

Footway Parking and Double Parking (Scotland) Bill

[AS INTRODUCED]

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ACCOMPANYING DOCUMENTS

Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 69-EN. A Policy Memorandum is printed separately as SP Bill 69-PM.

Footway Parking and Double Parking (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament making provision for the restriction of parking on footways and at dropped footways, and double parking.

1 Extent

This Act applies to all public roads in built-up areas in Scotland with the exception of special roads.

2 Prohibition of parking on footways

(1) Subject to the exceptions specified in subsection (2), a vehicle must not be parked on a footway.

(2) The exceptions are—

- (a) where the vehicle is being used for fire brigade, ambulance or police purposes,
- (b) where the vehicle is parked wholly within a designated disabled parking place which forms part of the footway where parking is specifically authorised,
- (c) where the vehicle is parked within an Exempt Area as described in section 6.

(3) References in this section to parking include waiting, except waiting—

- (a) to avoid obstructing the passage of a vehicle which is being used for fire brigade, ambulance or police purposes, or
- (b) where the driver of a vehicle must use the footway as a result of circumstances beyond the driver's control or where it is necessary for the driver to stop to avoid an accident.

3 Prohibition of parking at dropped footways etc.

(1) Subject to the exceptions specified in subsection (2), a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where—

- (a) the footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of—
 - (i) assisting pedestrians crossing the carriageway,

- (ii) assisting cyclists entering or leaving the carriageway, or
- (iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge, or

(b) the carriageway has, for a purpose within paragraph (a)(i) to (iii), been raised to meet the level of the footway, cycle track or verge.

(2) The exceptions are—

(a) where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised,

(b) where the vehicle is parked outside residential premises by or with the consent (but not consent given for reward) of the occupier of the premises,

(c) where the vehicle is being used for fire brigade, ambulance or police purposes,

(d) where—

(i) the vehicle is being used for the purposes of delivering goods to, or collecting goods from, any premises, or is being loaded from or unloaded to any premises,

(ii) the delivery, collection, loading or unloading cannot reasonably be carried out in relation to those premises without the vehicle being parked as mentioned in subsection (1), and

(iii) the vehicle is so parked for no longer than is necessary and for no more than 20 minutes,

(e) where the vehicle is being used in connection with any of the following—

(i) undertaking any building operation, demolition or excavation,

(ii) the collection of waste by a local authority,

(iii) removing an obstruction to traffic,

(iv) undertaking works in relation to a road, a traffic sign or road lighting, or

(v) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services,

and the vehicle cannot be so used without being parked as mentioned in subsection (1) and is so parked for no longer than is necessary,

(f) where the vehicle is parked within an Exempt Area as described in section 6.

(3) References in this section to parking include waiting, but do not include stopping where—

(a) the driver is prevented from proceeding by circumstances beyond the driver's control or it is necessary for the driver to stop to avoid an accident,

(b) it is necessary to avoid obstructing the passage of a vehicle which is being used for fire brigade, ambulance or police purposes, or

(c) the vehicle is stopped, for no longer than is necessary, for the purpose of boarding or alighting.

4 Prohibition of double parking

(1) Subject to the exceptions specified in subsection (2), a vehicle must not be parked on the carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of the carriageway.

(2) The exceptions are—

(a) where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised,

(b) where the vehicle is being used for fire brigade, ambulance or police purposes,

(c) where—

(i) the vehicle is being used for the purposes of delivering goods to, or collecting goods from, any premises, or is being loaded from or unloaded to any premises, and

(ii) the delivery, collection, loading or unloading cannot reasonably be carried out in relation to those premises without the vehicle being parked as mentioned in subsection (1), and

(iii) the vehicle is so parked for no longer than is necessary and for no more than 20 minutes,

(d) where the vehicle is being used in connection with any of the following—

(i) undertaking any building operation, demolition or excavation,

(ii) the collection of waste by a local authority,

(iii) removing an obstruction to traffic,

(iv) undertaking works in relation to a road, a traffic sign or road lighting, or

(v) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services,

and the vehicle cannot be so used without being parked as mentioned in subsection (1) and is so parked for no longer than is necessary.

(3) References in this section to parking include waiting, but do not include stopping where—

(a) the driver is prevented from proceeding by circumstances beyond the driver's control or it is necessary for the driver to stop to avoid an accident, or

(b) the vehicle is stopped, for no longer than is necessary, for the purpose of boarding or alighting.

5 Enforcement of prohibitions

The prohibitions in sections 2, 3 and 4 are enforceable as if imposed by a traffic regulation order made under section 1 of the 1984 Act.

6 Power to specify Exempt Areas

A local authority may by traffic regulation order under section 1 of the 1984 Act designate such roads or parts of a road within its local authority area as Exempt Areas where any or all of the prohibitions specified in sections 2, 3 or 4 are not to apply.

7 Interpretation

In this Act—

“the 1984 Act” means the Road Traffic Regulation Act 1984,

“carriageway”, “cycle track”, “footway”, “public road” and “special road” have the meanings given by section 151 of the Roads (Scotland) Act 1984,

“designated parking place” means a parking place designated by order under section 1, 9, 32(1)(b) or 45 of the 1984 Act,

“public roads in built-up areas” means a restricted road, as defined in section 82 of the 1984 Act, where “in Scotland, there is provided on it a system of carriageway lighting furnished by means of lamps placed not more than 185 metres apart and the road is of a classification or type specified for the purposes of this subsection in regulations made by the Secretary of State” or where a non-restricted road has become a restricted road under section 82 of the same Act,

“motor vehicle” has the meaning given by section 136 of the 1984 Act,

“traffic regulation order” means a regulation governed by the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999.

8 Commencement

This Act comes into force at the end of the period of 12 months beginning with the date of Royal Assent.

9 Short title

The short title of this Act is the Footway Parking and Double Parking (Scotland) Act 2015.

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An Act of the Scottish Parliament making provision for the restriction of parking on footways and at dropped footways, and double parking.

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