



Transport (Scotland) Act 2019

2019 asp 17

PART 2

LOW EMISSION ZONES

CHAPTER 2

CREATION AND MODIFICATION OF A LOW EMISSION ZONE SCHEME

Process

9 Power to make or modify a low emission zone scheme

- (1) At any time, a local authority may (in accordance with this Chapter)—
 - (a) make a low emission zone scheme for all or part of its area,
 - (b) amend or revoke a low emission zone scheme made by it.
- (2) Where two or more local authorities act jointly to make a low emission zone scheme—
 - (a) they must continue to act jointly in relation to the scheme in all respects, and
 - (b) a reference to the area of a local authority is a reference to the combined areas of those authorities.

10 Ministerial approval

- (1) A low emission zone scheme cannot be made, amended or revoked unless the proposal to make, amend or revoke the scheme is approved by the Scottish Ministers.
- (2) When seeking the approval of the Scottish Ministers for such a proposal, the local authority must provide a statement setting out—
 - (a) details of the consultation it has undertaken under section 11, and
 - (b) how it has taken account of any representations received in the course of that consultation.

- (3) In approving the making, amendment or revocation of a low emission zone scheme, the Scottish Ministers may make such modifications to the proposal as they consider appropriate.
- (4) In considering whether to approve the making, amendment or revocation of a low emission zone scheme, the Scottish Ministers—
 - (a) must take into account the statement provided by the local authority under subsection (2), and
 - (b) may consult, or require the local authority whose proposal it is to consult, such persons as Ministers consider appropriate.

11 Prior consultation

Before a local authority asks the Scottish Ministers to approve the making, amendment or revocation of a low emission zone scheme, it must consult—

- (a) the Scottish Environment Protection Agency,
- (b) Scottish Natural Heritage,
- (c) Historic Environment Scotland,
- (d) such persons as the authority considers represent the interests of—
 - (i) the road haulage industry,
 - (ii) the bus and coach industry,
 - (iii) the taxi and private hire car industry,
 - (iv) local businesses, and
 - (v) drivers,
 likely to be affected by the proposal,
- (e) such persons (if any) as are specified by the Scottish Ministers in regulations,
- (f) such other persons as the authority considers appropriate.

12 Examination of proposals

- (1) This section applies where a local authority proposes to make, amend or revoke a low emission zone scheme.
- (2) Either—
 - (a) the local authority making the proposal, or
 - (b) the Scottish Ministers,
 may (if it or they consider it appropriate) appoint a person (“the reporter”) to carry out an examination of, and prepare a report on, the proposal or any aspect of it.
- (3) The reporter may carry out an examination in such manner as the reporter considers appropriate and may, in particular, do so by means of—
 - (a) consideration of written representations only,
 - (b) conducting a hearing at which a person who has made representations in respect of the proposal may be given an opportunity to appear and be heard, or
 - (c) holding an inquiry into the proposal.
- (4) Subsections (3) to (5) of section 210 of the Local Government (Scotland) Act 1973 (provisions relating to local inquiries) apply in relation to a hearing or inquiry under subsection (3) of this section as they apply in relation to an inquiry under that Act.

Status: This is the original version (as it was originally enacted).

- (5) Where an examination is to be carried out, the local authority may not proceed with the proposal until the examination has been completed.
- (6) The Scottish Ministers may by regulations make further provision in relation to examinations to be carried out under this section.
- (7) Without limit to that generality, such regulations may make provision—
 - (a) about who may be appointed to carry out an examination under this section,
 - (b) about the procedure for examinations under this section and, in particular, in relation to—
 - (i) any representations which are (or are not) to be taken into account,
 - (ii) who may appear at a hearing or inquiry,
 - (iii) the procedure for the conduct of any hearing or inquiry,
 - (iv) things which must be done in preparation for, or following, a hearing or inquiry,
 - (c) in relation to the financial aspects of an examination and, in particular, about the payment of remuneration, costs and expenses,
 - (d) in relation to the report to be prepared including, in particular, its form, content and publication.

13 Ministers' power to regulate process

The Scottish Ministers may by regulations make provision about the procedures in relation to low emission zone schemes including, in particular, provision—

- (a) specifying the form of a scheme, or any amendment to or revocation of it,
- (b) about consultation on proposals (including the publication of proposals and the making and consideration of representations),
- (c) about the publication of notice of the making, amendment or revocation of a scheme and of their effect.