SCOTTISH STATUTORY INSTRUMENTS

2026 No. 296

ROAD TRAFFIC

The Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026

Made - - - -	*27th October 2026*
Laid before the Scottish Parliament	*29th October 2026*
Coming into force - -	*7th December 2026*

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

In accordance with paragraphs 1(1)(d) and 2(1)(c) of that schedule the Scottish Ministers have received an application for this Order from Dumfries and Galloway Council(**b**).

In accordance with paragraphs 1(3) and 2(3) of that schedule the Scottish Ministers have consulted the chief constable of the Police Service of Scotland.

Citation and commencement

1. This Order may be cited as the Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026 and comes into force on 7 December 2026.

Interpretation

2. In this Order—

"the 1991 Act" means the Road Traffic Act 1991,

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

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

(**b**) A council constituted under section 2 of the 1994 Act.

Designation as permitted parking area and special parking area

3. That part of the Dumfries and Galloway local government area(**a**) specified in schedule 1 is designated as—

(a) a permitted parking area, and

(b) a special parking area.

Modifications and application of Part II of the 1991 Act

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

Modifications of the Road Traffic Regulation Act 1984

5. The Road Traffic Regulation Act 1984(**b**) is modified in relation to the parking area as specified in schedule 3.

STEPHEN FLYNN
A member of the Scottish Government

St Andrew's House,
Edinburgh
27th October 2026

(**a**) The Dumfries and Galloway local government area was established by section 1(2) and (4) and schedule 1 of the 1994 Act.
(**b**) 1984 c. 27.

SCHEDULE 1

Article 3

SPECIFICATION OF PARKING AREA

1. The Dumfries and Galloway local government area, excluding such lengths of the following trunk roads as fall within the Dumfries and Galloway local government area, but not excluding the lengths of trunk road specified in paragraphs 2 to 15—

(a) A75 Gretna – Dumfries – Stranraer Trunk Road,

(b) A76 Dumfries – Kilmarnock Trunk Road,

(c) A701 Dumfries – Beattock Trunk Road,

(d) M77/A77 Glasgow – Stranraer Trunk Road,

(e) A751 Inchparks – Invermessan Trunk Road,

(f) A6091/A7 Melrose – Galashiels – Carlisle Trunk Road.

2. That length of the A75 Gretna – Dumfries – Stranraer Trunk Road at Crocketford from a point 256 metres or thereby southwest of its junction with the A712 in a generally north-easterly direction to a point 236 metres or thereby northeast of that junction, a distance of 492 metres or thereby.

3. That length of the A75 Gretna – Dumfries – Stranraer Trunk Road at Springholm from a point 75 metres or thereby northeast of its junction with Barncailzie Road in a generally south-easterly direction to a point 54 metres or thereby southwest of its junction with Barr of Spottes Road, a distance of 1.2 kilometres or thereby.

4. That length of the A75 Gretna – Dumfries – Stranraer Trunk Road at Stranraer from a point 36 metres or thereby west of its junction with Commerce Road in a generally easterly direction to its junction with the A77 Stair Drive, a distance of 1.25 kilometres or thereby.

5. That length of the A76 Dumfries – Kilmarnock Trunk Road at Closeburn from a point 201 metres or thereby southeast of its junction with Shawsholm Road in a generally north-westerly direction to a point 524 metres or thereby northwest of that junction, a distance of 725 metres or thereby.

6. That length of the A76 Dumfries – Kilmarnock Trunk Road at Thornhill from a point 16 metres or thereby southeast of its junction with Cairnkinna Crescent in a generally north-westerly direction to a point 37 metres or thereby northwest of its junction with the A702 Dalry Road, a distance of 745 metres or thereby.

7. That length of the A76 Dumfries – Kilmarnock Trunk Road at Sanquhar from a point 44 metres or thereby northwest of its junction with Castlemains Road in a generally north-westerly direction to a point 338 metres or thereby northwest of its junction with Blackaddie Road, a distance of 1.52 kilometres or thereby.

8. That length of the A76 Dumfries – Kilmarnock Trunk Road at Kirkconnell from a point 370 metres or thereby east of its junction with Polveoch Terrace in a generally north-westerly direction to a point 162 metres west of its junction with Lagrae Road, a distance of 1.42 kilometres or thereby.

9. That length of the A76 Dumfries – Kilmarnock Trunk Road at Carronbridge from a point 10 metres or thereby west of its junction with Morton Mill road in a generally north-westerly

direction to a point 180 metres east of its junction with Princes Street, a distance of 850 metres or thereby.

10. That length of the A76 Dumfries – Kilmarnock Trunk Road at Lochside and Lincluden from the point that it meets the circulatory carriageway of the Cuckoo Bridge roundabout in a generally north-westerly direction to a point 13 metres south-east of its junction with Newton Road, a distance of 1.34 kilometres or thereby.

11. That length of the A701 Dumfries – Beattock Trunk Road at Moffat from a point 350 metres or thereby south of its junction with the Glebe in a generally northerly direction to a point 160 metres north of its junction with Northfield Park Road, a distance of 980 metres or thereby.

12. That length of the A701 Dumfries – Beattock Trunk Road at Heathhall and Locharbriggs from the point that it meets the circulatory carriageway of the Bloomfield roundabout in a generally northerly direction to its junction with Catherinefield Road, a distance of 2.96 kilometres or thereby.

13. That length of the M77/A77 Glasgow – Stranraer Trunk Road at Stranraer from its junction with Stair Drive in a generally easterly direction to a point 400 metres or thereby east of its junction with McMasters Road, a distance of 1.41 kilometres or thereby.

14. That length of the M77/A77 Glasgow – Stranraer Trunk Road at Cairnryan being the north and southbound carriageways from a point 357 metres or thereby south of its junction with Claddyburn Terrace in a generally southerly direction to a point 755 metres or thereby south of its junction with Claddyburn Terrace, a total distance of 398 metres or thereby.

15. That length of the A6091/A7 Melrose – Galashiels – Carlisle Trunk Road at Langholm from a point 160 metres or thereby south of its junction with Glenesk Road in a generally southerly direction to a point 140 metres south from its junction with the C76A Langholm to Newcastleton Road, a distance of 1.95 kilometres or thereby.

SCHEDULE 2

Article 4

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

1.—(1) Section 66 is modified in accordance with sub-paragraphs (2) to (6).

(2) In subsection (1) omit "in a designated parking place".

(3) In subsection (2) omit—

(a) "For the purposes of this Part of the Act",

(b) paragraphs (a)(i), (b) and (c).

(4) In subsection (3)—

(a) in paragraph (d) for "the specified proportion" substitute "one half",

(b) in paragraph (e) for "London" substitute "parking".

(5) Omit subsection (4).

(6) For subsection (5)(b) substitute—

"(b) the parking authority.".

2.—(1) Section 69 is modified in accordance with sub-paragraphs (2) and (3).

(2) In subsection (1)—

(a) omit "in a designated parking place",

(b) for "specified in section 66(2)(a), (b) or (c) of this Act" substitute "in which a penalty charge is payable".

(3) In subsection (8) for the words from "London" to the end substitute "parking authority.".

3.—(1) Section 71 is modified in accordance with sub-paragraphs (2) to (4).

(2) In subsection (1)(a) for "a London" substitute "the parking".

(3) For subsection (4) substitute—

"(4) The grounds are—

(a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking area in circumstances in which a penalty charge was payable;

(b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;

(c) that the place where the vehicle was at rest was not in the parking area;

(d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 of this Act did not apply to the vehicle in question at the time in question; or

(e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.".

(4) In subsection (8)—

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

(b) in paragraph (b)—

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

(ii) for "costs" substitute "expenses",

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

4.—(1) Section 72 is modified in accordance with sub-paragraphs (2) to (4).

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

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

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

5.—(1) Section 73 is modified in accordance with sub-paragraphs (2) to (7).

(2) Omit subsections (1), (1A), and (2) to (14).

(3) After subsection (3) insert—

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

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

(b) in relation to the remuneration and expenses of legal members required for the operation of the First-tier Tribunal exercising the functions set out in section 72(2) and 73(3) of this Act and paragraph 5(2) of schedule 6 of this Act.".

(4) In subsection (15) for the words from "a parking adjudicator" to the end, substitute "the First-tier Tribunal and Upper Tribunal shall be recoverable by the person to whom the amount

is payable as if it were payable under an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court for any sheriffdom in Scotland".

(5) In subsection (17)—

(a) for "Joint Committee", in both places where it occurs, substitute "parking authority",

(b) for "each parking adjudicator" substitute "the First-tier Tribunal and the Upper Tribunal",

(c) for "his" substitute "their".

(6) In subsection (18)—

(a) for "Joint Committee" substitute "parking authority",

(b) for "the Secretary of State" substitute "the Scottish Ministers",

(c) for "parking adjudicators" substitute "First-tier Tribunal and the Upper Tribunal".

(7) The heading of the section becomes "Parking Authority Costs and Administration".

6. For section 74 substitute—

"Fixing of certain parking and other charges for parking area

74.—(1) It shall be the duty of the parking authority to set the levels of additional parking charges to apply in the parking area.

(2) Different levels may be set for different parts of the parking area.

(3) The levels of additional parking charges set by the parking authority under this section shall accord with any guidance given by the Scottish Ministers whether such guidance is given specifically to the parking authority or to local authorities generally.

(4) Any guidance given by the Scottish Ministers under subsection (3) above may be varied at any time.

(5) The parking authority must publish, in such a manner as the Scottish Ministers may determine, the levels of additional parking charges which have been set under this section.

(6) In this section "additional parking charges" means penalty charges, charges made by the parking authority for the removal, storage and disposal of vehicles and charges for the release of vehicles from immobilisation devices fixed under section 69 of this Act.".

7.—(1) Section 82 is modified in accordance with sub-paragraphs (2) to (5).

(2) For subsection (1) substitute—

"(1) In this section and sections 66, 69 to 74 and 79 and schedule 6 of this Act—

"First-tier Tribunal" means the First-tier Tribunal for Scotland;

"hiring agreement" and "vehicle-hire firm" have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(**a**);

"immobilisation device" has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984(**b**);

"parking area" means the area designated as a permitted parking area and a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026(**c**);

(**a**) 1988 c. 53. Section 66 was relevantly amended by the Road Safety Act 2006 (c. 49), schedule 7, paragraph 2.
(**b**) 1984 c. 27.
(**c**) S.S.I. 2026/296.

"parking attendant" has the same meaning as in section 63A(**a**) of the Road Traffic Regulation Act 1984;

"parking authority" means—

(a) in relation to a parking place which was provided or authorised under section 32(1) of the Road Traffic Regulation Act 1984, the local authority as defined by section 32(4)(a)(**b**) of that Act in relation to the parking place;

(b) in relation to a permitted parking area and special parking area designated by article 3 of the Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026, the local authority for the Dumfries and Galloway local government area as constituted by section 2 of the Local Government etc. (Scotland) Act 1994(**c**);

"penalty charge" means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of schedule 3 of this Act;

"prescribed" means prescribed by regulations made by the Scottish Ministers;

"traffic commissioner" means the traffic commissioner appointed for the Scottish Traffic Area under section 4 of the Public Passenger Vehicles Act 1981(**d**); and

"Upper Tribunal" means the Upper Tribunal for Scotland.".

(3) In subsection (5) for "London authority concerned" substitute "parking authority".

(4) In subsection (6) for "a Minister of the Crown" substitute "the Scottish Ministers".

(5) In subsection (7) for "either House of Parliament" substitute "the Scottish Parliament".

8.—(1) Schedule 6 is modified in accordance with sub-paragraphs (2) to (9).

(2) In paragraph 1(1) for "London authority concerned" substitute "parking authority".

(3) In paragraph 2—

(a) in sub-paragraph (1) for the words from "London" to the end substitute "parking authority",

(b) in sub-paragraph (2) for the words from "such" to the end substitute "writing",

(c) in sub-paragraph (3) after "The", where it first occurs, insert "parking",

(d) in sub-paragraph (4)(c) for "place" substitute "area",

(e) in sub-paragraph (7) for "an authority to whom representations are duly made" substitute "the parking authority when representations are duly made to it".

(4) In paragraph 3(1) and (2) for "London authority concerned" substitute "parking authority".

(5) In paragraph 4—

(a) for "London authority concerned" substitute "parking authority",

(b) for "a parking adjudicator", in both places where it occurs, substitute "the First-tier Tribunal",

(c) in sub-paragraph (b)—

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

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(**a**) Section 63A was inserted by the Road Traffic Act 1991 Act (c. 40), section 44(1).
(**b**) Section 32(4)(a) was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), schedule 13, paragraph 134(4).
(**c**) 1994 c. 39.
(**d**) 1981 c. 14.

(ii) for "costs" substitute "expenses",

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

(d) for "authority consider appropriate" substitute "parking authority considers appropriate".

(6) In paragraph 5—

(a) in sub-paragraph (1)—

(i) for "an authority serve" substitute "the parking authority serves",

(ii) for "a parking adjudicator", in both places where it occurs, substitute "the First-tier Tribunal",

(iii) for "authority's decision" substitute "parking authority's decision",

(b) omit sub-paragraphs (2) and (3).

(7) In paragraph 6—

(a) in sub-paragraph (1) for "authority serving the notice" substitute "parking authority",

(b) in sub-paragraph (2)(b)(ii) for "authority concerned" substitute "parking authority",

(c) in sub-paragraph (2)(c) for "adjudicator's" substitute "First-tier Tribunal's",

(d) in sub-paragraph (3) for "adjudicator" substitute "First-tier Tribunal" and for "his" substitute "its".

(8) In paragraph 7 for the words from "authority concerned" to the end substitute "parking authority may recover the increased charge as if the charge certificate were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court in any sheriffdom in Scotland".

(9) Omit paragraphs 8 and 9.

SCHEDULE 3

Article 5

MODIFICATIONS OF THE ROAD TRAFFIC REGULATION ACT 1984

1. In section 46(1A)(**a**) for "Greater London" substitute "the parking area".

2.—(1) Section 55 is modified in accordance with sub-paragraphs (2) and (3).

(2) For subsection (1)(**b**) substitute—

"(1) A local authority must keep an account—

(a) of their income and expenditure in respect of designated parking places for which they are the local authority, and which are in the permitted parking area, and

(b) of their income from additional parking charges (as defined in section 74(6) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in relation to that area by virtue of any provision of Part II of the Road Traffic Act 1991 as it applies in relation to that area.

(1A) As soon as reasonably practicable after the end of each financial year, the local authority must send to the Scottish Ministers a copy of the account for that year.".

(**a**) Section 46(1A) was relevantly amended by the Road Traffic Act 1991 (c. 40), ("the 1991 Act"), section 64(2).
(**b**) Section 55(1) was relevantly amended by the 1991 Act, section 81 and schedule 7, paragraph 5(2).

(3) Omit subsections (3A) and (3B)(**a**).

3. In section 63A(4)(**b**)—

(a) for "Greater London", where it first occurs, substitute "the parking area",

(b) for "Greater London authority" substitute "Scottish Ministers.".

4.—(1) Section 101 is modified in accordance with sub-paragraphs (2) to (5).

(2) Omit subsection (4).

(3) In subsection (4A)(**c**) for "Greater London" substitute "the parking area".

(4) Omit subsection (5).

(5) In subsection (5A)(**d**) for "Greater London" substitute "the parking area".

5.—(1) Section 102 is modified in accordance with sub-paragraphs (2) to (7).

(2) For subsection (1) substitute—

"(1) If a vehicle is removed by the local authority in circumstances in which an offence would have been committed but for the provisions of paragraph 1(4) or 2(4) of schedule 3 of the Road Traffic Act 1991, the local authority is entitled to recover from any persons responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require.".

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

(4) For subsection (4) substitute—

"(4) Without prejudice to subsection (1) above, where any sum is recoverable in respect of a vehicle by a local authority in whose custody the vehicle is, the local authority is entitled to retain custody of it until that sum has been paid.".

(5) In subsection (5) for "an authority" substitute "the local authority".

(6) Omit subsections (6) and (7).

(7) In subsection (8), in paragraph (b)(**e**) of the definition of "appropriate authority", for the words "outside Greater London" substitute "within the parking area".

6. In section 142(1)—

(a) after the definition of "owner" insert—

""parking area" means the area designated as a permitted parking area and a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026(**f**), and "permitted parking area" and "special parking area" are to be read accordingly;",

(b) in the definition of "prescribed" for "the Secretary of State" substitute "the Scottish Ministers".

(**a**) Section 55(3A) and (3B) were inserted by the 1991 Act, section 81 and schedule 7, paragraph 5(3).
(**b**) Section 63A was inserted by the 1991 Act, section 44(1).
(**c**) Section 101(4A) was inserted by the 1991 Act, section 67(4).
(**d**) Section 101(5A) was inserted by the 1991 Act, section 67(6).
(**e**) The definition in section 102(8)(b) was inserted by the Road Traffic Act 1991 (c. 40), section 68(3)(a).
(**f**) S.S.I. 2026/296.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies, to the Dumfries and Galloway local government area, arrangements for enforcing parking controls already available in London and certain other areas in England and in Edinburgh, Glasgow, Perth and Kinross, Aberdeen, Dundee, South Lanarkshire, Renfrewshire, East Ayrshire, South Ayrshire, East Renfrewshire, Fife, East Dunbartonshire, Argyll and Bute, Inverclyde, Highland, East Lothian, Angus, Stirling, North Lanarkshire, Midlothian, Falkirk, North Ayrshire and West Dunbartonshire local government areas.

The Order designates Dumfries and Galloway local government area (with specified exceptions) as a permitted parking area and as a special parking area in accordance with schedule 3 of the Road Traffic Act 1991 ("the 1991 Act").

The Order applies, to the designated area, various provisions of the 1991 Act and modifies them where necessary. It also makes consequential modifications to certain provisions of the Road Traffic Regulation Act 1984 ("the 1984 Act") dealing with parking and related matters.

While the Order is in force, certain specified offences will be decriminalised: for example, in the case of the permitted parking area, breaches of orders relating to on-street parking places and, in the case of the special parking area, orders prohibiting or restricting waiting, loading and unloading.

Enforcement will be carried out by parking attendants provided under section 63A of the 1984 Act. The First-tier Tribunal will hear appeals against decisions by the parking authority.

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