

SL(6)746 – The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026

Background and Purpose

Under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 (“the 2003 Regulations”) a local authority in Wales has the power to issue Fixed Penalty Notices (“FPN”) for stationary idling offences. This is an offence of leaving a vehicle’s engine running when stationary on a public road.

These Regulations amend the 2003 Regulations to introduce a new FPN range for stationary idling offences, replacing the fixed penalty of £20 with a range of £75 - 150. Each local authority will be able to choose to set fixed penalty amounts linked to the circumstances of an offence or set a single penalty for all stationary idling offences in its area.

These Regulations provide that proceeds from such penalties must be used by the appropriate authority that issued the penalty for the purposes of: enforcing and administering stationary idling offences; supporting and encouraging air quality improvement in the local area; or reducing public exposure to transport emissions in that area.

Procedure

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following 1 point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 3, the location for the amendment is incorrectly described as “sub-paragraph (b)” of regulation 8 of the 2003 Regulations. However, it should be described as “paragraph (b)” because it is the first division of regulation 8 in the 2003 Regulations. This is also inconsistent with regulation 5 of these Regulations where a similar division in regulation 16 of the 2003 Regulations has been correctly referenced.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

16 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee