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STATUTORY INSTRUMENTS

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**2002 No. 1808**

**The Road Traffic (Vehicle Emissions)  
(Fixed Penalty) (England) Regulations 2002**

**PART 1**

**INTRODUCTORY**

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 and shall come into force on the seventh day after the day on which they are made.

(2) These Regulations apply as respects England only<sup>(1)</sup>.

**Interpretation**

**2.**—(1) In these Regulations—

“the 1995 Act” means the Environment Act 1995;

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986<sup>(2)</sup>;

“appropriate authority”—

(a) in relation to a fixed penalty notice, means the local authority on whose behalf the notice is issued;

(b) in relation to an authorised person, means the local authority by which he is authorised; “authorised person”—

(a) in relation to the investigation or prosecution of an emissions offence means a person authorised under regulation 6(1);

(b) in relation to the investigation or prosecution of a stationary idling offence means a person authorised under regulation 6(3);

“designated local authority” means a local authority that is for the time being designated under regulation 4(1);

“emissions offence” means using on a road a motor vehicle which does not comply with a requirement of regulation 61 or 61A (emissions of smoke etc) of the 1986 Regulations;

“fixed penalty notice” means a notice under regulation 10 or 13;

“notice requesting a hearing” means a notice of a description referred to in regulation 18(1);

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(1) The relevant powers of the Secretary of State have been devolved, in relation to Scotland, by virtue of section 53 of the Scotland Act 1998 (c. 46) and, in relation to Wales, by virtue of section 22 of the Government of Wales Act 1998 (c. 38) and the National Assembly of Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) S.I. 1986/1078; relevant amending instruments relating to emissions are S.I. 1990/1131, 1992/2137, 1993/2199, 1995/2210, 1997/1544, 1998/1, 1998/1563, 2000/3197, 2001/306, 2001/1825 and 2001/3208.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“stationary idling offence” means a contravention of, or failure to comply with so much of regulation 98 (stopping of engine when stationary) of the 1986 Regulations as relates to the prevention of exhaust emissions;

- (2) Unless the context otherwise provides, any reference in these Regulations—
- (a) to a numbered section is a reference to the section of the 1995 Act bearing that number; and
  - (b) to a numbered regulation is a reference to the regulation in these Regulations bearing that number.