
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 177

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

PART 3

Penalty charges and enforcement

Charge certificates

7.—(1) Where—

- (a) a penalty charge notice is served on a person, and
- (b) the penalty charge to which it relates is not paid before the end of the relevant period,

the local authority that served the penalty charge notice may serve on that person a statement (a “charge certificate”) to the effect that the penalty charge is increased by 50 per cent.

(2) The ‘relevant period’ for the purposes of paragraph (1) means—

- (a) where a notice of rejection is served but no appeal is made under regulation 10, the period of 28 days beginning with the date of service of the notice of rejection,
- (b) where there has been an unsuccessful appeal against the imposition of the charge to the First-tier Tribunal and no subsequent appeal to the Upper Tribunal, the period of 28 days beginning with the date on which the decision of the First-tier Tribunal is sent to the appellant,
- (c) where there has been an unsuccessful appeal against the imposition of the charge to the Upper Tribunal, the period of 28 days beginning with the date on which the decision of the Upper Tribunal is sent to the appellant,
- (d) where an appeal to either the First-tier Tribunal or Upper Tribunal is withdrawn, the period of 14 days beginning with the date on which it is withdrawn, and
- (e) where no representations are made under regulation 8(1) within the payment period, that period.

(3) If representations are received by a local authority after the payment period and taken account of under regulation 8(3), the local authority must cancel a charge certificate served under paragraph (1).

(4) Where in relation to a penalty charge notice—

- (a) the relevant period for the purposes of paragraph (1)(b) has expired, and
- (b) the increased charge for which the charge certificate provides is not paid before the end of the period of 14 days beginning with the date on which the certificate is served,

the local authority concerned may recover the increased charge as if it were payable under an extract registered decree arbitral bearing a warrant for execution issued by the sheriff for any sheriffdom.

(5) In paragraph (4), “the increased charge” means the penalty charge payable in respect of a contravention in accordance with a charge certificate served in relation to that contravention under paragraph (1).