

---

STATUTORY INSTRUMENTS

---

**2002 No. 1808**

**The Road Traffic (Vehicle Emissions)  
(Fixed Penalty) (England) Regulations 2002**

**PART 2**

**DESIGNATION OF LOCAL AUTHORITIES**

**Application for designation**

3.—(1) Where any part of the area of a local authority is for the time being designated as an air quality management area in accordance with section 83, that authority may apply to the Secretary of State to be a designated local authority.

(2) An application under paragraph (1) shall be in writing and shall be accompanied by a copy of each of the following documents—

- (a) the latest review it has conducted, and the latest assessment it has made pursuant to section 82; and
- (b) the order designating its air quality management area pursuant to section 83.

**Designation**

4.—(1) If the Secretary of State, having received an application from a local authority under regulation 3, is satisfied as to the matters referred to in paragraph (2), he shall, by an instrument in writing, designate that authority.

(2) The matters referred to in paragraph (1) are—

- (a) that the emission of smoke and other vapours and substances from vehicles is such that it is, or is likely to become, significant in determining whether or not the air quality standards or objectives will be achieved within that authority's area or, where part only of its area is for the time being designated as an air quality management area in accordance with section 83, that part; and
- (b) that the authority will provide, or secure the provision of, proper and adequate training for persons who may be authorised by it for the purposes of these Regulations.

(3) A designated local authority may, in relation to its area or, where part only of its area is for the time being designated as an air quality management area in accordance with section 83, in relation to that part, exercise such of the powers conferred by the following provisions of these Regulations as relate to emissions offences.

**Cessation of designation**

5.—(1) If in respect of a designated authority the Secretary of State is not satisfied—

- (a) in relation to the matters referred to in regulation 4(2); or
- (b) that regard is being had to any guidance he has issued pursuant to section 88,

he may, subject to paragraph (2), by notice served on the authority, revoke its designation.

(2) The Secretary of State shall not serve a notice under paragraph (1) unless he has by notice informed the authority—

- (a) of his proposal to revoke the authority's designation;
- (b) of his reasons for proposing to revoke the designation; and
- (c) that representations may be made to him about the proposed revocation before the end of such period as may be specified in the notice under this paragraph (being not less than 28 days beginning with the date of service of the notice).

(3) A notice under paragraph (1) shall specify the date on which the revocation is to take effect, and shall be accompanied by a statement of the Secretary of State's reasons for revoking the designation.

(4) Where, in consequence of the revocation by a designated local authority of the order by virtue of which its area or part of it (as the case may be), is an air quality management area, no part of the authority's area is an air quality management area, the authority shall cease to have the powers conferred under paragraph (3) of regulation 4, and its designation under paragraph (1) of that regulation shall be treated as revoked.