

*These notes relate to the Disabled Persons' Parking Places (Scotland) Act 2009 (asp 3) which received Royal Assent on 1 April 2009*

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 8: Disabled off-street parking places: ongoing duties***

48. **Section 8** applies when local authorities have failed to make arrangements under section 33(4) of the 1984 Act in the circumstances set out in sections 6(6), 7(5) and 8(4). The section requires that further attempts to reach agreements and make orders are made every two years.
49. Subsection (7) sets the “relevant period” at two years from the date the local authority last concluded that it could not make an agreement under the above sections. Subsection (6)(a) gives the local authority three months to decide under subsection (2) whether it would have the power to make a disabled off-street parking order if the parking place was provided under agreements made under section 33(4) of the 1984 Act.
50. Subsection (3) repeats the earlier requirements on local authorities when considering if they would have power to make an order, to have regard to their duties under section 122 of the 1984 Act. (see paragraph 25).
51. If the local authority decides it continues to have the power to make an order then subsection (4) requires it to seek to make an arrangement under section 33(4) of the 1984 Act. If the local authority is successful in making such an agreement then subsection (5) requires it to start the statutory order making procedure.