

2023 No. 1257

ROAD TRAFFIC

ENVIRONMENTAL PROTECTION

**The Car, Van and Heavy Duty Vehicle Carbon Dioxide Emissions
Performance Standards (Civil Penalties and Miscellaneous
Amendments) Regulations 2023**

<i>Made</i> - - - -	<i>23rd November 2023</i>
<i>Laid before Parliament</i>	<i>24th November 2023</i>
<i>Coming into force</i> - -	<i>1st January 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 9(2) and 11 of Regulation (EU) 2018/956 of the European Parliament and of the Council on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles(a); Article 7(8) of Regulation (EU) 2019/631 of the European Parliament and of the Council setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles(b); and Article 8(3) of Regulation (EU) 2019/1242 of the European Parliament and of the Council setting CO₂ emission performance standards for new heavy-duty vehicles(c).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Car, Van and Heavy Duty Vehicle Carbon Dioxide Emissions Performance Standards (Civil Penalties and Miscellaneous Amendments) Regulations 2023.

(2) These Regulations—

- (a) come into force on 1st January 2024, and
- (b) extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

“administrative fine” means a fine imposed under Article 9(1) of Regulation (EU) 2018/956;

“excess CO₂ emissions premium” means a premium imposed under Article 8(1) of Regulation (EU) 2019/1242;

(a) EUR 2018/956. Article 9 was amended by S.I. 2019/846.

(b) EUR 2019/631. Article 7 was amended by S.I. 2020/1418 and 2021/898 and 2022/1361.

(c) EUR 2019/1242. Article 8 was amended by S.I. 2020/1402.

“Regulation (EU) 2018/956” means Regulation (EU) 2018/956 of the European Parliament and of the Council on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles;

“Regulation (EU) 2019/631” means Regulation (EU) 2019/631 of the European Parliament and of the Council setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles;

“Regulation (EU) 2019/1242” means Regulation (EU) 2019/1242 of the European Parliament and of the Council setting CO₂ emission performance standards for new heavy-duty vehicles.

Civil penalties: Regulation (EU) 2018/956

3.—(1) Where the Secretary of State imposes an administrative fine on a manufacturer (“M”), the Secretary of State must serve a notice of civil penalty on M.

(2) The notice of civil penalty must—

- (a) be in writing;
- (b) be dated;
- (c) set out—
 - (i) the reasons for which the administrative fine is imposed;
 - (ii) the amount of the administrative fine and how it has been calculated;
 - (iii) how to pay the administrative fine;
- (d) require payment to be made before the end of a period of 28 days beginning with the date of the notice of civil penalty;
- (e) include information on—
 - (i) M’s right to appeal against the imposition of a fine under regulation 6, including the grounds of appeal,
 - (ii) how M may bring such an appeal, and
 - (iii) the steps the Secretary of State may take to recover any unpaid fine.

Civil penalties: Regulation (EU) 2019/1242

4.—(1) Where the Secretary of State imposes an excess CO₂ emissions premium on a manufacturer (“M”), the Secretary of State must serve a notice of civil penalty on M.

(2) The notice of civil penalty must—

- (a) be in writing;
- (b) be dated;
- (c) identify the reporting period in relation to which M has been found to have excess CO₂ emissions;
- (d) set out—
 - (i) the reasons why M has been found to have excess CO₂ emissions in that reporting period;
 - (ii) the amount of the excess CO₂ emissions premium which is being imposed, and how it has been calculated;
 - (iii) how to pay the excess CO₂ emissions premium;
- (e) require payment to be made before the end of a period of 28 days, beginning with the date of the notice;

- (f) include information on—
 - (i) M’s right to appeal against the imposition of an excess CO₂ emissions premium, including the grounds of appeal,
 - (ii) how M may bring an appeal, and
 - (iii) the steps the Secretary of State may bring to recover any unpaid excess CO₂ emissions premium.

Recovery of fines and excess CO₂ emissions premiums

- 5.—(1) The amount of any administrative fine and any excess CO₂ emissions premium—
- (a) in England and Wales is recoverable as if it were payable under an order of the county court in England and Wales;
 - (b) in Scotland may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland;
 - (c) in Northern Ireland is recoverable as if it were payable under an order of the county court in Northern Ireland.
- (2) Where action is taken under this regulation for the recovery of a sum payable as an administrative fine, or as an excess CO₂ emissions premium, the penalty or premium is—
- (a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc)(a) as if it were a judgment entered in the county court;
 - (b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981(b) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.
- (3) Any administrative fine or excess CO₂ emissions premium received by the Secretary of State must be paid into the Consolidated Fund.

Appeals: administrative fine

- 6.—(1) A manufacturer may appeal to the First-tier Tribunal against the imposition of an administrative fine, or the amount of the fine, on the grounds set out in paragraph (2).
- (2) An appeal under paragraph (1) may be brought on the ground that the imposition of the fine or the amount of the fine was due to an error of fact or law.
- (3) The First-tier Tribunal may—
- (a) in relation to an appeal under paragraph (1)—
 - (i) confirm the Secretary of State’s decision to impose an administrative fine (“the decision”);
 - (ii) confirm the decision but substitute a different amount; or
 - (iii) quash the decision.

(a) 2003 c. 39, amended by paragraph 55(3)(a) of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and paragraph 40 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

(b) S.I. 1981/226 (N.I. 6).

Appeals: excess CO₂ emissions premiums

7.—(1) A manufacturer may appeal to the First-tier Tribunal against the imposition of an excess CO₂ emissions premium, or the amount of that premium, on the grounds set out in paragraph (2).

(2) An appeal under paragraph (1) may be brought on the ground that—

- (a) the finding that the manufacturer had excess CO₂ emissions in the reporting period in question, or
- (b) the calculation of the amount of the excess CO₂ emissions premium,

is due to an error of fact or law.

(3) The First-tier Tribunal may in relation to an appeal under paragraph (1)—

- (a) confirm the Secretary of State’s decision to impose an excess CO₂ emissions premium;
- (b) confirm the Secretary of State’s calculation of the amount of that premium;
- (c) substitute its own calculation of that amount, or
- (d) quash the decision.

Amendment of Regulation (EU) 2018/956

8. In Part A of Annex 1 to Regulation (EU) 2018/956, in point (k), omit “for vehicles registered until 30 June 2025”.

Amendment of Regulation (EU) 2019/631

9. In point 1.2.4 of section A of Annex III to Regulation (EU) 2019/631, in sub-paragraph (a), in the definition of B₀, for “1,375” substitute “1.387”.

Signed by authority of the Secretary of State for Transport

23rd November 2023

Anthony Browne
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the issue of civil penalty notices in relation to fines imposed under Regulation (EU) 2018/956 of the European Parliament and of the Council on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles (“Regulation (EU) 2018/956”), and excess CO₂ emissions premiums imposed under Regulation (EU) 2019/1242 of the European Parliament and of the Council setting CO₂ emission performance standards for new heavy-duty vehicles.

They also make minor amendments both to Regulation (EU) 2018/956, and to Regulation (EU) 2019/631 of the European Parliament and of the Council setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles.

A full impact assessment has not been produced for this instrument, as no, or no significant, impact on the private, voluntary or public sector is foreseen. An explanatory memorandum is available alongside these Regulations on the UK legislation website at <http://legislation.gov.uk>. A copy can be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

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