EXECUTIVE NOTE

The Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012 (S.S.I. 2012/137)
The Parking Attendants (Wearing of Uniforms) (East Ayrshire Council Parking Area) Regulations 2012 (S.S.I. 2012/138)
The Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012 (S.S.I. 2012/139)

1. The above instruments were made in exercise of powers conferred by section 73(11) & (12) and Schedule 3 of the Road Traffic Act 1991 and section 63A of the Road Traffic Regulation Act 1984. The instruments are subject to negative resolution procedures before the Scottish Parliament.

Policy Objectives and background

2. The purpose of the three Scottish Statutory Instruments is to introduce a decriminalised parking regime within the East Ayrshire Council area.

3. The Road Traffic Act 1991 introduced provisions enabling the decriminalised of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere in the UK.

4. To date, seven Scottish local authorities have introduced Decriminalised Parking Endorsement (DPE). Under these arrangements, local authorities administer their own parking penalty schemes and retain the penalties collected to finance parking enforcement procedures.

5. Previously, and continuing for authorities that have not introduced DPE, income generated from fines arising from parking infringements accrue to the Exchequer as then are non-endorsable criminal offences. Under DPE, enforcement is no longer the responsibility of the Police or Traffic Wardens but is implemented by employees of the local authority, either directly or under contract. As such, a breach of parking rules within an area where DPE is in force requires payment to the local authority of a penalty charge.

6. Revenue generated from parking penalties under DPE will accrue to the local authority and will be used to fund the operation of the scheme. Any surplus is used to improve off-street parking facilities and for general traffic management purposes within the area of the authority. Therefore, the revenue is effectively ring-fenced for traffic management measures and cannot be used by an authority for other purposes.

The Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012

7. The SSI defines the area within East Ayrshire where DPE can be enforced.

The Parking Attendants (Wearing of Uniforms) (East Ayrshire Council Parking Area) Regulations 2012

8. This SSI stipulates that a parking attendant must be wearing an identifiable uniform when carrying out the duties associated with a parking attendant.

The Road Traffic (Parking Adjudicators) (East Ayrshire Council) Regulations 2012

9. This SSI provides for the adjudication process to be followed where an aggrieved motorist feels a penalty charge notice has been incorrectly issued.

Consultation

10. All statutory requirements regarding consultation for these three Scottish Statutory Instruments were carried out. All responses were in favour.

Business and Regulatory Impact Assessment

11. No Business and Regulatory Impact Assessment was carried out as the proposal is for existing powers to enforce parking offences, currently with the police, to become a local authority functions.

Financial Effects

12. These SSIs will have no financial effect on the Scottish Government.

Transport Scotland
May 2012