
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

The Low Emission Zones (Emission Standards,
Exemptions and Enforcement) (Scotland) Regulations 2021

PART 2

Emission standards and exemptions

Exemptions

3.—(1) For the purpose of section 6(1)(b) (restriction on driving within a zone) of the 2019 Act a vehicle is exempt if—

- (a) it is being driven by any person—
 - (i) in the exercise of their duty as a constable,
 - (ii) providing a response to an emergency at the request of the Scottish Ambulance Service Board,
 - (iii) in the exercise of the functions of—
 - (aa) the Scottish Ambulance Service Board under article 4(1)(a) (functions of the Board) of the Scottish Ambulance Service Board Order 1999(1),
 - (bb) the Scottish Fire and Rescue Service,
 - (cc) Her Majesty's Coastguard,
 - (dd) the National Crime Agency,
 - (iv) for naval, military or air force purposes,
- (b) it is being driven by a person to whom a badge has been issued under section 21(2) (badges for display on motor vehicles used by disabled persons) of the Chronically Sick and Disabled Persons Act 1970(2),
- (c) a passenger in the vehicle has been issued with a badge under that section of that Act,
- (d) a badge for the vehicle has been issued under section 21(4) of that Act(3),
- (e) it is one to which paragraph 1ZA of schedule 1 (annual rates of duty) of the 1994 Act(4) applies by virtue of sub-paragraph (2) of that paragraph,
- (f) it is exempt from payment of vehicle excise duty under paragraph 19(1) or 20(1)(5) of schedule 2 (exempt vehicles) of the 1994 Act,
- (g) it is a showman's goods vehicle or a showman's vehicle,

(1) [S.I. 1999/686](#).

(2) [1970 c.44](#). Section 21(2) was substituted by section 35(2) of the Road Traffic Act [1991 \(c.40\)](#).

(3) Section 21(4) was amended by section 49 of the Transport (Scotland) Act [2005 \(asp 12\)](#).

(4) [1994 c.22](#). Paragraph 1ZA of schedule 1 was inserted by paragraph 5 of schedule 37 of the Finance Act [2013 \(c.29\)](#).

(5) Paragraph 19 of schedule 2 was amended by section 17 of the Finance Act [1997 \(c.16\)](#), paragraph 172 of schedule 1 of the National Health Service (Consequential Provisions) Act [2006 \(c.43\)](#), and paragraph 6 of schedule 37 of the Finance Act 2013. Paragraph 20 of schedule 2 has been amended for purposes not relevant to these Regulations.

(h) it is a vehicle of historical interest.

(2) In this regulation—

“showman’s goods vehicle” and “showman’s vehicle” have the meanings given by section 62(1)(6) (other definitions) of the 1994 Act,

“vehicle excise duty” has the meaning given by section 1(1)(7) (duty and licences) of the 1994 Act,

“vehicle of historical interest” means a vehicle which is considered to be of historical interest to the United Kingdom and which—

- (a) was manufactured, or registered, for the first time at least 30 years previously,
- (b) is of a type no longer in production, and
- (c) has been historically preserved or maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components,

where “type” in relation to the vehicle has same meaning as “type of vehicle” in Article 3(32) of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(8).

(6) Section 62 has been amended for purposes not relevant to these Regulations.

(7) Section 1(1) was substituted by paragraph 2 of schedule 5 of the Finance Act 2002 (c.23).

(8) EUR 2018/858, to which there are amendments not relevant to these Regulations.