



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Low Emission Zone Guidance

Transport Scotland

Ministerial Foreword

We are committed to our vision of Scotland having the best air quality in Europe – a quality of air that aims to protect and enhance health, wellbeing and the environment. To do this we must take bold and ambitious actions to tackle vehicle emissions, Low Emission Zones (LEZs) are one part of a range of actions that will shape our journey towards a cleaner, greener and healthier future.

This guidance aims to support local authorities by gathering together and offering direction on the key mandatory and discretionary principles for the consistent design, implementation and enforcement of LEZs.

I express here my thanks to everyone who has contributed to the development of this guidance. Given the skills and expertise, as well as the technical and financial resources, needed to deliver LEZs, this ambitious programme is a truly collaborative effort across the Scottish Government, local authorities and public agencies to deliver an effective, efficient and consistent approach.

The introduction of LEZs can make a significant and lasting improvement to air quality in Scotland. I am confident that this guidance will assist in the effective delivery of LEZ schemes where necessary across the country.



Mr Graeme Dey MSP
Minister for Transport

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I. Introduction

Despite marked improvements in air quality in recent years, sustained and systemic action continues to be required to ensure we keep making progress. Whilst existing air quality action plans have identified a suite of pollution reduction measures; to ensure our stated air quality objectives can be met, the Scottish Government has also committed to introducing Low Emission Zones (LEZs) within Scotland's four largest cities (Glasgow, Edinburgh, Dundee and Aberdeen). In tandem, the [National Low Emission Framework](#) (NLEF) was published in 2019 to support local authorities with undertaking an assessment to determine whether a LEZ would also be a suitable form of mitigation for their areas (beyond the four largest cities).

The LEZ guidance should be read in conjunction with the [Transport \(Scotland\) Act 2019](#) – hereafter referred to as 'the Act' -, [The Low Emission Zones \(Emission Standards, Exemptions and Enforcement\) \(Scotland\) Regulations 2021](#) and [The Low Emission Zones \(Scotland\) Regulations 2021](#).

Section 32 of the Act states that:

'The Scottish Ministers may, following consultation with such persons as they consider appropriate, issue written guidance in relation to the exercise of functions conferred on a local authority (whether as a local authority or as a traffic authority) by virtue of this Part.'

'A local authority must have regard to any written guidance given by the Scottish Ministers about the exercise of functions conferred on it (whether as a local authority or as a traffic authority) by virtue of this Part.'

'The Scottish Ministers must publish any such guidance in such manner as they consider appropriate as soon as reasonably practicable after it has been given.'

The phrase 'must have regard' means that the local authority should take account of factors stated in this guidance, in order for the LEZ decision making to be lawful. Local authorities must be able to show, if challenged, that the factors outlined in this guidance were considered and evaluated as part of their LEZ scheme decision making process. The local authority could reasonably expect their decision(s) to be challengeable if they cannot demonstrate that the factors stated in this guidance were taken into account.

The guidance helps to establish a number of key principles around LEZs:

- LEZs in Scotland will be consistent in their design and operation using national standards.

- LEZs in Scotland should be designed in a holistic manner, to interact with other air quality, transport and placemaking policies.
- There are elements around LEZ design and operation which are either (1) mandatory (as stated in law) or (2) discretionary, where a local authority has scope to decide/determine how to proceed (with direction on such issues being highlighted in this Guidance).

Part 2 of the Act contains provisions that will enable the creation, modification and revocation of LEZs by local authorities. The Act provides for civil enforcement of LEZs and has enabled Scottish Ministers (via regulations) to set nationally consistent standards on matters such as, but not limited to, emissions standards, penalties and exemptions.

2. Definition and Purpose

Air pollution is defined as the presence of substances (gases and/or aerosols) in the atmosphere at concentrations sufficient to cause human health, aesthetic or vegetation impacts. Outdoor air pollution (and by extension traffic-related air pollution) is a complex mixture of substances with differing physical and chemical properties, including particulate matter (PM), nitrogen dioxide (NO₂), carbon monoxide (CO), polycyclic aromatic hydrocarbons (PAH) and volatile organic compounds (VOCs) (including benzene).

A LEZ is defined as: a designated area in which a person must not drive a vehicle in contravention of the LEZ scheme. A vehicle will not be in contravention if it meets the emission standard or is exempt.

In order to help explain the rationale or purpose of a LEZ to a particular audience, the following statements are offered:

For members of the public (based on [definition by RAC](#)): 'Low Emission Zones are schemes that cover specific areas (typically in cities) to tackle poor air quality by banning the most polluting vehicles from driving within a specified zone'

For technical professionals: 'A Low Emission Zone is an area where a person may not drive a vehicle in contravention of the terms of the scheme. A vehicle will not be in contravention if it meets or exceeds the specified emission standard (as set nationally by the Scottish Ministers), or the vehicle is exempt from the LEZ. Where anyone drives on a road within the LEZ in contravention of the specified emission standard (assuming the vehicle is not out-of-scope or exempt), a penalty charge will become payable. Designation of an area as a low emission zone puts in place an access restriction scheme for that area by reference to specified vehicle emission standards.'

Following the [Government Functional Standard on Project Delivery](#), a LEZ should be regarded as a “major project” which is ‘novel, contentious or politically sensitive’.

The purpose of a LEZ is to create an access restriction scheme which covers a defined area in reference to specified vehicle emission standard(s). Only vehicles meeting or exceeding those emission standards, or exempt from the LEZ requirements, will be permitted to drive within LEZs. The LEZ sets a vehicle emissions limit for entry to certain road spaces, restricting access for the most polluting vehicles, with the aim of reducing transport-related emissions within (and by extension in the vicinity of) the zone.

LEZs are a viable option to improve air quality. The [Airuse \(2017\)](#) literature review found that LEZ outcomes are highly dependent on the scale, operational scope and traffic data robustness, along with the variable local air quality sources.

Improvements to air quality are not the sole purpose of a LEZ. Such schemes can also assist other benefits such as reductions in traffic volumes, noise pollution (perhaps linked to an assumption that some HGVs do not enter the LEZ as a result of the restrictions) congestion management and/or bus prioritisation.

3. LEZ Appraisal

Appraisal

The Scottish Government has committed to introducing LEZs in the cities of Aberdeen, Dundee, Edinburgh, and Glasgow. However, local authorities planning to introduce a LEZ, should undertake a suitable appraisal to determine the effectiveness of a LEZ for improving air quality in their area.

The key consideration for any proposed LEZ will be that it will contribute both to a reduction in harmful air pollution in areas where the public are exposed, and towards meeting the emission reduction targets set out in Part 1 of the Climate Change (Scotland) Act 2009.

Local authorities with Air Quality Management Areas may have existing Action Plan measures that will be contributing to air quality improvements, however LEZs are a further option to consider where there is a continued failure to meet air quality objectives.

Air pollution comes from many sources and it is recognised that implementing a LEZ may not be sufficient on its own to achieve statutory objectives; rather it may form part of an overall strategy being deployed by a local authority to improve air quality.

The National Low Emission Framework (NLEF) provides a methodology for local authorities to undertake an assessment to help in determining whether a LEZ would be appropriate for their area. However, in response to ongoing poor air quality, the Programme for Government committed to the introduction of LEZs in Aberdeen, Dundee, Edinburgh and Glasgow; and therefore it is recognised that work needed to commence for those areas in advance of the NLEF being published.

In the absence of an NLEF assessment, suitable transport, emissions and pollution modelling must be undertaken to establish the evidence base for the LEZ. This assessment and modelling must be undertaken using the SEPA National Modelling Framework (NMF).

Displacement

Local authorities must take account of local issues (such as local displacement) in LEZ scheme design. Modelling undertaken by the local authority should encompass the topic of displacement of non-compliant vehicles out with the immediate LEZ area.

The extent to which displacement is to be considered should be reasonable and proportionate. The intention should be to focus on traffic moving around the margins of the LEZ in order to avoid the enforcement systems. It would not, for example, be expected that non-compliant vehicles relocated by fleet operators to other towns, cities or countries be considered.

COVID-19

The unprecedented impact of the COVID-19 outbreak resulted in necessary changes to priorities across government and our local authority partners. The pausing or slowing down of action relating to LEZ implementation was a pragmatic response to the COVID-19 emergency. As work has recommenced on LEZs it is therefore sensible that the pandemic should be considered with regard to their introduction.

While the need to reduce harmful levels of air pollution as quickly as possible remains a priority, and the mid to long term impacts of the pandemic are not yet known, LEZs require to fit into the emerging post-COVID-19 transport system in Scotland.

COVID-19 may impact on decision making at the design phase and possibly the operational phase, and should also be considered during local authority and Scottish Minister decision making in relation to approving a LEZ scheme.

While considering potential future COVID-19 scenarios it is not expected that any economic analysis is undertaken. No one can predict the future course the pandemic

may take and as such, analysis would therefore be speculative and open to challenge.

The Scottish Government commissioned a report on uncertainties associated with COVID-19 and the considerations for the LEZs being developed in Aberdeen, Dundee, Edinburgh and Glasgow. While specific to the four cities the report may be of interest when considering potential impacts from the COVID-19 pandemic on any future LEZs. Alternatively, the report may of course be out of date, and not relative by the time any future LEZs are being considered. Transport Scotland is continuing to monitor COVID-19 travel trends and patterns and any future LEZs should use the most up-to-date information.

If you wish to receive a copy of this report, please email your request to lowemissionzonesenquiries@gov.scot.

4. Making a scheme

Make, modify or revoke a LEZ scheme

A local authority (or two or more local authorities acting jointly) can 'make' a LEZ scheme for all or part of its area, with Section 14(1)(b) of the Act referring to 'the date on which the scheme comes into effect'. Essentially, this equates to the starting date of a LEZ, on which a LEZ grace period will commence, with enforcement beginning once the grace period ends.

A step-by-step guide on how to make, modify or revoke a LEZ scheme is outlined in [Annex A](#).

Amending or revoking a LEZ scheme

A local authority can amend (modify) or revoke a LEZ scheme made by it; in practice this would see the local authority following exactly the same processes as stated within this Guidance for making a scheme.

5. Content and design of the scheme

Map of the LEZ Scheme

The location, boundary and associated roads of a LEZ scheme must be made clear to stakeholders. This means that:

- A map should be produced at a scale that clearly demarcates the boundary location of the LEZ. The maps should ideally be electronic with the option to zoom in/out of the scale.
- The map should signify the roads which interact with the boundary location.
- A list of all roads (and parts of roads) must also be included as part of the scheme.

Special roads and private roads

The classification of roads is derived from Section 151(1) of the Roads (Scotland) Act 1984 ("the 1984 Act"). There are two categories of roads where a LEZ cannot be specified, namely special roads and private roads:

A special road is a road provided by, or to be provided in accordance with, a scheme under Section 7 of the 1984 Act. The majority of trunk roads in Scotland are not

classified as special roads. The special roads in Scotland are the motorways, certain sections of the A1, the A720 Edinburgh Bypass, the Aberdeen Western Peripheral Route and the Skye Bridge. Special roads should not be confused with trunk roads.

A private road is any road other than a public road (where a public road is a road which a roads authority has a duty to maintain).

Scheme scope

A local authority must state the “scope” of a LEZ, to determine which vehicles are included from the outset in a LEZ scheme, such that they would need to comply with LEZ emission standards.

The vehicle categories which are to be included within the scheme must be specified by reference to the vehicles’ construction, summarised below by type approval category.

Vehicle Type Approval Categories for LEZ Scope

Light passenger vehicles

Vehicle Category: M1

Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver’s seat.

Minibus

Vehicle Category: M2

Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver’s seat, and having a maximum mass not exceeding 5 tonnes.

Bus and coach

Vehicle Category: M3

Vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver’s seat, and having a maximum mass exceeding 5 tonnes

Light Goods Vehicles (LGVs)

Vehicle Category: N1

Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes.

Heavy Goods Vehicles (HGVs)

Vehicle Category: N2

Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes

Vehicle Category: N3

Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tonnes

Motorcycles and Mopeds

Motorcycle - a two-wheeled vehicle fitted with an internal combustion engine having a cylinder capacity of more than 50 cm³ and having a maximum design speed of more than 45 km/h,

Moped - a two-wheeled vehicle or a three-wheeled vehicle with a maximum design speed of not more than 45 km/h that is characterised by—

- a) for two-wheeled vehicles, an internal combustion engine with a cylinder capacity which does not exceed 50 cm³,
- b) for three-wheeled vehicles, an engine—
- c) with a cylinder capacity which does not exceed 50 cm³ for positive ignition engines, or
- d) where the engine's maximum net power output does not exceed 4 kW for compression ignition engines.

Note that when a local authority is setting the scope of their LEZ, including the vehicle categories which are covered by the LEZ emission standard (e.g. 'in scope'), it is recommended that motorcycles and mopeds are scoped out of LEZ schemes unless a local authority can provide a robust justification for their inclusion.

Objectives of a LEZ scheme

There are two forms of objectives – mandatory and discretionary; these are outlined in more detail below.

Local authorities can update, alter or adjust their scheme objectives as they see fit. However, this may be regarded as an 'amendment' to the scheme and thus require Ministerial approval in line with the requirements of the Act.

Mandatory objectives

The following **mandatory objectives** must be set for all LEZ schemes, as follows:

- The scheme must contribute towards meeting the air quality objectives prescribed under Section 87(1) of the Environment Act 1995 (regulations about air quality).
- The scheme must contribute towards meeting the emission reduction targets set out in Part 1 of the Climate Change (Scotland) Act 2009.

The LEZ legislation does not impose a legal duty to go beyond the 'meeting of' air quality objectives as prescribed in the Environment Act 1995. In fact, LEZs alone may not be sufficient to enable such air quality objectives to be met. However, where LEZs are established in conjunction with other air pollution mitigation activities, it is reasonable to seek local authority ambition which aims to improve air quality beyond the air quality objectives as prescribed in the Environment Act 1995. This could for example, be to have the cleanest air practicably and realistically possible given the fact that there is no safe human health limit for air pollution – this is where the LEZ air quality objective might wish to align with objectives set with the local authorities AQMA action plan.

The climate change objective(s) should be regarded as a medium to long term objective. This means that the actions to deliver the objective may not necessarily be implemented immediately upon introduction of the LEZ but may wish to commence at a point in time that aligns with the local authority's climate change aspirations, and continue for a number of years thereafter.

For example, the climate change objective may be centred around, and help support, a local authority's desire to achieve net-zero carbon in some or all of their area.

Discretionary objectives

Local authorities can also set other **discretionary objectives** for their LEZ schemes over and above the air quality and climate change objectives noted above.

LEZs should operate in a manner which aligns with, existing and emerging sustainable transport and planning policy for towns and cities. LEZs should be considered as one part of a range of actions to make our transport system cleaner, greener and healthier. Local authorities may wish to consider developing high-level objectives around issues such as:

- Decarbonising transport through 'system wide' place centred policies and action that focus on demand and behaviour first, including programmes to support a shift to sustainable modes of travel and other road space reprioritisation plans and policies, plus place-based solutions under the 20-minute-neighbourhood commitment, where people can live, work and learn in communities close to home.
- Supporting further development of the public transport infrastructure (such as the Bus Partnership Fund providing £500m to deliver targeted bus priority measures, ScotZEB, and other works such as park and ride facilities) servicing the LEZ.

- Establishment of Intelligent Transport System (traffic management) schemes which aim to address a myriad of issues such as congestion
- Contributing to the improvement of infrastructure and facilities (including, but not limited to, cycle lanes, pedestrian pathways and park-and-ride facilities) that encourage a reduction in the use of motor vehicles e.g. to further develop the active travel network within the LEZ and support modal shift.
- Demand management
- Freight and 'last mile' logistics

The Scottish Ministers can issue directions to local authorities where LEZ objectives are not being achieved, where the local authority is not complying with its duties in relation to a LEZ, where its actions in relation to a LEZ are inappropriate, or where developments in science and technology or other circumstances mean that a local authority's actions are no longer appropriate.

Prioritisation of penalty charge revenue

Any monies received from penalty charges in respect of a LEZ scheme can be applied by a local authority only for the purposes of facilitating (directly or indirectly) the achievement of the scheme's mandatory and/or discretionary objectives, and thus support at least air quality and/or climate change emission reduction activities, and/or the operational running costs of the scheme.

The second part of Section 27 of the Act refers to '...if (and only if) any surplus remains'. This means that any repayment required or sought as a condition of a grant from Scottish Ministers - using penalty charge monies specifically - would only be applicable once the 'achievement of the scheme's objectives' had been met, and surplus penalty charge monies remained.

Conditions relating to repayments of any grant from Ministers will be outlined in the grant offer letter in accordance with the powers outlined in section 25(1)(b) of the Act.

Grace periods

The purpose of a grace period is to provide the registered keeper of the vehicle with time to prepare and plan ahead before a LEZ enforcement regime commences, so that their vehicle or vehicles are compliant with the LEZ emission standards, or they are able to source an alternative mode of travel into the LEZ.

A grace period applies to both individuals who are:

- Non-residents – individuals whose registered address is not within the zone.

- Residents – individuals whose registered address in respect of the vehicle is a residential property within the zone

A grace period begins ‘on the day the LEZ comes into effect’ and means that a contravention cannot occur until the ‘applicable grace period’ has expired.

The grace period for non-residents must last no less than 1 year after the LEZ comes into effect but must expire no more than 4 years after the LEZs comes into effect.

Given that air quality should be improved as quickly as possible, application of the minimum grace period (i.e. 1 year) should be regarded as the default unless a rationale can be provided to go beyond this.

The grace period for residents is an “additional” grace period for residents only. This grace period for residents must expire not more than 2 years after the expiry of the grace period applicable to non-residents. There is no minimum period of time set for a resident-grace period.

Where a LEZ scheme is made by two or more local authorities jointly, the local authorities must clearly outline how the grace periods will be treated and designed.

Grace periods – Further provision

Original schemes and subsequent scheme(s)

Where a road or part of a road has already formed part of a LEZ, the first LEZ would be classified as “the original scheme”.

If the road/ part of the road is to become part of a LEZ, which has been part of another LEZ, the latter LEZ is referred to as “the subsequent scheme”.

If a grace period has already applied to the original scheme, and that period has expired/ is due to expire before the road/ part of the road becomes part of the subsequent scheme, no further grace period of the same type may be specified.

Local ‘time-limited’ exemptions

Local authorities have the power to grant and renew time-limited exemptions in respect of a vehicle or type of vehicle. In doing so, the registered keeper of the vehicle would be exempt from LEZ enforcement for the period of time that the exemption applies. Further details on time limited exemptions is outlined in [Annex B](#).

Temporary suspension for events

A local authority may temporarily suspend the operation of a LEZ scheme for a specified period where the authority considers it appropriate to do so for an event of national importance or significant local importance. A temporary suspension can also be issued in relation to a temporary diversion into the LEZ. Either the whole zone, or any part of the zone can be temporarily suspended.

A local authority cannot suspend the operation of a LEZ for more than 7 days unless the Scottish Ministers give prior approval to the proposed suspension.

A significant event of national or local importance includes unintended or unexpected events for which not suspending the LEZ would result in substantial disruption to services and members of the public. A significant event of national or local importance could also include planned events such as sporting events or festivals.

Ultimately, it would be for the local authority to take a pragmatic view on the classification of a 'significant' event, in terms of justifying the temporary suspension of a LEZ. However any event which requires ministerial approval would need to demonstrate why such an event would require a LEZ to be suspended, as the default position is that a LEZ should not be suspended for national or local events (particularly planned events) over a longer time frame unless absolutely necessary. When events bring large groups of people into a city centre environment, it is even more important to ensure local air quality is maintained in order to protect public health.

Where planned events are likely to result in a recurring temporary suspension of a LEZ (e.g. the Edinburgh Festival), local authorities are encouraged to consult on such issues as part of their scheme proposal.

Hours of operation

Default position on hours of operation

A LEZ scheme should operate at all times. This means 24 hours a day, 7 days a week, all year round. This is the default position for all LEZs in Scotland.

Local authorities do have the power to vary the hours of operation away from the default position, to take account of local circumstances (as set out in Section 18 of the Act), but this approach must be outlined in the submission to Ministers for approval and reasons provided to explain why the default position has not been adopted.

Ministers will provide consideration on the appropriateness of proposals on a case-by-case basis.

Communicating hours of operation

If the hours of operations are not 24 hours a day, 7 days a week, all year round, then local authorities must communicate and engage with stakeholders and the public on the LEZ hours of operation. This means that the local authority should:

- Make the hours of operation clear on their website
- Clearly state which vehicles are affected and how, particularly if the hours of operation vary between vehicles
- Incorporate the hours of operation into annual communication plan as required.

Signage

Introduction

The Traffic Signs Regulations and General Directions (TSRGD) 2016 sets out the design and conditions of use of traffic signs that can be lawfully placed on or near Scottish roads (based on Section 64(1) of the Road Traffic Regulation Act 1984). The [TSRGD within Scotland](#) is devolved to Scottish Ministers with Transport Scotland maintaining and updating the TSRGD on behalf of Scottish Ministers.

Traffic signs and road markings relating to LEZ schemes are not currently included within TSRGD, but it is intended that these will be added through an amendment to the regulations in 2022. These proposals are currently subject to consultation.

The intention of the proposals is to include following:

- Introduction of a new LEZ symbol, which can be universally applied on a range of road signs, including direction signs and approach signs
- Entry signs at the gateway to the LEZ
- Repeater signs within the LEZ
- LEZ End signs, on exit from the LEZ
- Road markings at the gateway to the LEZ

LEZ schemes will require signs to be designed and installed prior to the scheme enforcement regime starting. Signing for LEZ schemes shall be in accordance with the regulations set out by the forthcoming TSRGD amendments. The Road Traffic Regulation Act 1984 provides local authorities with powers to place traffic signs on or near a road in connection with a LEZ scheme.

LEZ Symbol

The proposed LEZ symbol would be used on all signage related to Low Emission Zones. The aim is to inform the public; when drivers see this symbol they will know it relates to a LEZ which is a restricted access area.

The proposed symbol is a simple roundel which is light green in colour with centred text stating “LEZ” in black. A white outline is proposed when displaying the symbol on directional signage that utilises a background colour, this will help to emphasise the symbol. An example can be seen in Figure 1.



Figure 1 – Proposed LEZ symbol (on various backgrounds)

It is proposed that the LEZ symbol will be incorporated in the relevant schedules of TSRGD which allow for use on directional and approach signs, as shown on Figure 2. This will enable roads authorities to provide advance signage to inform drivers of the presence of a LEZ, and where necessary advise of an alternative route.

Established directional signage should be updated to highlight roads that lead into a LEZ zone. This can be achieved by displaying the LEZ symbol, in a similar manner to signs informing drivers of a vehicle weight or height restriction.

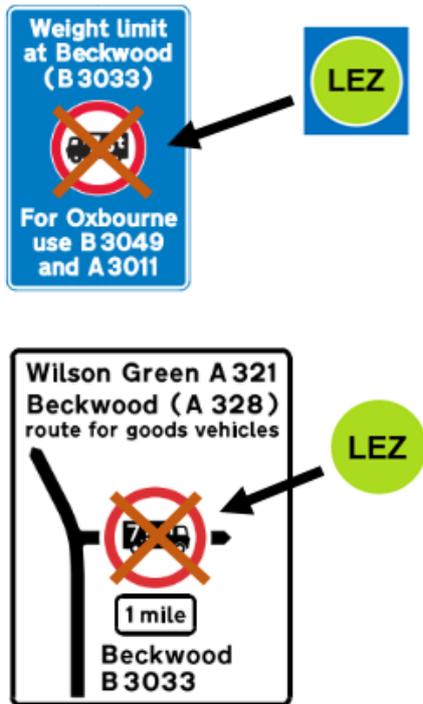


Figure 2 – Proposed LEZ symbol incorporated on directional and approach signs

Direction signs and approach signs may be required on the trunk road in advance of a LEZ. Where LEZ signs are required on trunk roads, they will be provided by Transport Scotland.

Zone Entry Sign

The proposed LEZ 'entry' sign identifies the start of the zone, and aims to communicate which vehicles are allowed to drive within the LEZ either because they meet the emission standard or the vehicle is exempt. It is proposed that their installation would be mandatory at every access point.

The proposed layout is based on existing signs in TSRGD, such as Diagram 618.3C which indicates the entry to a pedestrian and cycle zone.

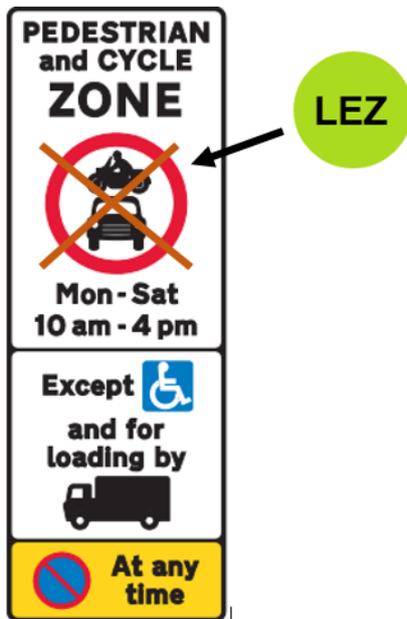


Figure 3 – Existing Diagram 618.3C on entry to a pedestrian and cycle zone

The proposed entry sign would incorporate three panels, as follows:

- The first panel would indicate the LEZ, through text and use of the LEZ symbol. Additionally a camera symbol is proposed beneath the symbol to inform drivers that the LEZ is monitored by ANPR cameras
- The second panel would indicate minimum emission standards, which states the euro standard for petrol and diesel vehicles. In accordance with LEZ regulations, Arabic numbering would be used for passenger vehicles and Light Goods Vehicles (LGV), and roman numerals for Heavy Goods Vehicles (HGV) and Buses.
- The third panel would indicate exemptions, including Blue Badge holders.

The third panel may include the URL address to the LEZ website and/or relevant local authority website which will provide additional information on national and local exemptions if required.

Repeater Signs

The Act states that a contravention is caused by ‘driving within’ the LEZ, rather than just passing an entry sign. Therefore ‘reminder’ signs are considered appropriate.

The proposed repeater sign would include the LEZ Symbol with the camera legend below.

This sign is not intended to require illumination, and to reduce clutter these signs could be placed on already established poles.

The proposed sign would be similar to that currently prescribed within congestion charging zones, but utilising the LEZ symbol.



Figure 4 – Existing diagram 894 used within congestion charging zones

Zone End Sign

The proposed 'entry' sign aims to communicate the start of the LEZ and indicate which vehicles are permitted, and the 'end' sign would be used to communicate to drivers that they are leaving the zone. Again, these are proposed to be similar to equivalent signs used on congestion charging schemes, but incorporating the LEZ symbol.



Figure 5 – Existing diagram 679 used for congestion charging zones.

Road Marking

The option for Local authorities to display, road markings at the entry into the LEZ is also proposed. Similar to "Bus Gate" and "Bus Lane" markings, the proposed road markings for LEZs are simple; clear capital text stating "LEZ" (based on the LEZ symbol).

6. Consultation, impact assessments, publication of proposed scheme and objections

Consultation

Section 11 of the Act in tandem with the Low Emission Zones (Scotland) Regulations 2021 provides a list of the organisations that local authorities must consult with when making, amending or revoking a scheme. These organisations are:

- The Scottish Environment Protection Agency;
- Scottish Natural Heritage;
- Historic Environment Scotland;
- Such persons as the authority considers represent the interests of;
 - The road haulage industry,
 - The bus and coach industry,
 - The taxi and private hire car industry (consider referring to the [Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities](#))
 - Local businesses, and drivers, likely to be affected by the proposal,
 - Such other persons as the authority considers appropriate
 - Local authorities neighbouring the authority that is delivering the scheme
 - Regional Transport Partnerships
 - NHS Health Boards

Although not specifically mentioned in the above list, examples could include:

- Federation of Small Businesses, and delivery companies (including Royal Mail) as per Section 11(d)(iv) of the Act.
- Coach companies as per Section 11(d)(ii) of the Act.
- Trade bodies representing the transport sector as per Section 11(d) of the Act.

Local authorities will be best placed to determine who to consult with, based on the scope, extents and likely impacts of individual LEZ schemes. With this in mind, and over and above the prior consultation 'other persons' stated in the Act and Regulations, the following stakeholders may form a reasonable list for local authorities to consider when consulting upon their schemes (noting that it is NOT mandatory for the local authority to consult with the organisations listed below):

- Community councils where all or part of their area would be affected by the proposals

- Commissioner for Children and Young People in Scotland
- Active Nation Commissioner for Scotland
- Community transport operators
- Trade unions and staff associations as the authority considers appropriate
- Organisations representing pedestrians
- Users of public transport (especially bus users)
- Individuals with health conditions which may be affected by air quality
- Such persons as the authority considers to be representative of groups advocating sustainable transport policies
- Residents within a proposed LEZ
- Active travel organisations (such as Sustrans)
- Organisations representing the interests of disabled persons (such as Mobility and Access Commission for Scotland)
- Motorcycle organisations (such as Motorcycle Action Group)

Local authorities should consider how stakeholders can be engaged during, and incorporated into, the development of the LEZ scheme from the outset (not just limited to the formal consultation). This might happen via a LEZ Delivery Forum (which could feed into a LEZ Delivery Group within the local authority) and/or through the use of online web-based forums to supplement the formal consultation process.

Ultimately, the degree of stakeholder consultation should also be guided by the size/scope of the scheme proposed.

The LEZ proposals published for consultation must include the following minimum 'appropriate detail':

- A statement setting out the reasons why the proposed LEZ scheme should be made
- A copy of the map, and list of roads the which the proposed scheme covers
- The date on which the proposed scheme comes into effect
- The types of vehicles the proposed scheme applies to (the 'scope' of the LEZ)
- The objectives of the proposed scheme, with a particular emphasis on the objectives which meet the mandatory objectives outlined in Section 14(4) of the Act
- The grace periods for residents, non-residents, and different types of vehicles
- The circumstances in which the local authority must, may or must not grant or renew a time limited exemption
- The operating hours, (noting that the default position is that a LEZ will operate 24/7)
- Any other information the local authority considers necessary or appropriate

Impact Assessments

In the early stages of developing LEZ proposals, local authorities must consider the impacts of the proposals, and how these can be addressed as part of the LEZ development process.

Impact assessments have also been undertaken at a national level for the development of Part 2 of the Act, and the LEZ regulations. Links to each impact assessment report are provided below:

- [Equalities Impact Assessment](#) – Transport (Scotland) Act 2019
- [Partial Business and Regulatory Impact Assessment](#) – Transport (Scotland) Act 2019
- [Integrated Impact Assessment \(IIA\)](#) covering Equality Impact Assessment (EQIA), Child Rights and Wellbeing Impact Assessment (CRWIA) and the Fairer Scotland Duty (FSD). - Regulations
- [Data Protection Impact Assessment \(DPIA\)](#). - Regulations
- [Strategic Environmental Assessment \(SEA\) screening](#). - Regulations
- [Business and Regulatory Impact Assessment \(BRIA\)](#). - Regulations

The impact assessments undertaken at a national level focus on the content of the Act and regulations, including (but not limited to) emission standards, national exemptions, penalty charge rates and enforcement. The assessments do not look in detail at the context of how the legislation and regulations are applied at a local level.

There are a number of factors which will ultimately influence the impacts of LEZs which are to be determined at a local level (e.g. geographical area, vehicle scope, grace periods, time-limited exemptions etc) which will therefore need to be assessed as part of a local authority's scheme development.

Local authorities should refer to their own internal protocols/guidance regarding impact assessments for their LEZ proposals, and ensure that appropriate internal governance arrangements have been followed.

The process should be started as early as possible so that the results of the assessment are able to help shape the decision making process.

Impacts should be screened out which are not relevant to the scheme, or which are identified as having minimal or no impact and therefore do not require further assessment. The assessments which should be considered when developing LEZ proposals include:

- Child Rights and Wellbeing Impact Assessment (CRWIA): to identify, research, analyse and record the impact of the proposal on children's human rights and wellbeing. [Guidance on CRWIA](#).
- Data Protection Impact Assessment (DPIA): to identify and mitigate risks to privacy, and identify the ways the proposal can effectively comply with data protection laws. A DPIA must be completed before the processing of personal data begins. [Early engagement with the \(ICO\) is advised, and the ICO must be engaged if any high risks are identified](#)
- Equality Impact Assessment (EQIA): to look at how the proposal might impact on different people and groups, prevent discrimination and identify opportunities to promote equality. [EQIA guidance for public authorities](#).
- Fairer Scotland Duty Assessment: to actively consider how inequalities could be reduced within the proposal (note this is a legal obligation under Part 1 of the Equality Act 2010). [Guidance is available for public bodies](#).
- Islands Communities Impact Assessment (ICIA): to consider if the proposal is likely to have an effect on an island community which is significantly different from the effect on other communities (this became a legal duty on 23 December 2020 under the Islands (Scotland) Act 2018). [Guidance for relevant authorities on ICIA](#).
- Strategic Environment Assessment (SEA): to consider the likely significant environmental effects of the proposal. [Guidance on SEA is available](#).

If a local authority decides that a full assessment is not required, the decision making process from the screening assessment should be documented (for example in a screening report).

If the need for assessment(s) cannot be screened out then full impact assessments should be undertaken, including engagement with relevant stakeholders to gather evidence on the potential impacts of the proposal.

An impact assessment report should be produced for each assessment. Each impact assessment report should include a description of the methodology used for carrying out the assessment. This should include details of the consultation/participation process and other evidence used to inform the assessment. Conclusions, recommendations and any requirements for further monitoring should also be outlined within the reports.

Impact assessments should be made available to the Scottish Ministers for review as part of the ministerial approval process. Within the submission to Scottish Ministers, it should be made clear how the recommendations from the impact assessments have been considered as part of the final LEZ scheme proposal.

7. Examinations

Section 12 of the Act contains provisions in relation to examinations of LEZ proposals, which applies when a local authority proposes to make, amend or revoke a LEZ scheme.

Regulations 6 to 19 of the Low Emission Zones (Scotland) Regulations 2021, set out the procedures necessary for an examination to be conducted in a consistent manner.

What is an examination?

An examination allows a LEZ proposal to be independently reviewed where either the Scottish Ministers or a local authority are not content with one or more elements of a LEZ proposal. This must happen before the making, amendment or revocation of a scheme can commence.

As such, the scope of an 'examination' should focus specifically on a review of these elements and produce a report offering recommendations for improvement to the proposal based on these elements.

If an examination has been initiated, a local authority may not proceed with their proposal until the examination has been completed.

Triggers for an examination are not stated in the Act or The Low Emission Zones (Scotland) Regulations 2021. Whilst not being an exhaustive list, the below examples may be considered potential triggers for an examination:

- Failure to adequately consult on LEZ plans
- Lack of adequate grace period before enforcement of a LEZ
- Failure to adequately define the geographical area and/or times of operation

Scope of examinations

The scope of an examination should be established by the party who initiates the examination. This can be either the local authority or the Scottish Ministers. The scope of an examination should focus specifically on the elements which have been raised as areas of concern by the Scottish Ministers or a local authority making a LEZ proposal.

In the event that the Scottish Ministers and the local authority making the proposal cannot agree on the scope of the examination, the Scottish Ministers must determine the scope. The Scottish Ministers and the local authority making the proposal should

therefore seek to agree the scope of the examination at the earliest opportunity in order to help avoid such scenarios.

The reporter will only consider matters which are within the scope of the examination. Any matters raised which are considered out with the scope will be disregarded.

Establishing an examination

Only Scottish Ministers or a local authority making the LEZ scheme can initiate an examination (known as the 'initiating party').

The initiating party must give written notice of its intention to appoint a reporter to carry out an examination to the following parties:

- a) Scottish Ministers, if the initiating party is the local authority proposing to make the scheme.
- b) the local authority, (if the initiating party is the Scottish Ministers).
- c) any person [consulted](#) under section 11 of the Act.
- d) each person who [objected](#) to the proposal to make the scheme under regulation 4 of the Low Emission Zones (Scotland) Regulations 2021.

The notice of intention to appoint a reporter to carry out an examination must be accompanied by:

- a) a statement setting out full details of the matters which the initiating party considers are required to be taken into account by the reporter in examining the proposal to make the scheme (i.e. what the initiating party considers the scope of the examination),
- b) a statement on which procedure the initiating party considers is most appropriate in the circumstances, in tandem with a list of any persons (and their qualifications) whom the initiating party wishes to provide a written statement for the purposes of the hearing or a list of any witnesses (and their qualifications) whom the initiating party wishes to give evidence at an inquiry,
- c) all documents, materials and evidence upon which the initiating party intends to rely in the examination,
- d) copies of the statement the local authority sent to the Scottish Ministers when seeking approval of the scheme (that statement setting out the consultation undertaken by the local authority into the scheme, and how the local authority has taken into account representations made in response to the consultation),
- e) a copy of the report summarising objections to the scheme.

The persons who have been given written notice of the intention to carry out an examination may respond in writing. Responses must include:

- a) representations setting out full details of the matters which the respondent considers require to be taken into account by the reporter in examining the proposal,
- b) a statement as to which of the procedures the respondent considers is most appropriate for the examination in the circumstances, in tandem with a list of any persons (and their qualifications) whom the initiating party wishes to provide a written statement for the purposes of the hearing, or a list of any witnesses (and their qualifications) whom the initiating party wishes to give evidence at an inquiry,
- c) copies of all documents, materials and evidence which the respondent intends to rely on in the examination,
- d) a list of the documentation which the respondent intends to rely on in the examination.

Appointment of Reporter

A reporter is in charge of the examination process. Either the local authority making the LEZ proposal, or the Scottish Ministers can appoint a reporter to carry out an examination of, and prepare a report on, the proposal or any aspect of it.

The reporter must be a member of the staff of the Scottish Ministers, or selected from a panel provided by the Scottish Ministers. Although not stated explicitly in regulations, the Scottish Government is proposing that a reporter would be sourced from the [Scottish Government's Planning and Environmental Appeals Division \(DPEA\)](#), as their officials already undertake a range of casework around 'inquiries' for the Scottish Government.

DPEA will lead on the administration and delivery of a LEZ examination in conjunction with support (as required) from Transport Scotland and local authorities, but acting as a credible and independent lead for a LEZ examination. The reporter will manage the whole process and consider what action is needed to gather enough information to make a decision.

The reporter has the following powers:

- To establish the procedure for the examination e.g. written representations only, by hearing or by holding an inquiry.
- To send out notice of the time and place of the hearing or inquiry to those entitled to appear at the hearing or inquiry.

When appointing the reporter, the initiating party must send a copy of the notice of intention to appoint a reporter (including all accompanying documentation) that was sent to either the Scottish Ministers or the local authority proposing the scheme,

consultees and objectors. In addition the initiating party will also send a copy of the proposal to make the scheme to the reporter.

The reporter will organise the administration (including booking the venue(s)) for all elements of the examination and will administer the engagement with stakeholders (e.g. providing contact details for written submissions to be received, setting up virtual meetings etc.)

Procedure and timetable for examinations

Once a reporter has been appointed, the reporter must, in writing, invite the local authority proposing to make the scheme, and the Scottish Ministers to agree and finalise the scope of the examination. The reporter must also include a deadline for which this is to be agreed and sent to the reporter.

The reporter is responsible for establishing the procedure and timetable for the examination. This will be based on the scope of the examination, and also any evidence which has been received from the parties which have responded to the notice of intention to appoint a reporter.

Section 12(3) of the Act outlines the different procedures for conducting an examination:

- Invite **written representations** only, where this approach is the quickest, simplest and normally cheapest method of deciding an examination.
- Hold a **hearing(s)** where a person who has made representations in respect of the proposal may be given an opportunity to appear and be heard in front of the reporter.
- Hold an **inquiry**, which is a more formal event, where witnesses give their evidence in front of the reporter and can be cross-examined by other parties (normally by their legal representatives).

A hearing or an inquiry may be held in person or virtually, with the reporter having the scope to decide on which mechanism is the most appropriate means of hosting the examination.

The date, time and location of the hearing or inquiry is to be determined by the reporter, who must give the following persons written notice of the scope, procedure and timetable of the examination (and responses to the call for evidence):

- Scottish Ministers.
- The local authority.
- Any person consulted under section 11 of the Act.
- Each person who objected to the proposal to make the LEZ scheme.

In addition, the notice must also outline that responses to the notice must be within scope of the examination, and contain the following information:

- a) representations setting out full details of the matters which the respondent considers require to be taken into account by the reporter in examining the proposal,
- b) a statement as to which of the procedures the respondent considers is appropriate for the examination in the circumstances, in tandem with a list of any persons (and their qualifications) whom the initiating party wishes to provide a written statement for the purposes of the hearing, or a list of any witnesses (and their qualifications) whom the initiating party wishes to give evidence at an inquiry,
- c) copies of all documents, materials and evidence which the respondent intends to rely on in the examination,
- d) a list of the documentation which the person intends to rely on in the examination.

The responses must be sent to the reporter, as well as the Scottish Ministers (if the initiating party is the local authority proposing to make the scheme), the local authority (if the initiating party is the Scottish Ministers), any person [consulted](#) under section 11 of the Act, and each person who [objected](#) to the proposal to make the scheme. The reporter will set a deadline for when responses must be received within their invitation, and also include details regarding how responses may be sent.

Opt-in procedure

In addition to the ability to set the procedure and timetable for examinations, and to invite responses, the reporter has a discretion to invite the persons to whom the notice of the scope, procedure and timetable of the examination has been sent to 'opt-in' to further participation in the examination. The reporter is to give at least 14 days for a reply to this opt-in invitation. If such persons wish to participate in any further procedure conducted in relation to the examination they must send a notice ('an opt-in notice') to the reporter, and if they do not do so, they lose the opportunity to participate in any further procedure.

Further submission and information

Before holding an examination, the reporter may wish to seek further written submissions within the scope of the examination. If so, they would need to give written notice to the parties via a 'procedure notice' outlining the matters on which additional representations or information is requested and by which date.

The party who receives a procedure notice must, by the date specified in that notice, provide the additional representations or information requested to the reporter and provide a copy of that response to the other involved parties.

Pre-examination meetings

The reporter may hold a “pre-examination meeting” to consider the manner in which the examination is to be conducted with a view to ensuring that the examination is conducted expeditiously.

Determination without further procedure

If the reporter is content that they have the necessary information (and thus do not need to hold either a hearing or inquiry), they may carry out the examination and prepare a report on it without further procedure.

Conclusion on further procedure

Where the reporter determines that they require further information to undertake the examination, following any pre-examination meeting the reporter must determine whether to carry out the examination by either a hearing or inquiry, and then inform the parties in writing of that determination.

Hearings and inquiries procedure

Hearings

Hearing sessions may be required where:

- The reporter needs to enhance his/her understanding by asking questions, seeking explanations of evidence or opinions.
- There is some dispute but where cross examination of professional or other witnesses is not necessary.
- The evidence to be examined is largely a matter of opinion rather than settled fact, so the issue could benefit from being explored through discussion led by the reporter to enable him/her to reach his/her own opinion.

As a hearing would take the form of a discussion led by the reporter, cross examination will not be permitted (this would be more appropriate for an inquiry).

Where the reporter determines that a hearing is to be held, the reporter must give notice of the hearing to the parties and any other person from whom the reporter wishes to hear at the hearing.

Anyone who has received notice of the hearing and who intends to appear at a hearing must inform the reporter of that intention in writing within 14 days of the date of receiving a notice. If a person does not reply to the reporter, they will not be entitled to appear at the hearing.

The notice must also provide all parties with a website address where copies of everything submitted to the reporter can be inspected.

Only parties which have received a hearing notice, and have informed the reporter of their intention to appear at the hearing are entitled to appear at the hearing.

The reporter will set the date and time for holding the hearing, and the manner in which the hearing will be conducted including its location (if not being held virtually). The reporter must ensure that all those entitled to appear at the hearing are aware of these details by written notice.

The reporter may also request a written statement from the list of witnesses provided by the initiating party or any other relevant parties. A written statement must not be longer than 2000 words (unless prior agreement with the reporter has been reached).

The local authority proposing to make the scheme is to allow inspection, and allow copies to be taken of any documents relevant to the hearing.

The procedure at the hearing is determined by the reporter, which will be communicated at the start of the hearing.

Any person entitled to appear at the hearing may do so on their own behalf, or be represented by another person.

The reporter may from time to time adjourn the hearing. When this happens, the reporter must provide all parties entitled to appear at the hearing of the new time, date and location of the adjourned hearing. This can either be done at the hearing, or by written notice to all entitled parties.

Inquiries

An inquiry, or inquiry sessions may be appropriate where:

- there is a dispute between the parties on complex or technical matters and the evidence needs to be thoroughly tested by cross-examination to enable

the reporter to reach clear conclusions either on an important material consideration, or whether the proposal is in accord with a key provision of the development plan;

- essential facts are in dispute and cross-examination is necessary to clarify matters;
- there is a conflict of professional opinion or evidence and the reporter would find it helpful for that evidence to be tested by cross examination.

Where the reporter determines that an inquiry is to be held, the reporter must give notice of the inquiry to the parties and any other person from whom the reporter wishes to hear at the hearing.

Anyone who has received notice of the inquiry and who intends to appear at the inquiry must inform the reporter of that intention in writing within 14 days of the date of receiving a notice. If a person does not reply to the reporter, they will not be entitled to appear at the inquiry.

The notice must also provide all parties with a website address where copies of everything submitted to the reporter can be inspected.

Only parties which have received an inquiry notice, and have informed the reporter of their intention to appear at the inquiry are entitled to appear at the inquiry.

The reporter will set the date and time for holding the inquiry, and the manner in which the inquiry will be conducted including its location (if not being held virtually). The reporter must ensure that all those entitled to appear at the inquiry are aware of these details by written notice.

The reporter may require the initiating party or any other relevant party to send the reporter a 'precognition' in respect of any evidence to be given to the inquiry by a person included in the list of witnesses. Precognition is a written statement of the evidence proposed by a witness to be given to the inquiry. The precognition must not contain more than 2000 words, unless the reporter agrees otherwise.

The precognition must be made available to the initiating party and other such other persons entitled to appear at the hearing session.

A witness would be contacted and 'called' by the Reporter to provide evidence in whatever form the Reporter considered most appropriate (writing, informal hearing or inquiry)

The local authority proposing to make the scheme is to allow inspection, and allow copies to be taken of any documents relevant to the inquiry.

The procedure at the inquiry is determined by the reporter, which will be communicated at the start of the inquiry.

Any party entitled to appear at the inquiry is entitled to call evidence and to cross-examine persons giving evidence and to make closing statements (this is a significant difference to the procedures for a hearing). However, the reporter can refuse to permit the giving of evidence or cross examination of persons giving evidence if they consider this approach to be irrelevant or repetitious.

The reporter may proceed with an inquiry session in the absence of any party entitled to appear at the inquiry.

Inspections

The reporter may make an unaccompanied inspection of the proposed LEZ scheme area, and they should inform the notified parties of the date and time that they intend to undertake an inspection.

Expenses

The reporter may make orders as to the expenses incurred by the parties contributing into the examination. Orders in favour of the Scottish Ministers may include expenses in relation to the examination's administration costs.

Report

Once the reporter is content that they have the necessary information, the reporter will prepare a report with the outcome of the examination. The purpose of this report will be to provide recommendations for consideration, and to inform decision making with regards to a LEZ scheme proposal.

The reporter must provide all relevant parties with a copy of the report, and arrange for publication of the report on the Scottish Ministers' website.

The report should summarise the method of the examination, the evidence and representations considered, and the outcomes of the examination.

8. Ministerial Approval

Proposal to Ministers

A LEZ scheme cannot be made, amended or revoked unless the proposal to make, amend or revoke the scheme is approved by the Scottish Ministers.

The 'proposal' of a LEZ scheme means that the full details of the scheme are outlined for the Scottish Ministers to review, where the details should encompass the following:

- The [location and area of the proposed scheme](#), by reference to an area on a map and by specifying the roads (or parts of the roads) which form part of the zone.
- The date on which the scheme comes into effect.
- The [types of vehicles to which it applies, which must be specified by reference to the vehicles' construction](#) (and subject to any [exemptions](#) specified by the Scottish Ministers in regulations under section 6(4)(b)).
- The [scheme's objectives](#).
- The [grace periods](#) applicable.

In addition, where a low emission zone scheme is made by two or more local authorities jointly, the scheme must make provision as to how any monies received from penalty charges in respect of the scheme are to be apportioned between (or among) those authorities.

When seeking the approval of the Scottish Ministers for a LEZ proposal, the local authority must provide a statement setting out:

- Details of the [consultation it has undertaken](#).
- How it has taken into account of any representations received in the course of that consultation. Local authorities must be able to demonstrate how the consultation findings were incorporated into the scheme development.
- A report which outlines the number of [objections](#) received, a summary of the general nature of such objections, and the local authority's response to the objections received.

To support ministerial approval, local authorities should also consider providing details and the outcomes from any [impact assessments](#) which have been undertaken.

In addition, clear presentation of relevant modelling data will be required to support the ministerial approval process as this will help support the scheme design being proposed.

Proactive engagement with Scottish Government officials is encouraged during the LEZ scheme development process.

A template for Ministerial Approval is provided in [Annex C](#) and should be used by local authorities to provide full details of their scheme to Scottish Ministers (in a consistent manner) when seeking approval.

A checklist will be used to assist ministerial approval when reviewing each submission. [The checklist is available on the publication page.](#)

In order to seek approval from Ministers, the proposal should be submitted to the following email address: lowemissionzonesenquiries@gov.scot

The Scottish Ministers would typically seek to provide a response to the local authority in writing as soon as reasonably practicable following the submission being received.

Modifications to the proposal

The Scottish Ministers have the power to make any modifications to a scheme proposal as consider appropriate.

It is for the local authority to decide if they need to undertake further consultation if they consider the Ministerial modifications are as significant enough.

If a local authority does not agree with the Scottish Ministers modifications, they should raise these concerns with the Scottish Ministers.

Ministers can continue to make modifications to the resubmitted proposals until such time that they are content to approve the proposal. This means that the LEZ scheme proposal development can enter a feedback loop if required, in order for the scheme to eventually receive Ministerial approval.

9. Notice to make a scheme

When a scheme has been approved by the Scottish Ministers, a local authority shall publish a notice to “make” a LEZ scheme. Further details on publishing a notice to make a scheme are outlined in [Annex A](#).

10. Operations

Committing a contravention: Driving within a LEZ

A person is in contravention of a LEZ when a non-compliant vehicle is driven on a road within a LEZ zone. This means that a contravention can be detected at any point within the LEZ. Further details on contraventions including approved device placement and operation is outlined within the [LEZ -Technical Systems Guidance in Scotland](#).

The vehicle must be driving within a LEZ for a contravention to be committed. A penalty charge can only be issued if a ‘record’ is produced by an approved device. A vehicle parked (stationary) within a LEZ is not causing a contravention.

In addition, as the rule is about driving on a road within a zone, movement of vehicles which occurs within a zone but not on a public road (for example, moving from one space within a car park to another one) would not incur a penalty.

Only one contravention can occur per LEZ per day, starting from 00:00 and finishing at 23:59. If a vehicle drives within a LEZ on multiple occasions throughout the same day, only one PCN can be issued in respect of that contravention.

Emission standards

Mandatory nationally consistent emission standards for Scottish LEZs have been set for the majority of petrol and diesel vehicle classifications (e.g. buses, taxis, vans, HGVs, cars, motorcycles) within the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

Further detail on Exemptions is outlined in [Annex D](#).

Determining a vehicles emission standard

In respect of proving a contravention, Section 7 of the Act states:

“(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.”

Details of the registered keeper, and relevant vehicle particulars (including the vehicle emission standard) will be requested by the local authority from the UK Government, in particular the Driver and Vehicle Licensing Agency (DVLA), for vehicles which have been captured by an approved device driving within a LEZ. The local authority will use these details to determine whether a vehicle is compliant or non-compliant with LEZ emission standards.

Determining a vehicles emission standard for foreign vehicles

Foreign vehicles operating in the UK for more than 6 months must be registered with the DVLA, so certifying their emissions standard would follow the same process as would be applied to UK-registered vehicles.

Exemptions

There are 2 forms of LEZ exemption:

- **National exemptions** – Exemptions which apply consistently across all Scottish LEZs, as set out in Regulations. Local authorities must apply these exemptions to their LEZ at all times; they cannot be revoked.
- **Local time-limited exemptions** – Exemptions which can be applied at the discretion of local authorities to individual LEZs, to cover any vehicle type by reference to the vehicle’s use that is not covered by the national exemption. Different LEZs could have different local time-limited exemptions.

Further detail on Exemptions is outlined in [Annex B](#).

Penalty charges

Penalty rates, discounts and surcharges are set by Scottish Ministers within Schedule 4 of The Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021 for each vehicle category, and they are all nationally consistent. These are set out in Table 1:

Table 1: LEZ Penalty Charges

Vehicle Category	Initial contravention penalty charge	Subsequent contravention penalty charges				
	1	2	3	4	5	
Light passenger vehicle	£60	£120	£240	£480	£480	
Minibus	£60	£120	£240	£480	£960	
Bus and Coach	£60	£120	£240	£480	£960	
Light goods vehicle	£60	£120	£240	£480	£480	
Heavy goods vehicle	£60	£120	£240	£480	£960	
Special Purpose Vehicle (SPV)	£60	£120	£240	£480	£480	
Motorcycle & Mopeds	£60	£120	£240	£480	£480	

The initial penalty charge for all non-compliant vehicles across all vehicle categories is set at £60, with a payment period set at 28 days from the date the penalty charge notice was served. The penalty charge rate is reduced by 50% if paid within 14 days.

The penalty rate doubles for each subsequent [contravention](#) (i.e. the same person within the same vehicle driving within the same LEZ) within a 90 day period, up to £480 for light passenger/commercial vehicles and £960 for heavy duty vehicles. This escalation in penalty charges has been set in order to discourage further contraventions.

If contraventions occur more than 90 days apart, the initial contravention penalty charge rate would be applied to both contraventions. The purpose of the surcharge resetting after 90 days is to ensure that those who regularly contravene the LEZ are penalised appropriately.

Local authorities cannot set different penalty rates, discounts or surcharges.

Where a LEZ scheme is made by two or more local authorities jointly, the local authorities must clearly outline how any monies received from penalty charges will be apportioned between (or among) the authorities.

Penalty Charge Notices

The registered keeper of a vehicle will be subject to a penalty charge if they drive within a LEZ in a non-compliant vehicle, in contravention of Section 6(1) of the Act.

Where a local authority has reason to believe a vehicle is in contravention of a LEZ, it can serve a Penalty Charge Notice (PCN) on the registered keeper. A PCN should be issued for each contravention detected (although not more than one per day).

A penalty charge notice must:

- specify the registration mark of the vehicle involved in the contravention,
- specify the detection date and time at which the alleged contravention occurred,
- specify the reasons why the local authority believes that a contravention has occurred and that a penalty charge is payable by the recipient of the notice,
- specify the amount of the penalty charge,
- describe the manner in which the penalty charge may be paid to the local authority which has served the notice,
- state that the penalty charge must be paid before the end of the 28 day payment period, unless representations have been made,
- state that if the penalty charge is paid before the end of the period of 14 days beginning with the date of service of the penalty charge notice, the penalty charge will be reduced by 50%,
- state that [representations may be made, as per any of the grounds specified in Regulations](#) to the local authority against the decision to serve the penalty charge notice, but that representations made outside the payment period may be disregarded,
- state that the penalty charge must not be paid if representations have been made, and notice of a decision in respect of those representations has not been served,
- state the grounds for representations,
- specify where representations are to be sent,
- state that unless, before the end of the payment period—
 - the penalty charge is paid, or
 - representations have been made,the local authority may issue a charge certificate under regulation 7 (and describe the effect of that regulation were it to do so),

- state that if the representations are rejected an appeal may be made to the First-tier Tribunal against the decision to serve a penalty charge notice on any of the grounds for representation,
- state that the recipient of the penalty charge notice may, by giving notice in writing to the local authority, request that the local authority provide the recipient, free of charge, with a copy of the record of the contravention produced by the approved device (although a local authority may wish to include the record of contravention within the PCN).

A typical example of a PCN template, based on PCNs for bus lane contraventions, has been provided in [Annex E](#).

A PCN must be served within 28 days of the offence detection. The PCN should be paid within 28 days of issue of the PCN (this is called the 'payment period').

If the PCN is paid within 14 days of issue, it will be reduced by 50% e.g. from £60 to £30.

The PCN should be posted to the registered keeper of the vehicle.

The regulations do not provide any direction around the issuing of a 'warning letter' to the registered keeper prior to the first PCN being issued once the enforcement scheme is live. However, the local authority may wish to consider how their communication campaign - prior to the LEZ scheme going live – communicates 'advice/warning' letters to registered keepers who are being detected by the approved devices (and as such would be found to be in contravention of the LEZ scheme once live), in order that such persons can alter their behaviour prior to the enforcement beginning. Any such advice or warning letter issued to a registered keeper prior to the start of LEZ enforcement must make it clear that the letter is only an advice or warning letter.

Charge certificates

If a PCN has not been paid within the 28 day period (and no representation is received) a local authority can issue a 'charge certificate'. A charge certificate increases the penalty charge amount by 50 per cent.

If the increased charge is not paid within 14 days, it may be recovered by the local authority as an enforceable debt. In this instance, the local authority may recover the increased charge as if it were payable under an extract registered decree arbitral bearing a warrant for execution as issued by a sheriff for any sheriffdom.

A charge certificate is applied to the penalty charge which has been served within a PCN. So, for example, if a PCN is issued for a second contravention within a 90 day

period, the penalty charge amount would be £120. If a charge certificate is subsequently issued, this would increase the penalty amount to £180.

Who is the registered keeper of a vehicle?

The Act defines the registered keeper of the vehicle as ‘...the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 at the time of the contravention to which the penalty charge relates’.

The Act also refers to ‘other persons’ who are not the registered keeper of the vehicle, but who may be liable for the contravention to which the penalty charge relates.

There will be circumstances whereby persons other than the registered keeper of a vehicle will be liable for payment of a LEZ penalty. These circumstances are:

- Where the vehicle is not registered under the Vehicle and Excise Registration Act 1994, meaning that the penalty is payable by the person by whom the vehicle was **used or kept** at the time of the contravention.
- Where the registered keeper has **sold or transferred** the vehicle before the time of the contravention. If someone was detected driving a non-compliant vehicle within a LEZ before the vehicle registration had been updated, the new owner of the vehicle would be liable to pay the penalty. In this instance, it is the DVLA records of ownership which have not been suitably updated, so the seller of the vehicle is not liable for a penalty.
- If at the time of the contravention the registered keeper of the vehicle was a vehicle hire firm, and the vehicle was hired to a person under a **hiring agreement**. In this instance, the penalty charge will be payable by the person hiring the vehicle.
- Where the vehicle is kept by a **vehicle trader** who is not the registered keeper at the time of the contravention. In this instance, the penalty charge will be payable by the vehicle trader.

There are no other circumstances in which a person who is not the registered keeper of a vehicle would be liable for the penalty charge. If another person was driving the vehicle at the time of the contravention, for example a family member or friend, the registered keeper would still be liable.

The registered keeper of the vehicle would typically be issued with the penalty charge notice. If disputing liability, the registered keeper would need to make representations to the local authority stating why they are not liable for the PCN as per the [grounds for representation](#).

Enforcement arrangements

Enforcement arrangements are set out in Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

Local authorities may wish to operate their own enforcement regime, but they can also enter into an agreement(s) with other parties (known as enforcement agents) to become responsible for operating a LEZ enforcement regime on the behalf of a local authority.

The agents would be delegated with the powers conferred on the local authority to operate the LEZ enforcement regime on the authority's behalf. Therefore, an enforcement agent would be responsible for issues such as, but not limited to: (1) detecting LEZ offences using approved devices, (2) obtaining data from the DVLA, (3) determining if a contravention has occurred and (4) issuing PCNs.

Representations and appeals

Representations

Persons issued with a penalty charge notice will have the option to make representations, requesting the local authority (who issued the PCN) to 'review' their decision within 28 days of the PCN being issued, if they believe it has been issued incorrectly under one of the specified grounds for representation.

Any representations received after 28 days of the PCN being issued may be disregarded, although the local authority does have discretion regarding this timescale.

The PCN must outline the options available regarding making representations to the serving local authority, and appeals. The representation and appeals process should also be communicated via the local authority website. It should be noted that the regulations are not explicit in terms of how a representation can or should be made to a local authority. This is for a local authority to decide upon what is most appropriate.

A PCN must also state that the penalty charge should not be paid if representations have been made and notice of a decision in respect of those representations has not been served. This will avoid PCN recipients from paying a penalty charge whilst also submitting representations, which could result in refunds needing to be issued by a local authority if representations are successful. There is no incentive for PCN recipients to pay and subsequently make representations. This is because, if a

rejection notice is served, provided the penalty charge is paid within 14 days, a discount of 50% will still be applied.

Grounds for making representations are stated in the Regulations and are outlined below:

- The alleged contravention did not occur
- Where the penalty charge notice was served on the recipient on the basis that the recipient was the registered keeper of the relevant vehicle, however the recipient was not the registered keeper on the detection date
- Where the PCN is [payable by someone other than the registered keeper](#)
- Where the penalty charge amount exceeded what was applicable to the contravention,
- Where although the contravention did occur, extenuating circumstances are identified. It should be noted that the regulations are not explicit in terms of what is considered extenuating circumstances. This is for a local authority to decide what is most appropriate and/or pragmatic, but might reasonably cover issues such as a medical emergency or a stolen vehicle.

Where a representation is made, the recipient of the PCN must include evidence that justifies one or more of the grounds for a representation, as noted above.

If the grounds for making the representation are accepted by the local authority, the PCN will be cancelled by the local authority and an explanation provided (to the PCN recipient) as to why the PCN was cancelled (including where discretion has been applied). In this instance, a local authority could also serve a PCN on any person other than the person on whom the original PCN was served.

It is worth noting that if representations are successful, any PCNs which have been issued during the review period will need to be checked as the penalty charge amount will have been issued assuming that the reviewed PCN was valid. For example, if the PCN recipient successfully challenges a first contravention, then any penalty charges for subsequent contraventions which have occurred may have been overcharged. Refunds may therefore need to be provided.

If the grounds for making the representation are not accepted, the PCN will remain valid and a notice of rejection will be served, setting out the reason(s) for the rejection. In this instance, the person liable for the penalty charge can choose to accept the rejection outcome and pay the penalty charge. It should be noted that if the penalty charge is paid before the end of the period of 14 days beginning with the date of service of the notice of rejection, the penalty charge will still be reduced by 50%.

The notice of rejection must advise the recipient that an appeal may be made to the First Tier Tribunal within 28 days of service of the notice of rejection, as per the grounds for appeal (which are the same as the grounds for making representations).

Appeal - First tier tribunal service in Scotland

After making representations, if the recipient of a penalty charge is not content with the local authority's decision, they will have the opportunity to appeal to the First-tier Tribunal. The appeals process is important because it will help reassure the public that the civil enforcement of LEZs is a fair process.

Appeals to the First Tier Tribunal is set out in Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021, but these regulations only outline that an appeal can be made.

New regulations will be made in 2023 to establish the procedure for appeals to the First-Tier Tribunal for LEZs (it is likely that they will be broadly similar to the tribunals process used for appealing bus lane and parking enforcement notices). As such, this section of the Guidance will be updated once the Regulations related to appeals are made.

In terms of further background, the Tribunals (Scotland) Act 2014 ("the 2014 Act") creates a simplified statutory framework for tribunals in Scotland. The 2014 Act creates two tribunals, the First-tier Tribunal for Scotland (First-tier Tribunal) and the Upper Tribunal for Scotland (Upper Tribunal), known collectively as the Scottish Tribunals. The 2014 Act provides for functions to be directly conferred on the First-tier Tribunal and/or the Upper Tribunal for newly created jurisdictions/extensions of jurisdiction. As a newly created jurisdiction, this is where the LEZ appeals process would sit, which would include issues such as how appeals are made, the provisions for the decision making process, hearings and expenses.

11. Reporting and evaluation

Accounts

Section 28(1) of the Transport (Scotland) Act 2019 states that (1) The Scottish Ministers may by regulations make provision for or about the keeping and publishing of accounts by local authorities in connection with their functions related to a LEZ scheme. Regulation 21 of The Low Emission Zone (Scotland) Regulations 2021 provide detail on (2) the form of the accounts (3) the publication of a statement of account and (4) what may, or must, be done jointly where a low emission zone scheme is made jointly.

A local authority operating a LEZ scheme must keep accounts for the duration of a scheme's operation. The account should outline the costs of proposing, making and operating the scheme and the calculation method and actual figures related to gross and net revenue and expenditure of the scheme. The account should also detail any grant provisions provided by Scottish Ministers in relation to the LEZ scheme.

The costs of proposing, making and operating the scheme includes all of the costs incurred for, or in connection with, planning, procuring, implementing, maintaining, repairing, improving, administering, managing, enforcing and promoting the scheme. The net revenue means the amount (if any) by which the gross amount received under a low emission zone scheme for a financial year exceeds the costs of (as the case may be) proposing, making and operating the scheme for the financial year.

The accounts will be prepared annually, with a 'statement of accounts' published in the local authorities annual accounts. Alignment with the financial year will be sought as far as practicable.

The accounts should be published:

- In the annual accounts of the local authority for the applicable financial year,
- Within the LEZ annual report (the 'statement of accounts' as detailed in Section 29 of the Act).

Section 14(2) of the Act calls for schemes made by two or more local authorities jointly to make provision on how any monies received from penalty charges are to be apportioned between (or among) those authorities. As such, each local authority jointly operating a scheme will need to ensure accounts are kept for their own authority's expenditure and income.

Annual report

Section 29 of the Act requires a local authority operating a LEZ scheme, as soon as reasonably practicable after the end of the financial year, to:

- Prepare an annual report on **the operation and effectiveness** of the scheme,
- Publish the report in such manner as it considers appropriate,
- Send a copy of the report to the Scottish Ministers,
- Lay a copy of the report in the Scottish Parliament.

The LEZ annual report content should cover, as a minimum, the following:

- The scheme size, boundary location, vehicle scope, the date of scheme introduction and grace period start/end dates.
- Any modifications to the scheme in the past 12 months (noting that Section 9(1)(b) of the Act provides a local authority with powers to amend a LEZ following a consultation).
- Consultation(s) undertaken and responses obtained from stakeholders as listed in Section 11 of the Act and in the Low Emission Zones (Scotland) Regulations 2021.
- the payment of remuneration, costs and expenses (as noted in Section 12(7)(c) of the Act).
- A summary of the **operation and effectiveness** of the scheme including an assessment of:
 - the costs of proposing, making and operating the scheme,
 - The number of penalties issued, with details to include vehicle type, repeat offenders and associated surcharge application,
 - The number of appeals received and a summary statement on their outcomes (success or decline),
 - The gross and net revenue gathered by the authority from the operation of the scheme,
 - Details of how the revenue has been used to facilitate the achievement of the scheme's mandatory and discretionary objectives.

The performance of the LEZ in reducing levels of air pollution will also be available within the annual progress reporting local authorities are required to produce through the Local Air Quality Management (LAQM) process. It is acknowledged that evaluating trends in air quality is challenging, with trends perhaps only being evident over a number of years rather than year on year, so this practice should also be considered in relation to LEZ reporting.

Evaluating the effectiveness of a LEZ

Evaluating the operational effectiveness of a LEZ, as a standalone scheme, is extremely challenging and complex (noting the views of the NHS Health Scotland and Health Protection Scotland within a recent study) but this does not mean that an evaluation should not be attempted. It is very difficult to determine whether a LEZ as a standalone scheme is responsible for measurable trends over a number of years in relation to metrics associated with, for example, improved air quality or population health outcomes. This is where there should be sensible, pragmatic alignment between ‘detailing how the revenue has been used to facilitate the achievement of the scheme’s objectives’ (as noted above) and how the LEZ could be evaluated in terms of its ‘effectiveness’ (i) over a single year and (ii) over multiple years e.g. +5 years.

The challenge and complexity of such evaluation stems from the fact that ‘other’ parallel interventions may be introduced within a city centre at the same time as the introduction of the LEZ, such as, but not limited to, schemes to reduce traffic volumes, improve traffic flow, reduce average speeds or increase active travel. All of these ‘other parallel interventions’ would need to be considered when assessing the potential impact of a LEZ itself on pollution levels in a town or city.

Existing LAQM guidance already calls for Air Quality Action Plans to outline ‘...how the local authority intends to monitor and evaluate the effectiveness of the plan’ without being specific on the mechanism to evaluate such mitigation.

With this in mind, the LEZ annual report should aim to evaluate the effectiveness of an operational LEZ across the following aspects:

Table 2: Categorisation of monitoring by topic

Tier	Topic	Categorisation of monitoring
1	Air pollution level reduction trends and how the scheme contributes to carbon reduction targets within local authorities.	Required
2	Transport vehicle demographics, including the monitoring of variation in vehicle emission standard profiles	Desirable
3	Health benefits that could be attributed to LEZs being introduced	Desirable where possible

Tier	Topic	Categorisation of monitoring
4	Contribution towards transport modal shift (particularly to active and public transport) that could be attributed to LEZs being introduced.	Desirable where possible

LEZ schemes in Scotland are almost certainly going to be live at a point when other significant transport policies, actions or schemes are underway (some of which will stem from the National Transport Strategy 2 (NTS2)), so the relative ‘effectiveness’ of the LEZ as a standalone mitigation may be difficult to ascertain. That said, any LEZ scheme could arguably be viewed as a ‘disrupter’ mitigation (particularly when compared to other actions in an Air Quality Action Plan). In this sense, the scheme’s introduction *may* be sufficient to detect an identifiable/noticeable change point(s) in the metrics of the tiered aspects noted above.

Research by NHS/HPS in 2020 noted that it is important that a LEZ evaluation considers any external contextual factors that may impact or influence both the (i) delivery and (ii) outcomes associated with the LEZ scheme. It is also noted that a series of external influencers may cause uncertainty in the evaluation process than can impact on the ability to evaluate. As outlined in NHS/HPS (2020), external factors may include:

Contextual factors affecting delivery:

- Funding availability (e.g. LEZ support fund; funding for retrofitting vehicles).
- Local and national government support.
- Possibility of tighter air pollution standards in future.
- Possibility of widening the LEZ area or change of implementation criteria.

Contextual factors affecting outcomes:

- Current and future changing climate and weather patterns affecting air quality.
- New national and/or local transport interventions to address transport emissions, promote active travel and improve the public realm, following the National Transport Strategy strategic objective to take climate action.
- Real world engine performance, particularly over time.
- New air quality standards set in future.
- New LEZ emission standards set in future.
- Wider socio-political context remains stable/continues in same direction.
- UK and Scottish economic context.
- Other legislative and policy changes.
- Implementation of recommendations from Glasgow Connectivity Commission (e.g. the impact on cars through reductions in on-street car parking).

- Background trends and shifts already happening outwith, or before, the introduction of the LEZ (e.g. shifts in car use regardless of LEZ; trends in bus patronage; trends from taxis towards private hire use).

NHS/HPS (2020) also note the need to determine a suite of assumptions when evaluating a scheme; these may include:

- National and local government offer ongoing support to LEZ schemes.
- Fleet operators and individuals seek to use vehicles which comply with LEZ emission standards where practicable.
- Funding is available to support organisations and individuals to prepare for the introduction of LEZs and that the funding is sufficiently attractive to encourage uptake.
- Euro VI/6 diesel engines deliver the laboratory-approved emission reductions.
- Roadside emissions will reduce and can be modelled to demonstrate (progressive) changes over specified timeframes.
- Members of the public engage with available LEZ information.
- Members of the public become more aware of improvements in vehicle emissions.
- As enforcement begins, more people are likely to engage with and be receptive to better understanding the air quality agenda.

This above section on evaluating LEZs will be updated and amended as outcomes become known and the evaluability of such interventions is better understood.

Direction to carry out a review

The Scottish Ministers can direct a local authority to carry out a review of the operation and effectiveness of a LEZ scheme operated by it. This would entail the following:

- An assessment of whether the scheme's objectives are being achieved or are likely to be achieved within a reasonable period,
- An assessment of the ways (if any) in which the scheme's objectives are not being achieved or are not likely to be achieved within a reasonable period,
- The identification of any areas of the zone to which the scheme relates in which the scheme's objectives are not being achieved or are not likely to be achieved within a reasonable period.

In addition to this direction giving power on the part of the Scottish Ministers, local authorities can themselves decide to carry out a review of the operation and effectiveness of a LEZ scheme at any time. The considerations such a review would

look at are the same as the above, but can also include other matters which the local authority think appropriate.

‘Achieved within a reasonable period’ means within a period of time (e.g. 18 months) where the impact of the LEZ on traffic or air pollution or contribution to carbon reduction can be effectively measured against the scheme’s objectives.

The local authority can carry out the review, or they can contract an external organisation to do so on their behalf.

Once the review is complete, the local authority must prepare a report of the review’s main findings and send a copy of the report to the Scottish Ministers. The local authority should publish the report on its website as soon as reasonably practicable.

The Scottish Ministers may amend or revoke a direction given under the original instruction to undertake a review.

Action following a review

Once Scottish Ministers receive the review report, they may give direction in writing (which will be published) to a local authority to require it to take appropriate steps, where Scottish Ministers consider that:

- The scheme’s objectives are not being achieved, and are not likely to be achieved within a reasonable period
- The local authority has failed to discharge any duty imposed on it
- The actions, or proposed actions, of the local authority are inappropriate in all the circumstances of the case
- Developments in science or technology, or material changes in circumstances, have rendered inappropriate the actions or proposed actions of a local authority

Amending and revoking Low Emission Zone schemes

The regulatory procedure for amending or revoking a LEZ scheme is the same as the procedures that are in place to declare a scheme. This means that any amendment to, or revoking of, a LEZ scheme would be subject to the same consultation, notification, objection and examination process as necessary, by applying regulations 2 to 19, and schedules 1 to 5, of the Low Emission Zones (Scotland) Regulation 2021 (as stated in regulation 22).

12. Additional background

Approved devices

Introduction

Section 7(1) of the Act states that determining 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.

Section 21(1) of the Act states that The Scottish Ministers may by regulations make provision for or about the approval of devices to be used for or in connection with the operation of a low emission zone scheme.

Regulation 20 of the Low Emission Zones (Scotland) Regulation 2021 states that a device is approved for use in connection with the operation of a scheme if (1) it meets the requirements specified in schedule 6 of the 2021 Regulation and (2) it is of a type which has been certified by the Scottish Ministers as one which meets those requirements.

What is an approved device?

Technology is necessary to identify vehicles in contravention of a LEZ scheme. This approach requires enforcement through the use of “approved devices”, which are defined in Schedule 6 of the Low Emission Zones (Scotland) Regulation 2021 as a device which must include a camera which is—

- Securely mounted on a vehicle, a building, a post or other structure,
- Mounted in such a position that vehicles driving within in a selected area of a low emission zone can be surveyed by it,
- Connected by secure data links to a recording system, and
- Capable of producing, in one or more pictures, an image or images of the vehicle in relation to which the low emission zone contravention was committed of sufficient detail to show the vehicle’s—
 - Registration mark in legible form, and
 - Enough of its location to show the circumstances of the contravention,

In short, the above typically refers to the use of automatic number plate recognition (ANPR) cameras in either fixed and/or mobile capacity.

Use of approved devices enables the LEZ enforcement regime to stand up to scrutiny, legal challenge and appeals; it is essential that any penalty charge notice is underpinned by a record of a contravention produced by an ‘approved device’. This

is standard practice for moving traffic contraventions and must be applied in the operation of LEZs.

Schedule 6 of the Low Emission Zones (Scotland) Regulation 2021 outlines the criteria that the approved device must offer (in terms of provision of 'sufficient evidence of a fact'), as follows:

- The device recording system must offer recordings which are made automatically of the output from the camera or cameras surveying the vehicle and the place where a low emission zone contravention is occurring
- The device recording system must offer a secure and reliable recording method that records at a minimum rate of 5 frames per second
- The device recording system must offer an ability for each frame of all captured images to be timed (in hours, minutes and seconds), dated and sequentially numbered automatically by means of a visual counter
- where the device does not occupy a fixed location, it records the location from which it is being operated
- The device and visual counter must be synchronised with a suitably independent national standard clock, and accurate within plus or minus 10 seconds over a 14-day period and re-synchronised to the suitably independent national standard clock at least once during that period.
- If the device includes a facility to print a still image, that image when printed must be endorsed with the time and date when the frame was captured and its unique number.
- The device must not be capable of recording sound track including spoken words.

In summary, evidence produced by certified approved devices will ensure that LEZ enforcement procedure are defensible as far as is practicable if a representation or appeal is made in respect of a PCN.

More detailed guidance on approved devices, and certification of approved devices will be made available to local authorities and suppliers.

Powers related to approved devices

Where a LEZ scheme is put in place, a local authority has the power to install, maintain, secure or remove the installation and maintenance of "approved devices". Local authorities can also construct and maintain, or secure the construction and maintenance of, buildings or other structures, on a road for use for or in connection with the operation of a LEZ scheme.

Certification of an approved device

The Low Emission Zones (Scotland) Regulations 2021 require that devices used in connection with the operation of a LEZ must be 'approved' for this purpose, which means that:

- a) it meets the requirements specified in schedule 6 of these regulations; and
- b) It is of a type that is certified by Scottish Ministers as meeting the schedule 6 requirements.

It is important to note that, although final certification of the system will be granted by Scottish Ministers, this will rely upon the local authority for each LEZ having received an assessment of their system against the 'LEZ Civil Enforcement – Certification of Approved Devices' guidance document or LEZ-CoAD for short. The LEZ- CoAD will be published to enable enforcement authorities to design, implement and document their system in such a way as to facilitate certification.

It is our intention that the Vehicle Certification Agency will undertake this assessment and make recommendations to the Scottish Ministers to assist them in their function of certifying the system.

In addition, the Scottish Government has published the document '[Technical Guidance for LEZ Systems in Scotland](#)' which outlines the key technical issues and requirements for the design and specification, procurement, installation, operation and maintenance of roadside camera and back-office systems in preparation for the introduction of LEZs in Scotland. This document is intended as a guide for local authorities when purchasing and operating Automatic Number Plate Recognition (ANPR) camera systems for Low Emission Zone (LEZ) enforcement

LEZs and criminal offence

Contravention of a LEZ is a civil matter, but regulation 12 of the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021 states that a criminal offence occurs if a person interferes with the operation of a LEZ scheme.

A person will commit a criminal offence if, with the intention of avoiding payment of a penalty charge, or if acting with intent to avoid being identified as having failed to pay a penalty charge, the person:

- Interferes with an approved device
- Interferes with a LEZ traffic sign
- Obscures a registration plate

- Makes or uses false documents
- Makes false representation in response to a PCN.

A person guilty of an offence under regulation 12 is liable on summary conviction to a fine not exceeding level 5 on the standard scale (which equates to £5000).

In these circumstances, local authorities will be expected to liaise with Police Scotland where there is suspicion that a criminal offence has been committed.

Information sharing

Section 23 of the Act outlines provisions for the sharing of information for the operation of LEZs.

A responsible body may disclose relevant information to:

- Another responsible body,
- The Secretary of State,
- A source specified in regulations made under section 7(2) of the Act, or
- The responsible body's enforcement agent (meaning a person with whom a local authority has entered into arrangements with for the enforcement of their LEZ).

The Act defines a responsible body as:

- A local authority operating a low emission zone scheme,
- A person (other than the Scottish Ministers) with whom the local authorities operating a low emission zone scheme have entered into an arrangement with in relation to the function of obtaining and sharing any record mentioned in section 7,
- The Scottish Ministers.

Relevant information includes:

- I. the make and model of a vehicle alleged by a local authority (or its enforcement agent) to have driven in the zone to which the scheme relates,
- II. the registration mark of that vehicle (assigned under section 23 of the Vehicle Excise and Registration Act 1994),
- III. the date on which the vehicle is alleged to have driven within the zone to which the scheme relates

Where disclosure is to an enforcement agent, in addition to I, II and III, additional relevant information can be disclosed. This includes:

- IV. the name and address of the registered keeper of the vehicle alleged by a local authority (or its enforcement agent) to have driven in the zone to which the scheme relates,
- V. the time when and location where the vehicle is alleged to have driven within the zone to which the scheme relates,
- VI. any record of an alleged contravention of section 6(1) produced by an approved device,
- VII. any record obtained by virtue of section 7(2) certifying a vehicle's emission standard,
- VIII. any information or representations provided to the local authority by or on behalf of the registered keeper of a vehicle in connection with any review or appeal made by virtue of regulations made under section 8(1).

It is important to note that the data sharing provisions outlined within the Act does not authorise disclosure of any information that would be in contravention of the Data Protection Act 2018. It is for all responsible bodies to ensure that they are meeting the requirements of data protection legislation.

Communications

Whilst not a legal requirement, the Scottish Government and local authorities must collaborate to deliver a cohesive communications strategy, plan and associated campaign(s), to promote the schemes being made and to ensure that stakeholders are aware of LEZ compliance rules.

Awareness raising and education around LEZ operations and compliance is essential in order to foster a culture change (to reduce road-based emissions), and this must be delivered at both national and local levels.

The national communications strategy, led by Transport Scotland, will support local authorities in their consultation and communication programmes as they develop and introduce each LEZ. This is part of the wider policy of raising awareness and getting drivers and business ready before LEZ enforcement commences. Central to this is to make sure drivers and businesses originating from outside the four city areas are also aware and directed to the local authorities for specific information and queries.

At a local authority level, in designing the shape, size and scope of their LEZ, each city is required to consult and communicate with all key audiences/stakeholders.

A national [LEZ website](#) has been established and will form the central focus for all LEZ-related communications, to provide clear, succinct information on the reasons for, and benefits of, LEZs.

Market research is undertaken periodically (led by Scottish Government) to monitor and assess the movement from the already established baseline level on the understanding (as done in 2018) and public acceptance of LEZs.

The Scottish Government/Local Authority LEZ Communications Groups enables the sharing of communication activities between national and local government to maximise their effectiveness.

Funding

The Scottish Ministers may make grants to a local authority to assist with determining whether to make a LEZ scheme, making a scheme, or operating a scheme.

Any funding provided by Scottish Ministers would be subject to conditions as agreed between the Scottish Ministers and the local authority.

The Scottish Government is also providing significant capital funding to support individuals and businesses prepare for the introduction of LEZs. Further detail on the funding streams available, and how to access such funding, is outlined on the [Transport Scotland website](#) and the [Low Emission Zone website](#).

Section 26 of the Act states that a local authority has power to incur expenditure in connection with LEZ schemes. In this regard, the Scottish Government is providing significant funding to enable the introduction of LEZs, however local authorities are also expected to contribute to the costs of establishing, maintaining and operating the LEZ.

ANNEX A - Steps to make, modify or revoke a Low Emission Zone scheme

In order for a scheme to ‘come into effect’, a number of high level procedural steps must be followed, where the steps relate to the establishment, amendment or revocation of a low emission zone scheme under the provisions set out in section 13 of the Act, and the Low Emission Zones (Scotland) Regulations 2021.

The steps to make a scheme also apply to the amendment and revocation of a scheme.

Step 1 – Local Authority to undertake consultation

A local authority is required to [consult](#) with the persons outlined within Section 11 of the Act, and also those persons specified by Scottish Ministers within regulations. It is worth noting that there may already have been ‘consultations’ already undertaken by the local authority on scheme options, but Step 1 is referring to a consultation of the ‘final’ scheme design.

Step 2 – Local Authority publishes report on consultation findings

A local authority must prepare and publish a report detailing the persons consulted, and any representations made into the consultation. The report must clearly state how the local authority has taken into account the representations received in the course of that consultation.

A local authority, when seeking the [approval of the Scottish Ministers](#) for a LEZ proposal, will be required to provide a statement to Scottish Ministers setting out (a) the details of the consultation it has undertaken, and (b) how it has taken into account the representations received in the course of that consultation. This is covered under Section 10(2) of the Act.

It is worth noting that the ‘taken into account’ term could mean a variety of outcomes have occurred as a result of the consultation, including the position that the local authority has received a consultation comment, but not changed the LEZ scheme as a result of the comment because the local authority believes that the scheme is still fit for purpose without adjusting it in a way that would accommodate the consultees view/comment.

Step 3 – Publication of proposals

A local authority must publicise a notice for the making, amendment or revocation of a scheme after the formal public consultation, but before submitting their LEZ proposal for ministerial approval. A local authority may wish to seek approval from their Committee prior to publishing a notice for making, amending or approving a scheme.

The requirements for the publication of proposals are as follows:

- a) A notice of proposals must be published at least once in a local newspaper.
- b) A copy of the information which has been provided to each consultee during the [consultation](#) must be published on the local authority's website
- c) A copy of the statement outlining the details of the consultation it has undertaken, and how the consultation has taken account of any representations received, must be published on the local authority's website and sent to the statutory consultees.
- d) Other steps which local authority considers appropriate should be taken for ensuring that adequate publicity about the proposal to make the scheme is given to persons likely to be affected by it. Such other steps may include the display of notices containing the information within the proposal in any road within the proposed scheme. Notices must be displayed in accordance with the following:
 - i) The notice must be displayed in a prominent position at or near each end of the road and in such other positions as the local authority think necessary for securing that adequate information about the subject matter of the notice is given to persons using the road.
 - ii) The notice must be first displayed at the same time as the corresponding notice is first published in the local newspaper, and the local authority must take all reasonable steps to ensure that it remains in a legible condition and continues to be displayed until the end of the [objection period](#).
- e) The local authority must make available for inspection at their offices during normal office hours, and (if the local authority think fit) at such other places within the local authority's area and during such times at those places as the local authority may determine
 - i) A copy of the information which has been provided to each consultee during the consultation
 - ii) A copy of the statement outlining the details of the consultation it has undertaken, and how the consultation has taken account of any representations received must be published on the local authority's website, and a copy of this statement sent to the statutory consultees.
 - iii) If applicable, a copy of any report regarding [objections](#).

The notice for proposals must contain the following information:

- a) The name of the local authority.
- b) A description of the proposed scheme and its general nature and effect.
- c) The address which information with regards to the proposal is available for inspection, and the times when inspection can take place
- d) The fact that the information regarding the details of the consultation it has undertaken, and how the consultation has taken account of any representations received, is available on the local authority's website.
- e) The date of the end of the objection period, the address at which objections to the scheme can be lodged, and a statement outlining that all objections must be made in writing and must specify the grounds of objection.

A template for a notice for proposals is provided within [Annex E](#).

Step 4 – Objections

Once a notice for proposals has been published, any persons may object to the making, amendment or revocation of the proposed LEZ scheme.

An objection is different to stakeholder feedback at consultation stage. An objection is submitted when a person does not agree with either a particular element, or the proposed scheme as a whole. An objection may arise where an issue raised by a stakeholder at the consultation stage has not been incorporated into the proposed scheme (although this does not necessarily mean that the local authority has not considered their views).

Any objection should be made in writing and contain a statement of the grounds of the objection. This should be sent to the address, and be within the objection period as specified within the published [notice of proposals](#). The objection period must be at least 28 days beginning with the date on which the notice of proposals is published.

A local authority may take the opportunity at this stage to engage with objectors, to address any of the objections raised. This may lead to objectors subsequently withdrawing their objections.

At the end of the objection period, the local authority must publish a report detailing:

- The number of objections received
- A summary of the general nature of objections received
- The local authority's response to the objections received

A copy of this report shall be submitted to Scottish Ministers as part of [Ministerial approval](#) of the scheme, and made publicly available. This will allow Scottish Ministers to consider how any objections have been considered/addressed.

Step 5 – Proposed LEZ scheme submitted to Scottish Ministers for approval

The proposed LEZ scheme is submitted for [Ministerial approval](#).

Step 6 – Scottish Ministers approve scheme

Assuming the Scottish Ministers are content with the proposed LEZ, they will approve the scheme (however [modifications to the scheme](#) may be required).

Step 7 - Local Authority publish notice to make LEZ scheme

When a scheme has been approved by the Scottish Ministers, a local authority shall publish a notice to make a LEZ scheme.

When a local authority is making a scheme, they must:

- a) as soon as reasonably practicable—
 - i) give notice in writing of the making of the scheme to the chief constable of the Police Service of Scotland,
 - ii) give notice in writing to each person consulted with, and to each person who made objections, of the local authority's reasons for making the scheme,
 - iii) if applicable, make available for inspection at their offices during normal office hours, and (if the local authority think fit) at such other places within the local authority's area and during such times at those places as the local authority may determine:
 - a copy of the report following an examination,
 - a copy of the scheme as approved by the Scottish Ministers together with a statement of the date on which it comes into effect.
- b) within 14 days of the making of the scheme—
 - publish at least once in a local newspaper circulating in an area in which there is situated a road to which the scheme relates, a notice of the making of the scheme.
 - publish the scheme on the local authority's website.

The notice to make a LEZ scheme must include:

- a) The name of the local authority.

- b) A description of the scheme as approved by the Scottish Ministers.
- c) The date of the making of the scheme, the date on which it was approved by the Scottish Ministers and the date on which it comes into effect.
- d) Each address at which a copy of the scheme, as approved, can be inspected, and the times when inspection can take place at each such address.
- e) The fact that a copy of the scheme as approved is available on the local authority's website.

There will be no further opportunities for stakeholders to object to the scheme at this stage, as the scheme will have been made.

ANNEX B - Exemptions

Introduction

There are 2 forms of LEZ exemption:

- **National exemptions** – Exemptions which apply consistently across all Scottish LEZs, as set out in Regulations. Local Authorities must apply these exemptions to their LEZ at all times; they cannot be revoked.
- **Local time-limited exemptions** – Exemptions which can be applied at the discretion of local authorities to individual LEZs, to cover any vehicle type by reference to its use that is not covered by the national exemption. Different LEZs could have different local time-limited exemptions.

National exemptions

National exemptions are set out in Regulations and are summarised in the sections below.

Emergency vehicles

There is an exemption for emergency vehicles which covers vehicles being driven by any person who is:

- Undertaking their duty as a constable
- Providing a response to an emergency at the request of the Scottish Ambulance Service Board
- Exercising the functions of the Scottish Ambulance Service Board, the Scottish Fire and Rescue Service, Her Majesty's Coastguard or the National Crime Agency

Naval, Military or Air Force Vehicles

This exemption covers vehicles being used for naval, military or air force purposes.

Historic vehicles

There is an exemption for historic vehicles, which is defined as:

- The vehicle was manufactured, or registered under the Vehicle Excise and Registration Act 1994, for the first time at least 30 years ago.
- The vehicle is no longer in production, and

- The vehicle has been historically preserved or maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components.

Vehicles for disabled persons

This exemption covers vehicles being used for the purposes of disabled persons in the following circumstances:

- The vehicle is being driven by any person who is in receipt of a badge ([a blue badge](#)) that has been issued under Section 21(2) of the Chronically Sick and Disabled Persons Act 1970,
- A passenger in the vehicle has been issued with a badge under that Section of that Act, or
- A badge for the vehicle has been issued under Section 21(4) of that Act,
- A reduction in annual rate of vehicle excise duty applies because the vehicle is being used by a disabled person in receipt of personal independence payment at the standard rate, or
- Vehicles registered with a '[disabled](#)' or '[disabled passenger vehicles](#)' tax class e.g. the vehicle is exempt from payment of vehicle excise duty under paragraph 19(1) or 20(1) of schedule 2 of the Vehicle Excise and Registration Act 1994 (exemptions from excise duty for vehicles used by disabled persons).

Showman's vehicles

This exemption applies to vehicles described as either "showman's goods vehicle" or "showman's vehicle" according to Section 62(1) of the Vehicle Excise and Registration Act 1994. These are highly specialised vehicles used for the purposes of travelling showmen, where the vehicle is used during the performance, used for the purpose of providing the performance or used for carrying performance equipment

Local 'time-limited' exemptions

A time-limited exemption can operate for no more than 1 year (as stated in the Act). Thereafter, it will be for the local authority to decide whether the exemption is renewed or removed once the time-limited exemption expires. A time-limited exemption for a certain vehicle type (by reference to the vehicle's use) may vary between different LEZs across various local authorities.

The local authority can also revoke a time-limited exemption prior to the maximum period of the exemption being reached, if the local authority has justifiable reason e.g. the exemption is not being used or applied in the manner intended.

There is no minimum period of time that a time-limited exemption should last although local authorities should be pragmatic on this issue. A time-limited exemption granted or renewed by a local authority can be subject to 'conditions or restrictions' as deemed appropriate by the local authority.

Local authorities can apply a time-limited exemption to any type of vehicle as they see fit, but only by reference to the vehicle's use. The approach should be pragmatic, and may wish to take account of National Modelling Framework modelling outputs to determine the relative impact of the vehicle use in relation to the emissions that are being targeted for reduction. Decision making with regards to granting time limited exemptions could also include looking at longer term ambitions of fleet owners, for example operators which are seeking to procure electric/zero emission vehicles. This approach could support fleet operators to procure zero-emission vehicles rather than internal combustion engines in order to meet LEZ enforcement conditions by a certain date. In such scenarios, there must be explicit conditions/objectives between operators and local authorities linked to any time limited exemption granted. If these are not met, a time limited exemption cannot be renewed.

Unavoidable road closure(s) or diversion may prompt the application of an universal exemption for all vehicles, if an unavoidable road closure(s) or diversion causes non-compliant vehicles to drive within a LEZ. The universal exemption would last no longer than the length of time of the road closure or diversion. In this scenario, a non-compliant vehicle driving within a LEZ would automatically be exempt - and thus would not be issued with a penalty – but only where the vehicle followed strictly to the signed diversion routes. If the vehicle did not follow the signed diversion route, they would incur a penalty if detected by an approved device.

ANNEX C – Ministerial Approval Template

Local Authority Low Emission Zone Template

Transport Scotland Act 2019
The Low Emission Zones (Emission Standards, Exemptions and
enforcement)(Scotland) Regulations 2021
The Low Emission Zones (Scotland) Regulations 2021

The purpose of this template is to support local authorities to complying with the regulatory requirements when submitting a Low Emission Zone proposal.

Reporting Body
<i>Name of local authority...</i>

Introduction
<i>Provide a brief introduction to the proposed LEZ scheme including the areas, hours of Operating and scope...</i>

Summary of Air Quality, Climate Change and Transport issues

Provide a summary of the current existing Air Quality, Climate Change and Transport issues and how these integrate with the LEZ proposal

LEZ Objectives

Please outline the objectives and targets for the proposed LEZ

Note from the Act –

The objectives specified under section 14(1)(d) must include—

(a)an objective of contributing towards meeting the air quality objectives prescribed under section 87(1) of the Environment Act 1995 (regulations about air quality), and,

(b)an objective of contributing towards meeting the emission reduction targets set out in Part 1 of the Climate Change (Scotland) Act 2009.

LEZ Appraisal

Include the initial assessment, define the problem, who was consulted, grace periods,

Developed options and detailed reason why this option was chosen over others...

Modelling/Validation

Transport and Air quality modelling including how you have tested assumptions and validated the approach taken

Covid Uncertainties impact

Costs / Funding

<i>Provide a costs analysis and projections – anticipated and actual to date...</i>

--

Risks and Uncertainty

<i>Detail the potential risks of the LEZ scheme and the any uncertainty around the proposal and actions...</i>
--

--

Mitigation

<i>Please provide the mitigating actions for the above risks... include a risk register if applicable...</i>
--

--

Monitoring and Reporting

<i>Outline plans on reporting and monitoring of the LEZ operations...</i>

--

Conclusions

<i>Please provide an overall summary of the proposed LEZ, including the introduction date, enforcement date, hours of operations, vehicle scope, geographical boundary and local exemptions...</i>
--

--

ANNEX D – Emission standards

Mandatory nationally consistent emission standards for Scottish LEZs have been set for virtually all petrol and diesel vehicle classifications (e.g. buses, taxis, vans, HGVs, cars, motorcycles) within the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

For compression ignition (diesel) engines, LEZ emission standard are outlined in **Table 1:**

Table 1: Compression ignition (diesel) engine LEZ emission standards

Vehicle category	Emission standards	Euro Categories
Heavy-duty vehicles (e.g. HGVs and buses/coaches)	Euro VI	M2, M3, N2, N3
Light passenger and light goods vehicles	Euro 6	M1, M2, M3, N1, N2
Special category vehicles: an ambulance (which is not exempt under the Regulations) a hearse a motor caravan	Euro 6	M1, M2, M3

The Euro emission standard categories are defined within Regulation 2 of the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

Special category vehicles are defined in Regulation of the Low Emission Zones (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021.

For positive ignition (petrol and gas) engines, LEZ emission standard are outlined in Table 2:

Table 2: Positive ignition (petrol and gas) engine LEZ emission standards

Vehicle category	Emission standards	Euro Categories
Heavy-duty vehicles (e.g. HGVs and buses/coaches)	Euro IV	M2, M3, N2, N3.
Light passenger and light goods vehicles	Euro 4	M1, M2, N1, N2.
Special category vehicles: an ambulance (which is not exempt under the Regulations) a hearse a motor caravan	Euro 4	M1, M2, M3

A LEZ emission standard has been set for motorcycles and mopeds at Euro 3, but with an explicit caveat as stated below. Note that this emission standards does not cover tricycles and quadricycles.

When a local authority is setting the scope of their LEZ, that is the vehicle categories which are covered by the LEZ emission standard, it is recommended that motorcycles and mopeds are scoped out of LEZ schemes unless a local authority can provide a robust justification for their inclusion in a LEZ scheme. This point is covered in the ‘required content of a scheme’ section of this guidance.

A very small fraction of the UK ‘vehicle’ fleet is not covered by the legislative emission standards. These include:

- Tricycles and quadricycles which are not covered by the Euro 3 standard.
- Some very niche specialist vehicle types such as armoured vehicles
- Non-road vehicles, tractors and some types of construction ‘plant’ because the definition of a ‘vehicle’ in the Act is for road vehicles only.

The LEZ emission standards DO NOT cover emission sources from stationary construction plant (Non-Road Mobile Machinery (NRMM)) or from transport refrigeration units on HGVs or vans.

The Scottish Government has adopted the Euro Standards in order to frame the setting of LEZ emission standards. The Euro standards are defined in a set of European Union directives and provide a list of acceptable limits for exhaust emissions of all new vehicles that are sold in the EU. They cover oxides of nitrogen (NOX), hydrocarbons (HC), carbon monoxide (CO) and particulate matter (PM) emissions. The Euro emission standards are based on Nitrogen Dioxide emissions, and use Arabic (Euro 5, Euro 6 for cars) and Roman (Euro V, Euro VI for heavy-duty vehicles) numbering to classify the emission standard.

Other Internal Combustion Engine (ICE) vehicles such as compressed Natural Gas (CNG) or Liquefied Petroleum Gas (LPG) fuelled vehicles are also within scope, as they are considered either 'compression ignition' or 'positive ignition' engine vehicles. Therefore vehicles fuelled with CNG or LPG will need to meet the stipulated Euro 6/VI and Euro 4/IV Euro emission standards in order to drive within a LEZ and not receive a penalty charge notice (PCN).

Where vehicles have dual fuel engines (all forms of hybrid regardless of alternative power source, including plug-in electric hybrids), these are required to meet the same Euro emission standards as conventional petrol or diesel vehicles, given that such vehicles can be powered by a traditional internal combustion engine.

Battery electric vehicles (BEV) run only on an electric motor, with no tailpipe emissions. For this reason, all BEV's will be compliant with Scottish LEZ.

Emission abatement retrofit technology

Vehicles can be retrofitted with emission abatement technology at some point in their life to reduce their NOx and particulate emissions. Suitably certified retrofitted or repowered vehicles - where the emission standards are confirmed to a Euro 6/VI standard equivalent - will also be LEZ compliant. A range of existing and emerging retrofitting options exist for various vehicle types. An independent accreditation scheme called [Clean Vehicle Retrofit Accreditation Scheme](#) (CVRAS), provides assurance that a vehicle retrofit technology will deliver the expected pollutant emissions reductions.

With this in mind, a retrofitted vehicle would be compliant with a LEZ if:

- A vehicle has had an exhaust after treatment system installed and as a result, emissions from the respective vehicle meet the Euro emission standards set out in Table 3.
- A vehicle has undergone re-powering (where the old engine is replaced with a new engine or drivetrain with lower emissions, such as replacing a diesel engine with an electric or hybrid drivetrain). As a result emissions from the respective vehicle meet the Euro emission standards set out in Table 4, or is subsequently considered to be classed as BEV.

It is likely that vehicles which have been retrofitted will be stored and maintained on a national whitelist obtained from the UK Government. The CVRAS scheme is administered by Energy Savings Trust (EST), who maintain a database of all CVRAS accredited retrofitted vehicles within the UK, and the UK Government's Joint Air Quality Unit (JAQU) currently maintain a whitelist of all CVRAS accredited retrofitted vehicles for the enforcement of Clean Air Zones (CAZs)

Checking a vehicle's emission standard

The Scottish Government will host a national online vehicle checker which will allow members of the public to check whether a vehicle is compliant or non-compliant for each Scottish LEZ. This online tool will check the vehicle's registration number against the DVLA database, in the same way that compliance will be checked via the enforcement system operated by the local authority.

At present there is a basic [vehicle checker](#) on the national LEZ website which provides an indication of compliance with the emission standards based on a vehicle's date of first registration.

Future emission standards

Ministers do have the option to strengthen or tighten LEZ emission standards over time if they so wish in future Regulations through standard parliamentary procedures.

ANNEX E – Further templates

Notice for proposals template

[Local Authority]
Transport (Scotland) Act 2019 (Section ...)
The Low Emission Zone (Scotland) Regulation 2021

Notice is hereby given that [Local Authority], has applied to the Scottish Ministers to vary the section ... consent to introduce and operate a Low Emission Zone at [Proposed location], previously consented on [date] by Scottish Ministers.

Insert the following:

1. A description of the proposed scheme and its general nature and effect
2. The address which information with regards to the proposal is available for inspection
3. The times when inspection can take place
4. The fact that the information regarding the details of the consultation it has undertaken, and how the consultation has taken account of any representations received is available on the local authority's website.
5. The date of the end of the objection period, the address at which objections to the scheme can be lodged, and a statement outlining that all objections must be made in writing and must specify the grounds of objection.

FURTHER DETAILS: A copy of this notice, consultation, how the consultation has been taken into consideration, the proposed restrictions, maps showing the area and the effect of the proposals and a statement of reasons may be inspected online:
<Insert website URL>

Any enquiries please contact email ...

Penalty Charge Notice template

<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <Insert City Crest> </div>	<p>... City Council</p> <p>Low Emission Zone Enforcement Charge Notice</p> <p>Transport (Scotland) Act 2019 Low Emission Zones (Scotland) Regulations 2021 (CHARGES, ADJUDICATION AND ENFORCEMENT) (SCOTLAND) REGULATIONS 2021 – ("The Regs")</p>												
<<Offender_Title>> <<Offender_Initials>><<Offender_Surname>> <<Offender_Address_1>> <<Offender_Address_2>> <<Offender_Address_3>> <<Offender_Address_4>> <<Offender_Town>> <<Offender_County>> <<Offender_Post_Code>>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 70%;">Charge Notice Number:</td><td></td></tr> <tr><td>Vehicle Registration Mark:</td><td></td></tr> <tr><td>Contravention:</td><td></td></tr> <tr><td>Detection Date & Time:</td><td></td></tr> <tr><td>Location of Contravention:</td><td></td></tr> <tr><td>Date of Posting:</td><td></td></tr> </table>	Charge Notice Number:		Vehicle Registration Mark:		Contravention:		Detection Date & Time:		Location of Contravention:		Date of Posting:	
Charge Notice Number:													
Vehicle Registration Mark:													
Contravention:													
Detection Date & Time:													
Location of Contravention:													
Date of Posting:													
<p>Section 6(2): Charge Notice Details</p> <p>... believe that a Charge of £80 is payable for the alleged contravention of Being in a Low Emission Zone, as outlined by the Transport (Scotland) Act 2019. The alleged contravention was captured by an approved device. The photographs below, in the Authority's opinion, establish the contravention.</p>													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; height: 150px; vertical-align: bottom; text-align: center;"> <highlighted registration> </td> <td style="width: 33%; height: 150px; vertical-align: bottom; text-align: center;"> <clean photo> </td> <td style="width: 33%; height: 150px; vertical-align: bottom; text-align: center;"> <2nd clean photo> </td> </tr> </table>		<highlighted registration>	<clean photo>	<2 nd clean photo>									
<highlighted registration>	<clean photo>	<2 nd clean photo>											
<p>You must not ignore this notice. Liability for charges lies with you, the registered owner/keeper/hirer of the vehicle. You must make a payment – See Section 2, or make formal representation to the Council, see Section 3.</p>													
<p>Section 2: Make a Payment</p> <p>A charge of £80 is payable before the end of the period of 28 days, beginning with the date of service* of this notice. If the charge is paid before the end of the period of 14 days, beginning with the date of service of this notice, the charge will be reduced by 50% to £30</p> <p>Payment of the discounted sum must be paid by</p> <p><small>*The Date of Service is deemed to be the third working day after the day on which this Charge Notice was posted.</small></p>	<p>Payment of the charge can be made in the following ways:</p> <p>Online at</p> <p>By telephone on</p>												

Section 3: How to make Representation

The grounds on which you may make representation are set out in the table listed below. If you think that one or more of the listed grounds applies to your case, representation may be made at www... .gov.uk within 28 days from the date of service of this Notice. Alternatively, please complete this form and return it to ...

The Council will consider your representation, and, if you have sufficient grounds, the Council will cancel the Charge Notice. If we reject your formal representation, we will send you an appeal form that you can complete and send to Parking and Bus Lane Appeals, where an independent adjudicator will review your case.

You may appeal on any of the statutory grounds of appeal and the adjudicator's decision is final and binding on both parties.

Please note that representations made outside the 28 day period may be disregarded. You may also request a copy of the contravention evidence (either video or still images) by writing to the council at the address opposite.

If you do not either (a) make payment **within 28 days**, beginning with the date of service of this Notice, or (b) make a representation (as explained in Section 3) within 28 days of the date of service of this Notice, then your option to make a representation may no longer apply and Charge Certificate may be sent to you meaning that the charge will increase by 50% from £30 to £60.

If the full charge is not paid by you then the Charge Certificate may be passed to Sheriff Officers for enforcement of payment.

Statutory grounds of representation or appeal (outlined in reg ... of the regs):	
(a)	The alleged contravention did not occur
(b)	
(c)	I have received this notice as I am the registered keeper of the vehicle, but I was not the registered keeper on the date of contravention *
(d)i	The vehicle was on hire at the time of the contravention and the hirer has accepted liability for these charges *
(d)ii	I was the registered keeper, but sold this vehicle before the date of the contravention *
(d)iii	The vehicle was in the control of a person who had assumed control of it without my consent
(d)iv	
(e)	I have received this notice on the basis that I was keeping the vehicle, but I was not the keeper of this vehicle on the date of the contravention
(f)	
(g)i	I have received this notice on the basis that I am a vehicle trader, however I am not a vehicle trader and I was not the keeper of the vehicle on the date of this contravention *
(g)ii	I have received this notice as I am a vehicle trader, however I should not have received this notice because either a) I am not a vehicle trader, or b) I was not the vehicle trader keeping the vehicle on the date of the contravention *
(h)	The charge exceeds the amount applicable in the circumstances of this case

REPRESENTATION

Statutory grounds of appeal: Tick Relevant Boxes

(a)	(b)	(c)	(d)i	(d)ii	(d)iii	(d)iv	(e)	(f)	(g)i	(g)ii	(h)
-----	-----	-----	------	-------	--------	-------	-----	-----	------	-------	-----

*You **must** provide name and address details below for the hirer/keeper of the vehicle for grounds (c),(d), (e) and (g).

Details of any supporting evidence you wish the Council to consider. – Attach additional sheets if required, clearly marking each with the charge notice number.

Details	Name and Address of buyer/seller/hirer:	
	Name	
	Address	
	Post Code	
	Date of purchase/sale	
	Date/time of hire Start	
	Date/time of hire End	

Declaration: This must be signed in order for your representation to be considered.

I confirm the details of my representations are correct to the best of my knowledge. I realise that making a false statement may result in prosecution and a fine upon conviction of up to level 5 on the standard scale.

Name Signature Date

Email

All information subject to the provisions of Data Protection Act 2018 and the General Protection Regulations (GDPR)

Charge Notice Number:, Date of Service:, Detection Date & Time of Contravention:
Vehicle Registration and Address:



**TRANSPORT
SCOTLAND**

CÒMHDHAIL ALBA

psi@nationalarchives.gsi.gov.uk

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www.transport.gov.scot

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