



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Penalty Charge Notices for Parking Enforcement

Consultation Analysis Report

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Acknowledgements

Transport Scotland would like to thank all of the individuals and organisations who took the time to consider and respond to this consultation.

Abbreviations/Glossary

- Penalty Charge Notice (PCN)
- Delegated Parking Enforcement (DPE)
- Notice to Owner (NtO)

Introduction

Transport Scotland has undertaken an analysis of the responses to the public consultation on penalty charge notices which was published on 4 August 2021. It sought views from stakeholders and interested parties on proposals that relate to the Government's existing guidance on penalty charge levels and also the amount of the penalty charge for the new parking prohibitions which in the future will be set out in regulations.

Background

Since 1997, 21 local authorities in Scotland have introduced decriminalised parking enforcement regimes into their areas. These regimes enable local authorities to administer their own parking policies and penalty charge schemes to control on-street parking.

Parking has become a contentious issue across our towns and cities as we seek to improve the country's health and encourage active travel whilst making our streets more accessible for all.

Although it's encouraging to see increased rates of cycling in Scotland, we know that some people who previously used their private vehicle to travel may be even more reliant on their vehicle now as a result of COVID-19. In addition, measures to encourage active travel through the Spaces for People initiative may have temporarily impacted on-street parking options.

Over the last two years we have been working to improve parking legislation in Scotland by introducing provisions within the Transport (Scotland) Act 2019 that will ban pavement parking, double parking and parking at dropped kerbs, thereby tackling the impact of inconsiderate and obstructive parking. These changes will impose new duties on local authorities to enforce these new provisions. To that end, an effective parking enforcement regime is critical to managing to keep Scotland moving (and parking) effectively.

Current levels for Penalty Charge Notices

Under section 74 of the Road Traffic Act 1991, as amended by the Orders designating the permitted and special parking areas in the local authority area, it is the duty of the local authority operating DPE to set the levels of additional parking charges to apply in the parking area and they are to accord with any guidance issued by the Scottish Ministers in respect of the levels of parking charges. This guidance may be given specifically to the local authorities generally and may be varied at any time. When setting the level of PCN, a local authority should set the level to ensure maximum compliance with parking restrictions.

Currently the Scottish Government guidance dated 10 April 2001 is based on the [Local Authority Circular 1/95 “Guidance on Decriminalised Parking Enforcement outside London”](#), which sets out the procedures local authorities outside London in England and Wales must follow when applying for DPE powers. Scottish local authorities have used this guidance when creating decriminalised parking regimes within their local authority areas.

Paragraph 4.19 of the Circular sets out the amounts payable by a motorist issued with a PCN by a local authority as follows:

Level of PCN	Paid within 14 days	Paid between 15 days and service of Notice to Owner (NtO)	Paid between issue of NtO and service of Charge Certificate	Paid after service of Charge Certificate
PCN £50	£25	£50	£50	£75
PCN £60	£30	£60	£60	£90

Figure 1: Penalty Charge Notice Levels

Those amounts are discounted by 50% if paid within 14 days or increased by 50% if certain follow-up enforcement action is required.

Transport (Scotland) Act 2019 Parking Contraventions

The Transport (Scotland) Act 2019 introduced new parking prohibitions to tackle pavement parking, double-parking and parking at dropped kerbs. However, as every decriminalised parking contravention has a code and description we asked for views on what the level of the penalties should be for the new restrictions contained within the Act.

Since the use of these codes indicate the types of contraventions, it has standardised the administration of decriminalised parking enforcement (DPE) in

Scotland. However, there is no approved list of contravention codes for Scotland. There is a list in England and we had proposed a new list be created for Scotland.

Findings to date

Local authorities have in recent years expressed concerns about the level of the PCNs, which had been initially been considered as part of a review in 2010/11. At present, all 21 local authorities who are operating DPE regimes are using the highest charge level in operation (£60 discounted to £30 if paid within 14 days).

Localised anecdotal evidence from Transport Scotland's engagement with stakeholders on parking issues, including compliance of existing parking restrictions found that in some cases motorists may in effect be treating the PCN as a "parking charge" and writing off the cost for undertaking recreational activities or attending events, where e.g, all the passengers of a vehicle contribute towards the cost. Other respondents highlighted that the level of the charge may be insufficient to deter re-offending with some providing examples of motorists receiving multiple PCNs in a single day. This consultation provided an opportunity to explore how compliance varies across Scotland and what the appropriate PCN levels should be for existing parking restrictions enforced under DPE regime.

The Consultation

The consultation was designed to gather the views of stakeholders and individuals to help inform the Scottish Government's proposals to change the Government's existing guidance on penalty charge levels and also the amount of the penalty charge for the new parking prohibitions which in the future will be set out in regulations.

Five questions were posed in total. Two questions were in relation to increasing PCN's, one question concerned the creation of a Scottish contravention code list and one discussed the new contraventions being introduced through the TS Act. Officials also asked what negative impacts could come from any proposed increase.

The consultation period ran from 4 August 2021 to 4 October 2021 and was published on both Transport Scotland's website: [Consultation on Penalty Charge Notices for Parking Enforcement \(transport.gov.scot\)](https://www.transport.gov.scot/consultation/penalty-charge-notice-for-parking-enforcement) and the Scottish Government's Citizen Space website: [Consultation on Penalty Charge Notices for Parking Enforcement - Scottish Government - Citizen Space](https://www.citizen.gov.scot/consultation/penalty-charge-notice-for-parking-enforcement). Interested parties could submit responses online, by email or by post.

Overview of Responses

The final number of responses received was 345. Of these, 18 were submitted by Local Authorities and 2 by Community Councils. 20 other respondents also identified their organisation, and 305 were listed as individuals.

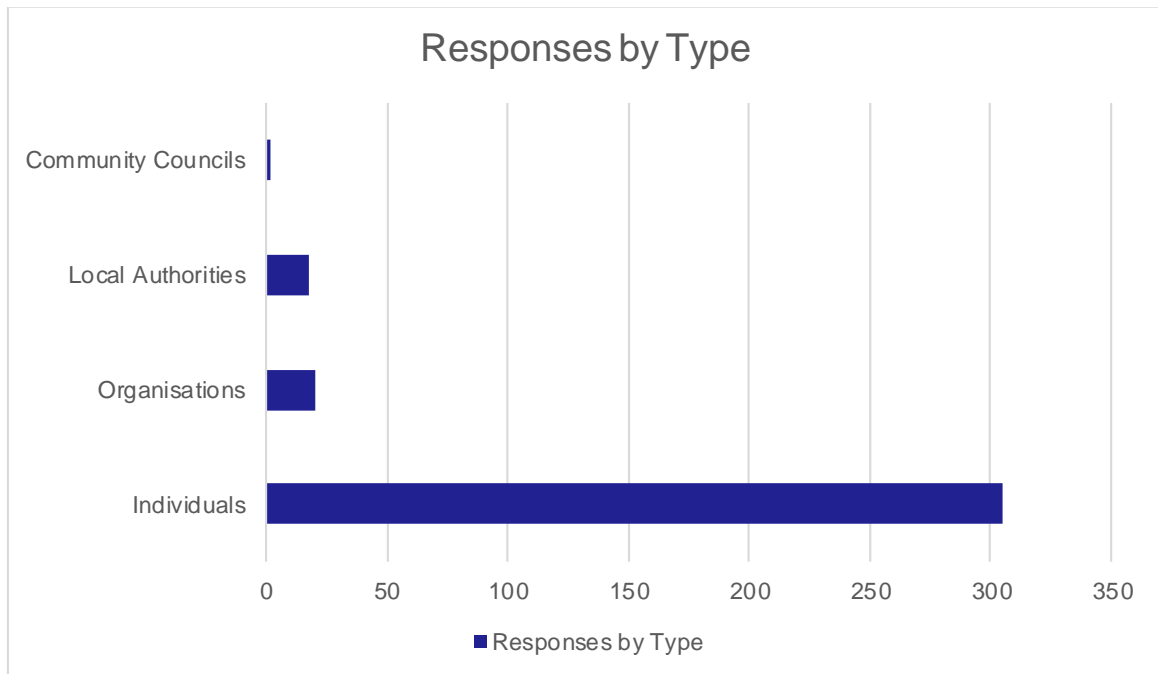


Figure 2: Responses by type

Analysis of Responses

The consultation was hosted on Citizen Space and launched on 4 August 2021 and closed on 4 October 2021. Responses could be submitted directly from the Citizen Space website, via email and post. Some 343 responses were received via Citizen Space and 2 via email. No responses were received via post.

Respondents were not required to answer every question and typically answered the questions that interested them or they felt informed to answer. As such the total number of respondents varies for each question. Most of the questions incorporated a 'closed' yes or no response although all gave respondents an opportunity to provide a written comment if they wished.

Of the 345 responses, 70 (20%) were happy for their responses to be published. A further 232 (67%), while happy for their responses to be published, did not want their name and/or organisation to be attributed to the response. Where this is the case these responses have been included in the overall analysis but the response has been anonymised prior to being published by Transport Scotland. Any comments or quotes made within this report have been included in a way which maintains their

anonymity. 43 respondents (13%) did not give permission for their responses to be published.

Question Response Analysis

Below we set out the questions and analyse the responses received on an individual question basis.

Contravention Codes

Question 1

Do you agree with the proposal to create a Scottish equivalent of the contravention codes?

The total number answering this question was 345.

258 respondents (75%) answered yes to this question. 87 answered no (25%).

100% of the 18 local authorities, who answered this question answered yes.

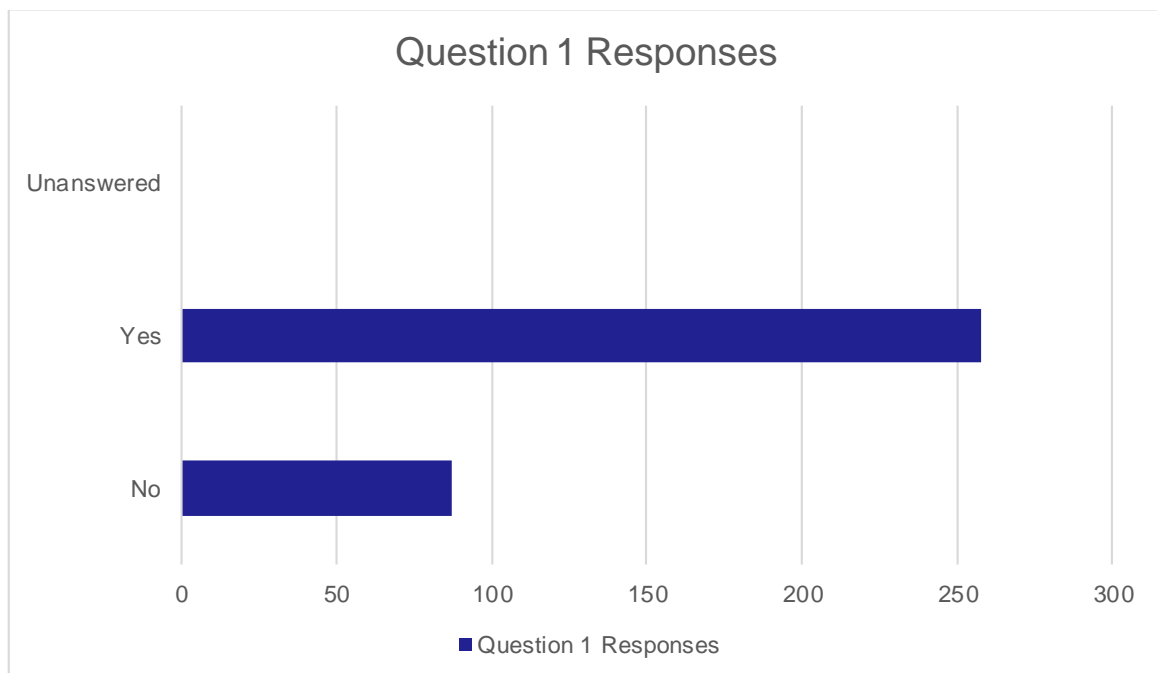


Figure 3: Question 1 responses

Question 1 Analysis:

Of the 345 answers received for question 1 there was 217 comments received. 150 (69%) had answered yes and left a comment. 67 (31%) had answered no and left a comment.

Examples of comments relating to question 1 are included below:

“Yes” response comments:

Individual comments:

“It makes sense to update the limited number of contravention codes, and there is no shame and much benefit to be had by aligning with the more comprehensive set of codes in force in England and Wales.”

“I believe this is long overdue. I do believe however that it is very important to remain aligned to the codes of other UK nations. This makes things clearer for drivers, clearer for those enforcing and also from a system software and training perspective.”

“Extra specificity would presumably allow better analysis of parking patterns, and inform future legislation.”

Local authority comments:

“It will help to reduce any confusion for road users throughout Great Britain.”

“Some parking contraventions are clearly more serious and have greater impact on other road users so a graduated scale that reflects the severity of the contravention is very appropriate.”

Organisation comments:

“We agree with the proposal to align contravention codes with England and Wales. This makes for a more simplified approach for Logistics companies that operate across the UK.”

“No” response comments:

Individual comments:

“Amending the list through guidance is too easily brought about without due consultation.”

“A simpler system, with fewer codes is presumably simpler to enforce.”

Organisation comments:

“In the consultation, Transport Scotland admits “In practice, we understand that local authorities in Scotland currently use the higher band for enforcing parking contraventions.” Introducing higher and lower bands has therefore been made irrelevant by councils already ramping fines up to the maximum.”

Question 2

Do you agree in principal that PCN levels should be increased?

The total number answering this question was 345 with all either answering yes or no.

243 respondents (70%) answered yes to this question. 102 answered no (30%).

Out of the 18 local authorities that responded, (100%) answered yes to this question.

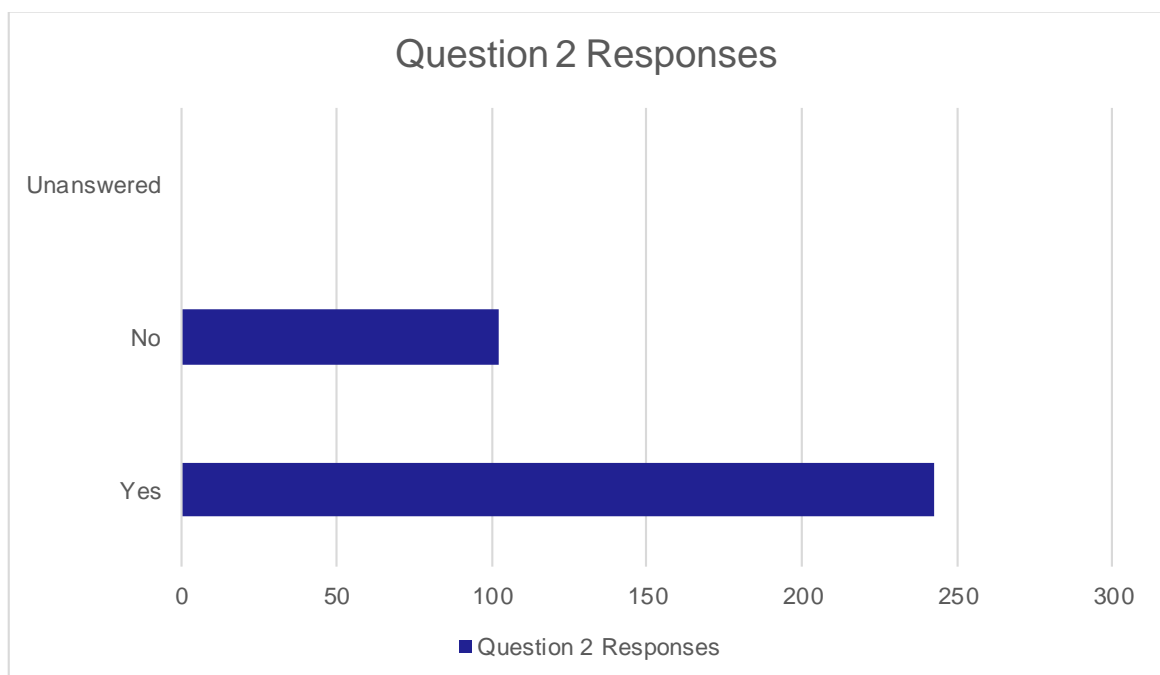


Figure 4: Question 2 responses

Question 2 Analysis:

Of the 262 comments received for question 2, 175 were from respondents who answered yes and 86 from those who answered no.

Example comments relating to question 2 are included below:

“Yes” response comments:

Individual comments:

“Casual observation of hotspot areas near my home will reveal that the same vehicles are repeatedly parking illegally in the same places and often getting ticketed. The current charge levels don't seem to do the trick.”

“The current rates and enforcement are not a deterrent to the average motorist. They are routinely highlighting this with inconsiderate parking such as disabled bays without the relevant badge, single yellows, bus stops, and active taxi ranks. All these can be observed within Glasgow on a daily basis. Glasgow taxi drivers are regularly missing out on work because of parked vehicles obstructing the taxi ranks. With regards to the consultation, a higher charge for parking infringements with a more proactive approach to enforcement such as later shifts etc would be beneficial.”

“currently to park in the NCP car park in Glasgow city centre it costs £26.50, it is cheaper to take a fine as car will sit with a fine for more than a day, risk of being caught is low.”

Local authority comments:

“The PCN level has remained static for an inordinate amount of time. The current rates do not always represent a deterrent.”

Organisation comments:

“It is clear that the current PCN level is no longer a deterrent and hasn't been increased for a number of years; inflation and average wages have eroded the deterrent effect resulting in people willing to take a chance or, as Transport Scotland recognised, treating the PCN as a ‘parking charge’ especially if divided between the vehicle occupants.”

“No” response comment

Individual comments:

“This is way beyond any reasonable inflation led increases, Sure, some local authorities hike parking costs annually way beyond inflation to raise revenues but that's no excuse to raise penalties just so that they are always higher than the cost of parking for a day.”

“Parking fines should not be increased at this time. The country is just coming out of a period restricted by a pandemic, The increased fines will hit poorer families worse and hit hard working families who are struggling to get back on their feet after furloughs and restrictions caused by the pandemic. It will also impact on businesses many of whom will struggle to find their feet again after being closed for nearly 18 months. It's just another form of indirect taxation. absolutely object to this.”

“Maybe in London these would mitigate parking costs however not in towns in Scotland these charges are high enough”

Organisation comments:

“We acknowledges that parking enforcement has an important role to play in ensuring road users abide by the rules and that highway authorities can undertake their statutory duty of managing traffic flow. However, the logistics industry receives millions of pounds a year in Penalty Charge Notice (PCN) costs whilst carrying out deliveries and servicing activity for businesses, residents and visitors in the capital. We have produced compliance materials to help operators plan their deliveries and ensure drivers understand the rules on loading/unloading, which differ to parking. Nevertheless, in many cases there is simply nowhere to stop and deliver legally, or the hours of loading bays do not meet the needs of businesses or residents receiving deliveries.”

Question 3

We have set out two proposals, (proposal (a) and proposal (b)). Which one do you prefer? If you do not prefer (a) or (b), please select (c).

The total number answering this question was 343.

42 respondents (12%) selected proposal a. 175, (51%) selected proposal b. 126, (37%) selected proposal c. 2 respondents did not answer this question.

	Current Level of PCN	Time period 1	Time period 2	Time period 3	Time period 4
	Lower PCN	£25	£50	£50	£75
	Higher PCN	£30	£60	£60	£90
Proposal (a)	Lower PCN	£40	£80	£80	£120
	Higher PCN	£50	£100	£100	£150
Proposal (b)	Lower PCN	£50	£100	£100	£150
	Higher PCN	£60	£120	£120	£180

12 of local authorities who responded selected proposal b (67%). 6 of the remaining local authorities selected proposal a, (33%).

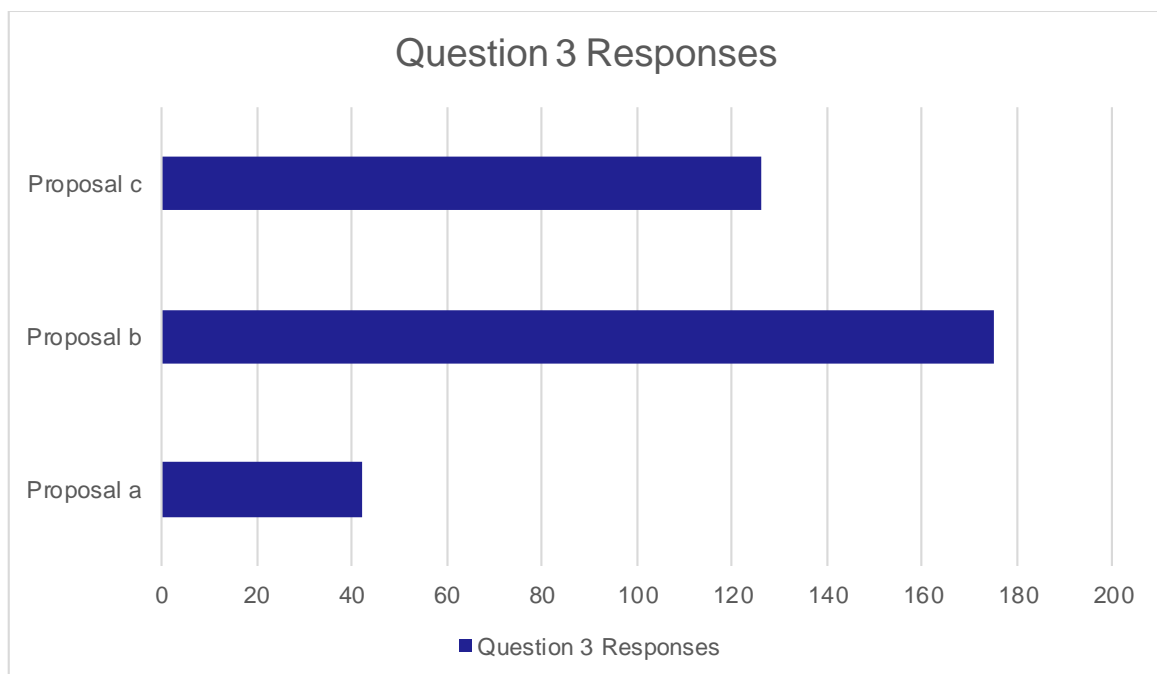


Figure 5: Question 3 responses

Question 3 Analysis:

Of the 246 comments received for question 3, 18 (7%) were from respondents who selected proposal a. 122, (50%) were from respondents who selected proposal b and 104 (42%) had selected proposal c. Two respondents omitted from selecting a proposal but left a comment (1%).

Example comments relating to question 3 are included below:

“Proposal a” response comments:

Individual comments:

“It isn’t so much of a jump at the moment but maintenance scope to increase further in a couple of years and keep rate under review.”

“If the charge is too high it may cause financial burdens on certain drivers and the result would be having to take even more costly action to recoup the debt, which at the end of the process the driver may still be unable to pay.”

Local authority comments:

“It appears a high increase to go to Proposal B for such contraventions as slightly overstaying your time, etc. Proposal B would also take the PCN levels above private car parks.”

“The average of the lower and higher PCNs in Proposal (a) is, as outlined in Question 2, close to what the value would be taking into account inflation, which seems fair and can be justified. While Proposal (b) might be considered more of a deterrent it would be harder to justify.”

“Proposal b” response comments:

Individual comments:

“This should have a higher impact and be more realistic to the penalty of illegally parking. The time impact and distress caused by some of the illegal parking results in high costs to people and business so this would demonstrate some of their actions.”

“The higher the level, the more effective the PCN will be as a deterrent. We need action on parking in our cities and towns, as the number of vehicles has continued to increase over the past twenty years and irresponsible parking has become a real problem.”

“This will help ensure there is a reasonable deterrent in helping to manage the land. And as such this higher deterrent should actually result in fewer PCNs being issued as motorists avoid getting a significantly higher PCN amount.”

Organisation comments:

“It would potentially mean less PCNs being issued and therefore resulting in better land management”

“We support proposal b as it is clearly necessary to provide a deterrent to inconsiderate or dangerous parking. Higher penalty charges are known to be more of a deterrent, which is why proposal b is preferred.”

Local Authority comments:

“The bandings will allow LA's flexibility in selecting the higher or lower levels for parking contraventions whilst also providing a deterrent to illegal parking and supporting the DPE function.”

“Proposal c” response comments:

Individual comments:

“I feel that there needs to be consideration to the fact that a lot of parking fines are received due to accidental errors, so would suggest that an increased charge may be more prudent for repeat-offenders (perhaps more than 1 every circa 3 months, before receiving an increased charge) rather than first time offenders.”

“Penalties should be proportional to one's income, with a minimum level set at around £200. There is no excuse for parking illegally, and it has very real effects on people's lives. Stamp it out by increasing the penalties.”

“A mixture of a and b. Lower PCN £30, £60 etc Higher. PCN £60,£120 etc”

“Should be decreased not increased seems to be a way of collecting money not controlling parking”

Organisation comments:

“These two scenarios, similar in scale, can both be easily absorbed by a car full of passengers; it's only a slight increase – per person – on top of a match day ticket or concert ticket price. These proposals will continue to facilitate illegal parking, but the levels should be aiming to actually deter illegal parking. An additional fine should be added, at a much higher level than either of these proposed. For example, at quadruple the rate currently proposed.”

Question 4

Do you agree with our proposals to place the new provisions within the Transport (Scotland) Act 2019 as higher level contraventions? Double Parking/ Parking over a dropped kerb / Pavement Parking.

The total number answering this question was 343.

247 respondents (72%) answered yes to this question. 96 answered no (28%), with 2 not responding.

All 18 local authorities answered yes.

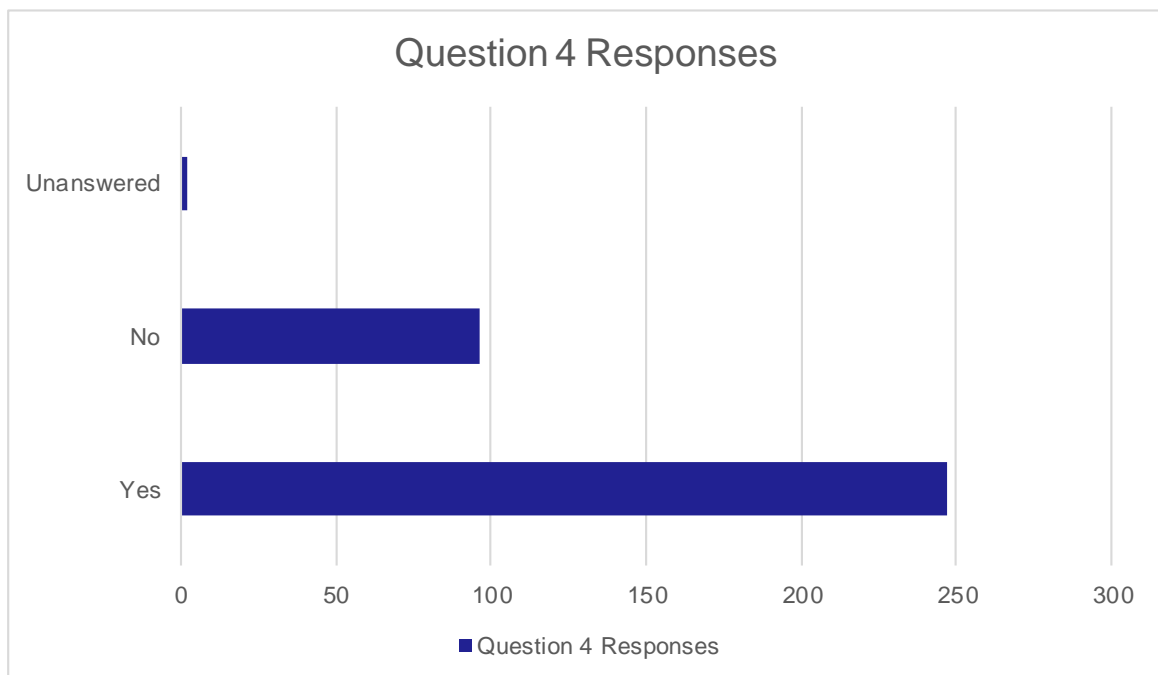


Figure 6: Question 4 responses

Question 4 Analysis:

Of the 238 comments received for question 4, 160 were from respondents who chose yes, (67%). 78 were from respondents who chose no (33%).

Example comments relating to question 4 are included below:

“Yes” response comments:

Individual comments:

“These infractions affect those with poor mobility, the aged, mothers with buggies, wheelchair users, and are regularly seen on our roads. Double parking is particularly dangerous for cyclists (drivers often double park, even when there is a bay open, because they don't want to pay the parking fee).”

“I live in a street that backs onto a local Junior football ground and on match days the parking is horrendous. We have players, officials and fans parking on both sides of our narrow street which would make it impossible for an emergency vehicle to get through without wiping out the parked cars. Also have vehicles parking on pavements meaning that local residents who are out pushing their children in a pram or elderly/disabled relatives in a wheelchair need to go on the busy road to get to their destination.”

Organisation comments:

“Double parking causes real issues and can often, block roads. The deterrent needs to be as high as possible to minimise this type of contravention.”

Local Authority comments:

“These new provisions aim to protect the most vulnerable people in our communities from the most inconsiderate and anti-social parking problems. The enforcement of such provisions strongly supports the transport hierarchy and puts pedestrians and cyclists at the forefront of parking policy.”

“As these are very much related to improvements to Road Safety there is no doubt that we should be targeting the Higher level of contravention.”

Enforcing these contraventions at a higher PCN charge level would help deter such parking and help authorities with limited DPE powers to tackle this problem more effectively, sending a clear message that such parking will no longer be tolerated.

“No” response comments:

Individual comments:

“It's just about impossible to park anywhere that's why people sometimes have to park illegally to try and do their jobs .Get rid of the double yellow lines outside

people's houses where there is no need And remove these ridiculous cycle lanes that nobody uses, but are causing congestion everywhere."

"Pavement parking should not be a specific offence as in many parts of the country houses were built with either no provision for off street parking or grossly inadequate provision for off street parking and with roads insufficiently wide to permit parking and traffic to flow. This is not just an issue for older houses, in many more modern developments, this inadequate parking provision was an express condition of development which completely ignores the reality that people live in."

Organisation comments:

"Although we accept that pedestrians need to be protected from selfish parking that blocks pavements, it considers current lower-levels of fines to be adequate."

Question 5

Do you anticipate any potentially negative implications the proposed changes to the PCN levels?

The total number answering this question was 336.

176 respondents (52%) answered yes to this question. 160 answered no (46%), with 9 not giving a response.

17 local authorities responded to this question. 13 answering yes and 4 answering no. 1 local authority did not answer this question.

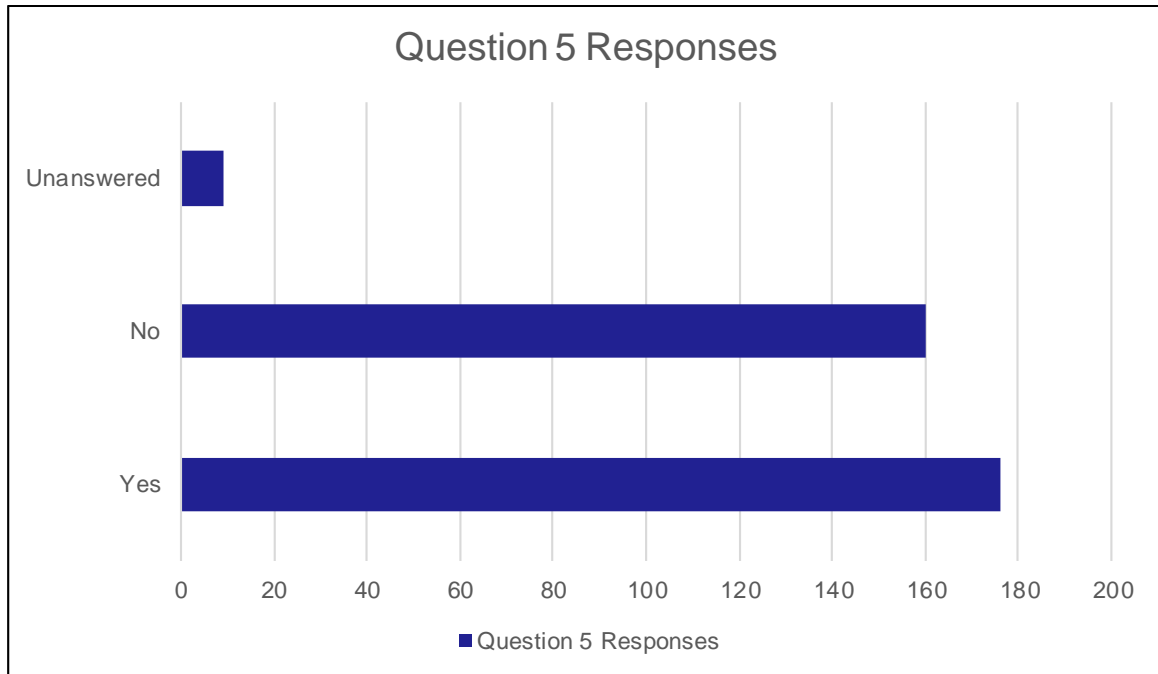


Figure 7: Question 5 responses

Question 5 Analysis:

Of the 182 comments received for question 5, 153 (85%) were from respondents who answered yes and 27, (15%) from those who answered no.

Example comments relating to question 5 are included below:

“Agree” response comments:

Individual comments:

“People who are fined for parking "offences" that in many cases used to be perfectly legal will be even more out of pocket. Given how many people in Scotland already struggle with the cost of living this will not help.”

“City centres have been severely impacted by the pandemic and this will only discourage members of the public from travelling.”

“It is possible there may be an slight increase in aggressive behaviour from drivers however we all regularly attend conflict management courses (this is part of our risk assessment) . We have body worn cameras and other PPE.”

Local authority comments:

“The obvious negative implication on introducing the proposed changes to PCN levels will be the financial hardship this will undoubtedly cause to some motorists

issued with a PCN for contravening restrictions in operation. However, it is the responsibility of every motorist to observe and comply with all road traffic laws including any waiting or loading restriction in operation and those who do will not be penalised.”

Organisation comments:

“If the proposed changes are implemented, then plainly, there will be negative reaction from the media and general public, as these parties would take a narrow view as opposed to considering all factors.”

“Disagree” response comments:

Individual comments:

“Other than upsetting drivers, no, I believe these changes would improve our communities.”

“Deliveries can still take place, by parking on the road. Rarely is the road too narrow to allow traffic to pass.”

Organisation comments:

“Our findings reinforce the need for charges to be effective, encouraging compliance with parking rules and deterring anti-social behaviour. A sufficient deterrent enables effective parking management that enables an improved parking experience for the responsible motorist. It's important all motorists and pedestrians are aware of the changes to PCN levels before it is implemented and why they are happening, so a good public awareness campaign is essential.”

Conclusion

Creating a Scottish Contravention Code List

75% of responders agreed that an equivalent list should be created for Scotland. Common themes surrounding the agreement were that it potentially could make contraventions clearer for drivers throughout the UK and reduce confusion. In addition this could also provide better analysis of UK parking and help inform future legislation.

However, 25% had disagreed. A few responders had suggested that our suggestion of amending the list through guidance is too easily brought about without due consultation.

All 18 of the local authorities, that took part in this questionnaire had agreed that a graduated scale would reflect the severity of the contravention it would be appropriate.

Transport (Scotland) Act 2019 Contraventions

Question 4 had asked participants if the newly introduced parking contraventions from the Transport (Scotland) Act 2019, (pavement parking, double parking and parking over a dropped kerb) should be considered as a higher contravention.

72% of responders agreed with this proposal with clear themes emerging to support this from comments provided. The majority of responders had suggested that this would help tackle inconsiderate parking and would put cyclists and pedestrians the forefront of parking policy.

28% disagreed with the proposal and noted that there was insufficient parking provided from councils or from planning developers and puts drivers in a difficult position when choosing a location to park.

Organisations such as logistics companies had suggested that local authorities need to do more to adequately mark out available parking space.

Penalty Charge Notice Increase

Questions 2 and 3 examined the public's opinion on a proposal to increase PCN's and also examined what costs these should be charged at.

When concerning question 2, 70% of respondents agreed that PCN's should be increased. Some arguments for the increase were; it was cheaper to take the fine than park in a private car park and it is believed to not be a sufficient deterrent to the average motorist.

Arguments against the increase (30%) were; it is not the correct time to introduce fines as public / businesses are recovering from a pandemic and that an increase in fines could put financial pressure on motorists.

Suggestions were also received that repeat offenders should only incur the increase as the majority of motorists have made a genuine mistake.

It is clear that from the evidence presented that the majority wish for fines to be increased. However what is not clear is what level they should be set at.

Question 3 had proposed two options. 'Proposal a' suggested an increase which would bring the fine up to the inflation standard of 2021. 'Proposal b' suggested an inflation increase and an added cost which would act as a deterrent. A third option was presented as 'Proposal c' which was for none of the proposals but offered the respondent to present a proposal that they thought would be more sufficient.

12% of respondents had opted for 'Proposal a'. Comments received for this were that inflation increase was enough, however, PCN's should be reviewed on a regular basis. All other proposals were a financial burden on motorists and any higher would be more expensive than a private car park.

51% had opted for 'Proposal b'. Comments received were that a larger fine would act as a suitable deterrent to stop motorists from reoffending. This would also mean less PCN's would be issued. In addition some responses had explained that the offences should be equal to the distressed caused to the public for blocking pavements and being inconsiderate when parking.

37% opted for 'Proposal c'. Common proposal themes received were that increase should only be for repeat offenders and we should keep the fines as is. Fines should be income proportionate and some respondents had suggested that fines should be much higher than what was proposed.

Negative Implications

Question 5 had asked motorists if they anticipated any negative impacts from the proposals presented.

52% had said 'yes' with 46% saying 'no'.

Some suggestions received were that there may be some negative behaviour from motorists towards enforcement officers. There was also clear suggestion that the media would portray this change unfavourably and that motorists would also be financially impacted unnecessarily.

Next Steps

The findings of this public consultation analysis and the responses received will help inform Ministerial decisions on a number of areas. As such we are likely to see developments over the course of the coming months on the creation of a Scottish Contravention Code List; the new parking offences contained within the Transport (Scotland) Act 2019 and on what level Ministers deem appropriate for the levels of fine associated with Penalty Charge Notices.

Appendix A - Consultation Questions

Question 1: Do you agree with the proposal to create a Scottish equivalent of the contravention codes?

Question 2: Do you agree in principal that PCN levels should be increased?

Question 3: We have set out two proposals, Proposal (a) and proposal (b)). Which one do you prefer? If you do not prefer (a) or (b), please select (c).

Question 4: Do you agree with our proposals to place the new provisions within the Transport (Scotland) Act 2019 as higher level contraventions? Double Parking / Parking over a dropped kerb / Pavement Parking.

Question 5: Do you anticipate any potentially negative implications the proposed changes to the PCN levels?



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