

# **DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 3: Certain orders under the 1984 Act***

16. **Section 3** sets out two kinds of order under the 1984 Act which a local authority must consider making in the circumstances set out by sections 4 to 8 of the Act. The 1984 Act provides local authorities with the power to make orders in relation to parking places.
17. Subsection (2) introduces the “disabled street parking order” made under section 45 of the 1984 Act. For the purposes of the Act such an order must specify that the parking places may only be used by a disabled persons’ vehicle and that no charge for parking in the places may be levied.
18. Subsection (3) introduces the “disabled off-street parking order” made under section 35 of the 1984 Act. For the purposes of the Act such an order must specify the parking places may only be used by a disabled persons’ vehicle and that any parking charge levied may not be higher than the charge payable for ordinary vehicles in the same premises.
19. The making of these orders triggers the relevant current road traffic enforcement provisions. The Act continues to utilise existing enforcement regimes, including existing levels of fines, issue of penalty notices and appeals processes.
20. In local authority areas where decriminalised parking enforcement<sup>1</sup> is in place enforcement remains the responsibility of the local authority. The local authority will continue to set the level of fines and issue penalty notices. Any appeals in regard to the issue of penalty notices will continue to be heard by the existing established appeals mechanism. The Parking Adjudicator exists statutorily to independently hear such appeals.
21. In other local authority areas enforcement will continue to be the responsibility of the Police and Police Traffic Wardens. Appeals against penalty notices issued by the Police or Police Traffic Wardens continue to be matters for the court system.

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<sup>1</sup> Decriminalised parking enforcement is explained in paragraphs 21 to 23 of the Policy Memorandum