

EXECUTIVE NOTE

The Road User Charging (Penalty Charges) (Scotland) Regulations 2005

(S.S.I. 2005/ 652)

The above instrument was made in exercise of the powers conferred by section 55(1) and (2), 56(1), (2) and (4) and 81(2) of the Transport (Scotland) Act 2001(1). The instrument is subject to negative resolution procedure.

Policy Objectives

The Scottish Executive report “Scotland’s transport future – the transport white paper” was published in June 2004 and set out the vision for Scotland’s transport future. The challenge is to transform Scotland’s transport making it more reliable, accessible and customer friendly. It must deliver high quality services to passengers and business. The importance of transport is increasing. In Scotland’s transport future we set out our proposals.

Increasing traffic levels are causing environmental problems, congestion, delays and unpredictable journeys. Even where good alternatives exist, too few people are leaving their cars at home. Doing nothing will simply cause problems for future generations. Road user charging is a critical part of demand management, associated with driving on a particular road at a particular time. It acknowledges that road space is a scarce resource to be shared fairly. It can tackle congestion, raise transport revenues for infrastructure and address environmental impacts.

The legislation for charging schemes is enabling legislation. It sets out the statutory framework for road user charging schemes. This enables a local authority to introduce a charging scheme on roads for which it has responsibility.

This set of regulations deals with the procedures relating to imposition and liability for penalty charges; examination of, and entry to vehicles; powers of removal and disposal of vehicles; recovery of penalty charges in relation to removed vehicles; taking possession of vehicles; and claims by registered keepers of vehicles after their disposal.

Financial Effects

The instrument has no financial effects on the Scottish Executive or Local Government.

Regulatory Impact Assessment

There has been no Regulatory Impact Assessment (RIA) undertaken in respect of the regulations. The making of the regulations in themselves will have no impact upon Scottish businesses. The regulations merely set out the framework within which a local authority that wishes to implement a charging scheme must operate. It is up to individual local authorities whether or not they wish to implement such a scheme.

ETLLD Roads Policy & Group Finance Division

December 2005
