



The Scottish Parliament
Pàrlamaid na h-Alba

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

AGENDA

21st Meeting, 2014 (Session 4)

Wednesday 24 September 2014

The Committee will meet at 11.30 am in the Sir Alexander Fleming Room (CR3).

1. **Subordinate legislation:** The Committee will consider the following negative instruments—

Road Traffic (Permitted Parking Area and Special Parking Area)
(Inverclyde Council) Designation Order 2014 (SSI 2014/169)

Parking Attendants (Wearing of Uniforms) (Inverclyde Council Parking
Area) Regulations 2014 (SSI 2014/170)

Road Traffic (Parking Adjudicators) (Inverclyde Council) Regulations 2014
(SSI 2014/171)

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The papers for this meeting are as follows-

Agenda Item 1

Background Note

ICI/S4/14/21/1

[The Road Traffic \(Permitted Parking Area and Special Parking Area\) \(Inverclyde Council\) Designation Order 2014](#)

[The Parking Attendants \(Wearing of Uniforms\) \(Inverclyde Council Parking Area\) Regulations 2014](#)

[The Road Traffic \(Parking Adjudicators\) \(Inverclyde Council\) Regulations 2014](#)

Infrastructure and Capital Investment Committee

21st Meeting, 2014 (Session 4), Wednesday, 24 September 2014

Subordinate legislation

Title of Instruments

Road Traffic (Permitted Parking Area and Special Parking Area) (Inverclyde Council) Designation Order 2014 (SSI 2014/169)

Parking Attendants (Wearing of Uniforms) (Inverclyde Council Parking Area) Regulations 2014 (SSI 2014/170)

Road Traffic (Parking Adjudicators) (Inverclyde Council) Regulations 2014 (SSI 2014/171)

Type of Instruments

Negative

Laid Date

SSI 2014/169	13 June 2014
SSI 2014/170	13 June 2014
SSI 2014/171	13 June 2014

Minister to attend the meeting

No

SSI's drawn to the Parliament's attention by Delegated Powers and Law Reform Committee

No

Reporting Deadline

SSI 2014/169	29 September 2014
SSI 2014/170	29 September 2014
SSI 2014/171	29 September 2014

Purpose

1. The purpose of the three Scottish Statutory Instruments (SSI's) together is to introduce a decriminalised parking regime within the Inverclyde Council area.

2. To date, 13 Scottish local authorities have introduced de-criminalised parking regimes. This enables them to administer their own parking penalty schemes, and to retain the penalties collected to finance parking enforcement procedures and other traffic management measures.

Road Traffic (Permitted Parking Area and Special Parking Area) (Inverclyde Council) Designation Order 2014 (SSI 2014/169)

Background

3. The effect of designation is that specified offences will be decriminalised in the parking area, such as breaches of orders relating to free on-street parking places, or orders prohibiting or restricting waiting, loading and unloading.

Parking Attendants (Wearing of Uniforms) (Inverclyde Council Parking Area) Regulations 2014 (SSI 2014/170)

Background

4. The Regulations prescribe a list of functions, during the exercise of which parking attendants in the Inverclyde Council area must wear such uniform as the Scottish Ministers may determine. The prescribed functions are those related to the removal of vehicles, the issuing of penalty charge notices and the immobilisation of vehicles.

Road Traffic (Parking Adjudicators) (Inverclyde Council) Regulations 2014 (SSI 2014/171)

Background

5. This SSI provides for the adjudication process to be followed where a motorist believes that a penalty charge notice has been incorrectly issued in the Inverclyde Council area.

Procedure

6. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

7. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

Consideration by the Delegated Powers and Law Reform Committee

8. At its meeting on 24 June 2014, the Delegated Powers and Law Reform Committee considered the instruments and determined that it did not need to draw the attention of the Parliament to the instruments on any grounds within its remit.

Recommendation

The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on these instruments.

**Myra Leckie
Committee Assistant
September 2014**