



Transport (Scotland) Act 2019

2019 asp 17

PART 7

WORKPLACE PARKING

Making and modifying schemes

72 Power to make and modify schemes

- (1) A local authority may (in accordance with this Part)—
 - (a) make a workplace parking licensing scheme for all or part of its area,
 - (b) amend or revoke a workplace parking licensing scheme made by it.
- (2) A workplace parking licensing scheme may be made only if—
 - (a) the local authority proposing to make the scheme has a local transport strategy, and
 - (b) it appears to the authority that the scheme will (directly or indirectly) facilitate the achievement of policies in its strategy.
- (3) Two or more local authorities may act jointly to make a workplace parking licensing scheme.
- (4) In those circumstances—
 - (a) they must continue to act jointly in relation to the scheme in all respects, and
 - (b) unless the context otherwise requires, a reference in this Part to—
 - (i) a local authority, in relation to a workplace parking licensing scheme or to a proposed scheme, is a reference to the authorities acting jointly,
 - (ii) the area of a local authority is a reference to the combined areas of those authorities, and
 - (iii) the local transport strategy of a local authority is a reference to the local transport strategy of each local authority.

73 Prior consultation and impact assessment

- (1) Before making, amending or revoking a workplace parking licensing scheme, a local authority must—

Status: This is the original version (as it was originally enacted).

- (a) prepare and publish—
 - (i) an outline of the proposed scheme, the scheme as it is proposed to be amended or (as the case may be) notice of the proposed revocation of the scheme (“the proposal”),
 - (ii) a statement about the objectives of the proposal, and
 - (iii) an assessment of the impacts of the proposal,
 - (b) consult such persons as the authority considers appropriate in relation to the proposal (including, in particular, persons that the authority has identified as likely to be affected by the proposal), and
 - (c) prepare and publish a report which—
 - (i) summarises the consultation responses received,
 - (ii) states whether or not the authority intends to proceed with the proposal (or the proposal as modified in light of the consultation), and
 - (iii) sets out the authority’s reasons for whether or not it intends to proceed.
- (2) For the purpose of subsection (1)(a)(i), an outline of the proposed scheme must include the proposed—
- (a) licensing area,
 - (b) period during which the scheme is to remain in force (or that it is to continue indefinitely),
 - (c) charges payable on licences (expressed as a specified sum of money for each workplace parking place provided),
 - (d) persons, premises or motor vehicles (or descriptions of such persons, premises or motor vehicles) that are to be exempt from the scheme or from paying charges under it (see sections 78 and 79).
- (3) For the purpose of subsection (1)(a)(ii), the statement must set out—
- (a) the objectives that the local authority intends the proposal to achieve,
 - (b) its assessment of how (or the extent to which) the proposal will—
 - (i) achieve those objectives, and
 - (ii) facilitate (directly or indirectly) the achievement of policies in its local transport strategy, and
 - (c) how it intends to apply any net proceeds of the scheme (see section 81).
- (4) For the purpose of subsection (1)(a)(iii), the assessment must, in particular, set out what the local authority considers to be the likely effects of the proposal on—
- (a) persons who may have to pay charges under (or as a result of) the scheme, and
 - (b) the environment.
- (5) A local authority may not make, amend or (as the case may be) revoke the scheme in accordance with the proposal (or the proposal as modified) until a period of 8 weeks beginning with the date on which it published its report under subsection (1)(c) has elapsed.

74 **Scottish Ministers’ power to regulate process**

The Scottish Ministers may by regulations, following consultation with such persons as they consider appropriate, make provision about the procedures in relation to making, amending and revoking workplace parking licensing schemes including, in particular, provision—

- (a) specifying the form of a scheme, or any amendment or revocation of it,
- (b) about consultation on proposals (including the publication of proposals and the making and consideration of representations),
- (c) about the publication of notice of the making, amendment or revocation of a scheme and their effect,
- (d) about reviews of, and appeals against, decisions in relation to schemes.

75 Examination of proposals

- (1) This section applies where a local authority proposes to make, amend or revoke a workplace parking licensing scheme.
- (2) Either—
 - (a) the local authority making the proposal, or
 - (b) the Scottish Ministers,may (if it or they consider it appropriate) appoint a person (“the reporter”) to carry out an examination of, and prepare a report on, the proposal or any aspect of it.
- (3) The reporter may carry out an examination in such manner as the reporter considers appropriate and may, in particular, do so by means of—
 - (a) consideration of written representations only,
 - (b) conducting a hearing at which a person who has made representations in respect of the proposal may be given an opportunity to appear and be heard, or
 - (c) holding an inquiry into the proposal.
- (4) Subsections (3) to (5) of section 210 of the Local Government (Scotland) Act 1973 (provisions relating to local inquiries) apply in relation to a hearing or inquiry under subsection (3) of this section as they apply in relation to an inquiry under that Act.
- (5) Where an examination is to be carried out, the local authority may not proceed with the proposal until the examination has been completed.
- (6) The Scottish Ministers may by regulations make further provision in relation to examinations to be carried out under this section.
- (7) Without limit to that generality, such regulations may make provision—
 - (a) about who may be appointed to carry out an examination under this section,
 - (b) about the procedure for examinations under this section and, in particular, in relation to—
 - (i) any representations which are (or are not) to be taken into account,
 - (ii) who may appear at a hearing or inquiry,
 - (iii) the procedure for the conduct of any hearing or inquiry,
 - (iv) things which must be done in preparation for, or following, a hearing or inquiry,
 - (c) in relation to the financial aspects of an examination and, in particular, about the payment of remuneration, costs and expenses,
 - (d) in relation to the report to be prepared including, in particular, its form, content and publication.