
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 3

Penalty charges and enforcement

Penalty charges

4.—(1) The penalty charge payable in respect of a first contravention is the amount specified in the entry in column 3 of the table in schedule 4 corresponding to the vehicle type specified in column 1 of that table in which the contravention occurred.

(2) The penalty charge payable in respect of a second contravention is—

- (a) the amount specified in the entry in column 3 of the table in schedule 4 corresponding to the vehicle type specified in column 1 of that table in which the contravention occurred, and
- (b) the surcharge specified in column 4 of that table corresponding to the entry in column 1 of that table for that vehicle.

(3) The penalty charge payable in respect of a third contravention is—

- (a) the amount specified in the entry in column 3 of the table in schedule 4 corresponding to the vehicle type specified in column 1 of that table in which the contravention occurred, and
- (b) the second surcharge specified in column 5 of that table corresponding to the entry in column 1 of that table for that vehicle.

(4) The penalty charge payable in respect of a fourth contravention is—

- (a) the amount specified in the entry in column 3 of the table in schedule 4 corresponding to the vehicle type specified in column 1 of that table in which the contravention occurred, and
- (b) the third surcharge specified in column 6 of that table corresponding to the entry in column 1 of that table for that vehicle.

(5) The penalty charge payable in respect of a fifth and any subsequent contravention is—

- (a) the amount specified in the entry in column 3 of the table in schedule 4 corresponding to the vehicle type specified in column 1 of that table in which the contravention occurred, and
- (b) the fourth surcharge specified in column 7 of that table corresponding to the entry in column 1 of that table for that vehicle.

(6) This paragraph applies where—

- (a) a person is found liable to pay a penalty charge under section 6(2) of the 2019 Act by virtue of a contravention occurring in a particular vehicle in relation to a particular low emission zone (“the relevant contravention”), and
- (b) the relevant contravention occurs 90 days or more after that person’s most recent previous contravention for which they were found liable under section 6(2) of the 2019 Act in that particular vehicle in that particular zone.

(7) Where paragraph (6) applies, the relevant contravention is to be treated as if it were a first contravention for the purposes of paragraphs (1) to (5).

(8) If a penalty charge is paid before the end of the period of 14 days beginning with the date of service of a penalty charge notice under regulation 6, the penalty charge is reduced by 50 per cent.

(9) Where a charge certificate is served under regulation 7 the penalty charge is increased by 50 per cent.

(10) In this regulation—

“first contravention” refers to the first occasion in which a person is liable to pay a penalty charge under sections 6(2) and 7(4) (proving contraventions and issue of penalty charge notice) of the 2019 Act by virtue of a contravention occurring in a particular vehicle in relation to a particular low emission zone,

“second contravention” refers to the second occasion in which the same person as in the first contravention is liable to pay a penalty charge under sections 6(2) and 7(4) of the 2019 Act by virtue of a contravention occurring in the same vehicle and in relation to the same low emission zone as the first contravention,

“third contravention” refers to the third occasion in which the same person as in the first contravention is liable to pay a penalty charge under sections 6(2) and 7(4) of the 2019 Act by virtue of a contravention occurring in the same vehicle and in relation to the same low emission zone as the first contravention,

“fourth contravention” refers to the fourth occasion in which the same person as in the first contravention is liable to pay a penalty charge under sections 6(2) and 7(4) of the 2019 Act by virtue of a contravention occurring in the same vehicle and in relation to the same low emission zone as the first contravention,

“fifth and any subsequent contravention” refers to the fifth and any subsequent occasion in which the same person as in the first contravention is liable to pay a penalty charge under sections 6(2) and 7(4) of the 2019 Act⁽¹⁾ by virtue of a contravention occurring in the same vehicle and in relation to the same low emission zone as the first contravention.

(1) 2019 asp 17.