



# Transport (Scotland) Act 2019

## 2019 asp 17

### PART 6

#### PARKING PROHIBITIONS

##### *Enforcement of parking prohibitions*

#### **59 Enforcement of parking prohibitions**

- (1) The Scottish Ministers may by regulations, following consultation with such persons as they consider appropriate, make provision for or in connection with the enforcement of the pavement parking prohibition, the double parking prohibition and the dropped footway parking prohibition.
- (2) Regulations under subsection (1) may, in particular, make provision for or about—
  - (a) the approval by the Scottish Ministers of devices to be used in connection with the detection of a contravention of a prohibition,
  - (b) the notification of a penalty charge, including the form, content and method of notification,
  - (c) the timing and manner of payment of a penalty charge,
  - (d) reviews and appeals (including grounds of review or appeal) in connection with the imposition of penalty charges,
  - (e) the manner in which a penalty charge may be enforced,
  - (f) steps that may be taken following the cancellation of a penalty charge, which may include the issuing of another penalty charge in respect of the same contravention.
- (3) Regulations under subsection (1) may not confer power to stop motor vehicles.
- (4) Regulations under subsection (1) may include provision—
  - (a) creating criminal offences to be triable summarily and punishable with a fine not exceeding level 5 on the standard scale or such lower amount as may be prescribed by the regulations,
  - (b) securing that a penalty charge is not required to be paid, or is to be refunded, where the conduct in respect of which the penalty charge is imposed is the subject of—

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*Status: This is the original version (as it was originally enacted).*

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- (i) criminal proceedings,
  - (ii) a fixed penalty notice (within the meaning of section 52(1) of the Road Traffic Offenders Act 1988),
  - (iii) a penalty charge notice issued under section 66(1) of the Road Traffic Act 1991 (as applied by an order under paragraph 1 or 2 of schedule 3 of that Act),
- (c) securing that a record produced by an approved device is sufficient evidence of the fact recorded in the record in such circumstances as may be specified in the regulations.