
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

**The Parking Prohibitions (Enforcement and
Accounts) (Scotland) Regulations 2023**

PART 2

Penalty charges and enforcement

Person by whom a penalty charge is to be paid

3.—(1) A penalty charge is payable by a person other than the registered keeper of the relevant vehicle in the circumstances specified in paragraphs (2) to (5).

(2) Where the relevant vehicle is not registered in terms of section 21 (registration of vehicles) of the Vehicle Excise and Registration Act 1994⁽¹⁾, a penalty charge is payable by the person by whom the relevant vehicle was used or kept at the time of the contravention.

(3) Where the registered keeper sold or transferred the relevant vehicle before the time of the contravention, a penalty charge is payable by the person by whom the relevant vehicle was used or kept at the time of the contravention.

(4) Where at the time of the contravention—

- (a) the registered keeper of the relevant vehicle was a vehicle hire firm, and
- (b) the relevant vehicle was hired to a person under a hiring agreement with the vehicle hire firm,

a penalty charge is payable by the person hiring the relevant vehicle.

(5) Where at the time of the contravention the relevant vehicle was used or kept by a person who was a vehicle trader and that vehicle trader was not the registered keeper, a penalty charge is payable by that person.

(6) In this regulation—

“hiring agreement” means an agreement for the hire of a vehicle—

- (a) under the terms of which the vehicle is let to the hirer for a fixed period of any duration (whether or not that period is capable of extension by agreement between the parties or otherwise),
- (b) which contains such particulars as may for the time being be prescribed for the purpose of section 66 (hired vehicles) of the Road Traffic Offenders Act 1988⁽²⁾, and
- (c) which is not a hire-purchase agreement within the meaning given to that term by section 189(1) (definitions) of the Consumer Credit Act 1974⁽³⁾,

(1) 1994 c. 22. Section 21(1) was substituted by paragraph 2 of schedule 3 of the Finance Act 1997 (c. 16), and section 21(2) was amended, and section 21(4) inserted, by paragraph 33 of schedule 4 of the Finance Act 1995 (c. 4).

(2) 1988 c. 53. Section 66 was relevantly amended by paragraph 1 of schedule 7 of the Road Safety Act 2006 (c. 49).

(3) 1974 c. 39.

“vehicle trader” has the same meaning as in regulation 3(1) (interpretation) of the Road Vehicle (Registration and Licensing) Regulations 2002⁽⁴⁾.

(4) [S.I. 2002/2742](#). Regulation 3(1) was relevantly amended by [S.I. 2015/403](#).