



Transport (Scotland) Act 2019

2019 asp 17

PART 2

LOW EMISSION ZONES

CHAPTER 3

OPERATION OF A LOW EMISSION ZONE SCHEME

Information sharing

23 Power to share information

- (1) A responsible body may, in the circumstances mentioned in subsection (2), disclose relevant information to—
 - (a) another responsible body,
 - (b) the Secretary of State,
 - (c) a source specified in regulations made under section 7(2), or
 - (d) the responsible body's enforcement agent.
- (2) The circumstances are that disclosure of the relevant information is—
 - (a) necessary to enable the responsible body or enforcement agent to perform a function conferred by virtue of this Part, or
 - (b) otherwise necessary for or in connection with the operation of a low emission zone scheme.
- (3) Where relevant information is disclosed to an enforcement agent—
 - (a) the agent may only use the information, or subsequently disclose it to any other person, as is necessary for or in connection with the enforcement of the low emission zone scheme to which the information relates, and
 - (b) any other person to whom the information is subsequently disclosed may only use it for the same purpose.
- (4) In this section, “relevant information” means—
 - (a) in relation to disclosure under subsection (1)(a), (b) or (c)—

Changes to legislation: There are currently no known outstanding effects for the Transport (Scotland) Act 2019, Section 23. (See end of Document for details)

- (i) the make and model of a vehicle alleged by a local authority (or its enforcement agent) to have driven in the zone to which the scheme relates,
- (ii) the registration mark of that vehicle (assigned under section 23 of the Vehicle Excise and Registration Act 1994),
- (iii) the date on which the vehicle is alleged to have driven within the zone to which the scheme relates,
- (b) in relation to disclosure under subsection (1)(d)—
 - (i) the information mentioned in sub-paragraphs (i) to (iii) of paragraph (a),
 - (ii) the name and address of the registered keeper of the vehicle alleged by a local authority (or its enforcement agent) to have driven in the zone to which the scheme relates,
 - (iii) the time when and location where the vehicle is alleged to have driven within the zone to which the scheme relates,
 - (iv) any record of an alleged contravention of section 6(1) produced by an approved device,
 - (v) any record obtained by virtue of section 7(2) certifying a vehicle's emission standard,
 - (vi) any information or representations provided to the local authority by or on behalf of the registered keeper of a vehicle in connection with any review or appeal made by virtue of regulations made under section 8(1).
- (5) For the purposes of this section—
 - (a) a “responsible body” is—
 - (i) a local authority operating a low emission zone scheme,
 - (ii) a person (other than the Scottish Ministers) with whom the local authorities who operate a low emission zone scheme have entered into an arrangement in relation to the function of obtaining and sharing any record mentioned in section 7,
 - (iii) the Scottish Ministers,
 - (b) an “enforcement agent” is a person with whom a local authority has entered into arrangements by virtue of—
 - (i) section 7(3), or
 - (ii) regulations made under section 8(1).
- (6) Nothing in this section authorises a disclosure of any information that would be in contravention of the Data Protection Act 2018.

Commencement Information

II S. 23 in force at 14.1.2021 by [S.S.I. 2020/429](#), **reg. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Transport (Scotland) Act 2019, Section 23.