

## POLICY NOTE

- **THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (FIFE COUNCIL) DESIGNATION ORDER 2013 (SSI 2013/93);**
- **THE PARKING ATTENDANTS (WEARING OF UNIFORMS) (FIFE COUNCIL PARKING AREA) REGULATIONS 2013 (SSI 2013/94); AND**
- **THE ROAD TRAFFIC (PARKING ADJUDICATORS) (FIFE COUNCIL) REGULATIONS 2013 (SSI 2013/95)**

1. The above instruments were made in exercise of powers conferred by Schedule 3 of the Road Traffic Act 1991, section 63A of the Road Traffic Regulation Act 1984 and sections 73(11) & (12) of the Road Traffic Act 1991, respectively. The instruments are subject to negative resolution procedure before the Scottish Parliament.

### **Policy Objectives and background**

2. The purpose of the above three Scottish Statutory Instruments is to introduce a decriminalised parking regime in the Fife Council area.

3. The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere in the UK.

4. To date, nine Scottish local authorities have introduced Decriminalised Parking Endorsement (DPE). Under these arrangements, local authorities administer their own parking penalty schemes and retain the penalties collected to finance parking enforcement procedures.

5. Previously, and continuing for authorities that have not introduced DPE, income generated from fines arising from parking infringements accrue to the Exchequer as these are non-endorsable criminal offences. Under DPE, enforcement is no longer the responsibility of the Police or Traffic Wardens but is implemented by employees of the local authority, either directly or under contract. As such, a breach of parking rules within an area where DPE is in force requires payment to the local authority of a penalty charge.

6. Revenue generated from parking penalties under DPE will accrue to the local authority and will be used to fund the operation of the scheme. Any surplus is used to improve off-street parking facilities and for general traffic management purposes within the area of the authority. Therefore, the revenue is effectively ring-fenced for traffic management measures and cannot be used by an authority for other purposes.

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

7. The SSI defines the area within Fife where DPE can be enforced.

### **The Parking Attendants (Wearing of Uniforms) (Fife Council) Regulations 2013**

8. This SSI stipulates that a parking attendant must be wearing an identifiable uniform when carrying out the duties associated with a parking attendant.

### **The Road Traffic (Parking Adjudicators) (Fife Council) Regulations 2013**

9. This SSI provides for the adjudication process to be followed where an aggrieved motorist feels a penalty charge notice has been incorrectly issued.

### **Consultation**

10. All statutory requirements regarding consultation for these three Scottish Statutory Instruments were carried out. All responses were either in favour or neutral.

### **Regulatory Impact Assessment**

11. No Regulatory Impact Assessment was carried out as the proposals are for existing powers to enforce parking offences, currently with the police, to become a local authority functions.

### **Business Regulatory Impact Assessment**

12. No Business and Regulatory Impact Assessment has been undertaken since the Regulations are concerned with the enforcement of existing traffic restrictions and prohibitions and do not therefore constitute an additional burden on business. The costs incurred by local authorities undertaking enforcement are expected to be absorbed by income from charges.

### **Financial Effects**

13. These SSIs will have no financial effect on the Scottish Government.

Roads Policy  
Transport Scotland  
4 March 2013