



Transport (Scotland) Act 2019

2019 asp 17

PART 6

PARKING PROHIBITIONS

Pavement parking prohibition

50 Pavement parking prohibition

- (1) A person must not park a motor vehicle on a pavement (in this Part, this prohibition is referred to as the “pavement parking prohibition”).
- (2) For the purposes of the pavement parking prohibition—
 - (a) a motor vehicle is parked on a pavement if—
 - (i) it is stationary, and
 - (ii) one or more of its wheels (or any part of them) is on any part of the pavement,
 - (b) a stationary motor vehicle is parked whether or not—
 - (i) the driver of the vehicle is in attendance at the vehicle,
 - (ii) the engine of the vehicle is running.
- (3) The pavement parking prohibition is subject to the exceptions set out in section 55.
- (4) In this section—

“footpath” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984 (and does not include a footpath mentioned in subsection (3) (a) or (b) of that section),

“footway” is to be construed in accordance with section 151(2) of that Act,

“motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988, except that—

 - (a) section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and
 - (b) it does not include a heavy commercial vehicle (within the meaning given by section 20(1) of that Act) (but see section 19(1) of that Act),

“pavement” means a footpath or footway.

51 Exemption orders

- (1) A local authority may make an order (in this Part, an “exemption order”) providing that the pavement parking prohibition does not apply to a footway within the local authority’s area which is specified in the order.
- (2) A footway may not be specified in an exemption order unless it, or the carriageway with which it is associated, has the characteristics specified by the Scottish Ministers in a direction under section 67(1).
- (3) An exemption order—
 - (a) may apply to all or part of a footway,
 - (b) must apply—
 - (i) at all times, and
 - (ii) to all motor vehicles,
 - (c) may not be subject to conditions.
- (4) If the local authority is not the traffic authority for the footway to which an exemption order is to apply, the local authority may not make the order unless the traffic authority for the footway consents to the making of the order.
- (5) Subsection (4) applies to an order amending or revoking an exemption order as it applies to an exemption order.
- (6) In subsection (2), “carriageway” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984.

52 Exemption orders: form and procedure

- (1) The Scottish Ministers may by regulations make provision in connection with the making, amendment and revocation of exemption orders.
- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) the form of an exemption order (or an order amending or revoking an exemption order),
 - (b) the procedure to be followed in connection with the making, amendment or revocation of an exemption order,
 - (c) publication of a proposal for the making, amendment or revocation of an exemption order (a “proposal”),
 - (d) persons who must be consulted about a proposal and the manner and timing of that consultation,
 - (e) the process for making objections to a proposal,
 - (f) the process for considering any such objections, including the holding of inquiries and the appointment of a person to hold an inquiry,
 - (g) modification of a proposal (whether in consequence of an objection or otherwise),
 - (h) notice to be given or published of the making, amendment or revocation of an exemption order and the effect of the exemption order (or its amendment or revocation).

53 Exemption orders: traffic signs

- (1) This section applies where a local authority (the “exempting authority”) makes an exemption order in relation to all or part of a footway.
- (2) The traffic authority for the footway must—
 - (a) place, or secure the placement of, traffic signs in connection with the exemption order, and
 - (b) maintain, or secure the maintenance of, those signs.
- (3) Where the traffic authority for the footway is not the exempting authority, the traffic authority may enter into an arrangement with the exempting authority under which the exempting authority is to—
 - (a) exercise the functions under subsection (2), or
 - (b) assist the traffic authority in connection with the exercise of those functions.
- (4) Where the exempting authority enters into an arrangement mentioned in subsection (3) (a), section 65(1) of the Road Traffic Regulation Act 1984 (powers and duties of traffic authorities as to placing of traffic signs) applies to the exempting authority as it applies to the traffic authority for the footway.
- (5) In subsection (2), “traffic signs” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984 (general provisions as to traffic signs).