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STATUTORY INSTRUMENTS

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**1997 No. 2261 (S.152)**

**ROAD TRAFFIC**

**The Local Authorities' Variation of Charges  
at Off-street and Designated Parking Places  
(Notice Procedure) (Scotland) Regulations 1997**

*Made - - - - 3rd September 1997*

*Laid before Parliament 19th September 1997*

*Coming into force in accordance with regulation 1(1)*

The Secretary of State, in exercise of powers conferred on him by sections 35C and 46A of the Road Traffic Regulation Act 1984(1), and of all other powers enabling him in that behalf, after consultation with such representative organisations as he thought fit in accordance with section 134(2) of that Act(2), hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Local Authorities' Variation of Charges at Off-street and Designated Parking Places (Notice Procedure) (Scotland) Regulations 1997 and shall come into force on the date on which sections 41 and 42 of the Road Traffic Act 1991(3) are commenced(4).

(2) These Regulations shall extend to Scotland only.

**Application of Regulations**

2. These Regulations apply to the giving of any notice under section 35C (variation of charges at off-street parking places) or section 46A (variation of charges at designated parking places) of the Road Traffic Regulation Act 1984.

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(1) 1984 c. 27; sections 35C and 46A were inserted by the Road Traffic Act 1991 (c. 40), sections 41 and 42 respectively.  
(2) Section 134(2) was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 7, paragraph 4, and by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 77.  
(3) 1991 c. 40.  
(4) See S.I.1997/2260.

### **Procedure to be followed by local authority giving notice**

3.—(1) Where a local authority propose to give notice which would be likely to have a direct effect on traffic or any class of traffic on a road for which they are not the traffic authority<sup>(5)</sup>, before publication of such notice in accordance with these Regulations, the local authority shall send a draft of the notice to the traffic authority.

(2) At least 21 days before a notice comes into force, the local authority shall publish the notice in one or more newspapers circulating in the area in which the parking places affected by the notice are situated.

(3) A notice shall contain the following details:—

- (a) the date of its coming into force;
- (b) each parking place affected by the notice; and
- (c) in respect of each such parking place, all charges payable at the date the notice is given and all charges payable on the date the notice comes into force.

(4) The local authority shall cause a copy of the notice to be displayed in one or more prominent positions in the parking places affected not later than the date of giving notice and shall take all reasonable steps to ensure that any such copy remains in legible condition and is so displayed until the notice comes into force.

(5) From the date a notice comes into force, if, and to the extent that, it appears to a local authority that it would be desirable in the interests of giving adequate publicity of the notice to do so, they shall cause a copy of it to be displayed in one or more prominent positions—

- (i) in the road or roads giving access to the parking places affected, where the notice is under section 35C aforesaid; and
- (ii) in the road in which the parking place affected is situated, where the notice is under section 46A aforesaid.

St Andrew's House, Edinburgh  
3rd September 1997

*Malcolm Chisholm*  
Parliamentary Under Secretary of State, Scottish  
Office

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(5) For the meaning of "traffic authority" see section 121A of the Road Traffic Regulation Act 1984 as inserted by the New Roads and Street Works Act 1991, Schedule 8, paragraph 70.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Sections 35C and 46A of the Road Traffic Regulation Act 1984 contain new powers whereby local authorities may vary charges payable at off-street and designated (on-street) parking places respectively. These powers take the form of giving notice, the procedures in relation to which may be regulated by the Secretary of State.

These Regulations make provision for publication of such notices, their notification to other traffic authorities in certain instances and the contents and display of the notices.