



# Transport (Scotland) Act 2019

## 2019 asp 17

### PART 2

#### LOW EMISSION ZONES

#### CHAPTER 1

##### EFFECT OF A LOW EMISSION ZONE SCHEME

#### **7 Proving contraventions and issue of a penalty charge notice**

- (1) The fact that a person was driving a vehicle on a road within a low emission zone may be established only on the basis of a record produced by an approved device.
- (2) A record obtained from the Secretary of State or from another source as specified in regulations by the Scottish Ministers, certifying a vehicle's emission standard as at the date and time of the record produced by an approved device, is determinative of whether the vehicle meets the specified emission standard.
- (3) Where a local authority considers that a penalty charge is payable under section 6(2) in respect of a low emission zone scheme it has made, it may issue, or make arrangements relating to the issue of, a penalty charge notice in accordance with regulations under section 8(1).
- (4) A penalty charge under section 6(2) is payable to the local authority which issued the penalty charge notice—
  - (a) by the registered keeper of the vehicle, or
  - (b) in such circumstances, following consultation with such persons as they consider appropriate, as the Scottish Ministers by regulations specify, by such other person as is so specified.