



# Transport (Scotland) Act 2019

## 2019 asp 17

### PART 2

#### LOW EMISSION ZONES

### CHAPTER 1

#### EFFECT OF A LOW EMISSION ZONE SCHEME

#### **6 Restriction on driving within a zone**

- (1) A person may not drive a vehicle on a road within a low emission zone in contravention of the terms of a low emission zone scheme unless—
  - (a) the vehicle meets the specified emission standard, or
  - (b) the vehicle is exempt by virtue of subsection (4)(b) or section 17.
- (2) Where a person drives a vehicle on a road within a low emission zone in contravention of subsection (1), a penalty charge is payable in respect of the contravention.
- (3) But, despite subsection (2), if—
  - (a) the same vehicle is driven within the same low emission zone in contravention of subsection (1) on more than one occasion in the course of the same day, and
  - (b) the person to whom the penalty charge notice would be issued in respect of those contraventions is the same person,only one penalty charge is payable in respect of the contraventions.
- (4) The Scottish Ministers may by regulations, following consultation with such persons as they consider appropriate—
  - (a) make provision for or in connection with the specification of the emission standard for the purpose of subsection (1)(a),
  - (b) specify vehicles or types of vehicle which are exempt for the purpose of subsection (1)(b) including, in particular, by reference to their construction or use,

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*Status: This is the original version (as it was originally enacted).*

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- (c) make provision for or in connection with the amount that may be imposed as a penalty charge under subsection (2) (which may include provision for discounts and surcharges).

## **7 Proving contraventions and issue of a penalty charge notice**

- (1) The fact that a person was driving a vehicle on a road within a low emission zone may be established only on the basis of a record produced by an approved device.
- (2) A record obtained from the Secretary of State or from another source as specified in regulations by the Scottish Ministers, certifying a vehicle's emission standard as at the date and time of the record produced by an approved device, is determinative of whether the vehicle meets the specified emission standard.
- (3) Where a local authority considers that a penalty charge is payable under section 6(2) in respect of a low emission zone scheme it has made, it may issue, or make arrangements relating to the issue of, a penalty charge notice in accordance with regulations under section 8(1).
- (4) A penalty charge under section 6(2) is payable to the local authority which issued the penalty charge notice—
  - (a) by the registered keeper of the vehicle, or
  - (b) in such circumstances, following consultation with such persons as they consider appropriate, as the Scottish Ministers by regulations specify, by such other person as is so specified.

## **8 Enforcement**

- (1) The Scottish Ministers may, following consultation with such persons as they consider appropriate, by regulations make provision for or in connection with the enforcement of low emission zone schemes.
- (2) Regulations under subsection (1) may, in particular, make provision for or about—
  - (a) penalty charge notices (including the form, content and method of issue),
  - (b) the timing and manner of payment of a penalty charge,
  - (c) reviews and appeals (including grounds of review or appeal) in connection with the issuing of penalty charge notices,
  - (d) the manner in which a penalty charge notice may be enforced,
  - (e) steps that may be taken following the cancellation of a penalty charge notice (including the issuing of another penalty charge notice in respect of the same contravention),
  - (f) enabling local authorities to enter into arrangements with any person in connection with the exercise of a function conferred on a local authority by the regulations or under section 7.
- (3) Regulations under subsection (1) may include provision—
  - (a) creating offences,
  - (b) about the records to be produced by or in connection with approved devices (including what constitutes sufficient evidence of a fact).
- (4) The maximum penalty that may be provided for in regulations under subsection (1) creating offences is, on summary conviction, a fine not exceeding level 5 on the standard scale.