Exceptions to Pavement Parking prohibitions

Transport (Scotland) Act 2019

55Exceptions to pavement parking prohibition and double parking prohibition

(1)This section sets out exceptions to the pavement parking prohibition and the double parking prohibition.

(2)The pavement parking prohibition and the double parking prohibition do not apply where F1...—

(a)[F2the motor vehicle] is being used—

(i)for police purposes, including for the purposes of the National Crime Agency,

(ii)for ambulance purposes or for the purpose of providing a response to an emergency at the request of the Scottish Ambulance Service Board,

(iii)for or in connection with the exercise of any function of the Scottish Fire and Rescue Service or Her Majesty's Coastguard, or

(iv)for naval, military or air force purposes,

(b)the achievement of the purposes, or the exercise of the function, would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1), and

(c)no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).

(3)The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle—

(a)is being used for or in connection with—

(i)the undertaking of works in roads,

(ii)the removal of an obstruction to traffic,

(iii)the collection of waste by or on behalf of a local authority,

(iv)postal services (within the meaning of section 125(1) of the Postal Services Act 2000),

(b)cannot reasonably be so used without being parked on a pavement or, as the case may be, as mentioned in section 54(1),

(c)is so parked for no longer than is necessary for that use, and

(d)no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).

(4)In subsection (3)(a)(i), “works in roads” includes—

(a)road works within the meaning given by section 107(3) of the New Roads and Street Works Act 1991,

(b)works for roads purposes within the meaning given by section 145(2) of that Act,

(c)major works for roads purposes with the meaning given by section 145(3) of that Act,

(d)cleaning, placing, removing or adjusting by or on behalf of a roads authority (within the meaning given by section 151(1) of the Roads (Scotland) Act 1984) of any equipment or structure which is placed on or over a road.

(5)The pavement parking prohibition and the double parking prohibition do not apply where—

(a)the motor vehicle is being used by a registered medical practitioner, registered nurse or registered midwife for or in connection with the provision of urgent or emergency health care,

(b)the provision of the care would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1),

(c)the vehicle is so parked for no longer than is reasonable in connection with the provision of the care, and

(d)no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).

(6)The pavement parking prohibition and the double parking prohibition do not apply where—

(a)the motor vehicle is, in the course of business—

(i)being used for the purpose of delivering goods to, or collecting goods from, any premises, or

(ii)being loaded from or unloaded to any premises,

(b)the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked on a pavement or, as the case may be, as mentioned in section 54(1),

(c)no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded),

(d)the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes.

(7)The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle is parked wholly within a parking place that is—

(a)authorised by order under section 32(1)(b) of the Road Traffic Regulation Act 1984, or

(b)designated by order under section 45 of that Act.

(8)The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle is parked in accordance with permission given by a constable (within the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012) in uniform.

(9)The pavement parking prohibition and the double parking prohibition do not apply where—

(a)the person has parked the motor vehicle for the purpose of saving life or responding to another similar emergency,

(b)the achievement of that purpose would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1), and

(c)the vehicle is so parked for no longer than is necessary for that purpose.

(10)The pavement parking prohibition and the double parking prohibition do not apply where—

(a)the person has parked the motor vehicle for the purpose of providing assistance at an accident or breakdown,

(b)the assistance could not be safely or reasonably provided if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1),

(c)the vehicle is so parked for no longer than is necessary for that purpose, and

(d)no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).

(11)In this section, “carriageway” has the meaning given by section 51(6).

(12)The Scottish Ministers may by regulations modify this section.

Textual Amendments

F1

Words in s. 55(2) omitted (27.11.2023) by virtue of The Transport (Scotland) Act 2019 Amendment Regulations 2023 (S.S.I. 2023/347), regs. 1(1), 2(5)(a)

F2

Words in s. 55(2)(a) inserted (27.11.2023) by The Transport (Scotland) Act 2019 Amendment Regulations 2023 (S.S.I. 2023/347), regs. 1(1), 2(5)(b)

Dear Councillors,

As you know, Scotstoun Community Council has been pressing for GCC to consider an exemption from the Transport (Scotland) Act 2019 Pavement Parking prohibitions for the Scotstoun Conservation Area (with the possible exceptions of Duncan Avenue & Dane's Drive) since long before they actually went live. We believe that most of the roads qualify under not just 1 of the general criteria for exemption but often both. I have previously presented you with some measurements, calculations & observations showing this (I know that Councillor Cunningham, at least, has done similar). Frankly, without it chaos would ensue.

At a public meeting last summer called by the Scotstoun Conservation Area Residents Association there was not 1 person in favour of the prohibition within the SCA.

We were told that there would be a citywide audit before enforcement (that probably post-May) but a recent update to the GCC website does not read like that.

https://www.glasgow.gov.uk/index.aspx?articleid=30579

https://www.glasgow.gov.uk/index.aspx?articleid=30597

"Can my street be exempt from these rules?

There will be no immediate exemptions proposed to allow parking on pavements. We will monitor the impact of the new parking prohibitions over the coming months and find out if any mitigation measures are needed.

In order to get a pavement parking exemption, your street needs to meet the following criteria:

There is insufficient width of the carriageway to allow emergency service vehicles to pass when vehicles are fully parked on the carriageway.

The footway needs to be wide enough to host the parked vehicle and have an unobstructed space of 1.5 metres between the vehicle and the edge of the footway furthest from the carriageway for pedestrians.

Each street may present a particular situation that needs to be tackled differently.

If you think you have a valid reason for a location to be considered for an exemption, and it meets the above criteria, you can complete the online form. Your request will be logged and assessed."

Why would the council get everybody to apply for exemption individually across the city? There are ~ 650 buildings in the Scotstoun Conservation Area alone & it won't be the only one in the city. Indeed, the SCA is not the only area within Scotstoun alone that has roads that may qualify. That is a lot of extra work for GCC staff to process.

The online form itself has issues e.g. it only allows you apply for 1 side of the street & asks for street nos. ( I put "full length"). When I tried to submit a more expanded reasoning in the "Reason you wish this area to be exempt?" box it would not let me, coming up with some error message such as "invalid response" or similar. I had to submit a much reduced (& therefore less clear) reason.

Further, I was told over the weekend by somebody that cars had been seen up by the Kingsway end of Danes Drive with warning notices (apparently official GCC rather than some vigilante pavement parking warrior) on their windscreens re. pavement parking.

Can Councillors please confirm the current state of play re. this within GCC & a likely timetable?

Is there any indication of likelihood of an exemption being raised for the SCA or of a site visit & walkaround for the audit which we could attend?

Yours,

Scott Donaldson

Chair,

Scotstoun Community Council

p.s. in my opinion there are other roads/traffic-related issues within the SCA that are more worrisome - e.g. worn, virtually invisible road markings/speeding & rat-running/parking right up to the corners of junctions greatly reducing visibility for both pedestrians & drivers & general condition of the roads (potholes & block paving breaking up).