
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 50 of the of the Transport (Scotland) Act 2019 (“the Act”) introduces a national prohibition on pavement parking. Section 51 allows a local authority to make an exemption order providing that the prohibition is not to apply to a footway within its area, where that footway has characteristics specified in a direction made by the Scottish Ministers. These Regulations make provision in relation to the procedure to be followed by a local authority when making, amending or revoking an exemption order.

Part 2 of the Regulations makes provision about consultation, publication and representations relating to proposals to make exemption orders.

Regulation 2 specifies the steps which are to be taken by a local authority in relation to the publication of proposals to make exemption orders. It also makes provision about who is to be consulted by a local authority and the information which is to be provided to consultees. Regulation 3 sets out the procedure for making representations in relation to a proposal. Schedule 1 contains associated provision with regard to information which is to be included in the notices of proposals (Part 1) and the making of exemption orders (Part 2).

Part 3 of the Regulations sets out the process for the holding of hearings in relation to proposed exemption orders.

Regulation 4 provides that, before making an exemption order, a local authority may appoint a reporter to conduct a hearing in relation to the proposal or any aspect of it. Regulation 5 sets out the notice requirements in connection with the hearing and the reporter’s obligation to establish the timetable. Regulation 6 deals with who can appear at a hearing, being those persons who have informed the reporter of their intention to appear in response to a notice. Regulation 7 provides that the reporter must fix the date and time for the holding of the hearing and set out the manner in which the hearing will be conducted. Regulation 8 makes provision about the procedure at hearings.

Part 4 sets out further procedure in relation to the modification of proposals, making and notice of making of exemption orders.

Regulation 9 provides that, before making an exemption order, a local authority is to consider the report and recommendations (if any) of the reporter, as well as any representations made in accordance with the procedure set out in these Regulations. Regulation 10 provides that a local authority may decide to proceed with making an order giving effect to a proposal with or without modifications, and describes the procedure to be followed where such modifications are considered to make substantial changes to a proposal. Regulation 11 deals with the form of an exemption order, and provides that an order is to be accompanied by a map showing the location of footways covered by the order. The exemption order is to state the date on which it is to come into effect. Regulation 12 specifies the procedure to be followed in relation to giving notice of the making of an exemption order. Schedule 2 contains associated provision with regard to the display of notices of proposals and making of orders in footways to which the order relates.

Regulation 13 extends the application of the requirements set out in Regulations 2 to 12 to proposals to amend or revoke an exemption order.

Impact assessments have been prepared in relation to these Regulations, copies of which can be obtained from the offices of Transport Scotland, Glasgow or online at www.transport.gov.scot.