
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

The Low Emission Zones (Emission Standards,
Exemptions and Enforcement) (Scotland) Regulations 2021

PART 1

Preliminary

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021 and come into force on 31 May 2021.

(2) In these Regulations—

“the 2019 Act” means the Transport (Scotland) Act 2019,

“the 1994 Act” means the Vehicle Excise and Registration Act 1994⁽¹⁾,

“ambulance” means a vehicle within category M intended for the transport of sick or injured persons and having special equipment for such purpose,

“the appeal period” means the period of 28 days beginning with the date of service of the notice of rejection,

“approved device” means a device approved for use in connection with the operation of a Low Emission Zone scheme in accordance with regulation 20 (approved devices) of the Low Emission Zones (Scotland) Regulations 2021⁽²⁾,

“bus” means a vehicle within category M₃,

“category M” means vehicles designed and constructed primarily for the carriage of passengers and their luggage, sub-divided into categories M₁, M₂ and M₃,

“category M₁” means a vehicle designed and constructed primarily for the carriage of passengers with not more than 8 seating positions in addition to the driver’s seating position,

“category M₂” means a vehicle designed and constructed primarily for the carriage of passengers with more than eight seating positions in addition to the driver’s seating position and having a maximum mass not exceeding 5 tonnes,

“category M₃” means a vehicle designed and constructed primarily for the carriage of passengers with more than eight seating positions in addition to the driver’s seating position and having a maximum mass exceeding 5 tonnes,

“category N₁” means a vehicle designed and constructed primarily for the carriage of goods with a maximum mass not exceeding 3.5 tonnes,

“category N₂” means a vehicle designed and constructed primarily for the carriage of goods with a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes,

(1) 1994 c.22.

(2) S.S.I. 2021/ .

“category N₃” means a vehicle designed and constructed primarily for the carriage of goods with a maximum mass exceeding 12 tonnes,

“CH₄” means methane,

“coach” means a vehicle within category M₃,

“compression ignition engine” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder or combustion space,

“compression ignition engine vehicle” includes a vehicle which is propelled wholly or partly by a compression ignition engine,

“contravention” means a contravention of the prohibition in section 6(1) (restriction on driving within a zone) of the 2019 Act,

“CO” means carbon monoxide,

“the detection date” means the date on which the contravention occurred, according to a record produced by an approved device,

“[Directive 70/220/EEC](#)” means Council [Directive 70/220/EEC](#) on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles(3) as it had effect immediately before its repeal,

“[Directive 88/77/EEC](#)” means Council [Directive 88/77/EEC](#) on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles(4) as it had effect immediately before its repeal,

“[Directive 97/24/EC](#)” means [Directive 97/24/EC](#) of the European Parliament and of the Council on certain components and characteristics of two or three-wheel motor vehicles(5) as it had effect immediately before its repeal,

“ELR test” means a test cycle consisting of a sequence of load steps at constant engine speeds to be applied in accordance with section 6.2 of Annex 1 of [Directive 88/77/EEC](#),

“ESC test” means a test cycle consisting of 13 steady state modes to be applied in accordance with section 6.2 of Annex 1 of [Directive 88/77/EEC](#),

“ETC test” means a test a test cycle consisting of 1,800 second-by-second transient modes to be applied in accordance with section 6.2 of Annex 1 of [Directive 88/77/EEC](#),

“euro 3” means—

(a) for mopeds, the emissions limit values specified in the Table in point 2.2.1.1.3.1 of Annex 1, or

(b) for motorcycles, the emissions limit values in row B of the Table in point 2.2.1.1.5 of Annex 2,

of Chapter 5 of [Directive 97/24/EC](#),

“euro 4” means the emissions limit values set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex 1 of [Directive 70/220/EEC](#),

(3) OJ L 076, 6.4.1970, p.1. [Directive 70/220/EEC](#) was repealed by Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance (OJ L 171, 29.6.2007, p.1).

(4) OJ L 36, 9.2.1988, p.33. [Directive 87/77/EEC](#) was repealed by [Directive 2005/55/EC](#) of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p.1).

(5) OJ L 226, 18.8.1997, p.1. [Directive 97/24/EC](#) was repealed by Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles text with EEA relevance (OJ L 60, 2.3.2013, p.52).

“euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex 1 of [Directive 88/77/EEC](#),

“euro 6” means the emissions limit values set out in Table 2 of Annex 1 of Regulation [\(EC\) No 715/2007](#) of the European Parliament and of the Council on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles⁽⁶⁾,

“euro VI” means the emissions limit values set out in the Table in Annex 1 of Regulation [\(EC\) No 595/2009](#) of the European Parliament and of the Council on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles⁽⁷⁾,

“First-tier Tribunal” means the First-tier Tribunal for Scotland (see section 1(1) (establishment of the tribunals) of the Tribunals (Scotland) Act 2014⁽⁸⁾),

“hearse” means a vehicle within category M intended for the transport of deceased persons and having special equipment for such a purpose,

“heavy goods vehicle” means—

- (a) a vehicle within category N₂, or
- (b) a vehicle within category N₃,

“HC” means hydrocarbons,

“light goods vehicle” means a vehicle within category N₁,

“light passenger vehicle” means a vehicle within category M₁,

“local authority” means the local authority operating a low emission zone scheme or, as the case may be, local authorities jointly operating such a scheme,

“maximum mass” means the technically permissible maximum laden mass as specified by the manufacturer,

“minibus” means a vehicle within category M₂,

“motor caravan” means a vehicle within category M with living accommodation space which contains the following equipment as a minimum—

- (a) seats and table,
- (b) sleeping accommodation which may be converted from the seats,
- (c) cooking facilities,
- (d) storage facilities,

where this equipment must be rigidly fixed to the living compartment but the table may be designed to be easily removable,

“moped” means a two-wheeled vehicle or a three-wheeled vehicle with a maximum design speed of not more than 45 km/h that is characterised by—

- (a) for two-wheeled vehicles, an internal combustion engine with a cylinder capacity which does not exceed 50 cm³,
- (b) for three-wheeled vehicles, an engine—
 - (i) with a cylinder capacity which does not exceed 50 cm³ for positive ignition engines, or
 - (ii) where the engine’s maximum net power output does not exceed 4 kW for compression ignition engines,

⁽⁶⁾ EUR 2007/715.

⁽⁷⁾ EUR 2009/595.

⁽⁸⁾ 2014 asp 10.

“motorcycle” means a two-wheeled vehicle fitted with an internal combustion engine having a cylinder capacity of more than 50 cm³ and having a maximum design speed of more than 45 km/h,

“NH₃” means ammonia,

“NMHC” means non-methane hydrocarbons,

“NO_x” means oxides of nitrogen,

“notice of rejection” means the notice served on a person by a local authority under regulation 9(3), where the local authority is satisfied that none of the grounds on which representations have been made have been established,

“PM” means particulate matter,

“PN” means particle number,

“the payment period”, in relation to a penalty charge notice, means the period of 28 days beginning with the date of service of the notice,

“positive ignition engine” means an internal combustion engine in which combustion is initiated by a localised high temperature in the combustion chamber produced by energy supplied from a source external to the engine,

“positive ignition engine vehicle” includes a vehicle which is propelled wholly or partly by a positive ignition engine,

“reference mass” means the mass of the vehicle in running order less the uniform mass of the driver of 75 kilograms and increased by a uniform mass of 100 kilograms,

“registered keeper” means the person in whose name a vehicle is registered under section 21 (registration of vehicles) of the 1994 Act⁽⁹⁾,

“relevant vehicle” means the vehicle in which the contravention occurred,

“THC+NO_x” means combined mass of hydrocarbons and oxides of nitrogen,

“Type I” means a test as described in section 5.3 of Annex 1 of [Directive 70/220/EEC](#) (test for simulating/verifying the average tailpipe emissions after a cold start) and carried out using the procedure described in Annex 3 of that Directive,

“Type I for mopeds and motorcycles” means a test as described in section 2.2.1.1 of Annex 1 of Chapter 5 of [Directive 97/24/EC](#) and carried out using the procedure described in Appendix 1 of that Annex,

“Type II for mopeds and motorcycles” means a test as described in section 2.2.1.1 of Annex 1 of Chapter 5 of [Directive 97/24/EC](#) and carried out using the procedure described in Appendix 2 of that Annex,

“Upper Tribunal” means the Upper Tribunal for Scotland (see section 1(1) (establishment of the tribunals) of the Tribunals (Scotland) Act 2014),

“WHSC” means the World Harmonised Steady state Driving Cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations⁽¹⁰⁾,

“WHTC” means the World Transient Steady state Driving cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations,

(9) 1994 c.22. Section 21 was amended for purposes not relevant to these Regulations.

(10) Regulation No. 49 of the Economic Commission for Europe of the United Nations (UN/ECE) – Uniform provisions concerning the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles as amended up to revision 6, which amendments came into force on 27 January 2013.

“writing” and “written” include electronic communications within the meaning of section 15 (general interpretation) of the Electronic Communications Act 2000⁽¹¹⁾.

⁽¹¹⁾ 2000 c.7. Section 15 was relevantly amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.17).