Transport (Scotland) Act 2019

2019 asp 17

PART 7

WORKPLACE PARKING

Workplace parking licensing schemes

70 Workplace parking licensing schemes

(1) A workplace parking licensing scheme is a scheme under which a local authority may—

(a) require a person to hold a licence in order to provide workplace parking places (see section 71) at premises in the area to which the scheme relates, and

(b) charge for such a licence on the basis of the number of places specified in the licence.

(2) A workplace parking licensing scheme must specify—

(a) the area of the local authority to which the scheme relates, which must be specified by reference to an area on a map (the "licensing area"),

(b) the date on which the scheme comes into effect,

(c) the period during which the scheme is to remain in force (or that it is to continue indefinitely),

(d) the days on which, and hours during which, a licence is required,

(e) the charges payable on licences (expressed as a specified sum of money for each workplace parking place provided),

(f) any persons, premises or motor vehicles (or descriptions of such persons, premises or motor vehicles) that are exempt from the scheme or from paying charges under it (see sections 78 and 79), and

(g) arrangements for the periodic review of the operation and effectiveness of the scheme including, in particular, how the outcome of a review is to be communicated to persons affected by it.

(3) A workplace parking licensing scheme may make different provision for different purposes or different areas within the licensing area.

71 Workplace parking places

(1) For the purposes of this Part, a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time occupied by a motor vehicle used—

(a) by a relevant person,

(b) by a worker, agent, supplier, business customer or business visitor of a relevant person,

(c) by a person attending a course of education or training provided by a relevant person, or

(d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,

for the purpose of attending a place at which the relevant person carries on business at, or in the vicinity of, the premises.

(2) In this section "relevant person" means—

(a) the person who provides the parking place in question ("the provider"),

(b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person's own use), or

(c) any person who is associated with—

(i) the provider, or

(ii) a person within paragraph (b).

(3) For the purpose of subsection (2)(c), any two persons are associated if—

(a) one is a company of which the other (directly or indirectly) has control, or

(b) both are companies of which a third person (directly or indirectly) has control.

(4) For the purposes of this section—

"business" includes—

(a) any trade, profession, vocation or undertaking,

(b) the functions of any holder of a public office,

(c) the provision of any course of education or training, and

(d) the functions of, or any activities carried on by, the Scottish Administration, a Government department, a local authority or other statutory body,

"business customer", in relation to a relevant person, means a client or customer of the relevant person who is attending at any premises occupied by the relevant person for the purposes of a business carried on by that client or customer,

"business visitor", in relation to a relevant person, means an individual who—

(a) in the course of the individual's employment, or

(b) in the course of carrying on a business or for the purposes of a business carried on by the individual,

is visiting the relevant person or any premises occupied by the relevant person,

"Government department" means a department of the Government of the United Kingdom,

"supplier", in relation to a relevant person, means—

(a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person, or

(b) any agent or sub-contractor of such a person,

"worker" means an individual who has entered into, or works under—

(a) a contract of employment, or

(b) any other contract, whether express or implied and (if it is express) whether oral or in writing, under which the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.

(5) The Scottish Ministers may by regulations amend subsections (1) to (4) for the purpose of adding, removing or varying circumstances in which, for the purposes of this Part, a workplace parking place is provided.