

DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule

69. The schedule makes detailed provision concerning the matters which must be contained in the reports required by sections 11 and 12 of the Act.

Part 1: Content of annual reports by local authorities

70. **Part 1** of the schedule specifies the requirement on local authorities. Paragraph 1 contains the detail of the information that is required for each reporting period. Paragraph 2 enables the local authority to provide in the report any other information about the performance of its functions in relation to disabled persons parking places it considers appropriate.
71. **Paragraph 1(a)** requires details of the action taken by the local authority to meet its duty in section 1 of promoting the proper use of disabled persons' parking places. Paragraph 1(b) requires the total number of enforceable parking places designated for the use of disabled people under the provisions of the Act to be provided
72. **Paragraph 1(c)** contains requirements that only apply in the first report prepared by each local authority. They are required to state the number of existing advisory disabled street parking places identified under section 4(1); any reasons for decisions made by the local authority under section 4(2) (whether these parking places provided convenient access to the address of a person holding a disabled persons badge) and under section 4(3) (why it believed it had no power to make an order). This paragraph also requires the local authority to provide the number of parking places for which it began the statutory procedure to promote an order.
73. **Paragraph 1(d)** requires information on applications from disabled persons for disabled street parking (section 5(1)). Information has to be provided on the number of requests that have been received and of these requests how many parking places the local authority identified as being suitable and providing convenient access to the persons address (section 5(2)(b)). If the local authority decides that it has no power to promote an order then its reasons for deciding this must be provided (section 5(3)(a)).
74. The local authority is also required to provide information on how many requests led to the statutory procedure (section 5(3)(b)) to make an order being started and the period of time between identifying each parking place and starting the statutory procedure.
75. **Paragraphs 1(e)** and (f) require information in relation to disabled off-street parking orders under sections 6 and 7. Local authorities must provide information on how many parking places it has identified (if any) or learned of (sections 6(1) and 7(1)) and reasons for any decision that it doesn't have the power to make an order (sections 6(2)(a) and 7(3)). They must also provide the number of section 33(4) arrangements sought to be

*These notes relate to the Disabled Persons' Parking Places (Scotland)
Act 2009 (asp 3) which received Royal Assent on 1 April 2009*

put in place and the reasons any were unsuccessful. For existing disabled off-street parking places the local authority also must provide the number for which it started the statutory procedure (sections 6(7) and 7(6)). The dates by which each duty is performed under section 6 are also required.

76. [Paragraph 1\(g\)](#) relates to section 8 where local authorities are required to seek to make section 33(4) arrangements with car park owners. Information must be provided on any reasons the local authority have for believing that it has no power to make an order (section 8(2)), the number of premises it has further sought to make a section 33(4) agreement in respect of (section 8(4)) and if it has been unsuccessful in doing so the reasons why. It must also provide the number of parking places for which it has started the statutory procedure.
77. [Paragraph 1\(h\)](#) seeks general information on the total number of orders in relation to both disabled street and off-street parking places under the provisions of the Act. The number of actual parking places may be much higher than the total number of orders if the local authority chooses to promote them in batches, for example one order could cover 100 individual spaces. As well as requiring the total number of orders made the total number of enforceable parking places designated for use by a disabled persons' vehicle and the time taken to make orders is required. Where an order is not granted reasons are required in the annual report.

Part 2: Content of the annual report by the Scottish Ministers

78. [Part 2](#) of the schedule specifies the reporting requirements on the Scottish Ministers under section 12. The report must contain details covering each category of information provided by the local authorities under part 1 of the schedule. This will enable the performance of local authorities to be compared.
79. [Paragraph 4](#) enables the Scottish Ministers to provide in their report any other information about the performance, functions and duties of local authorities in relation to disabled persons' parking places that they consider appropriate.