



# Disabled Persons' Parking Places (Scotland) Act 2009

## 2009 asp 3

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

#### **5 Disabled street parking orders: requests by qualifying persons**

- (1) A qualifying person may request a local authority to make a disabled street parking order in respect of a street parking place—
  - (a) which is in the authority's area, and
  - (b) from which there is convenient access to the person's address.
- (2) If it is satisfied that the person making a request under subsection (1) is a qualifying person, the authority must—
  - (a) decide whether it is possible to identify a suitable street parking place in its area from which there is convenient access to the person's address, and
  - (b) if it decides that that is possible, identify such a parking place.
- (3) If the authority identifies 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 is not satisfied that the person making the request is a qualifying person;
  - (b) the authority's decision under subsection (2) is that it is not possible to identify a suitable street parking place in its area from which there is convenient access to the person's address;
  - (c) the authority makes a decision under subsection (3)(a).
- (5) The authority must give the person who made the request under subsection (1) its reasons.
- (6) The form and manner in which a request under subsection (1) is to be made—
  - (a) may be prescribed by regulations made by the Scottish Ministers;

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*Changes to legislation: There are currently no known outstanding effects for the Disabled Persons' Parking Places (Scotland) Act 2009, Section 5. (See end of Document for details)*

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- (b) unless regulations made under paragraph (a) are in force, may be specified by the authority.
- (7) A request under subsection (1) may be made through another person acting on behalf of the qualifying person.
- (8) A “qualifying person” is a person who holds a disabled persons' badge and whose address—
- (a) if the person is an individual, is the same as the registered address of the registered keeper of a vehicle suitable for the carriage of the individual;
  - (b) if the person is an organisation, is the same as the registered address of the registered keeper of a vehicle used by or on behalf of the organisation to carry disabled persons.
- (9) In subsection (8)—
- “the registered keeper” of a vehicle is the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 (c. 22) at the time the request is made;
  - “the registered address” of the registered keeper is the address recorded at that time in the record kept under that Act with respect to that vehicle as being that person's address.

**Changes to legislation:**

There are currently no known outstanding effects for the Disabled Persons' Parking Places (Scotland) Act 2009, Section 5.