



## Briefing for the Public Petitions Committee

**Petition Number:** [PE01616](#)

**Main Petitioner:** John S Shaw

**Subject:** Parking Legislation

Calls on the Parliament to urge the Scottish Government to make it an offence to park in front of a dropped kerb.

### Background

Parking in front of a dropped kerb in Scotland is not a specific offence. However, parking in front of some dropped kerbs is subject to restrictions, shown by yellow or red lines. These restrictions can only be imposed through a Traffic Regulation Order promoted by the local authority (Transport Scotland for trunk roads).

It is an offence to leave a vehicle in such a way as to cause an obstruction to other road users, including pedestrians. A police officer can require the owner of a vehicle that is causing an obstruction to move it, or where this is not possible, to arrange for the vehicle to be moved. There is no statutory definition of what constitutes an obstruction. The decision on whether any particular vehicle is causing an obstruction is a matter for the police officer dealing with the incident. In practice, police officers rarely require a vehicle parked in front of a dropped kerb to be moved.

### Scottish Government Action

The [Government's Programme for Scotland 2016-17](#) states:

“We will also undertake a full review and stakeholder consultation later this year to develop the necessary legislation to promote responsible parking for all, taking account of the complexities of implementation and enforcement.”

### Scottish Parliament Action

The [Footway Parking and Double Parking](#) (Scotland) Bill was introduced in the Parliament on 20 May 2015 by Sandra White MSP. The Bill aimed to prohibit vehicles using public roads in built-up areas from:

- parking on the footway (normally referred to as ‘the pavement’)
- parking in front of a dropped kerb
- double parking

The Local Government and Regeneration Committee was appointed as lead committee and its [Stage 1 report](#) was published on 8 February 2016. The report recommended that the general principles of the Bill be agreed to by the Parliament, while highlighting concern that the provisions of the Bill were outwith the legislative competence of the Scottish Parliament.

During Stage 1 oral evidence, the Scottish Government confirmed it was in discussion with the UK Government on how to resolve these concerns. The Scotland Act 2016 subsequently devolved competence over on-street parking to the Scottish Parliament.

The Footway Parking and Double Parking (Scotland) Bill fell on 23 March 2016, following dissolution of Session 4 of the Scottish Parliament.

**Alan Rehfish**  
**Senior Researcher**  
September 2016

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP