

Scottish Executive Environment Group

**LOCAL AUTHORITY POWERS TO REQUIRE  
DRIVERS TO SWITCH OFF ENGINES WHEN  
PARKED**

Guidance Issued Under Section 88 of the Environment  
Act 1995

April 2003  
Paper 2003/16

## CONTACT

Further copies of this Guidance are available:

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# **PART ONE – THE SCHEME**

## **1. INTRODUCTION**

### **PURPOSE OF THE SCHEME**

*1.1* The purpose of the scheme is to provide local authorities with an additional tool for managing air quality in their areas. Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986<sup>1</sup>, as amended, already makes it an offence to leave a vehicle engine running unnecessarily while that vehicle is parked. Under this scheme local authorities will be able to instruct motorists to switch off their engines while their vehicles are parked and to issue Fixed Penalty Notices to those who refuse to co-operate.

*1.2* It is not the intention to target motorists who leave engines running when parked for no more than a few seconds; rather, action will be targeted towards more serious offenders (e.g. coaches which park in busy town centres with their engines running). The scheme is designed to encourage all motorists to have due regard to the local environment when parking. Good public relations and effective publicity will be vitally important to ensure that the scheme is understood, accepted and supported by the majority of motorists.

*1.3* Emissions from stationary vehicles are only a small contributor to overall levels of air pollution, but they can cause discomfort to people in the immediate vicinity, particularly where they occur in sensitive areas (e.g. outside schools). High levels of localised pollution can also trigger the symptoms of asthma and other respiratory diseases in vulnerable people.

*1.4* These powers are available to all local authorities in Scotland. However, action should be purely advisory in the vast majority of cases. Very few Fixed Penalty Notices should need to be issued - their effect is that of a deterrent.

### **LEGAL BASIS FOR LOCAL AUTHORITY ENFORCEMENT OF STATIONARY VEHICLES WITH AN ENGINE RUNNING UNNECESSARILY**

*1.5* The Environment Act 1995 (‘the 1995 Act’) requires the UK Government and the devolved administrations to publish an Air Quality Strategy setting out air quality standards and objectives for particular pollutants, and measures for achieving the objectives at national and local level. Part IV of the 1995 Act requires local authorities to review and assess air quality in their areas and to take action to improve any areas of poor air quality. Section 87 of the 1995 Act empowers the Scottish Ministers to make Regulations conferring powers on local authorities for, or in connection with, implementing the Air Quality Strategy.

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<sup>1</sup> Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986 No. 1078)

*1.6* The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 ('the Regulations') enable local authorities in Scotland to issue Fixed Penalty Notices to drivers who allow their vehicle engines to run unnecessarily while the vehicle is parked. The Regulations include provisions which specify the format and amount of the Fixed Penalty Notice (£20.00); the enforcement open to local authorities; and, the appeal rights of the individual issued with a Fixed Penalty Notice.

## **PURPOSE OF THE GUIDANCE**

*1.7* This Guidance has been issued by the Scottish Ministers under section 88 of the 1995 Act. Consequently, nothing in this Guidance shall negate any Fixed Penalty Notices issued under the Regulations. The Guidance constitutes the day to day instructions to which local authority personnel should have regard in exercising their function to limit unnecessary vehicle emissions.

## **USE OF CONTRACTORS**

*1.8* If the local authority opts to contract to a third party the function of vehicle emissions enforcement, the contracted party should also have regard to the procedures within this Guidance which fall within the contract, including the methods of carrying out enforcement and the issuing of Fixed Penalty Notices.

## **INCOME FROM FIXED PENALTIES**

*1.9* Local authorities are permitted to retain income generated from Fixed Penalties Notices issued under this Guidance for further emissions enforcement work.

## **2. AUTHORISED PERSONS**

### **PERSONNEL CONDUCTING ENFORCEMENT OF STATIONARY VEHICLES WITH AN ENGINE RUNNING UNNECESSARILY**

2.1 Each local authority will be able to appoint authorised persons with the authority to issue Fixed Penalty Notices to offending drivers. High standards of professionalism and quality are expected from personnel engaged in this work.

### **STAFF DUTIES**

2.2 Specific duties and job descriptions should be prepared by individual local authorities. However, these will generally include the following:

- ❑ Carrying out enforcement work detailed in this Guidance;
- ❑ Offering advice to vehicle users, particularly those in breach of the Regulations;
- ❑ Issuing Fixed Penalty Notices to vehicle users (in practice, drivers) where vehicles are found to be in contravention of legislation and a request to comply is refused;
- ❑ Liaising with office staff engaged in follow-up enforcement procedures;
- ❑ Liaising with police officers, highway authorities and other agencies as necessary; and
- ❑ Complying with the employing authority's health and safety policy and with the provisions of this Guidance.

Local authorities should retain some proof of an individual's authorisation which may be needed in the event of a dispute.

### **TRAINING & COMPETENCE**

2.3 There is no minimum academic standard to undertake this work, nor specialised training. In addition to normal on-the-job training, local authorities should ensure that all personnel are fully conversant with and follow the provisions of this Guidance at all times when carrying out enforcement work.

### **MANAGEMENT AND SUPERVISION**

2.4 Direct supervision should not be necessary.

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<sup>2</sup> Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986 No. 1078)

## **PROTECTIVE CLOTHING, UNIFORM & ID**

2.5 All external clothing (jackets, waistcoats and overalls) should be clearly marked with the name of the employing authority. Personnel should wear personal identity badges in a prominent position on their external clothing. This should include the local authority's name and the person's identification code. Staff should also carry their local authority authorisation to issue Fixed Penalty Notices. The employing local authority should issue a badge and authorisation to each person for the purposes of this paragraph. That person is responsible for keeping these safe. Staff should also have access to a communication network (e.g. a mobile phone or radio) to summon assistance if required.

### **3. PUBLICITY**

#### **PUBLICISING THE SCHEME**

3.1 Maximum publicity must be given to the need to switch off engines when a vehicle is parked and to the fact that Fixed Penalty Notices may be issued to those drivers who fail to do so.

3.2 Local authorities should consider all means of notifying the motoring public of these requirements. As a minimum, this should include publication of a notice in at least one local newspaper, one national newspaper and the Edinburgh Gazette. This notice should state that the local authority has been designated to undertake testing, describe the area covered by and the effect of the designation, and state the date on which the authority intends to start exercising the powers. The notice should be published at least four weeks prior to this date and then annually thereafter. Local authorities may also wish to consider advertisements in the local press and radio, poster campaigns, leaflets and publicity events. In particular, garages and petrol stations should be encouraged to display publicity about the scheme.

3.3 Publicity should be of a general and ongoing nature, but also targeted to specific enforcement days. Publicity should make clear:

- the need to switch off engines when vehicles are parked (i.e. the need to improve local air quality for the benefit of people's health); and
- the penalties for failing to do so.

3.4 Local authorities should commence their publicity campaigns well in advance of the issuing of any Fixed Penalty Notices. No motorist should be surprised to be advised to switch off the engine of a parked vehicle or be unaware why such a request is being made.



## **4. CARRYING OUT ENFORCEMENT**

### **POLICY ISSUES**

4.1 Local authorities can help to improve local air quality by encouraging motorists to switch off engines when parked for more than a few minutes. Local authorities will have the option of issuing a Fixed Penalty Notice to uncooperative motorists but, generally speaking, Fixed Penalty Notices should be issued as a last resort.

### **BREACHES OF THE REGULATIONS WHICH SHOULD NOT BE ENFORCED**

4.2 Regulation 98(2) of the Road Vehicles (Construction and Use) Regulations 1986, as amended, sets out the circumstances where vehicles are permitted to be stationary with the engine running. These circumstances are:

- ❑ where a vehicle is stationary 'owing to the necessities of traffic' – e.g. when vehicles are queuing at traffic lights;
- ❑ where an engine is being run so that a defect can be traced and rectified – e.g. when a disabled vehicle is being attended to by a breakdown / recovery agent;
- ❑ where machinery on a vehicle requires the engine to be running – e.g. where the engine powers refrigeration equipment or the compaction equipment in a refuse vehicle; and
- ❑ where a vehicle is propelled by gas produced by the functioning of plant carried on the vehicle.

4.3 Common sense should be applied: it might be reasonable to leave an engine running for a short time on a hot day for an air-conditioning system to have an effect; it may not be reasonable to leave an engine running for a longer period of time to maintain a 'pleasant' environment.

### **UNOCCUPIED VEHICLES**

4.4 The driver does not have to be in the vehicle for an offence to be committed under Regulation 98. If, for example, a driver has left a vehicle with its engine running to call at a shop, he/she is committing two offences: he/she has committed an offence under Regulation 98 and an offence under Regulation 107, which makes it an offence to leave an engine running in an unattended vehicle except in certain prescribed circumstances.

## WHAT ACTION TO TAKE

4.5 Personnel should consider carefully the level of enforcement action to take. There might be, for example, mitigating circumstances for leaving an engine running while the vehicle is stationary, such as:

- ❑ on a cold day at a taxi rank;
- ❑ if the driver is elderly to keep warm;
- ❑ if the vehicle is a recovery vehicle carrying out a recovery and needing to run lights off the engine; or
- ❑ to help defrost a windscreen in very cold weather.

4.6 In all cases, however, personnel who find a parked vehicle with its engine running unnecessarily should in the first instance offer the following advice and be encouraged **not** to issue a Fixed Penalty Notice:

- ❑ an offence has been committed under Section 42 of the Road Traffic Act 1988 insofar as the vehicle fails to comply with Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended;
- ❑ the offence is one which local authorities have been given powers to enforce under the Regulations in an effort to address growing concerns about pollution and the environment;
- ❑ the offence is an absolute one which is not dependent on knowledge by the individual committing the offence (i.e. the vehicle user);
- ❑ this is a continuing offence; and
- ❑ on this occasion the authority will not be taking any enforcement action although the vehicle user should be aware that if action were taken it would be in the form of a Fixed Penalty of £20.

If the vehicle user does not take due attention of the advice, the local authority official may consider issuing a Fixed Penalty Notice.

## OPERATOR LICENSED VEHICLES

4.7 There may be circumstances where a local authority becomes aware of repeated offences by the users of vehicles used by a particular heavy goods vehicle or public service vehicle operator. Where there is clear evidence of repeated offences, the local authority should inform the Traffic Commissioner who would consider action relevant to the operator's Operator Licence.

## **5. MONITORING**

### **THE SCHEME UNDER REVIEW**

5.1 The Regulations introduce local authority emissions enforcement from 1 April 2003. The Scottish Ministers will review the experiences of the scheme on an on-going basis, but formally after 2 years. Authorities should keep a detailed record of their enforcement activity on the form at Annex 3.

5.2 The form at Annex 3 should be forwarded to the Scottish Executive to cover six month periods of enforcement (e.g. the first return should cover the period inclusive). The information should be sent ideally electronically but otherwise in paper form (together with a contact name, address and telephone number).

## PART TWO – ISSUING FIXED PENALTY NOTICES

### **6. NOTICES, PROCESSING AND PAYMENT METHODS**

#### **NOTICES AND PROCESSING - POLICY ISSUES**

6.1 Fixed Penalties should be viewed primarily as a deterrent and issued only as a last resort. However local authorities should be aware of the procedure to follow when circumstances demand that a Fixed Penalty Notice be issued.

6.2 The 1995 Act sets out the minimum details to be included in a Fixed Penalty Notice issued in respect of a vehicle emissions offence. The Regulations set out further detail surrounding the issue of Fixed Penalty Notices, including the amount of the Fixed Penalty Notice and the rights of representation open to vehicle users who consider that the issue of a Fixed Penalty Notice is unjustified.

#### **STANDARD FORMAT FOR COMPLETED FIXED PENALTY NOTICE**

6.3 Fixed Penalty Notices issued in respect of a vehicle emissions offence must contain:

- the name and address of the person to whom the Fixed Penalty Notice is issued;
- the registered number of the vehicle concerned;
- the date of the offence;
- the monetary amount of the Fixed Penalty to be paid (£20.00);
- the address at which the Fixed Penalty may be paid and to where any correspondence relating to the Fixed Penalty Notice may be sent;
- the method or methods by which payment of the Fixed Penalty may be made;
- the period for paying the Fixed Penalty;
- the period during which proceedings will not be brought, being the period of 28 days following the date of the Fixed Penalty Notice or such longer period (if any) as may be specified in the Fixed Penalty Notice; and
- the consequences of the Fixed Penalty not being paid before the expiry of the period for making payment (i.e. the Fixed Penalty will be increased to £40).

6.4 Annex 1 shows the preferred format for a Fixed Penalty Notice which local authorities should adopt.

## **ISSUING OF NOTICE**

### **Notice issue**

6.5 Two versions of the Fixed Penalty Notice should be produced at the time of issue: the top copy should be issued to the vehicle user with all the relevant details completed; the second copy should be kept for the records of the issuing local authority. It is open to local authorities to operate a manual issuing procedure or a computerised one using appropriate technology. Local authorities should generally issue the Fixed Penalty Notice on the spot. This allows the issuing to be witnessed, reducing the possibility of dispute later on.

### **Customer care**

6.6 The person issuing a Fixed Penalty Notice should hand the vehicle user (the driver) the leaflet at Annex 2 which explains that:

- ❑ an offence has been committed under section 42 of the Road Traffic Act 1988 insofar as the vehicle being used fails to comply with Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended;
- ❑ the offence is an existing one but that local authorities have been given the power under the Regulations to carry out enforcement of the offence in an effort to address the growing concerns about pollution and the environment;
- ❑ the offence is an absolute one which is not dependent on knowledge by the individual committing the offence, i.e. the vehicle user;
- ❑ the vehicle user remains liable for payment of the Fixed Penalty Notice even if he/she is not the vehicle owner (e.g. if the vehicle is being driven under hire or lease);
- ❑ the authorised person has the authority to issue a Fixed Penalty Notice in respect of the offence and that this is what he or she is now doing;
- ❑ the vehicle user has the right to dispute the liability by requesting a hearing provided the request is received in writing by the authority within 28 days of the date of issue of the Fixed Penalty Notice (any hearing will be heard in court as a prosecution of the alleged offence); and
- ❑ failure to pay the Fixed Penalty Notice will result in enforcement action being taken through the courts unless a hearing is pending.

6.7 The local authority official should explain the details which need to be recorded on the Fixed Penalty Notice. He/she should make every effort to obtain all the necessary details from the vehicle user so that the Fixed Penalty Notice can be completed. The local authority official should formally caution the vehicle user at the time of issuing the Fixed Penalty Notice.

## **ISSUING OF SUBSEQUENT PENALTY NOTICES DURING INITIAL 28 DAY PERIOD**

6.8 If a vehicle is found stationary with its engine running unnecessarily on a second (or subsequent) occasion after initial issue of a Fixed Penalty Notice there is no reason why a further Fixed Penalty Notice should not be issued. The offence is absolute and applies equally on every occasion the offence is detected.

## **PAYMENT METHODS**

6.9 Local authorities should ensure that there is a choice of payment methods for offenders so that provision is made for all circumstances. Acceptable methods of payment might include:

- company or personal cheque;
- debit cards;
- credit cards;
- postal order; or
- cash.

## **LOCATION OF PAYMENT CENTRES**

6.10 Payment centres should be readily available and easily accessible to the public to provide a high level of customer service. Authorities should determine the number and range of payment centres required to provide the desired level of service against the financial cost, and provide adequate security arrangements for money, documentation and personnel. As a minimum, payment points should be provided at the local authority offices where the public is already provided with payment facilities for other local authority fees and charges.

6.11 The hours and days of operation of payment centres should be decided by authorities, taking into account the scale of their vehicle testing operation and the number and location of the payment points. As a minimum, payment points should be provided during the hours when payment facilities for other local authority fees and charges are already provided at local authority offices.

## **7. RESOLVING DISPUTES / ANSWERING QUERIES**

### **INTRODUCTION**

7.1 The person to whom a Fixed Penalty Notice has been issued may wish to query the issue of that Notice in correspondence with the local authority. Alternatively, the person may wish to dispute formally the issue of that Notice by requesting a hearing.

### **QUERYING FIXED PENALTY NOTICES**

7.2 The person in receipt of the Fixed Penalty Notice may wish to correspond with the local authority. An address and contact name should be provided on the Fixed Penalty Notice for this purpose. Entering into correspondence with the local authority does not cause the Fixed Penalty Notice to fall, nor does it suspend the period in which the Fixed Penalty must be paid. Nonetheless the local authority should endeavour to respond fully and promptly to any correspondence received.

7.3 Any reply from the local authority must make clear either that the Fixed Penalty Notice was issued correctly and that full payment must now be made in accordance with instructions on the Fixed Penalty Notice or that having reviewed the circumstances surrounding the issue of the Fixed Penalty Notice, the local authority has exercised its discretion and decided not to pursue payment.

7.4 It may be that the local authority decides not to pursue payment, but the Fixed Penalty has already been paid. In such circumstances the local authority should reimburse whoever paid the Fixed Penalty.

### **RESOLVING DISPUTES FORMALLY THROUGH A HEARING**

7.5 Under the provisions of Schedule 11 to the 1995 Act (Fixed Penalty Notice procedures) every vehicle user issued with a Fixed Penalty Notice for their illegally polluting vehicle has the right to request a hearing in respect of the offence.

7.6 The hearing is a formal means of appealing against the existing absolute offence under section 42 of the Road Traffic Act 1988 i.e. an assertion that the vehicle being used does not comply with Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended. On issuing a Fixed Penalty Notice, the tester should inform the vehicle user of their right to dispute the offence.

7.7 The 2003 Regulations provide that an aggrieved vehicle user may request - in writing - a hearing in respect of the offence so that it is received by the named contact at the relevant local authority no later than the 28th day after the day the Fixed Penalty Notice was issued. This right is explained on the Fixed Penalty Notice at Annex 1. Under the Regulations, a hearing is in fact a prosecution of the offence in court. Once a hearing has been requested the Fixed Penalty Notice falls, and the matter is pursued as a prosecution by the local authority.

7.8 The Fixed Penalty Notice should contain the details of to whom a request for a hearing should be made and of the address to which a request should be sent (as shown on form at Annex 1).

7.9 Local authorities should acknowledge receipt of a request for a hearing within 7 days, having first checked their records in relation to the Fixed Penalty Notice which is being disputed. The acknowledgement should:

(if the request is received within 28 days of the Fixed Penalty Notice issue date)

- inform the individual that the Fixed Penalty Notice will be used as the basis for issuing a court summons, this being the hearing mechanism;

(if the request is received after 28 days)

- explain that the request is out of time and that the Fixed Penalty Notice must therefore be settled in full as per the instructions on the document itself;

(if the request is received within or outside 28 days but by a local authority other than that which issued the Fixed Penalty Notice)

- explain that the procedures have not been followed and that the matter should be followed up with the relevant authority.

## **PENALTIES IN COURT**

7.10 Penalties awarded in court will not be payable to local authorities, but they will be able to apply for an award of costs towards the expense involved in pursuing a prosecution.

## **POWERS TO PROSECUTE**

7.11 There are no legal obstructions to local authorities taking prosecutions. Local Authorities in Scotland are empowered to take prosecutions under the Local Government (Scotland) Act 1973.



## **ENFORCEMENT OF UNPAID FIXED PENALTY NOTICES**

7.12 Where a Fixed Penalty Notice remains unpaid, in cases where a hearing was not requested within 28 days and the maximum period of 56 days has passed since the date the Fixed Penalty Notice was issued, the local authority can apply to a Sheriff Court for a summary warrant. Once the summary warrant has been obtained, the authority can instruct sheriff officers to serve a charge for payment.

# Guidance Notes (Parked Vehicles) Annex 1

## **NOTICE OF FIXED PENALTY**

**reference number:**

PLEASE READ THE ACCOMPANYING EXPLANATORY LEAFLET WHICH GIVES ADVICE ON THE CONSEQUENCES OF NON-PAYMENT AND EXPLAINS THE LEGAL BASIS OF THIS NOTICE.

It is an absolute offence under Section 42 of the Road Traffic Act 1988 to use on the road a vehicle which does not comply with the Road Vehicles (Construction and Use) Regulations 1986, as amended.

Name of vehicle user .....

Date of Birth .....

Address .....

.....

.....

Vehicle Registration Mark .....

Vehicle Make and Model .....

### Particulars of alleged offence

This Notice of a fixed penalty is issued to the above named vehicle user who was found by an authorised local authority person

on .....(date)

at ..... (time) in .....

..... (location of offence)

to be using the above named vehicle in contravention of Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended, which makes it a requirement for drivers to switch off engines in parked vehicles.

This Fixed Penalty Notice is issued by authority of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003.

### Payment of Fixed Penalty

You should make sure that the issuing authority receives payment of the fixed penalty of £20.00 within 28 days of the Date of Issue shown at the bottom of this Notice.

Acceptable methods of payment are: personal or company cheque; debit card; credit card; postal order or cash. Cheques and postal orders should be made payable to

.....

Postal payment should be received by

..... (name)

at .....

.....

.....

Payment in person can be made within the same timescale at the following locations:

.....

.....

Opening hours of these offices are:.....

### Rights of representation

You may request an independent hearing in respect of the offence to which this Notice refers - provided that that request is received within 28 days of the Date of Issue. Please note that an absolute offence does not depend upon guilty knowledge.

If you wish to make such a request detailed above you should notify:

.....(name) of

this fact in writing at .....

.....

Your notification should include the reference number at the top of this Notice.

If you request a hearing within the specified time, the hearing will determine whether the offence has been committed and if so what the penalty should be. You should not send any payment before the hearing.

### Queries

Any queries regarding this Notice should also be addressed as above. **Please note that entering into correspondence with the local authority does not remove your liability to pay this Fixed Penalty in full by the due date.**

In cases other than those where a request for a hearing has been made, failure to make sure that the fixed penalty payment is received by the Issuing Authority by the methods set out on the Notice within 28 days of the Date of Issue of the Notice **WILL RESULT IN THE FIXED PENALTY AMOUNT AUTOMATICALLY INCREASING TO £40.00.** The Issuing Authority will not issue a reminder to this Notice.

Failure to pay an increased fixed penalty within 56 days of the Date of Issue of the Notice will result in the Issuing Authority taking further enforcement action to recover the debt.

Date of Issue of Fixed Penalty Notice.....

Issuing Authority.....

Authorised Person Identification No.....

To.....

Address.....

.....

I enclose £..... as settlement of this Notice.

Name.....

Address.....

Signature .....

Date .....

## Guidance Notes (Parked Vehicles) Annex 2

### **FIXED PENALTY NOTICE EXPLANATORY NOTES (Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986)**

#### **Legal Basis for Local Authority Roadside Emissions Enforcement**

The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 enable local authority Authorised Persons to request vehicle users to switch off engines when parked and to issue Fixed Penalty Notices to those who refuse to co-operate. It is a requirement of Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended, that drivers switch off engines in parked vehicles.

The offence is an existing one but local authorities have only since 1 April 2003 been given the power to carry out enforcement of the offence in an effort to address the growing concerns about pollution and the environment.

#### **Nature of the Offence**

It is an absolute offence under Section 42 of the Road Traffic Act 1988 to use (or cause or permit to be used) a vehicle on a road if it does not comply with the relevant provisions of the Road Vehicles (Construction and Use) Regulations 1986, as amended. The offence does not depend upon guilty knowledge and therefore it is not possible to mount a defence on the basis that a vehicle user did not know that the vehicle was in contravention of the Regulations at the time they were using it on a road.

You (as named on the Notice itself) have been issued with the Notice because you were the user of the vehicle specified on the Notice when it was found by an Authorised Person with its engine running unnecessarily when parked.

You, as the vehicle user, have committed an offence under Section 42 of the Road Traffic Act 1988 and have accordingly been issued with a fixed penalty through this Notice.

**NB The offence is continuous. Anyone using the vehicle specified on the Notice on a road will remain liable to separate enforcement action should it be parked and the engine left running unnecessarily.**

#### **Rights of Representation**

You may request a hearing in respect of the absolute offence to which the Notice refers provided the request is received at the address shown on the Notice within 28 days of the Date of Issue of the Notice. A hearing would effectively be a prosecution of the offence in court. Should you request a hearing the Fixed Penalty Notice would fall.

#### **Queries**

Any queries about the Fixed Penalty Notice should similarly be made in writing to the address specified on the Notice.

**NB You should note that entering into correspondence with the local authority does not remove your liability to pay this Fixed Penalty in full by the due date.**

### **Consequences of non-payment of fixed penalty**

If you request a hearing within the specified time, the hearing will determine whether the offence has been committed and if so what the penalty should be. You should not send any payment before the hearing has been held.

In all other cases, failure to make sure that the fixed penalty payment is received by the Issuing Authority by the methods set out on the Notice within 28 days of the Date of Issue of the Notice **WILL RESULT IN THE FIXED PENALTY AMOUNT AUTOMATICALLY INCREASING FROM £20.00 TO £40.00**. The Issuing Authority will not issue a reminder of this Notice.

Failure to pay an increased fixed penalty within 56 days of the Date of Issue of the Notice will result in the Issuing Authority taking further enforcement action to recover the debt.

**NB AS USER OF THE VEHICLE AT THE TIME THE OFFENCE WAS COMMITTED YOU ARE LIABLE TO PAY THE FIXED PENALTY WHETHER OR NOT YOU OWN THE VEHICLE.**

**MONITORING OF ENFORCEMENT ACTIVITY**

The form below should be completed by all local authorities every six months (the first return should cover the period 1 April to 30 September 2003 inclusive) and forwarded to:

Andrew Taylor  
The Scottish Executive  
Air Quality Team  
Area 1-G  
Victoria Quay  
Edinburgh EH6 6QQ  
[andrew.taylor2@scotland.gsi.gov.uk](mailto:andrew.taylor2@scotland.gsi.gov.uk)

The returns will enable the Scottish Ministers to determine the success of the scheme.

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Name of Local Authority: .....

Period: From..... To .....

Local Authority Contact: .....

Contact Details<sup>1</sup>:.....

Number of Requests Made to Switch Off Engines	
Number of Fixed Penalty Notices Issued	
Number of Fixed Penalty Notices Paid within 28 days	
Number of Hearings Requested	
Number of Fixed Penalty Notices up-held in the Courts	
Number of Fixed Penalty Notices paid after 28 days	
Number of unpaid Fixed Penalty Notices pursued	

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<sup>1</sup> Ideally an e-mail address



Small changes in the way we perform everyday tasks can have huge impacts on Scotland's environment.

Walking short distances rather than using the car, or being careful not to overfill the kettle are just two positive steps we can all take.

This butterfly represents the beauty and fragility of Scotland's environment. The motif will be utilised extensively by the Scottish Executive and its partners in their efforts to persuade people they can do a little to change a lot.