
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

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

PART 3

Hearings

Hearing

4.—(1) Before making an exemption order, a local authority may appoint a person (a “reporter”) to conduct a hearing in relation to the proposed exemption order or any aspect of it.

(2) A reporter appointed under this regulation must be—

- (a) a member of the staff of the Scottish Ministers, or
- (b) selected from a panel provided by the Scottish Ministers.

(3) A hearing must be held in public.

Notice of hearing

5.—(1) Where a hearing is to be held the reporter must give notice in writing to that effect to—

- (a) each person consulted under regulation 2(3),
- (b) each person who made representations under regulation 3(1),
- (c) any other person from whom the reporter wishes to hear in relation to specified matters at the hearing.

(2) Within 14 days of the date of receiving a notice under paragraph (1) anyone intending to appear at the hearing must inform the reporter of that intention in writing.

(3) A notice sent under paragraph (1) must include confirmation that if those persons do not reply to the reporter in terms of paragraph (2) they will not be entitled to appear at the hearing.

Appearances at hearing

6. The persons entitled to appear at a hearing are those who have informed the reporter of their intention to appear under regulation 5(2).

Date and notification of hearing

7.—(1) The reporter must fix the date and time for the holding of the hearing and the manner in which the hearing will be conducted, including its location (if appropriate), all or any of which may subsequently be varied by the reporter.

(2) The reporter must give those persons entitled to appear at the hearing written notice of—

- (a) the date and time fixed for the holding of the hearing,

- (b) the manner of the holding of the hearing, including its location, if appropriate,
- (c) any subsequent variation of the details mentioned in sub-paragraphs (a) and (b).

Procedure at hearing

8.—(1) Except as otherwise provided in this Part, the procedure at a hearing is as the reporter determines.

(2) The reporter is, having considered any submission by the persons entitled to appear at the hearing, to state at the commencement of the hearing the procedure the reporter proposes to adopt.

(3) Any person entitled to appear at the hearing may do so on their own behalf or be represented by another person.

(4) Where there are two or more persons having a similar interest in the issues being considered at the hearing, the reporter may allow one or more person to appear on behalf of some or all of those persons.

(5) A hearing is to take the form of a discussion led by the reporter and cross-examination is not permitted.

(6) The reporter may from time to time adjourn the hearing and, if the date, time and place of the adjourned hearing are announced before the adjournment, no further notice is required, otherwise regulation 7 applies as it applies to the variation of the date, time or place at which a hearing session is to be held.