



T: 0300 244 4000

E: scottish.ministers@gov.scot

Delegated Powers and Law Reform Committee

T1.01

Chamber Office

Edinburgh

EH99 1SP

1st October 2019

Dear Convenor

Thank you for your letter dated 1 October 2019 regarding the Committee's recommendations on the Transport (Scotland) Bill. This letter will address the issues raised on Sections 51 to 58N of the Bill and I will take these issues in turn.

Sections 51(1), 52(1) and 53(1) – Removal of vehicles, moving vehicles parked contrary to parking prohibitions and disposal of removed vehicles.

The Scottish Government does not plan to lay an amendment to the Bill that includes a requirement to consult organisations representing drivers and other applicable road users when making regulations under sections 41 to 53 of the Bill as enacted.

As outlined in its response to the Committee's Stage 1 report, the Scottish Government agrees that consultation with representative organisations and stakeholders is key. It would reassure the Committee that it has consulted widely with various motoring organisations in the development of the Bill and will continue to do so (including in the development of secondary legislation implementing the Bill).

Section 58B – Circumstances when workplace parking space provided

You will note the Government amendment on this that was lodged on 1 October 2019.

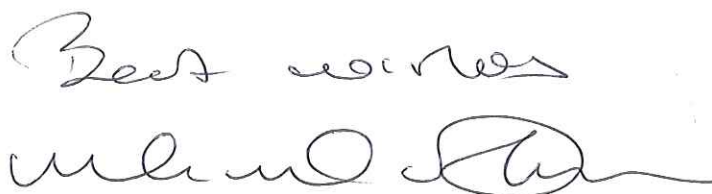
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Section 58N(1) – Penalty charges in relation to workplace licensing schemes

The Scottish Government does not plan to lay an amendment at Stage 3 to make regulations under section 58N subject to the affirmative procedure. As stated in the Scottish Government's supplementary delegated powers memorandum, these regulations are intended to deal with the technical and procedural mechanics of the enforcement of workplace parking licensing schemes. Given likely technical nature of any regulations made under this power it is considered that the negative procedure affords the appropriate level of Parliamentary scrutiny. This is consistent with the approach taken to similar powers elsewhere, including provisions in this Bill in relation to the enforcement of low emission zones and parking prohibitions.

The remaining issues contained within your letter dated 1 October 2019 will be addressed in a separate response.



MICHAEL MATHESON

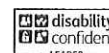
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



Transport (Scotland) Bill – Stage 3

Section 51

Graham Simpson (on behalf of the Delegated Powers and Law Reform Committee)

1 In section 51, page 69, line 14, at end insert—

- <() Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) such persons or organisations as appear to them to be representative of drivers and other road users, and
 - (b) such other persons as they consider appropriate.>

Section 52

Graham Simpson (on behalf of the Delegated Powers and Law Reform Committee)

2 In section 52, page 69, line 26, at end insert—

- <() Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) such persons or organisations as appear to them to be representative of drivers and other road users, and
 - (b) such other persons as they consider appropriate.>

Section 53

Graham Simpson (on behalf of the Delegated Powers and Law Reform Committee)

3 In section 53, page 70, line 2, at end insert—

- <() Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) such persons or organisations as appear to them to be representative of drivers and other road users, and
 - (b) such other persons as they consider appropriate.>

Section 72

Graham Simpson (on behalf of the Delegated Powers and Law Reform Committee)

4 In section 72, page 111, line 22, at end insert—

- <() Regulations under section 58N(1)—
- (a) which make provision for or in connection with the acts, omissions, events or circumstances relating to, or connected with, workplace parking licensing schemes in respect of which a penalty charge may be imposed are subject to the affirmative procedure,
 - (b) otherwise are subject to the negative procedure.>