



# Disabled Persons' Parking Places (Scotland) Act 2009

## 2009 asp 3

*Duties in relation to certain orders under the 1984 Act*

#### **4 Disabled street parking orders: local authorities' initial duties**

- (1) A local authority must identify every street parking place in its area that at the time of the coming into force of this Act is an advisory disabled street parking place.
- (2) In relation to each parking place that it so identifies, the authority must decide whether it is a parking place from which there is convenient access to the address of a person who holds a disabled persons' badge.
- (3) If the authority's decision under subsection (2) is that the parking place is such a parking place, it must either—
  - (a) decide that, having regard to its duties under section 45(3) and section 122 of the 1984 Act, it has no power to make a disabled street parking order in respect of the parking place, or
  - (b) start the statutory procedure for the making of such an order.
- (4) Subsection (5) applies if—
  - (a) the authority's decision under subsection (2) is that a parking place is not a parking place from which there is convenient access to the address of a person who holds a disabled persons' badge;
  - (b) the authority makes a decision under subsection (3)(a).
- (5) The authority must—
  - (a) publish its reasons, and
  - (b) remove any road-markings or sign posts indicating that the parking place is for use only by a disabled persons' vehicle.
- (6) If the authority starts the statutory procedure under subsection (3)(b) and the result of the procedure is that no disabled street parking order is made in respect of the parking place, the authority must remove any road-markings or sign posts indicating that the parking place is for use only by a disabled persons' vehicle.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The authority must perform its duty under subsection (1) and any duty under subsection (2), (3) or (5) within the period of 12 months beginning with the coming into force of this Act.