
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 177

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

PART 3

Penalty charges and enforcement

Penalty charge notices

6.—(1) Where a local authority has reason to believe that a penalty charge is payable under section 6(2) of the 2019 Act, it may serve a notice (“a penalty charge notice”) on—

- (a) the registered keeper, or
- (b) any person by whom the penalty charge is payable under regulation 5.

(2) A penalty charge notice must be served before the end of the period of 28 days beginning with the detection date.

(3) But where—

- (a) within 14 days of the detection date a local authority has made a request to the Secretary of State for the supply of relevant information, and
- (b) that information has not been supplied before the end of the period described in paragraph (2),

the local authority may serve a penalty charge notice within 14 days beginning with the date on which the information is received under sub-paragraph (a).

(4) In paragraph (3) “relevant information” means—

- (a) information relating to the identity and address of the registered keeper of the vehicle,
- (b) the emission standard of the vehicle involved in the alleged contravention.

(5) A penalty charge notice must—

- (a) specify the registration mark of the vehicle involved in the contravention,
- (b) specify the detection date and time at which the alleged contravention occurred,
- (c) specify the reasons why the local authority believes that a contravention has occurred and that a penalty charge is payable by the recipient of the notice,
- (d) specify the amount of the penalty charge,
- (e) describe the manner in which the penalty charge may be paid to the local authority which has served the notice under paragraph (1),
- (f) state that the penalty charge must be paid before the end of the payment period, unless representations have been made under regulation 8(1),
- (g) state that if the penalty charge is paid before the end of the period of 14 days beginning with the date of service of the penalty charge notice, the penalty charge will be reduced by 50 per cent,

- (h) state that representations may be made, on any of the grounds specified in regulation 8(4), to the local authority against the decision to serve the penalty charge notice, but that representations made outside the payment period may be disregarded,
 - (i) state that the penalty charge must not be paid if representations have been made under regulation 8(1) and notice of a decision in respect of those representations has not been served under regulation 9(1)(b),
 - (j) state the grounds specified in regulation 8(4),
 - (k) specify where representations are to be sent,
 - (l) state that unless, before the end of the payment period—
 - (i) the penalty charge is paid, or
 - (ii) representations have been made under regulation 8(1),the local authority may issue a charge certificate under regulation 7 (and describe the effect of that regulation were it to do so),
 - (m) state that if the representations are rejected an appeal may be made to the First-tier Tribunal against the decision to serve a penalty charge notice on any of the grounds specified in regulation 8(4),
 - (n) state that the recipient of the penalty charge notice may, by giving notice in writing to the local authority, request that the local authority provide the recipient, free of charge, with a copy of the record of the contravention produced by the approved device pursuant to which the penalty charge notice was served or with such still images from that record as, in the local authority's opinion, establish the contravention.
- (6) Where the recipient makes a request as described in paragraph (5)(n), the local authority must comply with the request within 14 days of receipt of that request.
- (7) In this regulation “registration mark” has the meaning given by section 23 (registration marks) of the 1994 Act.