legal members of, the General Regulatory Chamber of the First-tier Tribunal.

Schedule 1 makes transitional provisions to manage the transfer of on-going casework.

Schedule 2 makes consequential amendments to legislation. It amends a number of orders which apply, and modify where necessary, various provisions of the 1991 Act and the Road Traffic Regulation Act 1984 for enforcing parking controls in designated parking areas in a number of local government areas in Scotland.

Schedule 3 revokes a number of instruments which prescribe the procedure to be followed in relation to appeals before parking adjudicators. The procedure to be followed before the First-Tier Tribunal will now be set out in regulations made under paragraph 4(2) of schedule 9 in the Tribunals (Scotland) Act 2014.

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**(67)** S.I. 1998/2233.

**(68)** S.S.I. 2007/446.

**(69)** S.S.I. 2013/2042.