
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 93

ROAD TRAFFIC

The Road Traffic (Permitted Parking Area and Special Parking Area) (Fife Council) Designation Order 2013

<i>Made</i>	- - - -	<i>12th March 2013</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th March 2013</i>
<i>Coming into force</i>	- -	<i>29th April 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of Schedule 3 to the Road Traffic Act 1991⁽¹⁾ and all other powers enabling them to do so.

In accordance with paragraphs 1(1)(d) and 2(1)(c) of that Schedule they have received an application for this Order from Fife Council.

In accordance with paragraphs 1(3) and 2(3) of that Schedule they have consulted the Chief Constable of Fife Constabulary.

Citation and commencement

1. This Order may be cited as the Road Traffic (Permitted Parking Area and Special Parking Area) (Fife Council) Designation Order 2013 and comes into force on 29th April 2013.

Interpretation

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984⁽²⁾;

“the 1991 Act” means the Road Traffic Act 1991; and

“the parking area” means the area designated as a permitted parking area and a special parking area by article 3.

(1) 1991 c.40; paragraphs 1(1) and 2(1) of Schedule 3 were relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), paragraph 171, Schedule 13. The functions of the Secretary of State under that Schedule, so far as they are exercisable within devolved competence, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(2) 1984 c.27.

Designation as permitted parking area and special parking area

3. That part of the Fife local government area⁽³⁾ specified in Schedule 1 is designated as—
- (a) a permitted parking area; and
 - (b) a special parking area.

Modifications and application of Part II of the 1991 Act

4. Sections 66, 69 to 74, 79 and 82 of, and Schedule 6 to, the 1991 Act apply in relation to the parking area subject to the modifications specified in Schedule 2.

Modifications of the 1984 Act

5. The 1984 Act is modified in relation to the parking area as specified in Schedule 3.

Consequential modification

6. In relation to a parking adjudicator appointed under section 73(3) of the 1991 Act by virtue of this Order, the reference in paragraph 40(b) of Schedule 1 to the Tribunals and Inquiries Act 1992⁽⁴⁾ to a parking adjudicator appointed under section 73(3)(a) of the 1991 Act shall be construed as if it were a reference to a parking adjudicator appointed under section 73(3) of that Act by virtue of this Order.

St Andrew's House,
Edinburgh
12th March 2013

KEITH BROWN
Authorised to sign by the Scottish Ministers

(3) Fife local government area was established by section 1(2) and (4) of, and Schedule 1 to, the Local Government etc. (Scotland) Act 1994 (c.39).

(4) 1992 c.53.

SCHEDULE 1

Article 3

SPECIFICATION OF PARKING AREA

Fife local government area, with the exception of—

M90;
A90;
A92;
A977;
A985;
A823;
A876;

Tutor Road, Tutor Close, Hudson Gate and Keith Crescent (all being in Leuchars, Fife); and
Barham Road, Barton Road, Bell Road, Caledonia Road, Caledonia Way, Calliope Road, Camperdown Road, Cochrane Road, Commodores Walk, Dew Way, Douglas Road, Dundas Road, Fife Place, Forth Road, Gordon Road, Great Michael Road, Greig Road, Keith Road, King James IV Road, Livesay Road, Lochinvar Road, Lock Road, Maitland Road, Mitchell Road, Murray Road, Napier Road, Nasmyth Road, North Esk Road, Queens Way, Ropeway, Salvage Road, Selkirk Road, Stables Road, Stuart Road, The Crescent, Watt Road, Wood Road and Zealandia Road (all being in Rosyth, Fife).

SCHEDULE 2

Article 4

MODIFICATIONS OF PROVISIONS OF PART II OF THE ROAD TRAFFIC ACT 1991

- 1.—(1) Section 66 is modified as follows.
 - (2) In subsection (1) omit “in a designated parking place”.
 - (3) In subsection (2) omit—
 - (a) “For the purposes of this Part of the Act”; and
 - (b) paragraphs (a)(i), (b) and (c).
 - (4) In subsection (3)—
 - (a) in paragraph (d) for “the specified proportion” substitute “one half”; and
 - (b) in paragraph (e) for “London” substitute “parking”.
 - (5) Omit subsection (4).
 - (6) For subsection (5)(b) substitute—

“(b) the parking authority.”.
- 2.—(1) Section 69 is modified as follows.
 - (2) In subsection (1)—
 - (a) omit “in a designated parking place”; and
 - (b) for “specified in section 66(2)(a), (b) or (c) of this Act” substitute “in which a penalty charge is payable”.
 - (3) In subsection (8) for the words from “London” to the end substitute “parking authority”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 3.—(1) Section 71 is modified as follows.
- (2) In subsection (1) for “a London” substitute “the parking”.
- (3) For subsection (4) substitute—
- “(4) The grounds are—
- (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking area in circumstances in which a penalty charge was payable;
- (b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
- (c) that the place where the vehicle was at rest was not in the parking area;
- (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 of this Act did not apply to the vehicle in question at the time in question; or
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”.
- (4) In subsection (8)(b) for “costs” substitute “expenses”.
- 4.—(1) Section 73 is modified as follows.
- (2) Omit subsections (1), (1A) and (2).
- (3) For subsection (3) substitute—
- “(3) The traffic commissioner must, with the consent of the Lord Advocate, appoint persons to act as parking adjudicators.”.
- (4) After subsection (3) insert—
- “(3A) A parking adjudicator appointed by virtue of this section is authorised to act as a parking adjudicator in relation to the parking area.
- (3B) The parking authority, after consultation with the traffic commissioner—
- (a) must—
- (i) provide, or enter into arrangements for the provision of, accommodation and administrative staff for the parking adjudicators acting in relation to the parking area; and
- (ii) determine the places at which such parking adjudicators are to sit; and
- (b) may enter into arrangements for the remuneration of such parking adjudicators.”.
- (5) In subsection (4) for the words from “have” to the end substitute “be an advocate or solicitor of at least five years’ standing”.
- (6) In subsection (5) for “appointing authorities” substitute “traffic commissioner”.
- (7) For subsections (8) to (10) substitute—
- “(8) The reasonable expenses of the traffic commissioner incurred in connection with the discharge of the duties imposed on him by this section, shall be met by the parking authority.”.
- (8) In subsection (11) for “The Secretary of State” substitute “The Scottish Ministers”.
- (9) In subsection (12)—
- (a) in each of paragraphs (i) and (j) for “costs” substitute “expenses”; and
- (b) in paragraph (j) for “county” substitute “sheriff”.