

## SCHEDULE 2

### MODIFICATIONS OF PROVISIONS OF PART II OF THE ROAD TRAFFIC ACT 1991

3.—(1) Section 71 is modified as follows.

(2) In subsection (1) for “a London” substitute “ the parking ”.

(3) For subsection (4) substitute—

“(4) The grounds are—

- (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking area in circumstances in which a penalty charge was payable;
- (b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
- (c) that the place where the vehicle was at rest was not in the parking area;
- (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 of this Act did not apply to the vehicle in question at the time in question; or
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”.

[<sup>F1</sup>(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”.]

#### Textual Amendments

**F1** Sch. 2 para. 3(4) substituted (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, **sch. 2 para. 2(3)(a)** (with sch. 1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018, Paragraph 3.