

Net Zero, Energy and Transport Committee
Tuesday 3 June 2025
20th Meeting, 2025 (Session 6)

Note by the Clerk on the Road Traffic (Permitted Parking Area and Special Parking Area) (Highland Council) Designation Amendment Order 2025 (SSI 2025/148)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Road Traffic \(Permitted Parking Area and Special Parking Area\) \(Highland Council\) Designation Amendment Order 2025](#) (SSI 2025/148)

Laid under: the [Road Traffic Act 1991](#)

Laid on: 15 May 2025

Procedure: Negative

Deadline for committee consideration: 16 June 2025 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 23 June 2025 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 24 June 2025

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 27 May 2025 and reported on it in its [37th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. This Order updates the areas within the Highland Council that are subject to the existing Decriminalised Parking Enforcement (DPE) regime. Specifically, it substitutes the list of trunk roads designated in the 2016 Order, extending some of the existing lengths and adding new sections. According to the policy note, these changes will allow the Highland Council to address parking issues in additional areas, particularly those affected during the tourist season.
9. Decriminalised Parking Enforcement (DPE) was introduced under the Road Traffic Act 1991, initially in London and later extended across the UK. DPE enables local authorities to manage parking enforcement directly, including issuing Penalty Charge Notices (PCNs) to drivers who breach parking controls.
10. The aim of DPE is to ensure compliance with parking regulations through effective, transparent enforcement. It removes enforcement responsibilities from the police, assigning them instead to parking attendants employed by, or contracted to, the local authority. Offenders are required to pay penalties to the local authority.
11. In Scotland, 23 local authorities have adopted DPE. Under section 55 of the Road Traffic Regulation Act 1984, any surplus revenue from DPE must be reinvested in transport-related services, such as maintaining off-street parking, supporting public transport, or funding road improvement projects.
12. DPE was introduced in the Highland Council area in 2016 through the Road Traffic (Permitted Parking Area and Special Parking Area) (Highland Council) Designation Order 2016, which included certain trunk roads. The Highland Council has now requested to extend the DPE area to cover additional trunk road sections to improve parking enforcement in more locations.
13. This Order implements that request by amending the 2016 Order, replacing the original list of trunk roads with an updated version that includes both extended and newly designated lengths of road within the Highland Council area.
14. The Policy Note accompanying the instrument is included in Annexe A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

15. So far, no motion recommending annulment has been lodged.
16. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.
17. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.
18. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
19. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
May 2025

Annexe A: Scottish Government Policy Note

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

<p>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 .</p>
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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