

DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: Limitation of local authorities' powers in relation to advisory parking places for disabled persons' vehicles

10. At present local authorities, instead of using their powers under the 1984 Act to designate parking places for disabled persons' vehicles which are enforceable, will make an advisory street or off-street disabled parking place. Such places are not enforceable and any driver can park in them without sanctions at law being possible.
11. [Section 2\(a\)](#) prevents local authorities in future designating advisory disabled street parking places unless the designation is made in accordance with section 9 of the Act.
12. [Section 2\(b\)](#) similarly prevents local authorities from designating in future advisory disabled off-street parking places.
13. An "advisory disabled street parking place" is defined in section 14 as one which is marked or sign-posted for use only by a disabled persons' vehicle and that is not subject to an order made under section 45 of the 1984 Act (see section 3 below). A "street parking place" is also defined in that section as a parking place that is on land that forms part of a road.
14. An "advisory disabled off-street parking place" is defined in section 14 as one to which the public have access, is marked or sign-posted for use only by a disabled persons' vehicle and is not subject to an order made under section 35 of the 1984 Act (see section 3 below). An "off-street parking place" is defined in that section as a parking place that is on land that does not form part of a road.
15. "Road" is given the same meaning as in the [Roads \(Scotland\) Act 1984 \(c.54\)](#) section 151¹. (see section 14).

¹ Any way over which there is a public right of passage