POLICY NOTE

THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (HIGHLAND COUNCIL) DESIGNATION AMENDMENT ORDER 2025

SSI 2025/148

The above instrument was made in exercise of the powers conferred by Schedule 3 of the Road Traffic Act 1991. The instrument is subject to negative resolution procedure before the Scottish Parliament.

Summary Box

The purpose of this Scottish Statutory Instrument is to amend the parts of the Highland Council area which are subject to the existing decriminalised parking regime in that area .

Policy Objectives

The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere in the UK. Decriminalised Parking Enforcement (DPE) is a regime which enables a local authority to administer its own parking penalty schemes, including the issuing of Penalty Charge Notices (PCNs) to motorists breaching parking controls in specific areas. DPE seeks to ensure compliance with parking controls through transparent, effective enforcement aimed at dissuading motorists from breaching parking controls and achieving 100% compliance with such controls.

To date, 23 Scottish local authorities have introduced DPE within their areas. Under these arrangements, local authorities are allowed to retain the penalties collected. However, section 55 of the Road Traffic Regulations Act 1984 requires that any surplus accrued by local authorities from their DPE regimes should be ring-fenced and may only be used for certain transport-related provisions, including the provision and maintenance of off-street parking, the provision or operation of (or facilities for) public passenger transport services or for road improvement projects in the local authority area.

Under DPE, enforcement powers no longer rest with the Police but are implemented by parking attendants employed either directly by, or under contract to, the local authority. 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.

DPE powers were introduced in the Highland Council area in 2016. This was achieved by way of the Road Traffic (Permitted Parking Area and Special Parking Area) (Highland Council) Designation Order 2016 (S.S.I. 2016/245). That order included certain lengths of trunk road in the area subject to the DPE regime.

The Highland Council has requested that the area covered by the DPE regime should be amended to include further sections of trunk road**.** This will enable the Council to tackle parking infringements in a number of additional areas, many of which experience parking issues during the tourist season.

An amendment to 2016 Order is required to achieve this. The present Order makes certain amendments to the parts of the Highland Council area which are subject to the DPE regime by way of substituting the list of lengths of trunk road which were included in the 2016 Order.

The substituted list extends certain of the lengths of trunk road which were already included and adds a number of new lengths of trunk road to the list of lengths of trunk road in the Highland local government area which are designated by article 3 of the 2016 Order as permitted parking areas and special parking areas.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Road Traffic (Permitted Parking Area and Special Parking Area) (Highland Council) Designation Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration
This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation
To comply with the requirements of the Road Traffic Regulation Act 1984, we consulted with neighbouring local authorities, Police Scotland, the Scottish Courts and Tribunals Service and the Traffic Commissioner for Scotland.

As a result of that consultation there were no changes made to the SSIs.

Impact Assessments
As the draft regulations relate to the enforcement of existing parking restrictions and do not therefore constitute an additional burden on business a Business and Regulatory Impact Assessment is not required. The enforcement costs incurred by Highland Council are expected to be absorbed by income from parking penalties.

Financial Effects
The Cabinet Secretary for Transport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Transport Scotland
Roads Directorate

May 2025