
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

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

PART 4

Making of an exemption order

Consideration of representations and report following hearing

- 9.** Before making an exemption order, a local authority must consider—
- (a) any representations made in accordance with regulation 3(1),
 - (b) in a case where a hearing has been held, the report and recommendations (if any) of the reporter.

Making of an exemption order

- 10.**—(1) A local authority may—
- (a) make an exemption order which gives effect to a proposal without modification,
 - (b) make an exemption order which gives effect to a proposal with modifications,
 - (c) decide not to make an exemption order.
- (2) Where a local authority proposes to make an exemption order giving effect, with modifications, to the proposal, being modifications which in its opinion make a substantial change to the proposal, they are—
- (a) to notify any person who appears to the local authority to be likely to be affected by the change,
 - (b) to give that person an opportunity to make representations about the modifications within such period as may be specified in the notification, and
 - (c) before making the order, to consider any representations made to the local authority by that person.
- (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 accordance with paragraph (2)(b).

Form of exemption order

- 11.** An exemption order must—
- (a) specify the footway (or part of a footway) to which it relates,
 - (b) be accompanied by a map which indicates the footway (or part of a footway) to which the order relates,
 - (c) specify the date on which the order comes into effect.

Notice of making of an exemption order

12. Within 14 days of making an exemption order under section 51 of the Act a local authority must—

- (a) give notice in writing of the making of the exemption order to the chief constable of the Police Service of Scotland,
- (b) give notice in writing to each person consulted under regulation 2(3), and to each person who made representations under regulation 3(1), of the local authority's reasons for making the exemption order,
- (c) publish on the local authority's website a notice of the making of the exemption order containing the information specified in Part 2 of schedule 1,
- (d) publish the exemption order and accompanying map and, where applicable, the report following the holding of a hearing under regulation 4, on the local authority's website,
- (e) make a copy of everything mentioned in sub-paragraphs (a) to (d) 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,
- (f) display notices containing the information set out in Part 2 of schedule 1, displayed in accordance with paragraphs 1 and 3 of schedule 2, in any footway to which the exemption order relates,
- (g) take such other steps as it considers appropriate for ensuring that adequate publicity about the making of the exemption order is given to persons likely to be affected by it.

Amending and revoking exemption orders

13. The requirements of regulations 2 to 12 apply to proposals to amend or revoke an exemption order as they do to proposals to make an exemption order.