
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the creation and operation of a low emission zone scheme (“a scheme”).

Part 2 sets out the prior consultation requirements a local authority must satisfy before asking the Scottish Ministers to approve the making, amendment or revocation a scheme, in accordance with section 10 of the Transport (Scotland) Act 2019 (“the Act”).

Regulation 2 makes provision for additional consultees beyond those set out section 11 of the Act, and for representations to be made by all the consultees.

Regulation 3 outlines the specific publication requirements a local authority must adhere to prior to seeking approval from the Scottish Ministers in relation to a scheme. Part 1 of schedule 1 sets out the particulars to be included in the notice to be published by a local authority in accordance with regulation 3. Schedule 2 deals with display of notices of proposals for a scheme in a road which will be affected by the proposed scheme.

Regulation 4 makes provision for objections to be made within a 28 day period to a proposal in relation to a scheme. Paragraph 5 of Part 1 of schedule 1 specifies how an objection should be intimated to a local authority as well as the form and content of the objection.

Regulation 5 sets out to whom a local authority should give notice of the making of a scheme once approval has been given by the Scottish Ministers. Part 2 of schedule 1 sets out the required content of notices of the making of a scheme. Schedule 3 outlines the documents and information that must be made available for inspection as part of the notification process.

Part 3 sets out the process for how an examination of proposals relating to a scheme may take place. Regulation 6 requires that an initiating party, intending to bring about an examination under section 12 of the Act, comply with the specific notification requirements set out in that regulation.

Regulation 7 allows for the appointment of a reporter to carry out the examination.

Regulation 8 specifies the requirements for responses to the initiating party’s notice seeking an examination.

Regulation 9 makes provision for setting the scope of examinations.

Regulation 10 sets out the reporter’s obligation to initiate the procedure and establish the timetable for the examination.

Under regulation 11 the reporter can ask all parties to confirm whether they want to take part in any further procedure. Notices under this regulation must refer to the fact that if a party fails to respond to the notice they may not be allowed to take part in further procedure.

Regulation 12 allows the reporter to ask for further submissions or information, within the scope of the examination, from the parties.

Regulation 13 allows the reporter to carry out the examination and prepare a report on it without further procedure where the reporter considers that no further representations or information is required.

The reporter may hold a pre-examination meeting for the purposes of considering the manner in which the examination is to be conducted in accordance with regulation 14.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 15 requires the reporter to tell the parties if the examination will be by way of hearing or inquiry in the event that the reporter does not carry out the examination in accordance with regulation 13.

The reporter may also undertake an inspection of the zone relating to the proposal about a scheme under regulation 16.

Regulation 17(1) introduces schedule 4 which specifies the procedure for hearings into an examination under section 12 of the Act. Regulation 17(2) introduces schedule 5 regarding the procedure for conducting inquiries into such an examination.

Regulation 18 makes provision for the awards of expenses to be made in relation to examinations.

Regulation 19 requires the reporter to send the report prepared under section 12 of the Act to the parties to the examination, and to arrange for the report to be made available on the Scottish Government website.

In Part 4, regulation 20 introduces schedule 6, which makes provision for approved devices to be used in connection with the operation of a scheme.

In Part 5, regulation 21 requires local authorities to keep accounts regarding the operation of schemes.

Regulation 22 provides that the requirements set out in regulations 2 to 19, and in schedules 1 to 5, apply to proposals to amend or revoke a scheme as they do to proposals to make a scheme.

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to these Regulations and placed in the Scottish Parliament Information Centre. A copy of the BRIA can be obtained from Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF or online at www.legislation.gov.uk.