Disabled Persons' Parking Places (Scotland) Act 2009

2009 asp 3

Duties in relation to certain orders under the 1984 Act

8 Disabled off-street parking orders: ongoing duties

(1) The following duties apply to a local authority which has sought unsuccessfully to make arrangements for the provision of a parking place pursuant to a duty under—

(a) section 6(6);

(b) section 7(5);

(c) subsection (4) of this section.

(2) At the end of the relevant period 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.

(3) In making a decision under subsection (2) the authority must have regard to its duty under section 122 of the 1984 Act.

(4) If the authority's decision under subsection (2) 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.

(5) If the authority does make such arrangements, it must start the statutory procedure for the making of such an order.

(6) The authority must—

(a) perform its duty under subsection (2) within the period of three months beginning with the last date of the relevant period, and

(b) start to perform any duty under subsection (4) within that period of three months.

(7) The "relevant period" is the period of two years beginning with the date on which the authority last concluded that it was unable to make arrangements pursuant to a duty listed in subsection (1).

Changes to legislation:
There are currently no known outstanding effects for the Disabled Persons' Parking Places (Scotland) Act 2009, Section 8.