
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 87(1) of the Environment Act 1995 gives the National Assembly for Wales (“the National Assembly”) the power to make regulations making provision, in relation to Wales, with respect to the assessment or management of the quality of air.

The Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997 (“the 1997 Regulations”), made under the above power, empowered certain local authorities in England, Scotland and Wales (“participating authorities”) to issue fixed penalty notices to users of vehicles within their areas who contravened or failed to comply with regulations 61, 61A or 98 of the Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”). Regulations 61 and 61A of the 1986 Regulations are concerned with emissions of smoke, vapour, gases, oily substances, etc. Regulation 98 of the 1986 Regulations requires vehicle engines to be stopped when the vehicles are stationary (other than owing to the necessities of traffic etc.). These Regulations replace the 1997 Regulations, in relation to Wales.

Under these Regulations a local authority in Wales whose area includes an area designated under section 83 of the Environment Act 1995 as an air quality management area may apply to the National Assembly for designation under these Regulations. A local authority so designated may, in relation to an air quality management area, use fixed penalty notices to enforce offences under regulations 61 or 61A of the 1986 Regulations and offences under regulation 98 of those Regulations which relate to exhaust emissions.

In Part 1, of these Regulations, regulation 2 defines terms used in the Regulations.

In Part 2, regulation 3 specifies the circumstances in which an application for designation under these Regulations can be made, and the documents that must accompany the application. Regulation 4 sets out the criteria for designation and regulation 5 provides for the revocation of designations.

In Part 3, regulation 6 contains provisions relating to the authorisation of persons to carry out emission tests on vehicles, to ensure compliance with the stopping of engines of stationary vehicles and to issue fixed penalty notices.

In Part 4, regulation 7 prescribes two offences under the 1986 Regulations as fixed penalty offences for the purposes of these Regulations. The first is referable to regulations 61 and 61A of the 1986 Regulations, and attracts a fixed penalty of £60 under regulation 8. The second is referable to so much of regulation 98 of the 1986 Regulations as deals with the prevention of exhaust emissions, and attracts a fixed penalty of £20 under regulation 8. (The amounts may be increased in accordance with regulation 17, or reduced or waived in accordance with regulation 19.)

Part 5 contains provisions (regulations 9 to 11) which confer power to conduct emission tests and deal with other matters relevant to the first of the fixed penalty offences.

Part 6 contains provisions (regulations 12 to 14) which confer power to stop the running of the engine of a stationary vehicle and deal with other matters relevant to the second of the fixed penalty offences.

In Part 7, regulations 15 and 16 provide for the timing of the issue of fixed penalty notices and their content. Regulation 17 deals with the effect of fixed penalty notices, and provides for the increase of the penalty where payment is not made in accordance with the notice. Regulation 18 enables a person who has been issued with a fixed penalty notice to ask for a hearing in respect of the offence to which the notice relates. Regulation 19 provides for the making of an application to reduce the amount of the fixed penalty or to waive it altogether. Regulation 20 deals with the withdrawal of fixed penalty notices.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

In Part 8, regulations 21 and 22 deal with the recovery of unpaid fixed penalties and regulation 23 makes provision in connection with the issue of notices under the Regulations. Regulation 25 revokes the 1997 Regulations in relation to Wales.