

SCHEDULE 1

Regulations 3(a), 4(2) and 5(b)

INFORMATION TO BE INCLUDED IN PRESS NOTICES

PART 1

PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS

1. The name of the local authority.
2. A description of the proposed scheme and its general nature and effect.
3. Each address at which a copy of—
 - (a) the information referred to in regulation 2(4),
 - (b) the statement referred to in section 10(2) of the Act,can be inspected, and the times when inspection can take place at each such address.
4. The fact that the information referred to in regulation 3(b) is available on the local authority's website.
5. The date of the end of the objection period referred to in regulation 4(3), the address at which objections to the scheme can be lodged, and a statement that all objections must be made in writing and must specify the grounds of objection.

PART 2

INFORMATION TO BE INCLUDED IN THE NOTICE
OF MAKING THE LOW EMISSION ZONE SCHEME

6. The name of the local authority.
7. A description of the scheme as approved by the Scottish Ministers.
8. The date of the making of the scheme, the date on which it was approved by the Scottish Ministers and the date on which it comes into effect.
9. Each address at which a copy of the scheme, as approved, can be inspected, and the times when inspection can take place at each such address.
10. The fact that a copy of the scheme as approved is available on the local authority's website.

SCHEDULE 2

Regulation 3(d)

REQUIREMENTS AS TO NOTICES TO BE DISPLAYED IN A ROAD
TO WHICH THE LOW EMISSION ZONE SCHEME RELATES

PART 1

INFORMATION TO BE INCLUDED IN THE NOTICE

1. The name of the local authority.

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2. A description of the proposed scheme and its general nature and effect.
3. Each address at which the information referred to in regulation 2(4) can be inspected, and the times when inspection can take place at each such address.
4. The fact that the information referred to in regulation 3(b) is available on the local authority's website.
5. The date of the end of the objection period mentioned in regulation 4(3), the address at which objections to the scheme can be lodged, and a statement that all objections must be made in writing and must specify the grounds of objection.

PART 2

OTHER REQUIREMENTS AS TO THE DISPLAY OF THE NOTICE

6. The notice must be displayed in a prominent position at or near each end of the road and in such other positions as the local authority think necessary for securing that adequate information about the subject matter of the notice is given to persons using the road.
7. The notice must be first displayed at the same time as the corresponding notice is first published in the local newspaper in accordance with regulation 3(a), and the local authority must take all reasonable steps to ensure that it remains in a legible condition and continues to be displayed until the end of the objection period.

SCHEDULE 3

Regulations 3(e) and 5(a)(iii)

REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR INSPECTION

1. The local authority must make available for inspection at their offices during normal office hours, and (if the local authority think fit) at such other places within the local authority's area and during such times at those places as the local authority may determine—
 - (a) in the case of a proposed scheme, the information referred to in regulation 2(4),
 - (b) a copy of the statement referred to in section 10(2) of the Act,
 - (c) a copy of any report prepared under regulation 4(4),
 - (d) in the case of a scheme made after the holding of an examination under section 12 of the Act, a copy of the report following that examination,
 - (e) a copy of the scheme as approved by the Scottish Ministers together with a statement of the date on which it comes into effect.

SCHEDULE 4

Regulation 17(1)

PROCEDURE FOR HEARINGS

Notice of hearing

- 1.—(1) Where the reporter determines that a hearing is to be held the reporter must give notice in writing to that effect to—
 - (a) the parties,

- (b) any other person from whom the reporter wishes to hear in relation to specified matters at the hearing.
- (2) Within 14 days of the date of receiving a notice under paragraph (1) anyone intending to appear at the hearing must inform the reporter of that intention in writing.
- (3) A notice sent under paragraph 1(1)(b) must include—
 - (a) confirmation that if those persons do not reply to the reporter in terms of paragraph (2) they will not be entitled to appear at the hearing,
 - (b) details of a website in which copies of everything submitted to the reporter under regulations 6(2), 8(2), 10(3)(d) and 12 can be inspected.

Appearances at hearing

2. The parties entitled to appear at a hearing are those who have informed the reporter of their intention to appear under paragraph 1(2).

Date and notification of hearing

3.—(1) The reporter must fix the date and time for the holding of the hearing and the manner in which the hearing will be conducted, including its location (if appropriate), all or any of which may subsequently be varied by the reporter.

- (2) The reporter must give those entitled to appear at the hearing written notice of—
 - (a) the date and time fixed for the holding of the hearing,
 - (b) the manner of the holding of the hearing, including its location, if appropriate,and any subsequent variation thereof.

Written statement

4.—(1) Where required to do so by notice in writing given by the reporter the initiating party or any party who submitted a response under regulation 8 must, by the date specified in the notice, send to—

- (a) the reporter,
- (b) any person the reporter specifies in the notice,

a written statement to be given to the hearing by a person included in the list of persons referred to in regulation 6(2)(e)(i) or regulation 8(2)(e)(i).

(2) The local authority proposing to make the scheme are, until such time as the inquiry is concluded, to afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of—

- (a) any document referred to in regulations 6, 8, 10(3)(d) and 12,
 - (b) any written statement referred to in sub-paragraph (1).
- (3) A written statement must not, unless the reporter agrees, contain more than 2000 words.

Procedure at hearing

5.—(1) Except as otherwise provided in this schedule, the procedure at a hearing is as the reporter determines.

(2) The reporter is, having considered any submission by the parties entitled to appear at the hearing, to state at the commencement of the hearing the procedure the reporter proposes to adopt.

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(3) Any party entitled to appear at the hearing may do so on their own behalf or be represented by another person.

(4) Where there are two or more parties having a similar interest in the issues being considered at the hearing, the reporter may allow one or more party to appear on behalf of some or all of those parties.

(5) A hearing is to take the form of a discussion led by the reporter and cross-examination is not permitted.

(6) The reporter may from time to time adjourn the hearing and, if the date, time and place of the adjourned hearing are announced before the adjournment, no further notice is required, otherwise paragraph 3 applies as it applies to the variation of the date, time or place at which a hearing session is to be held.

SCHEDULE 5

Regulation 17(2)

PROCEDURE FOR INQUIRIES

Notice of inquiry session and specified matters

1.—(1) Where the reporter determines that an inquiry is to be held the reporter must give notice in writing to that effect to—

- (a) the parties,
- (b) any other person from whom the reporter wishes to hear in relation to specified matters at the inquiry.

(2) Within 14 days of the date of receiving a notice under paragraph (1) anyone intending to appear at the inquiry must inform the reporter of that intention in writing.

(3) A notice sent under paragraph 1(1)(b) must include—

- (a) confirmation that if parties do not reply to the reporter in terms of paragraph (2) they will not be entitled to appear at the inquiry,
- (b) details of a website in which copies of everything submitted to the reporter under regulations 6(2), 8(2), 10(3)(d) and 12 can be inspected.

Appearances at inquiry

2. The parties entitled to appear at an inquiry are those who have informed the reporter of their intention to appear under paragraph 1(2).

Date and notification of inquiry

3.—(1) The reporter must fix the date and time for the holding of the inquiry and the manner in which the inquiry will be conducted, including its location (if appropriate), all or any of which may subsequently be varied by the reporter.

(2) The reporter must give those entitled to appear at the inquiry written notice of—

- (a) the date and time fixed for the holding of the inquiry,
 - (b) the manner of the holding of the inquiry, including its location, if appropriate,
- and any subsequent variation thereof.

Precognitions

4.—(1) Where required to do so by notice in writing given by the reporter, the initiating party or any party who submitted a response under regulation 8 must, by the date specified in the notice, send to—

- (a) the reporter,
- (b) any person the reporter specifies in the notice,

a precognition in respect of any evidence to be given to the inquiry by a person included in the list of witnesses referred to in regulation 6(2)(e)(ii) or regulation 8(2)(e)(ii).

(2) The local authority proposing to make the scheme are, until such time as the inquiry is concluded, to afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of—

- (a) any document referred to in regulations 6, 8, 10(3)(d) and 12,
- (b) any precognition referred to in sub-paragraph (1).

(3) A precognition must not, unless the reporter agrees, contain more than 2000 words.

(4) In this paragraph “precognition” means a written statement of the evidence which it is proposed that a witness will give to the inquiry.

Procedure at inquiry

5.—(1) Except as otherwise provided in this schedule, the procedure at an inquiry is as the reporter determines.

(2) The reporter is, having considered any submission by the parties entitled to appear at the inquiry, to state at or before the commencement of the inquiry the procedure which the reporter proposes to adopt and in particular is to state—

- (a) the order in which the matters within the scope of the examination are to be considered at the inquiry, and
- (b) the order in which the persons entitled to appear at the inquiry session are to be heard in relation to a matter within the scope of the examination (a different order may be chosen for different matters).

(3) Any party entitled to appear at an inquiry may do so on their own behalf or be represented by another person.

(4) Where there are two or more parties having a similar interest in the matter under inquiry, the reporter may allow one or more parties to appear on behalf of some or all of those parties.

(5) Any party entitled to appear at the inquiry is entitled to call evidence, to cross-examine persons giving evidence and to make closing statements.

(6) But the reporter may refuse to permit—

- (a) the giving or production of evidence,
- (b) the cross-examination of persons giving evidence, or
- (c) the presentation of any other matter,

which the reporter considers to be irrelevant or repetitious.

(7) The reporter may proceed with an inquiry session in the absence of any party entitled to appear at the inquiry.

(8) The reporter may from time to time adjourn the inquiry and, if the date, time and place of the adjourned inquiry are announced before the adjournment, no further notice is to be required, otherwise

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paragraph 3 applies as it applies to the variation of the date, time or place at which an inquiry session is to be held.

SCHEDULE 6

Regulation 20(a)

APPROVED DEVICES

1. The device must include a camera which is—
 - (a) securely mounted on a vehicle, a building, a post or other structure,
 - (b) mounted in such a position that vehicles driving within in a selected area of a low emission zone can be surveyed by it,
 - (c) connected by secure data links to a recording system, and
 - (d) capable of producing, in one or more pictures, an image or images of the vehicle in relation to which the low emission zone contravention was committed of sufficient detail to show the vehicle's—
 - (i) registration mark in legible form, and
 - (ii) enough of its location to show the circumstances of the contravention,

at the time of the contravention.
2. The device must include a recording system in which—
 - (a) recordings are made automatically of the output from the camera or cameras surveying the vehicle and the place where a low emission zone contravention is occurring,
 - (b) there is a secure and reliable recording method that records at a minimum rate of 5 frames per second,
 - (c) each frame of all captured images is timed (in hours, minutes and seconds), dated and sequentially numbered automatically by means of a visual counter, and
 - (d) where the device does not occupy a fixed location, it records the location from which it is being operated.
3. The device and visual counter must be—
 - (a) synchronised with a suitably independent national standard clock, and
 - (b) accurate within plus or minus 10 seconds over a 14-day period and re-synchronised to the suitably independent national standard clock at least once during that period.
4. Where the device includes a facility to print a still image, that image when printed must be endorsed with the time and date when the frame was captured and its unique number.
5. The device must not be capable of recording sound track including spoken words.
6. In this schedule a “low emission zone contravention” has the meaning given in section 6(1) of the Act⁽¹⁾.

⁽¹⁾ 2019 asp 17.