
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 212

**The Road Traffic (Vehicle Emissions)
(Fixed Penalty) (Scotland) Regulations 2003**

PART 1
INTRODUCTORY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 and shall come into force on the day after the day on which they are made.

(2) These Regulations extend to Scotland only.

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⁽¹⁾;

“the 1997 Regulations” means the Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997⁽²⁾;

“appropriate authority” in relation to—

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

(b) an authorised person, means the local authority by which that person is authorised;

“authorised person” in relation to—

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

(b) 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 (emission of smoke, vapour, gases, oily substances etc) or 61A (emission of smoke, vapour, gases, oily substances etc – further requirements for certain motor vehicles first used on or after 1st January 2001) of the 1986 Regulations;

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

(1) [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](#).

(2) [S.I. 1997/3058](#).

“notice requesting a hearing” means a notice given under regulation 19(1) by a person to whom a fixed penalty notice has been issued;

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

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