

# Transport (Scotland) Bill

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## 3rd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the third day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### Groupings of amendments

#### **Parking prohibitions: enforcement**

145, 311, 312, 313

#### **Parking prohibitions penalty charges: application of penalty charges**

310, 314, 157, 315

#### **Parking prohibitions penalty charges: accessibility of information**

217, 218

#### **Parking prohibitions: guidance**

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#### **Parking on a cycle track**

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#### **Workplace parking: establishment and review of licencing schemes**

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#### *Notes on amendments in this group*

Amendment 8E pre-empts amendment 8A

Amendment 8B pre-empts amendment 8G

Amendment 8G pre-empts amendment 8C

**Workplace parking: exemptions**

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*Notes on amendments in this group*

Amendment 15A pre-empts amendment 15B

Amendment 16M pre-empts amendment 16AH

**Workplace parking: financial provisions**

17, 17C, 17A, 17D, 17E, 17F, 17G, 17H, 17I, 17J, 17K, 17L, 17M, 17N, 17O, 17P, 17Q, 17R, 17T, 17U, 17V, 17B, 17S, 18, 18A, 19

**Workplace parking licensing schemes: enforcement**

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**Accessibility of traffic lights**

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**Bus services: provision of information about local services**  
With 244 - 173

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With 28 – 29

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**Low emission vehicles: support for purchase and use of low emission vehicles in rural areas**  
With 228 – 253

**Low emission distribution consolidation hubs**  
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**Amendments in debating order**

**Parking prohibitions: enforcement**

**Michael Matheson**

- 145** In section 48, page 60, line 8, leave out <employed> and insert <appointed>

**Colin Smyth**

- 311** In section 49, page 61, line 12, at end insert—  
<(d) to provide for an exemption from the provisions of this section for a local authority to which an Order under schedule 3 of the Road Traffic Act 1991 (permitted and special parking areas outside London) does not apply.>

**Colin Smyth**

- 312** In section 49, page 61, line 12, at end insert—  
<( ) Where regulations under subsection (1) provide for an exemption under subsection (4)(d), the Scottish Ministers may by regulations make further provision to make alternative arrangements for the enforcement of the pavement parking prohibition and the double parking prohibition in areas to which an Order under schedule 3 of the Road Traffic Act 1991 (permitted and special parking areas outside London) does not apply.>

**Jamie Greene**

- 313** In section 54, page 62, line 30, at end insert—  
<( ) But nothing in this section affects the responsibility of a local authority for those functions.>

**Parking prohibitions penalty charges: application of penalty charges**

**Jamie Greene**

- 310** After section 48, insert—  
<**Application of penalty charges**  
Any monies received from penalty charges in respect of the pavement parking prohibition, the double parking prohibition and the dropped footway parking prohibition may, after the deduction of reasonable costs incurred in administering those prohibitions, be applied by the local authority only for the purposes of improving—  
(a) public transport services and facilities,  
(b) roads, and  
(c) other transport infrastructure,  
in or around the authority's area as it sees fit.>

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### **Jamie Greene**

- 314 In section 55, page 62, leave out line 36

### **Michael Matheson**

- 157 In section 55, page 62, line 36, at end insert <, and  
( ) the publication of a statement of account, and the manner in which it must be published.>

### **Jamie Greene**

- 315 In section 55, page 62, line 36, at end insert—  
<( ) the information to be provided in such accounts about how local authorities have complied with section (*Application of penalty charges*),  
( ) the publication of such accounts.>

### **Parking prohibitions penalty charges: accessibility of information**

#### **Pauline McNeill**

- 217 In section 49, page 60, line 35, at end insert—  
<( ) Regulations under subsection (1) must include provision requiring notification of a penalty charge to include information on how a charge can be appealed.>

#### **Pauline McNeill**

- 218 In section 49, page 60, line 35, at end insert—  
<( ) Regulations under subsection (1) must include provision requiring that notification of a penalty charge is available in formats that are accessible to individuals who have a sensory, physical or mental disability.>

### **Parking prohibitions: guidance**

#### **Michael Matheson**

- 158 In section 57, page 64, line 3, leave out <its functions under> and insert <functions conferred on it (whether as a local authority or as a traffic authority) by virtue of>

### **Parking prohibitions: minor and technical**

#### **Michael Matheson**

- 162 In section 58, page 64, line 20, leave out from <a> to <121A> and insert <means, in relation to a footway, the body which has the function of making traffic regulation orders under section 1>

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### **Parking on a cycle track**

Colin Smyth

163 After section 58, insert—

#### <PART

#### PARKING ON A CYCLE TRACK

##### **Parking on a cycle track**

- (1) The Roads (Scotland) Act 1984 is amended as follows.
- (2) In section 129 (miscellaneous summary offences), after subsection (6) there is inserted—

“(6A) The Scottish Ministers may by regulations make provision to confer powers on a local authority to issue a fixed penalty notice to a person who does not comply with subsection (6).”>

### **Workplace parking: establishment and review of licencing schemes**

John Finnie

7 After section 58, insert—

#### <PART

#### WORKPLACE PARKING

##### *Workplace parking licencing schemes*

##### **Workplace parking licencing schemes**

- (1) A workplace parking licencing scheme is a scheme under which a local authority may—
  - (a) require a person to hold a licence in order to provide workplace parking places (see section (*Workplace parking places*)) at premises in the area to which the scheme relates, and
  - (b) charge for such a licence on the basis of the number of places specified in the licence.
- (2) A workplace parking licencing scheme must specify—
  - (a) the area of the local authority to which the scheme relates, which must be specified by reference to an area on a map, (the “licencing area”),
  - (b) the date on which the scheme comes into effect,
  - (c) the period during which the scheme is to remain in force (or that it is to continue indefinitely),
  - (d) the days on which, and hours during which, a licence is required,
  - (e) the charges payable on licences (expressed as a specified sum of money for each workplace parking place provided),
  - (f) any persons, premises or motor vehicles (or descriptions of such persons, premises or motor vehicles) that are exempt from the scheme or from paying charges under it (see sections (*Exemptions etc.*) and (*National exemptions*)), and

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- (g) arrangements for the periodic review of the operation and effectiveness of the scheme including, in particular, how the outcome of a review is to be communicated to persons affected by it.
- (3) A workplace parking licensing scheme may make different provision for different purposes or different areas within the licensing area.>

### Mike Rumbles

- 7A As an amendment to amendment 7, line 7, after <provide> insert <more than 10>

### Peter Chapman

- 7D As an amendment to amendment 7, line 26, at end insert—  
<( ) A periodic review under subsection (2)(g) must take place annually.>

### Pauline McNeill

- 7B As an amendment to amendment 7, line 28, at end insert—  
<( ) Before using any powers under this section, a local authority must make an assessment of the likely impact on its area of any displacement which may occur as a result of the use of those powers.>

### Pauline McNeill

- 7C As an amendment to amendment 7, line 28, at end insert—  
<(4) Before using any powers under this section, a local authority must make an assessment of the likely impact on the level of poverty in its area which may occur as a result of the use of those powers.  
(5) An assessment made under subsection (4) must—  
(a) set out the implications of the use of powers under this section on workers in the local authority area,  
(b) be published in such form as the local authority considers appropriate.  
(6) In this section, “workers” means individuals who have entered into, or work under (or where the employment has ceased, worked under)—  
(a) a contract of employment, or  
(b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.>

### John Finnie

- 8 After section 58, insert—  
<Workplace parking places  
(1) For the purposes of this Part, a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time occupied by a motor vehicle used—  
(a) by a relevant person,

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- (b) by a worker, agent, supplier, business customer or business visitor of a relevant person,
  - (c) by a person attending a course of education or training provided by a relevant person, or
  - (d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,
- for the purpose of attending a place at which the relevant person carries on business at, or in the vicinity of, the premises.
- (2) In this section “relevant person” means—
    - (a) the person who provides the parking place in question (“the provider”),
    - (b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person’s own use), or
    - (c) any person who is associated with—
      - (i) the provider, or
      - (ii) a person within paragraph (b).
  - (3) For the purpose of subsection (2)(c), any two persons are associated if—
    - (a) one is a company of which the other (directly or indirectly) has control, or
    - (b) both are companies of which a third person (directly or indirectly) has control.
  - (4) For the purposes of this section—
    - “business” includes—
      - (a) any trade, profession, vocation or undertaking,
      - (b) the functions of any holder of a public office,
      - (c) the provision of any course of education or training, and
      - (d) the functions of, or any activities carried on by, the Scottish Administration, a Government department, a local authority or other statutory body,
    - “business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at any premises occupied by the relevant person for the purposes of a business carried on by that client or customer,
    - “business visitor”, in relation to a relevant person, means an individual who—
      - (a) in the course of the individual’s employment, or
      - (b) in the course of carrying on a business or for the purposes of a business carried on by the individual,
    - is visiting the relevant person or any premises occupied by the relevant person,
    - “Government department” means a department of the Government of the United Kingdom,
    - “supplier”, in relation to a relevant person, means—
      - (a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person, or
      - (b) any agent or sub-contractor of such a person,
    - “worker” means an individual who has entered into, or works under—



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- (a) a contract of employment, or
  - (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, under which the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.
- (5) The Scottish Ministers may by regulations amend subsections (1) to (4) for the purpose of adding, removing or varying circumstances in which, for the purposes of this Part, a workplace parking place is provided.>

### **Dean Lockhart**

**8E** As an amendment to amendment 8, line 7, leave out from <agent> to <person> in line 10

### **Mike Rumbles**

**8A** As an amendment to amendment 8, line 7, leave out <, business customer>

### **Dean Lockhart**

**8F** As an amendment to amendment 8, leave out lines 17 and 18

### **Mike Rumbles**

**8B** As an amendment to amendment 8, leave out line 29

### **Dean Lockhart**

**8G** As an amendment to amendment 8, leave out lines 29 to 41

### **Mike Rumbles**

**8C** As an amendment to amendment 8, leave out lines 32 to 34

### **Dean Lockhart**

**8H** As an amendment to amendment 8, line 46, leave out from <an> to <works> and insert <a person who is in receipt of a permanent contract to work at least 37 hours per week>

### **Mike Rumbles**

**8D** As an amendment to amendment 8, line 53, leave out subsection (5)

### **John Finnie**

**9** After section 58, insert—

#### *<Making and modifying schemes*

#### **Power to make and modify schemes**

- (1) A local authority may (in accordance with this Part)—
  - (a) make a workplace parking licensing scheme for all or part of its area,
  - (b) amend or revoke a workplace parking licensing scheme made by it.
- (2) A workplace parking licensing scheme may be made only if—
  - (a) the local authority proposing to make the scheme has a local transport strategy, and

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- (b) it appears to the authority that the scheme will (directly or indirectly) facilitate the achievement of policies in its strategy.
- (3) Two or more local authorities may act jointly to make a workplace parking licensing scheme.
- (4) In those circumstances—
  - (a) they must continue to act jointly in relation to the scheme in all respects, and
  - (b) unless the context otherwise requires, a reference in this Part to—
    - (i) a local authority, in relation to a workplace parking licensing scheme or to a proposed scheme, is a reference to the authorities acting jointly,
    - (ii) the area of a local authority is a reference to the combined areas of those authorities, and
    - (iii) the local transport strategy of a local authority is a reference to the local transport strategy of each local authority.>

### John Mason

- 9A** As an amendment to amendment 9, line 4, after <authority> insert <or (as the case may be) Regional Transport Partnership,>

### Mike Rumbles

- 9C** As an amendment to amendment 9, line 8, at end insert—  
<( ) the local authority proposing to make the scheme is satisfied that there is an adequate level of public transport services in its area, and>

### Colin Smyth

- 9B** As an amendment to amendment 9, line 10, at end insert <, and  
( ) the Scottish Ministers have approved the making of the scheme.>

### Jamie Greene

- 9D** As an amendment to amendment 9, line 11, leave out subsections (3) and (4) and insert <, and
- (c) the local authority can demonstrate that the implementation of the scheme will not have a detrimental impact on employment levels in the local authority area,
  - (d) there is evidence to suggest that any resulting displacement of vehicles will not increase carbon pollution and particulate matter in the areas to which vehicles are displaced,
  - (e) a need for a scheme can be demonstrated,
  - (f) the workplace is not in a low emission zone.
- (5) Before making a scheme a local authority must give notice of its intention to make a scheme.
- (6) A notice under subsection (5) must—
- (a) set out what the conditions of the scheme will be, and
  - (b) be published in such manner as the local authority considers appropriate.
- (7) A scheme must not be made until 12 months after a notice is issued under subsection (3).

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- (8) Two or more local authorities may act jointly to make a workplace parking licensing scheme.
- (9) In those circumstances—
  - (a) all local authorities making a scheme must issue a joint declaration setting out—
    - (i) their justification for establishing a joint scheme,
    - (ii) why the scheme’s objectives would not be met without the local authorities acting jointly,
    - (iii) their assessment of the financial and administrative impact of the scheme,
    - (iv) the formula they have used for applying the net proceeds of the scheme among each local authority,
  - (b) all local authorities making a scheme must comply with the conditions set out in section (*Prior consultation and impact assessment*).>

### John Finnie

10 After section 58, insert—

#### <Prior consultation and impact assessment

- (1) Before making, amending or revoking a workplace parking licensing scheme, a local authority must—
  - (a) prepare and publish—
    - (i) an outline of the proposed scheme, the scheme as it is proposed to be amended or (as the case may be) notice of the proposed revocation of the scheme (“the proposal”),
    - (ii) a statement about the objectives of the proposal, and
    - (iii) an assessment of the impacts of the proposal,
  - (b) consult such persons as the authority considers appropriate in relation to the proposal (including, in particular, persons that the authority has identified as likely to be affected by the proposal), and
  - (c) prepare and publish a report which—
    - (i) summarises the consultation responses received,
    - (ii) states whether or not the authority intends to proceed with the proposal (or the proposal as modified in light of the consultation), and
    - (iii) sets out the authority’s reasons for whether or not it intends to proceed.
- (2) For the purpose of subsection (1)(a)(i), an outline of the proposed scheme must include the proposed—
  - (a) licensing area,
  - (b) period during which the scheme is to remain in force (or that it is to continue indefinitely),
  - (c) charges payable on licences (expressed as a specified sum of money for each workplace parking place provided),

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- (d) persons, premises or motor vehicles (or descriptions of such persons, premises or motor vehicles) that are to be exempt from the scheme or from paying charges under it (see sections (*Exemptions etc.*) and (*National exemptions*)).
- (3) For the purpose of subsection (1)(a)(ii), the statement must set out—
  - (a) the objectives that the local authority intends the proposal to achieve,
  - (b) its assessment of how (or the extent to which) the proposal will—
    - (i) achieve those objectives, and
    - (ii) facilitate (directly or indirectly) the achievement of policies in its local transport strategy, and
  - (c) how it intends to apply any net proceeds of the scheme (see section (*Application of net proceeds of workplace parking schemes*)).
- (4) For the purpose of subsection (1)(a)(iii), the assessment must, in particular, set out what the local authority considers to be the likely effects of the proposal on—
  - (a) persons who may have to pay charges under (or as a result of) the scheme, and
  - (b) the environment.
- (5) A local authority may not make, amend or (as the case may be) revoke the scheme in accordance with the proposal (or the proposal as modified) until a period of 8 weeks beginning with the date on which it published its report under subsection (1)(c) has elapsed.>

### Jamie Greene

- 10D** As an amendment to amendment 10, line 10, at end insert—
- <( ) prepare and publish a report setting out the impact on—
    - (i) low income households,
    - (ii) small and medium-sized businesses in the vicinity of a workplace that may be in receipt of relief from non-domestic rates,
    - (iii) persons with a disability or impairment,
  - ( ) prepare and publish a report setting out alternative transportation options following the making of the scheme,>

### Colin Smyth

- 10A** As an amendment to amendment 10, line 13, at end insert—
- <(ba) hold a referendum on a question of whether the proposed scheme should proceed,>

### Colin Smyth

- 10B** As an amendment to amendment 10, line 18, at end insert—
- <( ) The Scottish Ministers must by regulations make provision for the—
    - (a) franchise,
    - (b) conduct, and
    - (c) administration,
- of a referendum held under subsection (1)(ba).>

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### Jamie Greene

- 10E** As an amendment to amendment 10, line 36, at end insert <, and  
( ) how it intends to use the net proceeds of the scheme.>

### Mike Rumbles

- 10C** As an amendment to amendment 10, line 40, at end insert—  
<( ) the displacement of vehicles and the resulting effect on residents in, and in the vicinity of, the area to which the proposal relates.>

### Jamie Greene

- 10F** As an amendment to amendment 10, line 40, at end insert—  
<(c) local businesses, and  
(d) island communities.>

### Peter Chapman

- 10G** As an amendment to amendment 10, line 40, at end insert—  
<(e) local businesses,  
(f) local authority revenue,  
(g) schools,  
(h) public bodies,  
(i) other statutory bodies,  
(j) health boards,  
(k) island communities, and  
(l) regions (construed in accordance with section 1(3) of the Scotland Act 1998).>

### John Finnie

- 11** After section 58, insert—  
<**Scottish Ministers' power to regulate process**  
The Scottish Ministers may by regulations make provision about the procedures in relation to making, amending and revoking workplace parking licensing schemes including, in particular, provision—  
(a) specifying the form of a scheme, or any amendment or revocation of it,  
(b) about consultation on proposals (including the publication of proposals and the making and consideration of representations),  
(c) about the publication of notice of the making, amendment or revocation of a scheme and their effect,  
(d) about reviews of, and appeals against, decisions in relation to schemes.>

### Jamie Greene

- 11A** As an amendment to amendment 11, line 11, at end insert—  
<( ) in relation to revocation of a scheme by the Scottish Ministers.>

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**John Finnie**

**12** After section 58, insert—

**<Local inquiries**

- (1) Both—
  - (a) the local authority proposing to make, amend or revoke a workplace parking licensing scheme, and
  - (b) the Scottish Ministers,may cause an inquiry into the proposal to be held and appoint a person by whom it is to be held.
- (2) A local authority may not proceed with the proposal until the inquiry has been completed.
- (3) Subsections (3) to (8) of section 210 of the Local Government (Scotland) Act 1973 (provisions relating to local inquiries) apply in relation to an inquiry under subsection (1) as they apply in relation to an inquiry under that section.>

**Jamie Greene**

**12A** As an amendment to amendment 12, line 3, leave out <Both> and insert <Any of>

**Jamie Greene**

**12B** As an amendment to amendment 12, line 6, at end insert <, and

<( ) the Scottish Parliament (where it passes a resolution on a division by simple majority),>

**John Finnie**

**13** After section 58, insert—

*<Workplace parking licences*

**Licence applications and processes**

- (1) A workplace parking licensing scheme may include provision for or in connection with—
  - (a) applications for a workplace parking licence,
  - (b) granting, issuing and renewing a licence,
  - (c) imposing conditions on a licence,
  - (d) the standard duration of a licence,
  - (e) varying or revoking a licence,
  - (f) suspending the requirement to hold a licence for a period (and reimbursing charges for such a period).
- (2) Provision under subsection (1)(b) may include the granting of short-term workplace parking licences in special circumstances specified in, or determined in accordance with, the scheme.
- (3) In connection with the granting of a short-term workplace parking licence, a workplace parking licensing scheme may include provision conferring a discretion on any person.
- (4) The duration of a short-term workplace parking licence (or the total duration of a series of such licences) may not exceed 12 months.

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- (5) The Scottish Ministers may by regulations make, or require or permit workplace parking schemes to include, provision about reviews of, and appeals against, decisions in relation to workplace parking licences.
- (6) A person commits an offence if the person intentionally provides false or misleading information in or in connection with an application in respect of a workplace parking licence.
- (7) A person guilty of an offence under subsection (6) is liable on—
  - (a) summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) conviction on indictment, to a fine.>

### Jamie Greene

- 13A** As an amendment to amendment 13, line 19, leave out subsections (5) and (6)

### John Finnie

- 14** After section 58, insert—

#### <Content of licences

- (1) A workplace parking licence must—
  - (a) state the name of the person to whom it is granted,
  - (b) specify the duration of the licence,
  - (c) identify the premises to which it relates,
  - (d) specify the maximum number of motor vehicles which may be parked at those premises at any one time, and
  - (e) state the amount of the charge paid on the licence and set out the calculation of that amount.
- (2) A workplace parking licence may include such other information in relation to the workplace parking licensing scheme or licensing processes as the local authority considers appropriate.>

### Jamie Greene

- 14A** As an amendment to amendment 14, leave out lines 7 and 8

### John Finnie

- 26** After section 58, insert—

#### <Interpretation of Part

In this Part—

“licence” means a licence under a workplace parking licensing scheme,

“licensing area” is to be construed in accordance with section (*Workplace parking licensing schemes*)(2),

“local transport strategy”, in relation to a local authority, means a strategy prepared by a local transport authority or a local traffic authority, that relates to transport in the local authority’s area,

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“motor vehicle” means a motor vehicle within the meaning of section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act,

“net proceeds” has the meaning given in section (*Application of net proceeds of workplace parking schemes*),

“penalty charge” is to be construed in accordance with section (*Penalty charges*)(1),

“workplace parking licensing scheme” is to be construed in accordance with section (*Workplace parking licensing schemes*)(1),

“workplace parking place” is to be construed in accordance with section (*Workplace parking places*).>

### Jamie Greene

318 After section 58, insert—

#### <Workplace parking: petition for review

- (1) Residents of a local authority area where a workplace parking licensing scheme is being made under section (*Workplace parking licensing schemes*) may petition the local authority to seek a review of the scheme.
- (2) Where a local authority receives a petition under subsection (1) that has been signed by more than 20% of residents of the local authority area, the authority must carry out a review of the scheme.>

### Workplace parking: exemptions

#### John Finnie

15 After section 58, insert—

#### <Exemptions

##### **Exemptions etc.**

- (1) A workplace parking licensing scheme must provide for the exemptions described in section (*National exemptions*).
- (2) A workplace parking licensing scheme may otherwise provide for—
  - (a) specific premises, or premises of a specified description,
  - (b) premises with a specified number of parking places (or fewer), or
  - (c) descriptions of persons or motor vehicles (including descriptions by reference to any parking places provided for the exclusive use of such persons or motor vehicles),to be exempt from the scheme or from paying charges under the scheme.
- (3) The same premises must not be subject to more than one workplace parking licensing scheme at the same time.
- (4) The Scottish Ministers may by regulations make further provision in relation to exemptions, including by—



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- (a) exempting from workplace parking licensing schemes (or requiring schemes to exempt) such premises, persons or vehicles (or descriptions of premises, persons or vehicles) as may be specified in the regulations, and
- (b) prohibiting the exemption from schemes of premises, persons or vehicles of such descriptions as may be specified in the regulations.>

### Colin Smyth

- 15A** As an amendment to amendment 15, line 8, leave out <a specified number of parking places (or fewer) > and insert <15 parking places (or fewer), or such higher number as the authority may determine>

### Jamie Greene

- 15B** As an amendment to amendment 15, line 8, leave out <specified number of parking places (or fewer)> and insert <fewer than 20 parking places>

### John Finnie

- 16** After section 58, insert—

#### <National exemptions

- (1) The following workplace parking places are to be exempt from charges under a workplace parking licensing scheme—
  - (a) places for the exclusive use of persons using motor vehicles displaying a badge issued—
    - (i) under section 21 of the Chronically Sick and Disabled Persons Act 1970,
    - (ii) under a provision of the law of Northern Ireland corresponding to that section, or
    - (iii) by a member state of the EU for purposes corresponding to the purposes of that section,
  - (b) subject to subsection (2)(b), places at qualifying NHS premises, and
  - (c) places at hospices (that is, premises used for the purpose of caring for the dying or incurably ill).
- (2) A workplace parking licensing scheme may—
  - (a) require premises with workplace parking places mentioned in subsection (1) to hold a workplace parking licence in respect of the places, and
  - (b) specify that workplace parking places at qualifying NHS premises that are provided for persons who do not provide services for the health service within the meaning of section 108(1) of the National Health Service (Scotland) Act 1978 (“the 1978 Act”) are not to be exempt from charges under a workplace parking licensing scheme.
- (3) In this section, “qualifying NHS premises” means—
  - (a) a health service hospital within the meaning of section 108(1) of the 1978 Act or a state hospital within the meaning of section 102(2) of that Act,
  - (b) any other premises occupied by a Health Board or Special Health Board constituted under section 2(1) of the 1978 Act,

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- (c) premises that are (or such part of premises as is) used wholly or mainly for the provision of primary medical services as construed in accordance with section 2C(5) of the 1978 Act, and
- (d) such other similar premises as the Scottish Ministers may specify under section (*Exemptions etc.*)(4).>

**Miles Briggs**

**16N** As an amendment to amendment 16, line 12, leave out <subject to subsection (2)(b)>

**Graham Simpson**

**16A** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at industrial lands and heritages.>

**Graham Simpson**

**16B** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at building sites (construed in accordance with regulation 2 of the Building (Scotland) Regulations 2004).>

**Colin Smyth**

**16C** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at property that is owned by the Scottish Police Authority under section 4 of the Police and Fire Reform (Scotland) Act 2012.>

**Mike Rumbles**

**16E** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places owned by or primarily for the use of the Police Service of Scotland, the Scottish Fire and Rescue Service or HM Coastguard.>

**Liam Kerr**

**16X** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places provided primarily for the use of the Scottish Fire and Rescue Service.>

**Liam Kerr**

**16Y** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places provided primarily for the use of the Police Service of Scotland.>

**Maurice Corry**

**16AB** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places provided primarily for the use of members of Her Majesty's Coastguard.>

**Maurice Corry**

**16AC** As an amendment to amendment 16, line 14, at end insert <, and

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- ( ) places provided primarily for the use of persons providing services on behalf of the Royal National Lifeboat Institution.>

**Colin Smyth**

**16D** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places at educational institutions (within the meaning of Part 5 of schedule 1 to the Freedom of Information (Scotland) Act 2002).>

**Mike Rumbles**

**16L** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided at a school (within the meaning given in section 135(1) of the Education (Scotland) Act 1980), college (an educational establishment by which further education within the meaning of section 1 of the Further and Higher Education (Scotland) Act 1992 is provided) or university (one of the older universities within the meaning of section 16(1) of the Universities (Scotland) Act 1966, a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992 or an institution established under section 46 of that Act of 1992).>

**Mike Rumbles**

**16F** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places at railway stations.>

**Mike Rumbles**

**16G** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places at airports not served by railways.>

**Alexander Stewart**

**16V** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places at aerodromes (as defined in section 105(1) of the Civil Aviation Act 1982).>

**Mike Rumbles**

**16H** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of employees of local authorities.>

**Mike Rumbles**

**16I** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of employees of, or persons providing services for, the Royal Mail or the Post Office.>

**Mike Rumbles**

**16J** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places owned by or provided primarily for the use of a charity entered in the Scottish Charity Register.>

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**Mike Rumbles**

- 16K** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places provided primarily for the use of a member of staff of the Scottish Administration.>

**Miles Briggs**

- 16O** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places provided primarily for the use of employees of, or persons providing services for, an independent health care service (construed in accordance with section 10F of the National Health Service (Scotland) Act 1978).>

**Miles Briggs**

- 16P** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at veterinary practice premises.>

**Miles Briggs**

- 16Q** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places provided primarily for the use of persons providing ambulance or rescue facilities by air.>

**Miles Briggs**

- 16R** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at premises primarily used for the purposes of the provision of adult social care.>

**Miles Briggs**

- 16S** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at premises primarily used for the purposes of the provision of adult health care.>

**Miles Briggs**

- 16T** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at residential care establishments.>

**Miles Briggs**

- 16U** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at property that is owned by a charity registered under Part 1 of the Charities and Trustee Investment (Scotland) Act 2005, where that charity's purposes include the advancement of health.>

**Alexander Stewart**

- 16W** As an amendment to amendment 16, line 14, at end insert <, and

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- ( ) places at workplaces that are used for the provision of care services (as defined in section 47(1) of the Public Services Reform (Scotland) Act 2010).>

**Liam Kerr**

**16Z** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of employees of local authorities where the employee is employed to provide criminal justice social work services.>

**Liam Kerr**

**16AA** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of a person who is employed on the prison estate.>

**Jamie Greene**

**16AD** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of a person who is employed by David Macbrayne Ltd and its subsidiary businesses regardless of the premise or location of the person's place of work.>

**Jamie Greene**

**16AE** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of a person who is employed by Glasgow Prestwick Airport Ltd (SC 135362) or its subsidiaries.>

**Jamie Greene**

**16AF** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of a person who is employed by Highlands and Islands Airports Ltd.>

**Jamie Greene**

**16AG** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places provided primarily for the use of a person who is employed by Abellio Scotrail Ltd (SC 450732) and its subsidiary businesses regardless of the premise or location of the person's place of work.>

**Colin Smyth**

**16AI** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places at premises used as office space by social service workers (within the meaning of section 77 of the Regulation of Care (Scotland) Act 2001) in the course of their duties.>

**Colin Smyth**

**16AJ** As an amendment to amendment 16, line 14, at end insert <, and

- ( ) places at workplaces where employees are required, as part of their contract, to be at that workplace before 9 am or after 5pm.>

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### Jamie Greene

- 16AK** As an amendment to amendment 16, line 14, at end insert <, and  
( ) places at premises that have fewer than 20 places.>

### Mike Rumbles

- 16M** As an amendment to amendment 16, line 15, leave out subsection (2)

### Miles Briggs

- 16AH** As an amendment to amendment 16, leave out lines 18 to 22

### John Finnie

- 27** In section 72, page 83, line 1, after <47(11)> insert <and (*Exemptions etc.*)(4)>

## Workplace parking: financial provisions

### John Finnie

- 17** After section 58, insert—

*<Financial provisions*

#### **Charges**

- (1) The charges imposed in respect of any premises by a workplace parking licensing scheme must be paid—
  - (a) by the occupier of the premises, or
  - (b) in such circumstances as the Scottish Ministers may by regulations specify, by such other person as may be specified.
- (2) The charges that may be imposed by a workplace parking licensing scheme may include different charges (or no charge) for different cases, including (in particular)—
  - (a) different days,
  - (b) different times of day,
  - (c) different parts of the licensing area,
  - (d) different descriptions of persons,
  - (e) different descriptions of premises, including different numbers of workplace parking places provided at a licensed premises, and
  - (f) different classes of motor vehicles.
- (3) In setting the charges imposed by a workplace parking licensing scheme, a local authority must have regard to the purposes for which the authority is to apply any of the net proceeds of the scheme (see section (*Application of net proceeds of workplace parking licensing schemes*)).>

### Pauline McNeill

- 17C** As an amendment to amendment 17, line 6, leave out from <or,> to end of line 8

## THIS IS NOT THE MARSHALLED LIST

### Pauline McNeill

**17A** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who earns less than the living wage is exempt from being specified as being liable for charges.>

### Pauline McNeill

**17D** As an amendment to amendment 17, line 8, at end insert—

- <( ) But regulations under subsection (1)(b) may not apply to a person who is the parent of a child living in a single-parent household (to be construed within the meaning of section 9 of the Child Poverty (Scotland) Act 2017).>

### Pauline McNeill

**17E** As an amendment to amendment 17, line 8, at end insert—

- <( ) But regulations under subsection (1)(b) may not apply to a person driving a special purpose vehicle or a wheelchair accessible vehicle (within the meaning of section 4 of the Road Vehicles (Approval) Regulations 2009).>

### Pauline McNeill

**17F** As an amendment to amendment 17, line 8, at end insert—

- <( ) But regulations under subsection (1)(b) may not apply to a person who is the parent of a child under the age of 12 years.>

### Miles Briggs

**17G** As an amendment to amendment 17, line 8, at end insert—

- <(1A) Regulations under subsection (1)(b) must provide that a person who provides a service on a voluntary basis at an establishment mentioned in subsection (1B) is exempt from being specified as being liable for charges.

(1B) The establishments are—

- (a) establishments which provide adult health care,
- (b) establishments which provide adult social care,
- (c) hospices (that is, premises used for the purpose of caring for the dying or incurably ill).>

### Michelle Ballantyne

**17H** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who is in receipt of short-term assistance under section 36 of the Social Security (Scotland) Act 2018 is exempt from being specified as being liable for charges.>

### Michelle Ballantyne

**17I** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who is in receipt of universal credit payable under Part 1 of the Welfare Reform Act 2012 is exempt from being specified as being liable for charges.>

**THIS IS NOT THE MARSHALLED LIST**

**Michelle Ballantyne**

**17J** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who is in receipt of a jobseeker's allowance payable under Part I of the Jobseeker's Act 1995 is exempt from being specified as being liable for charges.>

**Michelle Ballantyne**

**17K** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who is in receipt of an employment and support allowance payable under Part I of the Welfare Reform Act 2007 is exempt from being specified as being liable for charges.>

**Michelle Ballantyne**

**17L** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who is in receipt of a disability living allowance payable under section 71 of the Social Security Contributions and Benefits Act 1992 is exempt from being specified as being liable for charges.>

**Michelle Ballantyne**

**17M** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who is in receipt of a personal independence payment payable under Part 4 of the Welfare Reform Act 2012 is exempt from being specified as being liable for charges.>

**Michelle Ballantyne**

**17N** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that a person who is in receipt of carer's allowance under section 70 of the Social Security Contributions and Benefits Act 1992 is exempt from being specified as being liable for charges.>

**Maurice Corry**

**17O** As an amendment to amendment 17, line 8, at end insert—

- <( ) Regulations under subsection (1)(b) must provide that military personnel are exempt from being specified as being liable for charges.>

**Colin Smyth**

**17P** As an amendment to amendment 17, line 8, at end insert—

- <( ) But regulations under subsection (1)(b) do not apply to a person whose annual income is below an amount that the Scottish Ministers may by regulations prescribe.>

**Colin Smyth**

**17Q** As an amendment to amendment 17, line 8, at end insert—

- <(1A) But regulations under subsection (1)(b) do not apply to a person mentioned in subsection (1B).>



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- (1B) A local authority may specify (in such form as it considers appropriate) a person whom it considers does not have reasonable access to public transport.>

### Colin Smyth

- 17R As an amendment to amendment 17, line 8, at end insert—

<( ) Regulations under subsection (1)(b) must provide that a person is exempt from being specified as being liable for charges if the person is driving an ultra low-emission vehicle (construed in accordance with section 2 of the Finance (No. 2) Act 2017).>

### Tom Mason

#### Supported by: Dean Lockhart

- 17T As an amendment to amendment 17, line 11, leave out <different days> and insert <any week day>

### Dean Lockhart

- 17U As an amendment to amendment 17, line 12, at end insert <except between midnight and 6 am,>

### Tom Mason

- 17V As an amendment to amendment 17, line 14, at end insert—

<( ) a discounted charge for persons working—  
(i) in schools,  
(ii) in hospitals,  
(iii) for the Police Service of Scotland,  
(iv) for the Scottish Fire and Rescue Service,>

### Pauline McNeill

- 17B As an amendment to amendment 17, line 21, at end insert—

<( ) In this section, “living wage” is to be construed in accordance with section 15 of the Procurement Reform (Scotland) Act.>

### Colin Smyth

- 17S As an amendment to amendment 17, line 21, at end insert—

<(4) Where the occupier of premises liable to pay charges under the scheme passes the charge on to an employee who works at such premises, the occupier must develop a plan to ensure that the charge an employee is liable for is means tested.  
(5) The Scottish Ministers must by regulations make further provision about the form and content of a plan mentioned in subsection (4).>

### John Finnie

- 18 After section 58, insert—

#### <Application of net proceeds of workplace parking licensing schemes

- (1) A local authority (the authority) may apply the net proceeds of a workplace parking licensing scheme (or, in a case where the authority is acting jointly with another local authority or authorities, the authority’s share of the net proceeds) only for purposes of facilitating the achievement of—

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- (a) policies in the authority’s local transport strategy, or
  - (b) in the case of a joint scheme, the policies in the local transport strategy of a local authority with whom the authority is acting jointly.
- (2) Before applying any share of net proceeds under subsection (1)(b), the authority must be satisfied that doing so will benefit some part of its area.
- (3) In this Part, “net proceeds” means the amount of money (if any) by which the gross amount received under the workplace parking licensing scheme for a financial year exceeds the expenses of operating the scheme for the financial year.>

### Colin Smyth

**18A** As an amendment to amendment 18, line 11, at end insert—

- <(2A) Where the local authority ascertains that the occupier of premises liable to pay charges under section (*Charges*) has passed that charge on to an employee who works at such premises, the local authority must take steps to ensure that the local authority in whose area the employee is normally resident receives an amount of money equivalent to the amount paid by the employee.
- (2B) The Scottish Ministers may by regulations make further provision about the arrangements for applying the amount under subsection (2A).>

### John Finnie

**19** After section 58, insert—

#### <Accounts

- (1) The Scottish Ministers may by regulations make provision for or about the keeping of accounts by local authorities in connection with the exercise of functions under this Part.
- (2) Regulations under subsection (1) may, in particular—
- (a) specify the form and content of accounts,
  - (b) require the publication of accounts,
  - (c) make provision for how accounts are to be prepared and kept where two or more authorities are acting jointly in respect of a workplace parking licensing scheme.>

## **Workplace parking licensing schemes: enforcement**

### John Finnie

**20** After section 58, insert—

#### <Enforcement

#### **Penalty charges**

- (1) The Scottish Ministers may by regulations make provision for or in connection with—
- (a) the imposition of charges (“penalty charges”) in respect of acts, omissions, events or circumstances relating to, or connected with, workplace parking licensing schemes, and
  - (b) the notification, payment, adjudication and enforcement of penalty charges.

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- (2) Penalty charges in respect of any premises must be paid by—
  - (a) the occupier of the premises, or
  - (b) in such circumstances as may be specified, such other person as may be specified.
- (3) Without limit to the generality of subsection (1), regulations made under it—
  - (a) may make, or may permit or require workplace parking licensing schemes to include, provision—
    - (i) about the imposition of penalty charges in specified circumstances,
    - (ii) about the timing and manner of payment of penalty charges,
    - (iii) specifying the amount of penalty charges, including any reduced penalty charges or increased penalty charges and the circumstances in which such reduced or increased penalty charges are payable,
    - (iv) about reviews of, and appeals against, decisions in relation to penalty charges,
    - (v) about the cancellation of penalty charges,
  - (b) may make provision—
    - (i) requiring local authorities to serve a notice of a penalty charge on any person it believes to be liable to pay such a charge,
    - (ii) about the form and content of such a notice,
    - (iii) about the way that compliance with such a notice may be enforced.
- (4) In this section “specified” means specified in regulations made under subsection (1).>

### **John Finnie**

**21** After section 58, insert—

#### **<Evidence from approved devices**

The Scottish Ministers may by regulations make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Part, or proceedings in respect of a failure to comply with the provisions of a workplace parking licensing scheme, to be given by production of—

- (a) a record produced by a device specified in, or approved in accordance with, the regulations, and
- (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced authenticated in a manner specified in the regulations.>

### **John Finnie**

**22** After section 58, insert—

#### **<Enforcement powers**

- (1) An authorised person may—
  - (a) enter any premises in the licensing area of a workplace parking licensing scheme (other than any premises that is used as a dwelling),

## THIS IS NOT THE MARSHALLED LIST

- (b) require the production of information relating to the requirement to hold a licence under a scheme, and specify the form in which the information is to be produced,
  - (c) take copies of, or take possession of, information (in whatever form) which relates to the requirement to hold a licence under a scheme and retain it for as long as the authorised person considers necessary.
- (2) The powers in subsection (1) may be exercised only for the purposes of—
- (a) establishing if workplace parking places are being provided at the premises either—
    - (i) without a licence, or
    - (ii) without a licence in respect of all of the places being provided,
  - (b) establishing if there is, or has been, any contravention of the conditions of a licence in respect of the premises,
  - (c) serving notice of a penalty charge.
- (3) In this section and sections (*Enforcement powers: warrants*) and (*Enforcement powers: further provision*), “authorised person” means a person who is authorised by a local authority to exercise functions under this section in respect of a workplace parking licensing scheme made by it.>

### John Finnie

23 After section 58, insert—

#### <Enforcement powers: warrants

- (1) This section applies to the powers conferred by section (*Enforcement powers*)(1).
- (2) A sheriff may grant a warrant under this subsection only if the sheriff is satisfied, by evidence on oath—
  - (a) that there are reasonable grounds for entering premises for a purpose specified in section (*Enforcement powers*)(2), and
  - (b) that—
    - (i) entry to the premises has been refused,
    - (ii) such a refusal is reasonably expected,
    - (iii) the premises are unoccupied, or
    - (iv) the occupier is temporarily absent.
- (3) A warrant authorises an authorised person—
  - (a) to enter the premises,
  - (b) to exercise any other power conferred by section (*Enforcement powers*)(1), and
  - (c) if necessary, to use reasonable force in doing so.
- (4) A warrant expires—
  - (a) when it is no longer needed for the purpose for which it was granted, or
  - (b) if earlier, when any period as is specified in it for that purpose expires.>

**THIS IS NOT THE MARSHALLED LIST**

**John Finnie**

**24** After section 58, insert—

**<Enforcement powers: further provision**

- (1) This section applies to the powers conferred by section (*Enforcement powers*)(1) (whether exercised by virtue of that section or under a warrant granted under section (*Enforcement powers: warrants*)).
- (2) The power of entry may be exercised only at a reasonable time of day.
- (3) An authorised person seeking to exercise a power must, on request, produce evidence of the person’s identity and authorisation before exercising the power.
- (4) An authorised person may take on to the premises such other persons, and such materials and equipment, as the authorised person considers necessary.
- (5) If an authorised person enters the premises by virtue of a warrant, the authorised person must, if taking possession of anything under section (*Enforcement powers*)(1)(c), leave a statement on the premises giving particulars of what has been taken and by whom.
- (6) On leaving any premises which an authorised person is authorised to enter under a warrant, the person must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against entry as the person found them.
- (7) A person commits an offence if the person—
  - (a) without reasonable excuse, fails to comply with a requirement of an authorised person, or
  - (b) intentionally obstructs an authorised person in the exercise of a power conferred by section (*Enforcement powers*)(1).
- (8) A person who commits an offence under subsection (7) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, and
  - (b) on conviction on indictment, to a fine.>

**Liam Kerr**

**24A** As an amendment to amendment 24, line 17, leave out subsections (7) and (8)

**John Finnie**

**25** After section 58, insert—

**<Power of entry: Crown land**

- (1) The power of entry conferred under section (*Enforcement powers*)(1)(a) is exercisable in relation to Crown land specified in column 1 of the following table only with the consent of the person specified in the corresponding entry in column 2 of the table (the “appropriate authority”).

<b>Crown land</b>	<b>Appropriate authority</b>
Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown Estate (that is, the property, rights and interests under the management of the Crown Estate Commissioners)	The Crown Estate Commissioners

**THIS IS NOT THE MARSHALLED LIST**

Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Scottish Crown Estate	The person managing the land
Land an interest in which belongs to Her Majesty in right of the Crown other than land forming part of the Crown Estate or the Scottish Crown Estate	The office-holder in the Scottish Administration or, as the case may be, the Government department managing the land
Land an interest in which belongs to Her Majesty in right of Her private estates	The person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers
Land an interest in which belongs to an office-holder in the Scottish Administration	The office-holder in the Scottish Administration
Land an interest in which belongs to a Government department	The Government department
Land an interest in which is held in trust for Her Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration	The office-holder in the Scottish Administration
Land an interest in which is held in trust for Her Majesty for the purposes of a Government department	The Government department

- (2) In subsection (1)—
- (a) the reference to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862,
  - (b) “Government department” means a department of the Government of the United Kingdom,
  - (c) “Scottish Crown Estate” means the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.
- (3) It is for the Scottish Ministers to determine any question that arises as to who in accordance with subsection (1) is the appropriate authority in relation to any land, and their decision is final.>

**Recovery of unpaid parking charges**

**Murdo Fraser**

**260** After section 58, insert—

<PART

RECOVERY OF UNPAID PARKING CHARGES

*Application*

## THIS IS NOT THE MARSHALLED LIST

### Application of Part

- (1) This Part applies where—
  - (a) the driver of a vehicle is required by virtue of a relevant obligation to pay parking charges in respect of the parking of the vehicle on relevant land, and
  - (b) those charges have not been paid in full.
- (2) It is immaterial for the purposes of this Part whether or not the vehicle was permitted to be parked (or to remain parked) on the land.>

### Murdo Fraser

261 After section 58, insert—

*<Key concepts*

#### Meaning of “relevant obligation”

In this Part, “relevant obligation” means—

- (a) an obligation arising under the terms of a relevant contract, or
- (b) an obligation arising, in circumstances in which there is no relevant contract, as a result of a trespass or other delict committed by parking the vehicle on the relevant land.>

### Murdo Fraser

262 After section 58, insert—

#### <Meaning of “parking charge”

- (1) In this Part, “parking charge” means—
  - (a) in the case of a relevant obligation arising under the terms of a relevant contract, a sum in the nature of a fee or charge,
  - (b) in the case of a relevant obligation arising as a result of a trespass or other delict, a sum in the nature of damages,however the sum in question is described.
- (2) The reference to a sum in the nature of damages is to a sum of which adequate notice was given to drivers of vehicles (when the vehicle was parked on the relevant land).
- (3) For the purposes of subsection (2), “adequate notice” means notice given by—
  - (a) the display of one or more notices in accordance with any applicable requirements prescribed in regulations under section (*Fourth condition: display of notices on relevant land*) for, or for purposes including, the purposes of subsection (2), or
  - (b) where no such requirements apply, the display of one or more notices which—
    - (i) specify the sum as the charge for unauthorised parking, and
    - (ii) are adequate to bring the charge to the notice of drivers who park vehicles on the relevant land.>

## THIS IS NOT THE MARSHALLED LIST

### Murdo Fraser

263 After section 58, insert—

#### <Meaning of “relevant contract”>

In this Part, “relevant contract” means a contract (including a contract arising only when the vehicle was parked on the relevant land) between the driver and a person who is—

- (a) the owner or occupier of the land, or
- (b) authorised, under or by virtue of arrangements made by the owner or occupier of the land, to enter into a contract with the driver requiring the payment of parking charges in respect of the parking of the vehicle on the land.>

### Murdo Fraser

264 After section 58, insert—

#### <Meaning of “relevant land”>

- (1) In this Part, “relevant land” means any land (including land above or below ground level) other than—
  - (a) a public road within the meaning of section 151(1) of the Roads (Scotland) Act 1984,
  - (b) a parking place which is provided or controlled by the Secretary of State, the Scottish Ministers or a local authority,
  - (c) any land, not falling within paragraph (a) or (b), on which the parking of a vehicle is subject to statutory control.
- (2) In subsection (1)(b), “parking place” has the meaning given by section 32(4)(b) of the Road Traffic Regulation Act 1984.
- (3) For the purposes of subsection (1)(c), the parking of a vehicle on land is “subject to statutory control” if any enactment imposes a liability (whether criminal or civil, and whether in the form of a fee or charge or a penalty of any kind) in respect of the parking on that land of vehicles generally or of vehicles of a description that includes the vehicle in question.>

### Murdo Fraser

265 After section 58, insert—

#### <Right to recover unpaid charges from keeper of vehicle>

##### **Right in certain circumstances to recover from keeper of vehicle**

- (1) The creditor has the right to recover any unpaid parking charges from the keeper of the vehicle.
- (2) The right under this section applies only if—
  - (a) the conditions specified in sections (*First condition: lack of knowledge of driver’s name and address*), (*Second condition: giving of notices to driver and keeper*), (*Third condition: keeper’s details obtained from Secretary of State*) and (*Fourth condition: display of notices on relevant land*) (so far as applicable) are met, and
  - (b) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.



## THIS IS NOT THE MARSHALLED LIST

- (3) For the purposes of the condition in subsection (2)(b), the vehicle is to be presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
- (4) The right under this section may only be exercised after the end of the period of 28 days beginning with the day on which the notice to keeper is given.
- (5) The Scottish Ministers may by regulations prescribe a description of an amount as the maximum that may be recovered from a keeper by virtue of the right conferred by this section.
- (6) Nothing in this section affects any other remedy the creditor may have against the keeper of the vehicle or any other person in respect of any unpaid parking charges (but this is not to be read as permitting double recovery).
- (7) The right under this section is subject to section (*No right to recover from vehicle-hire firm*) (which provides for the right not to apply in certain circumstances in the case of a hire vehicle).>

### Murdo Fraser

266 After section 58, insert—

#### <First condition: lack of knowledge of driver's name and address

- (1) The first condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that the creditor—
  - (a) has the right to enforce against the driver of the vehicle the requirement to pay the unpaid parking charges, but
  - (b) is unable to take steps to enforce that requirement against the driver because the creditor does not know both the name of the driver and an address at which the driver for the time being resides or can conveniently be contacted.
- (2) Subsection (1)(b) ceases to apply if, at any time after the end of the period of 28 days beginning with the day on which the notice to keeper is given, the creditor begins proceedings to recover the unpaid parking charges from the keeper.>

### Murdo Fraser

267 After section 58, insert—

#### <Second condition: giving of notices to driver and keeper

- (1) The second condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that the creditor (or a person acting for or on behalf of the creditor)—
  - (a) has given a notice to driver in accordance with section (*Giving of notice to driver*), followed by a notice to keeper in accordance with section (*Giving of notice to keeper following giving notice to driver*), or
  - (b) has given a notice to keeper in accordance with section (*Giving of notice to keeper without giving notice to driver*).
- (2) If a notice to driver has been given, any subsequent notice to keeper must be given in accordance with section (*Giving notice to keeper following giving notice to driver*).>

## THIS IS NOT THE MARSHALLED LIST

### Murdo Fraser

268 After section 58, insert—

#### <Giving of notice to driver

- (1) A notice which is to be relied on as a notice to driver for the purposes of section (*Second condition: giving of notices to driver and keeper*)(1)(a) is given in accordance with this section if the following requirements are met.
- (2) The notice contains such information as the Scottish Ministers may by regulations prescribe.
- (3) The notice relates only to a single period of parking (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).
- (4) The notice is given—
  - (a) before the vehicle is removed from the relevant land after the end of the period of parking to which the notice relates, and
  - (b) while the vehicle is stationary,by affixing it to the vehicle or by handing it to the person appearing to be in charge of the vehicle.>

### Pauline McNeill

268A As an amendment to amendment 268, line 15, at end insert—

- <(5) A notice must not be given under this section by a person who is not acting in the course of employment by a public body,
- (6) For the purposes of this section, “public body” means any of the following—
  - (a) a Minister of the Crown,
  - (b) the Scottish Ministers,
  - (c) a local authority,
  - (d) the Police Service of Scotland,
  - (e) a person established by an enactment,
  - (f) a body comprised solely of persons described by this subsection,
  - (g) a body corporate that has no members other than (either or both)—
    - (i) persons described by this subsection,
    - (ii) persons acting on behalf of persons described by this subsection.
- (7) The Scottish Ministers may by regulations make such modifications to this section as they consider appropriate.>

### Murdo Fraser

269 After section 58, insert—

#### <Giving of notice to keeper following giving notice to driver

- (1) A notice which is to be relied on as a notice to keeper for the purposes of section (*Second condition: giving notices to driver and keeper*)(1)(a) is given in accordance with this section if the following requirements are met.

## THIS IS NOT THE MARSHALLED LIST

- (2) The notice contains such information as the Scottish Ministers may by regulations prescribe.
- (3) The notice relates only to a single period of parking (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).
- (4) The notice is given to the keeper, by such means as the Scottish Ministers may by regulations prescribe, within the period of 28 days beginning within the day after that on which the notice to driver was given.
- (5) When it is given, the notice is accompanied by any evidence prescribed under section (*Notices to keeper: accompanying evidence*).>

### Murdo Fraser

270 After section 58, insert—

#### <Giving of notice to keeper without giving notice to driver

- (1) A notice which is to be relied on as a notice to keeper for the purposes of section (*Second condition: giving of notices to driver and keeper*)(1)(b) is given in accordance with this section if the following requirements are met.
- (2) The notice contains such information as the Scottish Ministers may by regulations prescribe.
- (3) The notice relates only to a single period of parking (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).
- (4) The notice is given to the keeper, by such means as the Scottish Ministers may by regulations prescribe, within the period of 14 days beginning with the day after that on which the period of parking to which the notice relates ended.
- (5) When it is given, the notice is accompanied by any evidence prescribed under section (*Notices to keeper: accompanying evidence*).>

### Murdo Fraser

271 After section 58, insert—

#### <Notices to keeper: accompanying evidence

- (1) The Scottish Ministers may by regulations prescribe evidence which must accompany a notice which is to be relied on as a notice to keeper for the purposes of section (*Second condition: giving of notices to driver and keeper*)(1)(a) or section (*Second condition: giving of notices to driver and keeper*)(1)(b) (as the case may be).
- (2) The regulations may, in particular, make provision as to—
  - (a) the means by which any prescribed evidence is to be generated or otherwise produced (which may include a requirement to use equipment of a kind approved for the purpose by a person specified in the regulations), or
  - (b) the circumstances in which any evidence is, or is not, required to accompany a notice to keeper.>

### Murdo Fraser

272 After section 58, insert—

#### <Third condition: keeper's details obtained from Secretary of State

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- (1) The third condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that—
  - (a) the creditor (or a person acting for or on behalf of the creditor) has made an application for the keeper's details in relation to the period of parking to which the unpaid parking charges relate,
  - (b) the application was made during the period mentioned in section (*Giving of notice to keeper following giving notice to driver*)(4) (where notice to the driver has been given) or (*Giving of notice to keeper without giving notice to driver*)(4) (where no notice to the driver has been given), and
  - (c) the information sought by the application is provided by the Secretary of State to the applicant.
- (2) The third condition applies only if the vehicle is a registered vehicle.
- (3) In subsection (1)(a), “application for the keeper’s details” means an application for the following information to be provided to the applicant by virtue of regulations made under section 22(1)(c) of the Vehicle Excise and Registration Act 1994—
  - (a) the name of the registered keeper of the vehicle during the period of parking to which the unpaid parking charges relate, and
  - (b) the address of that person as it appears on the register (or, if that person has ceased to be the registered keeper, as it last appeared on the register).>

### Murdo Fraser

273 After section 58, insert—

#### <Fourth condition: display of notices on relevant land

- (1) The fourth condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that any applicable requirements prescribed under this section were met as regards the relevant land at the beginning of the period of parking to which the unpaid parking charges relate.
- (2) The Scottish Ministers may by regulations prescribe requirements as to the display of notices in relevant land where parking charges may be incurred in respect of the parking of vehicles on the land.
- (3) The provision made under subsection (2) may, in particular, include provision—
  - (a) requiring notices of more than one kind to be displayed on relevant land,
  - (b) as to the content or form of any notices required to be displayed,
  - (c) as to the location of the notices required to be displayed.>

### Murdo Fraser

274 After section 58, insert—

#### <Hire vehicles

#### No right to recover from vehicle-hire firm

- (1) This section applies in the case of parking charges incurred in respect of the parking of a vehicle on relevant land if—
  - (a) the vehicle was at the time of parking hired to any person under a hire agreement with a vehicle-hire firm, and

## THIS IS NOT THE MARSHALLED LIST

- (b) the keeper has been given a notice to keeper within the period mentioned in section (*Giving of notice to keeper following giving notice to driver*)(4) or (*Giving of notice to keeper without giving notice to driver*)(4) (as the case may be).
- (2) The creditor may not exercise the right under section (*Right in certain circumstances to recover from keeper of vehicle*) to recover from the keeper any unpaid parking charges specified in the notice to keeper if, within the period of 28 days beginning with the day after that on which that notice was given, the creditor is given—
  - (a) a statement signed by or on behalf of the vehicle-hire firm to the effect that at the material time the vehicle was hired to a named person under a hire agreement,
  - (b) a copy of the hire agreement, and
  - (c) a copy of a statement of liability signed by the hirer under that hire agreement.
- (3) The statement of liability required by subsection (2)(c) must—
  - (a) contain a statement by the hirer to the effect that the hirer acknowledges responsibility for any parking charges that may be incurred with respect to the vehicle while it is hired to the hirer,
  - (b) include an address given by the hirer (whether a residential, business or other address) as one at which documents may be given to the hirer,(and it is immaterial whether the statement mentioned in paragraph (a) relates also to other charges or penalties of any kind).
- (4) A statement required by subsection (2)(a) or (c) must be in such form as the Scottish Ministers may by regulations prescribe.
- (5) The giving of documents referred to in subsection (2) must be by such means as the Scottish Ministers may by regulations prescribe.
- (6) In this section—
  - (a) “hire agreement” means an agreement which—
    - (i) provides for a vehicle to be let to a person (“the hirer”) for a period of any duration (whether or not the period is capable of extension by agreement between the parties), and
    - (ii) is not a hire-purchase agreement within the meaning of the Consumer Credit Act 1974,
  - (b) any reference to the currency of a hire agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of any period specified in the agreement but otherwise on terms and conditions specified in it, and
  - (c) “vehicle-hire firm” means any person engaged in the hiring of vehicles in the course of a business.>

### **Murdo Fraser**

**275** After section 58, insert—

#### **<Right to recover from hirer**

- (1) If—

## THIS IS NOT THE MARSHALLED LIST

- (a) the creditor is by virtue of section (*No right to recover from vehicle-hire firm*)(2) unable to exercise the right to recover from the keeper any unpaid parking charges mentioned in the notice to keeper, and
  - (b) the conditions mentioned in subsection (2) are met,
- the creditor may recover those charges (so far as they remain unpaid) from the hirer.
- (2) The conditions are that—
    - (a) the creditor has within the relevant period given the hirer a notice in accordance with subsection (5) (a “notice to hirer”), together with a copy of the documents mentioned in section (*No right to recover from vehicle-hire firm*)(2) and the notice to keeper,
    - (b) a period of 21 days beginning with the day on which the notice to hirer was given has elapsed, and
    - (c) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.
  - (3) In subsection (2)(a), “the relevant period” is the period of 21 days beginning with the day after that on which the documents required by section (*No right to recover from vehicle-hire firm*)(2) are given to the creditor.
  - (4) For the purposes of subsection (2)(c) a vehicle is presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
  - (5) The notice to hirer must contain such information as the Scottish Ministers may by regulations prescribe.
  - (6) The giving of documents referred to in subsection (2)(a) must be by such means as the Scottish Ministers may by regulations prescribe.
  - (7) In this section, “the hirer” means the person who is the hirer in relation to the vehicle as referred to in section (*No right to recover from vehicle-hire firm*).>

### **Murdo Fraser**

276 After section 58, insert—

*<Military vehicles*

#### **Military vehicles**

This Part does not apply in relation to a vehicle that—

- (a) at the relevant time is used or appropriated for use for naval, military or air force purposes, or
- (b) belongs to any visiting forces (within the meaning of the Visiting Forces Act 1952) or is at the relevant time used or appropriated for use by such forces.>

### **Murdo Fraser**

277 After section 58, insert—

*<General*

#### **Power to modify Part**

- (1) The Scottish Ministers may by regulations modify this Part for the purpose of—
  - (a) amending the definition of “relevant land” in section (*Meaning of “relevant land”*),

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- (b) adding to, removing or amending any of the conditions to which the right conferred by section (*Right in certain circumstances to recover from keeper of vehicle*) is for the time being subject.
- (2) The power to modify this Part for the purpose mentioned in subsection (1)(b) includes, in particular, power to add to, remove or amend—
  - (a) any provisions that are applicable for the purposes of a condition, and
  - (b) any powers of the Scottish Ministers to prescribe anything for the purposes of a condition by regulations.>

### Murdo Fraser

278 After section 58, insert—

#### <Interpretation of Part

In this Part—

“the creditor” means the person who is for the time being entitled to recover unpaid parking charges from the driver of the vehicle,

“driver” includes, where more than one person is engaged in the driving of the vehicle, any person so engaged,

“keeper” means the person by whom the vehicle is kept at the time the vehicle was parked, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper,

“notice to driver” means a notice given in accordance with section (*Giving of notice to driver*),

“notice to keeper” means a notice given in accordance with section (*Giving of notice to keeper following giving notice to driver*) or (*Giving of notice to keeper without giving notice to driver*) (as the case may be),

“registered address” means, in relation to the keeper of a registered vehicle, the address described in section (*Third condition: keeper’s details obtained from Secretary of State*)(3)(b) (as provided by the Secretary of State in response to the application for the keeper’s details required by section (*Third condition: keeper’s details obtained from Secretary of State*),

“registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered,

“registered vehicle” means a vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994,

“vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.>

### Pauline McNeill

319 After section 58, insert—

#### <Prohibition on recovery of unpaid parking charges by private companies

- (1) An unpaid parking charge must not be recovered by a person who is not acting in the course of employment by a public body,
- (2) For the purposes of this Part, “public body” means any of the following—

## THIS IS NOT THE MARSHALLED LIST

- (a) a Minister of the Crown,
  - (b) the Scottish Ministers,
  - (c) a local authority,
  - (d) the Police Service of Scotland,
  - (e) a person established by an enactment,
  - (f) a body comprised solely of persons described by this subsection,
  - (g) a body corporate that has no members other than (either or both)—
    - (i) persons described by this subsection,
    - (ii) persons acting on behalf of persons described by this subsection.
- (3) The Scottish Ministers may by regulations make such modifications to this section as they consider appropriate.>

### **Murdo Fraser**

- 279 In section 72, page 83, line 1, after <47(11)> insert <and (*Power to modify Part*)(1)>

### **Murdo Fraser**

- 280 In the long title, page 1, line 5, after <parking;> insert <to make provision in connection with charges arising from parking on private land;>

## **Enforcement of parking regulation in the vicinity of schools**

### **Jamie Greene**

- 316 After section 58, insert—

#### <PART

#### ENFORCEMENT OF PARKING REGULATION IN THE VICINITY OF SCHOOLS

#### **Enforcement of parking regulation in the vicinity of schools**

- (1) The Scottish Ministers must by regulations make provision for the regulation of parking in the vicinity of schools.
- (2) The regulations are to—
  - (a) provide that a vehicle parked in the vicinity of a school in specified circumstances, and at specified times, is deemed to be causing an obstruction hazardous to other road or footway users,
  - (b) specify the circumstances in which a vehicle is so parked,
  - (c) specify days and times, being days and times when pupils are likely to be entering or leaving the school, during which a vehicle so parked is to be deemed as described in paragraph (a),
  - (d) specify the meaning of "vicinity of a school" for the purposes of this section,
  - (e) make provision about the powers of constables to enforce the regulations,



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- (f) make provision such that those powers apply whether or not the school is in an area designated as a permitted parking area and a special parking area by the Scottish Ministers by order in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of schedule 3 of the Road Traffic Act 1991,
- (g) make such other provision as the Scottish Ministers consider necessary or expedient for the purpose of the regulation of parking in the vicinity of schools.
- (3) The Scottish Ministers must lay a draft of the first regulations under this section before the Scottish Parliament no later than 1 year after the day of Royal Assent.
- (4) In this section—
  - “constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012,
  - “school” has the meaning given in section 135(1) of the Education (Scotland) Act 1980.>

### **Jamie Greene**

- 317** In section 72, page 83, line 1, after <47(11)> insert <and (*Enforcement of parking regulation in the vicinity of schools*)>

### **Proposed cycle tracks: duty to consult access panel**

#### **Jeremy Balfour**

- 259** After section 58, insert—

#### **<PART**

#### DUTY TO CONSULT ACCESS PANELS

#### **Duty to consult access panels**

- (1) This section applies where a local roads authority makes an order under section 1(1) of the Roads (Scotland) Act 1984 to alter, widen, improve or renew any road for the purposes of making the road, or any part of the road, a cycle track.
- (2) Before making an order mentioned in subsection (1), a local roads authority must consult the access panel for their local authority area.
- (3) In this section—
  - “access panel” means a group of volunteers including disabled people, residing in a local authority area, whose aim is to improve access and independent living in their local communities,
  - “cycle track” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984,
  - “local roads authority” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984,
  - “road” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984.>

**THIS IS NOT THE MARSHALLED LIST**

**Road works**

**Michael Matheson**

**164** In section 61, page 72, line 25, leave out <153G> and insert <153H>

**Michael Matheson**

**165** After section 62, insert—

**<Functions in relation to the Scottish Road Works Register**

- (1) Section 112A of the New Roads and Street Works Act 1991 (the Scottish Road Works Register) is amended as follows.
- (2) For subsections (6) and (7) substitute—
  - “(6A) The Commissioner is to—
    - (a) make publically available, in such form and manner as the Commissioner considers appropriate—
      - (i) information contained in the SRWR relating to the timing, location, duration and purpose of works in roads, and
      - (ii) such other information contained in the SRWR as the Scottish Ministers may prescribe, and
    - (b) make information contained in the SRWR available to—
      - (i) any person having authority to execute works of any description in a road, or
      - (ii) any person who does not have that authority, but who appears to the Commissioner to have sufficient interest in the information to be permitted to access it.”.>

**Michael Matheson**

**166** In section 65, page 74, line 32, at end insert—

- <( ) works (other than road works within the meaning of section 107(3) of the New Roads and Street Works Act 1991) in or on a road or works which otherwise involve a person placing or depositing anything on a road so as to cause an obstruction—
  - (i) to which the requirements of section 60(1)(b) or (c) apply, and
  - (ii) which involve the placing of lights, fences, barriers or signs on a carriageway,>

**Michael Matheson**

**181** In the schedule, page 87, line 35, leave out from beginning to end of line 2 on page 88

**Michael Matheson**

**182** In the schedule, page 88, leave out lines 4 to 6

**Michael Matheson**

**183** In the schedule, page 88, leave out lines 8 to 15

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