

Subsidiary Legislation made under ss.63 and 64.

**Climate Change (Idling of Motor Vehicles)
Regulations 2023**

LN.2023/296

Commencement **16.11.2023**

ARRANGEMENT OF REGULATIONS

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**Climate Change (Idling of Motor Vehicles) Regulations
2023**

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In exercise of the powers conferred on him by sections 63 and 64 of the Climate Change Act 2019 and all other enabling powers, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Climate Change (Idling of Motor Vehicles) Regulations 2023.

Commencement.

2. These Regulations come into operation on the day of publication.

Interpretation.

3. In these Regulations-

“Act” means the Climate Change Act 2019;

“authorised person” means a person authorised by the Minister with responsibility for traffic issues for the purposes of the Traffic (Parking and Waiting) Regulations 2011, any police officer, any environmental health officer or any person nominated in the Gazette by the Chief Executive Officer of the Department of the Environment;

“designated area” means a 25 metre radius from an idling traffic sign;

“electric vehicle” means a motor vehicle that derives its motive power exclusively from an electric motor;

“emergency vehicle” means any motor vehicle used by any member of the police force, ambulance service and fire brigade and includes any official motor vehicle being used by an authorised person in the performance of the authorised person’s duties;

“idling” in relation to a motor vehicle, shall be read in accordance with regulation 4;

“idling traffic sign” means a traffic sign provided by the Government under section 83 of the Traffic Act 2005 prohibiting idling;

“motor vehicle” has the meaning given to it in section 2 of the Traffic Act 2005;

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“Minister” means the Minister with responsibility for the Environment and Climate Change.

Prohibition of idling.

4.(1) Subject to subregulation (4), a person commits an offence if that person, being in charge of a motor vehicle, allows the motor vehicle to remain idle in a designated area without reasonable excuse.

(2) For the purposes of subregulation (1), a person allows a motor vehicle to remain idle in a designated area where each of the following applies:

- (a) the person is in charge of the motor vehicle concerned;
- (b) the person allows the motor vehicle concerned to be stationary in a designated area; and
- (c) the person allows the engine of the motor vehicle concerned to continue running during the period in which the motor vehicle is stationary or for any part of such period.

(3) Without prejudice to the generality of subregulation (1), each of the following shall be considered to be a reasonable excuse for the purposes of subregulation (1):

- (a) a person allows the motor vehicle concerned to remain idle in compliance with a request from an authorised person;
- (b) a person allows the motor vehicle concerned to remain idle in compliance with any enactment or rule of law relating to the regulation of traffic;
- (c) a person allows the motor vehicle concerned to remain idle for such period as is reasonably necessary solely to permit another person to enter or alight from the motor vehicle;
- (d) a person allows the motor vehicle concerned to remain idle by reason of the driver’s involvement in or response to an accident or genuine emergency;
- (e) a person allows the motor vehicle concerned to remain idle for the purposes of examining or working the machinery of the vehicle where such examination is necessitated by a failure, breakdown or other malfunction of that machinery or

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where the machinery of the motor vehicle is required to be worked for such other ancillary purpose;

- (f) the driver otherwise had lawful authority to allow the motor vehicle concerned to remain idle.
- (4) Subregulation (1) shall not apply in respect of either of the following:
- (a) a person who is in charge of an electric vehicle or a hybrid vehicle in electric vehicle mode; or
 - (b) a person who is in charge of an emergency vehicle.
- (5) In a prosecution for an offence under this regulation, where it is shown that a person allowed a motor vehicle to remain idle in a designated area, it shall be presumed, until the contrary is shown by the defendant, that the motor vehicle concerned was in a designated area when the offence is alleged to have been committed.
- (6) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Powers of an authorised person.

- 5.(1) An authorised person may, where it appears to the authorised person that a person is or has been committing an offence under regulation 4—
- (a) require the driver to stop the motor vehicle concerned; and
 - (b) demand the name and address of the person whom the authorised officer suspects of committing or having committed an offence under regulation 4.
- (2) A person commits an offence if that person—
- (a) fails to stop a motor vehicle in compliance with subregulation (1)(a); or
 - (b) on a demand being made of that person under subregulation (1)(b), fails or refuses to give the person's name and address or gives information which is false or misleading.
- (3) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Possibility of fixed penalty notices.

6.(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person believes has committed an offence under regulation 4(1).

(2) The fixed penalty notice shall offer the person to whom it is issued the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(3) Where a person has been given a notice under this regulation in respect of an offence—

- (a) no proceedings shall be instituted for that offence before the expiration of twenty-eight days following the date of the service of that notice; and
- (b) the person shall not be proceeded further against for that offence if the person pays the fixed penalty before the expiration of that period.

(4) In subregulation (3) “proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subregulation (1), and “conviction” shall be construed in like manner.

(5) A notice under this regulation shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—

- (a) a reference to the regulation creating the offence;
- (b) the period during which, by virtue of sub regulation (3), proceedings are not to be taken for the offence;
- (c) the amount of the fixed penalty; and
- (d) to whom and the address at which the fixed penalty shall be paid.

(6) The fixed penalty payable in pursuance of a notice under this regulation is £300.

Discounts for prompt payment.

7.(1) This regulation applies where a person is served a fixed penalty notice under regulation 6.

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(2) Where this regulation applies, a person who makes payment within 14 days of the fixed penalty notice being issued shall only be liable to pay 50% of the amount of the fixed penalty.