



Guidance on powers to require drivers to switch off engines

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Part One: The Scheme

1. Introduction

1.1. Purpose of the scheme

1.1.1. The purpose of the scheme is to help improve local air quality by reducing unnecessary exhaust emissions from vehicles.

1.1.2. Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986^[1], 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.

1.1.3. 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 on more serious offenders (eg coaches which park in busy town centres with their engines running).

1.1.4. 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.

1.1.5. 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.

1.1.6. 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 (eg outside schools). High levels of localised pollution can also trigger the symptoms of asthma and other respiratory diseases in vulnerable people

1.1.7. These powers are available to all local authorities in England.

1.2. Legal basis for local authority enforcement of stationary vehicles with an engine running unnecessarily

1.2.1. The Environment Act 1995 requires the Government to publish a National Air Quality Strategy setting out standards relating to the quality of air objectives for particular pollutants, and measures for achieving those objectives at national and local level. Part IV of the Environment Act 1995 requires the Government to publish a national air quality strategy, and local authorities to review and assess air quality in their areas and to take action to improve any areas of poor air quality.

1.2.2. Section 87 of the Environment Act 1995 empowers the Secretary of State for Transport, Local Government and the Regions to make Regulations conferring powers on local authorities for, or in connection with, implementing the national air quality strategy.

1.2.3. The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2001 enable local authorities in England to issue Fixed Penalty Notices to drivers who allow their vehicle engines to run unnecessarily while the vehicle is parked.

1.2.4. The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2001 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.

1.3. Purpose of the guidance

1.3.1. This Guidance has been issued by the Secretary of State for Transport, Local Government and the Regions under section 88 of the Environment Act 1995. Consequently, nothing in this Guidance shall negate any Fixed Penalty Notices issued under the Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2001.

1.3.2. 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.

1.4. Use of contractors

1.4.1. 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.

1.5. Income from fixed penalties

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

2. Authorised persons

2.1. Personnel conducting enforcement of stationary vehicles with an engine running unnecessarily

2.1.1. 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.

2.2. Staff duties

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

- 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.
- Complying with the employing authority's Health & 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.

2.3. Training & competence

2.3.1. There is no minimum academic standard to undertake this work nor specialised training.

2.3.2. 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.

2.4. Management and supervision

2.4.1. Direct supervision should not be necessary.

2.5. Protective clothing, uniform & ID

2.5.1. All external clothing (jackets, waistcoats and overalls) should be clearly marked with the name of the employing authority.

2.5.2. 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.

2.5.3. Staff should also have access to a communication network (e.g. a mobile phone or radio) to summon assistance if required.

3. Publicity

3.1. Publicising the scheme

3.1.1. 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.

3.1.2. Local authorities should consider all means of notifying the motoring public that Fixed Penalty Notices may be issued to motorists who leave engines running while their vehicles are parked. Local authorities may 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.

3.1.3. Publicity should be of a general and ongoing nature, but also targeted to specific enforcement days.

3.1.4. Publicity should make clear

- the need to switch off engines when vehicles are parked (ie the need to improve local air quality for the benefit of people's health), and
- the penalties for 'failing' (see para.1.2).

3.1.5. 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 work

4.1. Policy issues

4.1.1. 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.

4.2. Breaches of the regulations which should not be enforced

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

4.2.2. 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.

4.3. Unoccupied vehicles

4.3.1. 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.

4.4. What action to take

4.4.1. 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.

4.4.2. 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 only recently been given powers to enforce 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 (ie the vehicle user);

- this is a continuing offence;
- 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.

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

4.5. Operator licensed vehicles

4.5.1. 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 operators Operator Licence.

5. Monitoring

5.1. The scheme under review

5.1.1. The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2001 introduce local authority emissions enforcement from 1 April 2002.

5.1.2. The Secretary of State for Transport, Local Government and the Regions will review the experiences of the scheme on an on-going basis, but formally after 2 years.

5.1.3. Authorities should keep a detailed record of their enforcement activity on the form at Annex 4.

5.1.4. The form at Annex 4 should be forwarded to the Department to cover six month periods of enforcement (eg the first return should cover the period April September 2002 (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

6.1. Notices and processing - policy issues

6.1.1. *Fixed Penalties are a deterrent and should be 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.

6.1.2. The Environment Act 1995 sets out the minimum details to be included in a Fixed Penalty Notice issued in respect of a vehicle emissions offence. The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2001 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 aggrieved vehicle users against the offence which results in the issue of a Fixed Penalty Notice.

6.2. Standard format for completed fixed penalty notice

6.2.1. 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 (Â£20.00);
- the person to whom, and the address at which, the Fixed Penalty may be paid and 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 21 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 (ie the Fixed Penalty will be increased to Â£40).

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

6.3. Issuing of notice

Notice issue

6.3.1. Two versions of the Fixed Penalty Notice should be produced at the time of issue: the original, 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.

6.3.2. It is open to local authorities to operate a manual issuing procedure or a computerised one using appropriate technology.

6.3.3. Local authorities should generally issue the Fixed Penalty Notice on the spot - but in any case within 24 hours of the date of the offence.

Customer care

6.3.4. 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 only recently been given the power 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, ie the vehicle user;
- the vehicle user remains liable for payment of the Fixed Penalty Notice even if he/she is not the vehicle owner (eg if the vehicle is being driven under hire or lease);
- he or she (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);
- failure to pay the Fixed Penalty Notice WILL result in enforcement action being taken through the courts unless a hearing is pending.

6.3.5. 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.

6.3.6. The local authority official should formally caution the vehicle user at the time of issuing the Fixed Penalty Notice.

6.4. Issuing of subsequent penalty notices during initial 28 day period

6.4.1. 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.

6.5. Payment methods

6.5.1. 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.

6.6. Location of payment centres

6.6.1. 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.

6.6.2. 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

7.1. Introduction

7.1.1. 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.

7.1.2. Alternatively, the person may wish to dispute formally the issue of that Notice by requesting a hearing.

7.2. Querying fixed penalty notices

7.2.1. 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.

7.2.2. 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.

7.2.3. Notwithstanding the comments at 7.2.2 the local authority should endeavour to respond fully and promptly to any correspondence received.

7.2.4. 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.

7.2.5. It may occur 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.

7.3. Resolving disputes formally through a hearing

7.3.1. Under the provisions of Schedule 11 to the Environment Act 1995 (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.

7.3.2. The hearing is a formal means of appealing against the existing absolute offence under section 42 of the Road Traffic Act 1988 insofar as 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.

7.3.3. The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2001 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.

7.3.4. 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.

7.3.5. 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).

7.3.6. 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.

7.4. Penalties in court

7.4.1. 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.

7.5. Powers to prosecute

7.5.1. There are no legal obstructions to local authorities taking prosecutions. Local Authorities are empowered to take prosecutions under section 222 of the Local Government Act 1972 in England and Wales.

8. Enforcement of unpaid fixed penalty notices

8.1. Introduction

8.1.1. This Chapter sets out the procedures for local authorities to follow in the event that 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.

8.2. The traffic enforcement centre

8.2.1. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2001 enable local authorities with Air Quality Management Areas to enforce vehicle emission standards in their areas and to pursue unpaid Fixed Penalty Notices for any contravention of Regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986, as amended, through the County Court system. These offences are effectively decriminalised.

8.2.2. Any request to use the County Court system as a means of recovering these unpaid Fixed Penalty Notices will be dealt with at a central location, the Traffic Enforcement Centre (TEC), in the name of Northampton County Court. TEC is attached to the County Court Bulk Centre (CCBC) in Northampton. The CCBC is itself part of The Court Service which is an Executive Agency of the Lord Chancellors Department.

8.2.3. TEC handles all requests electronically thereby providing a much speedier and less bureaucratic

service.

8.2.4. Each local authority must register with TEC *as soon as possible*. Applications should be made to:

The TEC Manager
The Traffic Enforcement Centre
The County Court Bulk Centre
St Katharine's House
21/27 St Katharine's Street
Northampton NN1 2LH
Telephone: 08457 045007
Fax: 08457 078607
E-mail: tec.manager@courtservice.gsi.gov.uk

The TEC Manager will supply a copy of TECs **Code of Practice** (to which all local authorities must adhere and which gives more detailed information on the process of registering requests to recover outstanding Fixed Penalties) and a copy of its own **Notes for Guidance** on the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2001. The TEC Manager will wish to establish likely annual issue volumes and patterns.

8.2.5. Each request for registration submitted by a local authority for issue by TEC shall contain the necessary party and registration details as set out in TECs Code of Practice.

8.2.6. Requests for registration may be sent by one of three ways: on a disk, via electronic transfer, or through the Transport and Environment Committee for the Association of London Government (TECALG) via their IT provider, Securicor.

8.2.7. Before submitting requests for registrations and warrants of execution, the local authority shall submit test data for processing by TEC at least *six weeks* prior to the planned start date for live running. The accuracy of the output produced from the test data shall be confirmed as acceptable by the local authority and the TEC Manager before registration of live unpaid Fixed Penalties may commence.

8.2.8. A timetable for receipt of data and projected volumes, shall be agreed between the local authority and the TEC Manager once satisfactory test data have been provided. The local authority shall liaise with the TEC Manager and agree a timetable or pattern for work submitted to the TEC. The timetable may need to be updated periodically.

8.2.9. TEC makes a charge of £5 for each registration requested. This cost shall be borne by the local authority but is recoverable through the enforcement action taken against the individual to whom the Fixed Penalty Notice was issued.

8.3. Procedure to follow

8.3.1. If the Fixed Penalty Notice remains unpaid 28 days after the date of issue (and the driver has not requested a hearing), the Fixed Penalty rises to £40. The local authority does not need to inform the motorist of this, a warning is contained on the Fixed Penalty Notice.

8.3.2. If the Fixed Penalty Notice remains unpaid 14 days after the Penalty has risen to £40 the local authority should apply to register non-payment of the Fixed Penalty Notice to TEC.

8.3.3. Applications should contain the following details of the Fixed Penalty Notice:

- the person to whom the Fixed Penalty Notice was issued
- their address
- their date of birth

- the date of issue of the Fixed Penalty Notice
- the outstanding amount.

8.3.4. TEC will issue a sealed authority, upon receipt of which the local authority may draw up the Order for Recovery and attach to it a Statutory Declaration form for the respondents use (an example is at Annex 5). The local authority has 14 days from receipt of the authorisation to serve the Order for Recovery and Statutory Declaration form on the respondent.

8.3.5. The respondent then has 21 days to return the Statutory Declaration. If he/she returns a *valid* Statutory Declaration the Order for Recovery will be revoked and the local authority informed. The local authority will need then to consider what further action to take - withdraw the Fixed Penalty Notice, re-present it (and effectively starting the procedure again), or pursue the matter as a prosecution of the offence in court (as would have happened had the driver requested a hearing into the offence).

8.3.6. In the event that the local authority decides to withdraw the Fixed Penalty Notice after registration via TEC, the authority should notify TEC of this fact so that registration may be withdrawn also.

8.3.7. If the Fixed Penalty Notice remains unpaid after this 21 day period, the CCBC will register the debt and notify the local authority. The local authority should then instruct private bailiffs as appropriate.

8.3.8. An algorithm of the procedure is attached at Annex 3.

8.4. Enforcement action against those resident outside England (or Wales)

8.4.1. Local authorities should note that TEC deals only with persons resident in either England or Wales. Separate enforcement action is necessary for those resident elsewhere and local authorities are strongly advised to seek legal advice before taking steps against those resident in other parts of the UK, and especially those resident abroad.

8.4.2. Enforcement of judgements outside England and Wales is possible under the Foreign Judgements Act 1933 and the Civil Jurisdiction and Judgements Act 1982. Procedural rules for this are contained in Civil Procedure Rules Schedule 2, County Court Rules Order 35.

October 2001

The Department for Transport, Local Government and the Regions

Annex: FPN 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) (England) Regulations 2001 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 April 2002 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 Â£20.00 to Â£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.