SCOTTISH STATUTORY INSTRUMENTS

2005 No. 15

OPEN SPACES

The Holyrood Park Amendment Regulations 2005

Made - - - -	*12th January 2005*
Coming into force - -	*14th January 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 2(1) of the Parks Regulations (Amendment) Act 1926(**1**), and by section 62 of the Road Traffic Regulation Act 1984(**2**) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 2(2) of the Parks Regulations (Amendment) Act 1926, section 6(2) of the Statutory Instruments Act 1946(**3**), and articles 3(3) and 12 of the Scotland Act 1998 (Transitory and Transitional provisions) (Statutory Instruments) Order 1999(**4**), been laid before the Scottish Parliament and a period of 40 days having expired without a resolution that the Regulations be not made:

Citation and commencement

1. These Regulations may be cited as the Holyrood Park Amendment Regulations 2005 and shall come into force on 14th January 2005.

Amendment of the Holyrood Park Regulations 1971

2. The Holyrood Park Regulations 1971(**5**) are amended in accordance with the following regulations.

3. In regulation 2(1) (interpretation)–

(a) after the definition of "heavy commercial vehicle" insert–

> ""holiday" means Christmas Day, Boxing Day, New Years Day, Good Friday and Easter Monday;

(**1**) 1926 c. 36; section 2(1) was amended by the Criminal Procedure (Scotland) Act 1975 (c. 21), sections 289F and 289G (as inserted by the Criminal Justice Act 1982 (c. 48), section 54). In terms of the Ministry of Works (Transfer of Powers) (No. 1) Order 1945 (S.R.& O. 1945/991), the Ministry of Works (Change of Style and Title) Order 1962 (S.I.1962/1549) and the Transfer of Functions (Scottish Royal Parks and Ancient Monuments) Order 1969 (S.I. 1969/383) the functions of the Commissioner of Works were transferred to the Secretary of State. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) 1984 c. 27.

(**3**) 1946 c. 36; section 6(2) was modified by article 3(3) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096).

(**4**) S.I. 1999/1096.

(**5**) S.I. 1971/593 as amended by S.S.I. 2001/405.

"motor cycle" means a mechanically propelled vehicle with fewer than four wheels of which the weight unladen does not exceed 410 kilogrammes;";

(b) after the definition of "Park-keeper" insert–

""parking permit" means a permit issued by the Scottish Ministers for the parking of the vehicle in question;

"parking ticket" means a ticket, obtained for the parking of the vehicle in question in the Park which shows the charge paid and the period in respect of which the charge has been paid;"; and

(c) after the definition of "notice or sign" insert–

""valid parking ticket" means a parking ticket, showing as the period in respect of which the charge has been paid a period comprising the entire period during which the vehicle remains parked.".

4. After regulation 4(20) (acts for which written permission is required) insert–

"(21) leaving a vehicle in the Broad Pavement car park to the south of the Palace of Holyroodhouse at any time between 0830 hours and 1730 hours on any day except a Saturday, Sunday or holiday unless a valid parking ticket is displayed in the vehicle in such a way that it is clearly visible to a person outside the vehicle,

except that a parking ticket shall not be required in respect of–

(i) a vehicle in which a badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970(**6**) is displayed in accordance with regulations made under that section;

(ii) a motor cycle;

(iii) any vehicle in which a parking permit is displayed in such a way that it is clearly visible to a person outside the vehicle and which is allowed to remain parked in accordance with the terms of that parking permit.

(22) leaving a vehicle in Broad Pavement car park during the periods referred to in paragraph (21) for a period longer than four continuous hours.".

5. After regulation 4 insert–

"Parking Charges and Excess Charge and Penalty

4A. The charge for a parking ticket shall be £1 for each hour or part thereof.

4B.—(1) An excess charge of £30 shall be payable, in accordance with paragraphs (2), in respect of any vehicle which remains parked in contravention of paragraphs (21) or (22) of regulation 4.

(2) The excess charge shall be paid to the Scottish Ministers, or to a person authorised by them to receive such charge on their behalf, by the person who parked the vehicle in the Park within 14 days of a written demand for the same.

(3) Payment of the excess charge in accordance with paragraph (2) shall preclude proceedings being commenced for contravention of paragraphs (21) or (22) of regulation 4."

(**6**) 1970 c. 44.