

2018 No. 61

ROAD TRAFFIC

The Parking Attendants (Wearing of Uniforms) (Midlothian Council Parking Area) Regulations 2018

Made - - - - *14th February 2018*

Laid before the Scottish Parliament *16th February 2018*

Coming into force - - *2nd April 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 63A of the Road Traffic Regulation Act 1984(a) and all other powers enabling them to do so.

In accordance with section 134(8)(b) of that Act they have consulted with such representative organisations as they think fit.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Parking Attendants (Wearing of Uniforms) (Midlothian Council Parking Area) Regulations 2018 and come into force on 2nd April 2018.

(2) In these Regulations—

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“the 1991 Act” means the Road Traffic Act 1991(c); and

“the Midlothian Council parking area” means the area designated as a permitted parking area and a special parking area by article 3 of the Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018(d).

Prescribed functions

2.—(1) All functions conferred on parking attendants by or under the enactments mentioned in paragraph (2) are prescribed for the purposes of section 63A(4) of the 1984 Act (wearing of uniforms by parking attendants when exercising prescribed functions) in its application to the Midlothian Council parking area.

(a) 1984 (c.27). Section 63A was inserted by the Road Traffic Act 1991 (c.40), section 44(1); section 142(1) contains a definition of “prescribed” relevant to the making of these Regulations. Sections 63A and 142(1) are modified in relation to the Midlothian Council parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018, S.S.I. 2018/60. The functions of the Secretary of State, so far as they are exercisable within devolved competence, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b) Section 134(8) was inserted by the Scotland Act 2016 (c.11), schedule 2, paragraph 12(5).

(c) 1991 c.40.

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

(2) The enactments referred to in paragraph (1) are—

- (a) section 99 of the 1984 Act (removal of vehicles);
- (b) section 66(1) of the 1991 Act (issue of a penalty charge notice)(a); and
- (c) section 69 of the 1991 Act (immobilisation of vehicles).

St Andrew's House,
Edinburgh
14th February 2018

H YOUSAF
Authorised to sign by the Scottish Ministers

(a) Sections 66 and 69 of the 1991 Act are modified in relation to the Midlothian Council parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe functions during the exercise of which a parking attendant must wear such uniform as the Scottish Ministers may determine (regulation 2).

The requirement to wear a uniform is contained in section 63A(4) of the Road Traffic Regulation Act 1984. Section 63A itself applies to Greater London only but by virtue of the Road Traffic (Permitted Parking Area and Special Parking Area) (Midlothian Council) Designation Order 2018 that section is modified so as to apply to the parking area designated by that Order. Accordingly, parking attendants exercising the prescribed functions within that parking area are required to wear a uniform when doing so.

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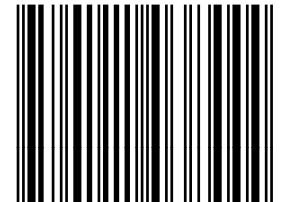
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