

# The non-enforcement of Scotland's engine idling ban

## Briefing, July 2024

### Summary

Engine idling is banned in Scotland because it releases toxic exhaust fumes that are harmful to environmental and human health. Local authorities can enforce this ban by issuing fines, but there is a systemic lack of enforcement which has resulted in widespread idling across Scotland's urban centres. There are three measures that would address this issue: increasing the level of fines, change the Scottish Government's guidance to encourage stronger enforcement of engine idling law, and reinstating enforcement monitoring, particularly around engine idling hotspots such as schools and hospitals.

### Introduction

The Environmental Rights Centre for Scotland (ERCS) carries out advocacy in policy and law reform to improve environmental rights and compliance with the Aarhus Convention on Access to Information, Public Participation in Decision-making, and Access to Justice on Environmental Matters.<sup>1</sup>

This briefing summarises evidence on the systemic issues with enforcement of Scotland's engine idling ban and makes recommendations to address them.

### Background

Engine idling, leaving a vehicle's engine running while stationary, is prohibited in Scotland by law. Idling releases harmful exhaust fumes containing nitrogen oxide (NOx), carbon dioxide (CO2) and fine particulate matter (PM2.5), causing significant air pollution around idling cars.<sup>2</sup>

Air pollution damages both human health and the environment, with extensive evidence linking vehicle emissions to diseases including lung cancer and asthma.<sup>3</sup> Children, older people, pregnant women and people with existing health conditions, in particular, are vulnerable and exposed to toxic exhaust fumes at idling hotspots such as schools, hospitals and bus stops.<sup>4</sup>

Studies have found that switching the engine off significantly cuts pollution in comparison to idling, even when stopping for only 30 seconds.<sup>5</sup> Scotland's engine idling ban is therefore a critical tool for curbing exhaust pollution.

### The systemic lack of enforcement of Scotland's engine idling laws

Scotland has a legal regime that bans engine idling. Drivers are required to switch off stationary vehicles by the Road Vehicles (Construction and Use) Regulations 1986,<sup>6</sup> and engine idling is a



criminal offence under the Road Traffic Act 1988.<sup>7</sup> Enforcing these laws is the responsibility of local authorities, who have powers to issue Fixed Penalty Notices (FPNs) and order offending drivers to pay a fine of £20.<sup>8</sup>

Freedom of Information (FOI) requests submitted by ERCS during 2022-23 found that these laws are failing to curb widespread engine idling in Scotland. Contradictions between the regulations, the Scottish Government's inadequate guidance to local authorities, and their use in practice is reflected in a lack of transparency and failure to enforce the engine idling ban.

### **Lack of transparency**

To support local authorities with managing air quality, the Scottish Government has issued the guidance 'Local Authority Powers to Require Drivers to Switch Off Engines When Parked' (2003; the Guidance).<sup>9</sup>

The Guidance discourages local authorities from issuing fines, which are to be 'issued only as a last resort' if drivers refuse to switch off engines when asked. This criteria for issuing FPNs has no basis in the engine idling laws passed by the Scottish Parliament and restricts how they can be enforced.

The Guidance also requires local authorities to send records of enforcement activity to the Government every six months. However, an FOI request in 2022 identified that the Government did not collate and review these records. They stated that this decision was based on 'early indications' from the scheme, launched in 2003, that drivers were complying with requests to turn engines off. The Government also asserted that enforcement was at the discretion of local authorities, contradicting their own official guidance.

### **Lack of enforcement**

Further FOI requests in 2023 revealed a systemic lack of enforcement of engine idling in the four most populous urban areas in Scotland: data released by Aberdeen City Council, Dundee City Council, City of Edinburgh Council and Glasgow City Council showed that these local authorities received 760 reports of engine idling from members of the public between 2019-2023.

Yet, Glasgow City Council had not issued any FPNs during this period and the other three councils admitted they had not taken any enforcement action since 2003.

Despite this enforcement deficit, the Guidance to local authorities has not been updated since its publication in 2003. The Government's response to another FOI request confirmed the Guidance was reviewed in 2017, but no changes were considered necessary and therefore no review was published.

### **Lack of accountability**

In March 2024, ERCS wrote to the Cabinet Secretary for Net Zero, Energy and Transport to share evidence on the ineffective control of engine idling and request improvements to enforcement.



In their response, the Government acknowledged the risks of engine idling pollution. However, referring to ‘anecdotal evidence’ that ‘the vast majority of drivers do switch off their engines when asked to do so’, they maintained that the current legal regime was sufficient.

Following the Scottish Government’s decision not to intervene in engine idling, ERCS submitted a representation to Environmental Standards Scotland in June 2024, requesting them to investigate the enforcement and effectiveness of engine idling laws.

## Recommendations

In 2024, the Scottish Government affirmed its vision ‘for Scotland to have the cleanest air in Europe’.<sup>10</sup> To achieve this ambition and address risks particularly to the health of children, older people, pregnant women and people with existing health conditions, the Government must turn the tide on engine idling pollution by:

- **Increasing fines:** Regulation 8(b) of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 should be amended to increase the level of fines from £20 to effectively deter engine idling. The current amount has never been adjusted for inflation and sends an incorrect message that engine idling is relatively inconsequential.
- **Enforcing fines:** The Guidance should be amended to encourage local authorities to issue fines as the first point of enforcing the engine idling ban. Parking prohibitions, vehicle restricted areas and Low Emissions Zones, all enforced through fines, are significant parts of Scotland’s strategy to cut air pollution.<sup>11</sup> Engine idling should not be allowed to undercut these efforts.
- **Transparent reporting:** Local authorities’ duty to report engine idling enforcement activities to the Scottish Government as set out in the Guidance should be re-established in practice to ensure accountability on the effectiveness and enforcement of the ban.

### For more information contact

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<sup>1</sup> United Nations Economic Commission for Europe (1998) [Convention on access to information, public participation in decision-making and access to justice in environmental matters](#)



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- <sup>2</sup> Ding, Zhao, Luo, Wu & Venkatram (2023) [Field study to estimate exposure to vehicle exhaust during idling and starting](#), *Atmospheric Pollution Research* 14(1): 101632
- <sup>3</sup> Kurt, Zhang & Pinkerton (2016) [Pulmonary health effects of air pollution](#), *Curr Opin Pulm Med.* 22(2): 138-43
- <sup>4</sup> King's College London (2019) [The Breathe London Wearables Study: Engaging primary school children to monitor air pollution in London](#)
- <sup>5</sup> Kim (2024) [The Environmental Benefits of an Automatic Idling Control System of Connected and Autonomous Vehicles \(CAVs\)](#), *Applied Sciences* 14(11): 4338; TRL (2020) [Idling Action Research - Review of Emissions Data](#)
- <sup>6</sup> [The Road Vehicles \(Construction and Use\) Regulations 1986 \(as amended by The Road Vehicles \(Construction and Use\) \(Amendment\) Regulations 1998\)](#), s 98
- <sup>7</sup> [The Road Traffic Act 1988](#), s 42
- <sup>8</sup> [Road Traffic \(Vehicle Emissions\) \(Fixed Penalty\) \(Scotland\) Regulations 2003](#), s 7 & 8
- <sup>9</sup> Scottish Executive Environment Group (2003) [Local authority powers to require drivers to switch off engines when parked: guidance](#), Paper 2003/16
- <sup>10</sup> Scottish Government (2024) [Cleaner Air for Scotland 2 strategy: progress report](#), foreword
- <sup>11</sup> Scottish Government (2024) [Local air quality management: policy guidance](#), pp. 38-42