



Disabled Persons' Parking Places (Scotland) Act 2009

2009 asp 3

Duties in relation to certain orders under the 1984 Act

6 Disabled off-street parking orders: local authorities' initial duties

- (1) A local authority must identify every off-street parking place in its area that at the time of the coming into force of this Act is an advisory disabled off-street parking place.
- (2) If a parking place so identified is an eligible parking place the authority must either—
 - (a) decide that, having regard to its duty under section 122 of the 1984 Act, it has no power to make a disabled off-street parking order in respect of the parking place, or
 - (b) start the statutory procedure for the making of such an order.
- (3) If a parking place identified under subsection (1) is not an eligible parking place, subsection (4) applies.
- (4) The authority must decide whether, if the parking place were provided under arrangements under section 33(4) of the 1984 Act, it would have power to make a disabled off-street parking order in respect of the parking place.
- (5) In making a decision under subsection (4) the authority must have regard to its duty under section 122 of the 1984 Act.
- (6) If the authority's decision under subsection (4) is that it would have that power, it must seek to make arrangements under section 33(4) of the 1984 Act for the provision of the parking place with a view to being able to make such an order.
- (7) If the authority does make such arrangements, it must start the statutory procedure for the making of such an order.
- (8) An “eligible parking place” is a parking place that is provided—
 - (a) by the authority itself under section 32(1)(a) of the 1984 Act, or
 - (b) under arrangements that the authority has made under section 33(4) of that Act.
- (9) The authority must—

Changes to legislation: *There are currently no known outstanding effects for the Disabled Persons' Parking Places (Scotland) Act 2009, Section 6. (See end of Document for details)*

- (a) perform its duty under subsection (1) and any duty under subsection (2) or (4) within the period of 12 months beginning with the coming into force of this Act, and
- (b) start to perform any duty under subsection (6) within that period.

Changes to legislation:

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