



# Transport (Scotland) Act 2019

## 2019 asp 17

### PART 6

#### PARKING PROHIBITIONS

##### *Exceptions to pavement parking prohibition and double parking prohibition*

#### **55 Exceptions to pavement parking prohibition and double parking prohibition**

- (1) This section sets out exceptions to the pavement parking prohibition and the double parking prohibition.
- (2) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle—
  - (a) is being used—
    - (i) for police purposes, including for the purposes of the National Crime Agency,
    - (ii) for ambulance purposes or for the purpose of providing a response to an emergency at the request of the Scottish Ambulance Service Board,
    - (iii) for or in connection with the exercise of any function of the Scottish Fire and Rescue Service or Her Majesty's Coastguard, or
    - (iv) for naval, military or air force purposes,
  - (b) the achievement of the purposes, or the exercise of the function, would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1), and
  - (c) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).
- (3) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle—
  - (a) is being used for or in connection with—
    - (i) the undertaking of works in roads,
    - (ii) the removal of an obstruction to traffic,
    - (iii) the collection of waste by or on behalf of a local authority,

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*Status: This is the original version (as it was originally enacted).*

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- (iv) postal services (within the meaning of section 125(1) of the Postal Services Act 2000),
  - (b) cannot reasonably be so used without being parked on a pavement or, as the case may be, as mentioned in section 54(1),
  - (c) is so parked for no longer than is necessary for that use, and
  - (d) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).
- (4) In subsection (3)(a)(i), “works in roads” includes—
  - (a) road works within the meaning given by section 107(3) of the New Roads and Street Works Act 1991,
  - (b) works for roads purposes within the meaning given by section 145(2) of that Act,
  - (c) major works for roads purposes with the meaning given by section 145(3) of that Act,
  - (d) cleaning, placing, removing or adjusting by or on behalf of a roads authority (within the meaning given by section 151(1) of the Roads (Scotland) Act 1984) of any equipment or structure which is placed on or over a road.
- (5) The pavement parking prohibition and the double parking prohibition do not apply where—
  - (a) the motor vehicle is being used by a registered medical practitioner, registered nurse or registered midwife for or in connection with the provision of urgent or emergency health care,
  - (b) the provision of the care would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1),
  - (c) the vehicle is so parked for no longer than is reasonable in connection with the provision of the care, and
  - (d) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).
- (6) The pavement parking prohibition and the double parking prohibition do not apply where—
  - (a) the motor vehicle is, in the course of business—
    - (i) being used for the purpose of delivering goods to, or collecting goods from, any premises, or
    - (ii) being loaded from or unloaded to any premises,
  - (b) the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked on a pavement or, as the case may be, as mentioned in section 54(1),
  - (c) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded),
  - (d) the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes.
- (7) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle is parked wholly within a parking place that is—

- (a) authorised by order under section 32(1)(b) of the Road Traffic Regulation Act 1984, or
  - (b) designated by order under section 45 of that Act.
- (8) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle is parked in accordance with permission given by a constable (within the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012) in uniform.
- (9) The pavement parking prohibition and the double parking prohibition do not apply where—
  - (a) the person has parked the motor vehicle for the purpose of saving life or responding to another similar emergency,
  - (b) the achievement of that purpose would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1), and
  - (c) the vehicle is so parked for no longer than is necessary for that purpose.
- (10) The pavement parking prohibition and the double parking prohibition do not apply where—
  - (a) the person has parked the motor vehicle for the purpose of providing assistance at an accident or breakdown,
  - (b) the assistance could not be safely or reasonably provided if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1),
  - (c) the vehicle is so parked for no longer than is necessary for that purpose, and
  - (d) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).
- (11) In this section, “carriageway” has the meaning given by section 51(6).
- (12) The Scottish Ministers may by regulations modify this section.