SCHEDULE 2

Consequential amendments of secondary legislation

Road Traffic (Permitted Parking Area and Special Parking Area) (City of Edinburgh) Designation Order 1998

21.—(1) The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Edinburgh) Designation Order 1998(**1**) is amended in accordance with sub-paragraphs (2) and (3).

(2) For article 6 (consequential modification) substitute—

"**Disapplication of schedule 1 of the Tribunals and Inquiries Act 1992**

6. The reference in paragraph 40(b) of schedule 1 of the Tribunals and Inquiries Act 1992(**2**) to a parking adjudicator appointed under section 73(3) of the 1991 Act does not apply in relation to the parking area.".

(3) In schedule 2 (modifications of provisions of Part 2 of the Road Traffic Act 1991)—

(a) for paragraph 3(4) substitute—

"(4) In subsection (8)—

(a) in paragraph (a) for "a parking adjudicator" substitute "the First-tier Tribunal"; and

(b) in paragraph (b)—

(i) for "a parking adjudicator's" substitute "the First-tier Tribunal's";

(ii) for "costs" substitute "expenses"; and

(iii) for "him" substitute "it".",

(b) after paragraph 3 insert—

"**3A.**—(1) Section 72 (appeals to parking adjudicator in relation to decisions under section 71) is modified as follows.

(2) In subsection (1) for "a parking adjudicator" in both places where it occurs substitute "the First-tier Tribunal".

(3) Omit subsections (2) and (3).

(4) The heading of the section becomes "Appeals to the First-tier tribunal in relation to decisions under section 71".",

(c) in paragraph 4—

(i) in sub-paragraph (2) for "and (2)" substitute ", (1A), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14)",

(ii) omit sub-paragraphs (3), (5), (6), (7), (8), (9) and (10),

(iii) for sub-paragraph (4) substitute—

"(4) After subsection (3) inserted—

"(3A) The parking authority must meet the costs incurred by the Scottish Courts and Tribunals Service—

(a) for the provision of all accommodation and administrative staff and facilities; and

(**1**) S.I. 1998/1539 (S.80), as amended by S.S.I. 2002/188, S.S.I. 2007/446 and S.S.I. 2011/323.
(**2**) 1992 c.53.

(b) in relation to the remuneration and expenses of legal members,

required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of the 1991 Act and paragraph 5(2) of schedule 6 of that Act.”.”,

(iv) for sub-paragraph (10) substitute—

“(10) In subsection (17)—

(a) for “Joint Committee”, wherever it occurs, substitute “parking authority”;

(b) for “each parking adjudicator” substitute “the First-tier Tribunal and the Upper Tribunal”; and

(c) for “him” substitute “their”.”,

(v) after sub-paragraph (10), insert—

“(11) In subsection (18)—

(a) for “Joint Committee” substitute “parking authority”;

(b) for “the Secretary of State” substitute “the Scottish Ministers”; and

(c) for “parking adjudicator” substitute “First-tier Tribunal and the Upper Tribunal”.”,

(vi) after sub-paragraph (11) insert—

“(12) The heading of the section becomes “Parking Authority Costs and Administration”.”.

(d) in paragraph 6(2)—

(i) before the entry relating to “hiring agreement” insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland;”,

(ii) at the end of the entry relating to “prescribed” omit “and”,

(iii) at the end of the entry relating to “traffic commissioner” for “.” substitute “; and”, and

(iv) after the entry relating to “traffic commissioner” insert—

““Upper Tribunal” means the Upper Tribunal for Scotland;”,

(e) after paragraph 6(3) insert—

“(4) In subsection (6), for “a Minister of the Crown” there will be substituted “the Scottish Ministers”.

(5) In subsection (7), for “either House of Parliament” there will be substituted “the Scottish Parliament”.”.

(f) in paragraph 7—

(i) in sub-paragraph (5)—

(aa) in head (a) omit “and” where it occurs on the second occasion,

(bb) after head (a) insert—

“(aa) for “a parking adjudicator”, wherever it occurs, substitute “the First-tier Tribunal”; and”, and

(cc) for head (b) substitute—

“(b) in subparagraph (b)—

(i) for “a parking adjudicator’s” substitute “the First-tier Tribunal’s”;

(ii) for “costs” substitute “expenses”; and

(iii) for “him” substitute “it”.”,

(ii) in sub-paragraph (6)—

(aa) in head (a), for “and” substitute “, ” and after “parking authority’s decision” insert “and for “a parking adjudicator” substitute “the First-tier Tribunal””,

(bb) omit heads (b) and (c),

(iii) in sub-paragraph (7)—

(aa) in head (a) omit “and”,

(bb) in head (b) for “.” substitute “;”,

(cc) after head (b) insert—

“(c) in subparagraph (2)(c) for “adjudicator’s” substitute “First-tier Tribunal’s”; and

(d) in subparagraph (3) for “adjudicator” substitute “First-tier Tribunal” and for “his” substitute “its”.”,

(iv) in sub-paragraph (9), for “Paragraph 8” substitute “Paragraphs 8 and 9”.

(4) In schedule 3 (modifications to the Road Traffic Regulation Act 1984)—

(a) for paragraph 3 substitute—

“**3.** In section 63A subsection (4)—

(a) for “Greater London” substitute “the parking area”;

(b) for “Greater London Authority” substitute “Scottish Ministers”;

(c) for “adjudicator”, wherever it occurs, substitute “First-tier Tribunal”; and

(d) for “his” substitute “its”.”.