TPT/S7/26/4

Transport Committee
Wednesday 25 November 2026
13th Meeting, 2026 (Session 7)

Note by the Clerk on negative instruments

Overview

1. At this meeting, the Committee will consider the following two Scottish Statutory Instruments (SSI), which are subject to the negative procedure. The Committee is invited to consider the instruments and decide what, if any, recommendations to make.

2. Further information on each instrument is set out in the annexes to this paper—

    - **Annexe A:** The Parking Attendants (Wearing of Uniforms) (Dumfries and Galloway Council) Regulations 2026 (SSI 2026/295)

    - **Annexe B:** The Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026 (SSI 2026/296)

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.

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

Committee consideration

7. So far, no motion recommending annulment of either instrument has been lodged.

8. Members are invited to consider each 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.

9. 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 either instrument.

10. If members have no points to raise, the Committee should note the instruments (that is, agree that it has no recommendations to make).

11. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instruments again.

Clerks to the Committee
November 2026

Annexe A: The Parking Attendants (Wearing of Uniforms) (Dumfries and Galloway Council) Regulations 2026 (SSI 2026/295)

Title of instrument: The Parking Attendants (Wearing of Uniforms) (Dumfries and Galloway Council) Regulations 2026 (SSI 2026/295)

Laid under: Road Traffic Regulation Act 1984

Laid on: 29 October 2026

Procedure: Negative

Deadline for committee consideration: 30 November 2026

Deadline for Chamber consideration: 7 December 2026

Commencement: 7 December 2026

Delegated Powers and Law Reform Committee consideration

1. The DPLR Committee considered the instrument on 10 November 2026 and reported on it in its 17th Report, 2026. The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

2. This instrument requires parking attendants exercising decriminalised parking enforcement powers in Dumfries and Galloway to wear approved uniforms when carrying out their duties.

3. Taken together with SSI 2026/296, which designates Dumfries and Galloway as a permitted parking area and special parking area, these Regulations support the introduction of a decriminalised parking enforcement regime in the council area. This will allow Dumfries and Galloway Council, rather than the police, to enforce most parking restrictions and issue Penalty Charge Notices.

4. The Policy Note accompanying the instrument is included at **Annexe C**. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. A Child Rights and Wellbeing Impact Assessment (CRWIA) was carried out.

TPT/S7/26/4

Annexe B: The Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026 (SSI 2026/296)

Title of instrument: Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026 (SSI 2026/296)

Laid under: The Road Traffic Act 1991

Laid on: 29 October 2026

Procedure: Negative

Deadline for committee consideration: 30 November 2026

Deadline for Chamber consideration: 7 December 2026

Commencement: 7 December 2026

Delegated Powers and Law Reform Committee consideration

1. The DPLR Committee considered the instrument on 10 November 2026 and reported on it in its 17th Report, 2026. The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

2. This order designates Dumfries and Galloway as a permitted parking area and special parking area for the purposes of decriminalised parking enforcement. This provides the legal basis for Dumfries and Galloway Council to assume responsibility for enforcing most parking restrictions.

3. Taken together with SSI 2026/295, which requires parking attendants to wear approved uniforms, the Order introduces a decriminalised parking enforcement regime in Dumfries and Galloway. This transfers responsibility for enforcing most parking restrictions from the police to the council, including the issuing of Penalty Charge Notices.

4. The Policy Note accompanying the instrument is included at **Annexe C**. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. A Child Rights and Wellbeing Impact Assessment (CRWIA) was carried out.

Annexe C: Scottish Government Policy Note

THE PARKING ATTENDANTS (WEARING OF UNIFORMS) (DUMFRIES AND GALLOWAY COUNCIL) REGULATIONS 2026

SSI 2026/295

THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (DUMFRIES AND GALLOWAY COUNCIL) DESIGNATION ORDER 2026

SSI 2026/296

The above instrument was made in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of Schedule 3 of the Road Traffic Act 1991, and section 63A(4) of the Road Traffic Regulation Act 1984 respectively. The instrument is subject to negative resolution procedures before the Scottish Parliament.

Summary Box

The purpose of the two Scottish Statutory Instruments is to introduce a decriminalised parking regime within the Dumfries and Galloway Council 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.

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) (Dumfries and Galloway Council) Designation Order 2026 and the associated instrument The Parking Attendants (Wearing of Uniforms) (Dumfries and Galloway Council) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

These instruments are 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 Dumfries and Galloway Council are expected to be absorbed by income from parking penalties.

Two Child Rights and Wellbeing Impact Assessments have been completed on The Road Traffic (Permitted Parking Area and Special Parking Area) (Dumfries and Galloway Council) Designation Order 2026 and the associated instrument, The Parking Attendants (Wearing of Uniforms) (Dumfries and Galloway Council) Regulations 2026 and are attached. There are no aspects of the proposed instruments that are relevant to the UNCRC (Incorporation) (Scotland) Act 2024 requirements.

Financial Effects

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

Scottish Government
Roads Delivery and Operations Directorate
October 2026