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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 212**

**The Road Traffic (Vehicle Emissions)  
(Fixed Penalty) (Scotland) Regulations 2003**

**PART 2**

**DESIGNATION OF LOCAL AUTHORITIES**

**Application for designation**

- 3.**—(1) A local authority may apply to the Scottish Ministers to be a designated local authority.  
(2) An application under paragraph (1) must be in writing.

**Designation**

**4.**—(1) If the Scottish Ministers, having received an application from a local authority under regulation 3, are satisfied as to the matters referred to in paragraph (2), they shall, by an instrument in writing, designate that authority.

- (2) The matters referred to in paragraph (1) are that—
- (a) the designation of that authority would assist it to manage the quality of air within its area; and
  - (b) the authority will provide, or secure the provision of, proper and adequate training for persons who may be authorised by it for the purposes of these Regulations.
- (3) A designated local authority shall
- (a) at least four weeks prior to exercising the powers referred to in paragraph (5), and
  - (b) every year thereafter,

publish a notice in one or more newspapers circulating in the area of the local authority, one or more national newspapers and the Edinburgh Gazette.

- (4) A notice published under paragraph (3) must—
- (a) state that the designation has been made;
  - (b) describe the area affected by the designation;
  - (c) describe the effect of the designation; and
  - (d) state the date on which the designated local authority intends to exercise the powers referred to in paragraph (5).

(5) A designated local authority may, in relation to its area, exercise such of the powers conferred by the following provisions of these Regulations as relate to offences.

**Revocation of designation**

**5.**—(1) If in respect of a designated authority the Scottish Ministers are not satisfied that regard is being had to any guidance they have issued pursuant to section 88 in relation to the discharge by local

authorities of their powers and duties under these regulations, they may, subject to paragraph (2), by notice served on the authority, revoke its designation.

(2) The Scottish Ministers shall not serve a notice under paragraph (1) unless they have by notice informed the authority—

- (a) of their proposal to revoke the authority's designation;
- (b) of their reasons for proposing to revoke the designation; and
- (c) that representations may be made to them about the proposed revocation before the end of such period as may be specified in the notice under this paragraph (being not less than 28 days beginning with the date of service of the notice).

(3) A notice under paragraph (1) shall specify the date on which the revocation is to take effect, and shall be accompanied by a statement of the Scottish Ministers' reasons for revoking the designation.