
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022

PART 2

Consultation, publication and representations

Publication of proposals and consultation

- 2.—(1) Before making an exemption order under section 51 of the Act, a local authority must—
- (a) publish on the local authority’s website a notice containing the information specified in Part 1 of schedule 1 (a “notice of proposals”),
 - (b) publish on the local authority’s website an outline of the proposed exemption order, including the information required under regulation 11(a) and (b) (a “proposal”),
 - (c) publish on the local authority’s website a statement setting out the reasons why the proposed exemption order should be made,
 - (d) make a copy of the information mentioned in sub-paragraphs (a) to (c) available for inspection at their offices during normal office hours, and (if the local authority thinks fit) at such other places within its area and during such times at those places as it may determine,
 - (e) display notices containing the information set out in Part 1 of schedule 1, displayed in accordance with paragraphs 1 and 2 of schedule 2, in any footway to which the proposal relates,
 - (f) consult the persons specified in paragraph (3),
 - (g) take such other steps as it considers appropriate for ensuring that adequate publicity about the proposed exemption order is given to persons likely to be affected by it.
- (2) When consulting the persons specified in paragraph (3) a local authority must provide those persons with the information mentioned in paragraph (1)(a) to (c).
- (3) The persons to be consulted are—
- (a) the chief constable of the Police Service of Scotland,
 - (b) any Transport Partnership, established by order under section 1 of the Transport (Scotland) Act 2005⁽¹⁾, to whose region the proposal relates,
 - (c) the appropriate Crown Authority where the proposal relates to a Crown Road,
 - (d) any Health Board, constituted by order under section 2 of the National Health Service (Scotland) Act 1978⁽²⁾, to whose area the proposal relates,

(1) 2005 asp 12.

(2) 1978 c. 29; section 2 was relevantly amended by paragraph 1 of schedule 7 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 28(a)(i) and (ii), (b) and (c) of the National Health Service and Community Care Act 1990 (c. 19), paragraph 1(2)(a) and (b) of schedule 1 of the National Health Service Reform (Scotland) Act 2004 (asp 7), and paragraph 2(2) of schedule 2 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).

- (e) the Scottish Fire and Rescue Service, where it appears to the local authority that the proposal is likely to affect the passage of fire fighting vehicles on any road or place,
 - (f) the traffic authority, where the proposal relates to a road for which the local authority is not the traffic authority,
 - (g) such other persons as the local authority considers appropriate.
- (4) In this regulation, “Crown road” and “appropriate Crown Authority” have the meanings given in section 131(7) of the Road Traffic Regulation Act 1984⁽³⁾.

Representations

- 3.**—(1) Before the end of the period specified in accordance with paragraph 5 of Part 1 of schedule 1, any person may make representations in writing in relation to the proposed exemption order.
- (2) Representations under paragraph (1) must—
- (a) contain a statement of the grounds on which the representations are made, and
 - (b) be intimated to the local authority as set out in the notice published under regulation 2(1)(a) and paragraph 5 of Part 1 of schedule 1.
- (3) A local authority may consider whether it is appropriate to take account of representations made under this regulation which are received by it after the end of the period specified in the notice of proposals.

⁽³⁾ 1984 c. 27. Section 131(7) was amended by paragraph 75(3) of schedule 8 of the New Roads and Street Works Act 1991 (c. 22) and by S.I. 2017/524.