
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 3

Penalty charges and enforcement

Representations in respect of penalty charges

8.—(1) The recipient of a penalty charge notice may make written representations within the payment period to the local authority against the decision to serve a penalty charge notice on any of the grounds specified in paragraph (4).

(2) Where a representation is made under paragraph (1), the recipient of the penalty charge notice must include evidence relevant to the specified ground relied upon.

(3) The local authority may consider whether it is reasonable and appropriate to take account of such representations made under paragraph (1) which are received by them after the end of the payment period.

(4) The specified grounds are—

- (a) that the alleged contravention did not occur,
- (b) where the penalty charge notice has been served on the recipient on the basis that the recipient was the registered keeper of the relevant vehicle, that the recipient was not the registered keeper on the detection date,
- (c) where the recipient of the penalty charge notice was the registered keeper of the relevant vehicle on the detection date, that the penalty is payable by another person under regulation 5,
- (d) where the penalty charge notice has been served on the recipient on the basis that the recipient, though not the registered keeper of the relevant vehicle, was the person by whom the penalty charge was payable under regulation 5, that the penalty charge was not payable by that person,
- (e) that the penalty charge exceeded the amount applicable in the circumstances of the case, and
- (f) that the contravention did occur but in light of extenuating circumstances, it would be unreasonable to impose a penalty charge notice.

(5) Where the ground mentioned in paragraph (4)(c) is relied on in any representations made under paragraph (1), those representations must include a statement of the name and address (if known) of the person who is considered by the recipient of the penalty charge notice to be responsible for payment of the penalty charge under regulation 5.