

# TRANSPORT ACT 2000

## Bath Clean Air Zone Charging Order 2019

*Made* [ ]

*Coming into force* *In accordance with articles 1 and 2*

### ARRANGEMENT OF INSTRUMENT

#### THE ORDER

1. Citation and commencement
2. The Scheme

#### SCHEDULE TO THE ORDER

#### BATH CLEAN AIR ZONE CHARGING SCHEME

1. Interpretation
2. Designation of roads in respect of which charges are imposed
3. Relevant vehicles
4. Compliant vehicles
5. Non-chargeable vehicles
6. Emissions standards required of compliant vehicles
7. Imposition of charges
8. Amount of charge payable by purchase of a licence
9. Payment of charges
10. Register of compliant and non-chargeable vehicles
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14. Duration of scheme
15. Transitional provisions – temporary non-chargeable vehicles
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#### ANNEXES TO THE SCHEME

1. Deposited plans
2. Non-chargeable vehicles
3. Emissions standards for compliant vehicles
4. Transitional provisions – temporary non-chargeable vehicles
5. Part 1 – the Council's general plan for applying its share of the proceeds of this Scheme during the opening ten year period

Part 2 – The Council’s detailed programme for applying its share of the proceeds of this Scheme during the opening five year period

Whereas—

- (1) It appears to Bath and North East Somerset Council desirable, for the purposes of facilitating the achievement of Bath and North East Somerset Council’s and the West of England Combined Authority’s local transport policies, that it should make the following Order:
- (2) Appropriate persons have been consulted in accordance with section 170 of the Transport Act 2000:

Now, therefore, Bath and North East Somerset Council, in exercise of the powers conferred on it by Part III and Schedule 12 of the Transport Act 2000, Parts 2 and 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013, and of all other powers enabling it in that behalf, hereby makes the following Order:—

**Citation and commencement**

1. This Order is made on the [ ] day of [ ] [2019/20] and comes into force on the same day and may be cited as the “Bath Clean Air Zone Charging Order [2019/20]”.

**The Scheme**

2.—(1) The Scheme in the Schedule to this Order (“the Scheme”) has effect in accordance with paragraphs (2) and (3).

(2) The Scheme, other than article 7 of the Scheme, comes into force on [ ].

(3) Article 7 of the Scheme comes into force on [ ].

**THE COMMON SEAL** of  
**BATH AND NORTH EAST SOMERSET COUNCIL**  
was hereunto affixed in  
the presence of:



- (u) “designated road” means one of the designated roads specified in article 2(2);
- (v) “electric vehicle” means a vehicle—
  - (i) that is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 20G (electrically propelled vehicles) of Schedule 2 to that Act; or
  - (ii) that the Council is satisfied operates wholly by means of an electrically powered propulsion system that draws its motive power from either a hydrogen fuel cell or from a battery that can be fully recharged from an external source of electricity, and has tailpipe CO<sub>2</sub> emissions of 0 grams per kilometre;
- (w) “Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;
- (x) “ESC test” means a test as described in section 2.12 of Annex I to Council Directive 88/77/EEC and carried out using the procedure described in Appendix 1, Annex III of that Directive;
- (y) “ETC test” means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive or a test carried out by means of a chassis dynamometer using a test cycle that the Council is satisfied replicates so far as practicable the standard ETC test cycle;
- (z) “Euro 4” means the emissions limit values set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;
- (aa) “Euro 5” means the emissions limit values set out in Table 1 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (bb) “Euro 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (cc) “Euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (dd) “Euro V” means the emissions limit values set out in Row B2 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (ee) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- (ff) “hybrid vehicle” means a vehicle that operates partly by means of an electrically powered propulsion system that draws motive power from a battery and partly by means of an internal combustion engine;
- (gg) “licence” means a licence purchased under article 9;
- (hh) “local road” means any road in respect of which the Council is the local traffic authority;
- (ii) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (jj) “Payment Body” means any body charged with receiving road user charges made pursuant to clean air zone charging schemes and administering the Payment Portal;
- (kk) “Payment Portal” means any standardised payment system through which payment of road user charges in clean air zones will be administered;
- (ll) “non-chargeable vehicle” is to be construed in accordance with articles 5 and 15 and Annexes 2 and 4;
- (mm) “NO<sub>x</sub>” means oxides of nitrogen;
- (nn) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- (oo) “positive ignition engine” means an internal combustion engine in which combustion is initiated by a localised high temperature in the combustion chamber produced by energy supplied from a source external to the engine;

- (pp) “positive ignition vehicle” means a vehicle powered wholly by a positive ignition engine;
  - (qq) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (rr) “reference mass” in relation to a vehicle means the mass of the vehicle with bodywork and, in the case of a towing vehicle, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids and tools, and spare wheel if fitted, and with the fuel tank filled to 90% and the other liquid containing systems, except those for used water, to 100% of the capacity specified by the manufacturer), increased by a uniform mass of 100 kilograms;
  - (ss) “register” means the register or registers of compliant and non-chargeable vehicles to be maintained by the Council and the Payment Body under article 10;
  - (tt) “registered keeper” means—
    - (i) in relation to a vehicle registered in the United Kingdom, the person in whose name the vehicle is registered under the 1994 Act; or
    - (ii) in relation to any other vehicle, the person by whom the vehicle is kept;
  - (uu) “relevant vehicle” has the meaning given by article 3;
  - (vv) “retrofitted” means adapted so as to meet the emissions standards required of a compliant vehicle—
    - (i) in accordance with an approved retrofit scheme; or
    - (ii) in such other manner as the Council is satisfied is of equivalent efficacy to an accredited retrofit scheme;
  - (ww) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
  - (xx) “Type I test” means a test as described in section 5.3 of Annex I to Council Directive 70/220/EEC (test for simulating/verifying the average tailpipe emissions after a cold start) and carried out using the procedure described in Annex III of that Directive;
  - (yy) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
  - (zz) “WHSC” means the World Harmonised Steady state Driving Cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
  - (aaa) “WHTC” means the World Transient Steady state Driving cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
  - (bbb) “working day” means any day other than a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.
- (2) In this Scheme—
- (a) a reference in any provision to an instrument of the European Community is to that instrument—
    - (i) as amended at the commencement date, if the instrument concerned is in force at that date; or,
    - (ii) as amended at the date of its repeal, if that instrument has been repealed before the commencement date;
  - (b) a reference in any provision to an authorised person is to a person authorised by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
  - (c) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council is taken to include a reference to that person.

### **Designation of roads in respect of which charges are imposed**

- 2.—(1) Charges are imposed by this Scheme in respect of the designated roads.  
(2) The designated roads are all local roads within the Clean Air Zone.

### **Relevant vehicles**

- 3.—(1) A relevant vehicle is a vehicle of a Class and type specified in paragraph (2) that is not—  
(a) a compliant vehicle; or  
(b) a non-chargeable vehicle.  
(2) The vehicles specified for the purpose of paragraph (1) are—  
(a) taxis and private hire vehicles of Class M<sub>1</sub>; and  
(b) all vehicles of Class M<sub>2</sub>, Class M<sub>3</sub>, Class N<sub>1</sub>, Class N<sub>2</sub> and Class N<sub>3</sub>.

### **Compliant vehicles**

4. A vehicle is a compliant vehicle if—  
(a) the vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme; and  
(b) particulars of the vehicle are for the time being entered in the register.

### **Non-chargeable vehicles**

5. Annex 2 to this Scheme, which specifies categories of non-chargeable vehicles, has effect.

### **Emissions standards required of compliant vehicles**

6. A vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme if the Council is satisfied that the vehicle is—  
(a) an electric vehicle;  
(b) a hybrid vehicle;  
(c) an alternative fuel vehicle;  
(d) a positive ignition vehicle that meets the standards specified for that vehicle in Table 1 of Annex 3 (Euro 4/IV Standards For Positive Ignition Vehicles); or  
(e) a compression ignition vehicle that meets the standards specified for that vehicle in Table 2 of Annex 3 (Euro 6/VI Standards For Compression Ignition Vehicles).

### **Imposition of charges**

- 7.—(1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(1) is imposed in respect of any relevant vehicle of Class M<sub>3</sub>, Class N<sub>2</sub> or Class N<sub>3</sub>, for each charging day on which it is at any time used on one or more designated roads.  
(2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed in respect of any relevant vehicle of Class M<sub>1</sub>, Class M<sub>2</sub> or Class N<sub>1</sub> for each charging day on which it is at any time used on one or more designated roads.

### **Amount of charge payable by purchase of a licence**

- 8.—(1) The amount of a charge imposed by article 7(1) is £100 per charging day.  
(2) The amount of a charge imposed by article 7(2) is £9 per charging day.

## **Payment of charges**

9.—(1) A charge imposed by article 7 must be paid by the purchase of a licence in accordance with the provisions of this article.

(2) A licence must be issued in respect of a particular vehicle and for a single charging day.

(3) A vehicle referred to in paragraph (2) must be identified by its registration mark, and—

- (a) the purchaser of a licence must specify the registration mark of the vehicle in respect of which that charge is paid;
- (b) a licence will not be valid in respect of any vehicle having a registration mark different from the mark so specified.

(4) A licence may only be purchased—

- (a) on the charging day concerned;
- (b) on the next working day following that charging day; or
- (c) on a day falling within such period of days immediately preceding that charging day as the Council may specify on its website.

(5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with the requirements of the Payment Portal, specify on its website as being acceptable.

(6) Where a licence is purchased otherwise than in cash and payment is not received (whether because a cheque is dishonoured, a direct debit, credit card or debit card payment is declined, or otherwise) before the end of the next working day following the charging day to which the licence relates, the charge to which the licence relates will be treated as not paid and the licence will be void.

## **Register of compliant and non-chargeable vehicles**

10.—(1) The Council and the Payment Body will maintain one or more registers which will together identify compliant vehicles and non-chargeable vehicles (“the register”) for the purposes of articles 4 and 5 and Annexes 2 and 4 which require particulars of such vehicles to be entered in the register.

(2) An application to enter particulars of a vehicle on the register—

- (a) must include all such information as the Council or the Payment Body may reasonably require; and
- (b) must be made by such means as the Council or the Payment Body may accept.

(3) If the Council or the Payment Body is satisfied that a vehicle—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it will enter particulars of the vehicle in the register.

(4) If the Council or the Payment Body is satisfied that a vehicle, particulars of which are entered in the register, no longer—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it may remove the particulars of the vehicle from the register.

(5) Where the registered keeper of such a vehicle is aware that the vehicle has ceased or will cease to—

- (a) comply with the standards required of a compliant vehicle; or
- (b) fall within a class of non-chargeable vehicle,

the registered keeper must notify the Council or the Payment Body of the fact and the Council or the Payment Body may remove the particulars of the vehicle from the register forthwith, or from

the date notified to the Council or the Payment Body as the date on which it will cease to be such a vehicle.

(6) Nothing in this article prevents the making of a new application under paragraph (2) for particulars of a vehicle to be entered in the register after they have been removed from it in accordance with any provision of this article.

### **Penalty charge for non-payment of charge**

**11.**—(1) A penalty charge will be payable, in addition to the charge imposed under article 7, for each charging day on which—

- (a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7;
- (b) that charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 9.

(2) A penalty charge payable by virtue of paragraph (1) must be paid within the period (“the payment period”) of 28 days beginning with the date on which a penalty charge notice is served under regulation 7 of the Enforcement Regulations and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) is £120 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount will be reduced by one half to £60.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Enforcement Regulations, the amount of the penalty charge to which it relates will be increased by one half to £180.

### **Immobilisation of vehicles**

**12.**—(1) Provided that—

- (a) none of the circumstances in paragraph (2) of Regulation 25 of the Enforcement Regulations apply; and
  - (b) the conditions in paragraph (3) of that Regulation apply,
- an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that Regulation.

(2) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme—

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (a), will be released—
  - (i) if all outstanding charges under article 7 are paid;
  - (ii) if all outstanding penalty charges are paid; and
  - (iii) if a penalty charge of £70 for the release of the vehicle from the immobilisation device is so paid.

### **Removal, storage and disposal of vehicles**

**13.**—(1) Provided Regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in, and subject to the provisions of, Regulation 28 of the Enforcement Regulations.

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (1) the Council or the custodian may (whether or not any claim is made under Regulation 30 or 31 of the Enforcement Regulations) recover from the person who was the keeper of the vehicle when the vehicle was removed—



- (a) all outstanding charges under article 7;
- (b) all penalty charges that are outstanding in relation to the vehicle;
- (c) a penalty charge of £200 for its removal;
- (d) a penalty charge of £40 for each complete day or part of a day on which it has been held by the Council or a custodian; and
- (e) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

**Duration of scheme**

**14.** This Scheme will remain in force indefinitely.

**Transitional provisions – temporary non-chargeable vehicles**

**15.** Annex 4 to this Scheme which contains transitional provisions specifying classes of temporary non-chargeable vehicles has effect.

**Ten and five year plans for net proceeds**

**16.**—(1) Part 1 of Annex 5 to this Scheme constitutes the general plan, under paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening ten year period.

(2) Part 2 of Annex 5 to this Scheme constitutes the detailed programme, under paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening five year period.

ANNEX 1 TO THE SCHEME  
DEPOSITED PLANS

Article 1(1)

PART 1 – CLEAN AIR ZONE PLAN

<i>(a)</i> <i>Title &amp; Sheet No.</i>	<i>(b)</i> <i>Drawing Number</i>	<i>(c)</i> <i>Revision</i>
Bath Clean Air Zone, Overview	674726.BR.042.01-CH-DR-0050	P01

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

<i>(a)</i> <i>Title &amp; Sheet No.</i>	<i>(b)</i> <i>Drawing Number</i>	<i>(c)</i> <i>Revision</i>
Bath Clean Air Zone, Sheet 1	674726.BR.042.01-CH-DR-0051	P01
Bath Clean Air Zone, Sheet 2	674726.BR.042.01-CH-DR-0052	P01
Bath Clean Air Zone, Sheet 3	674726.BR.042.01-CH-DR-0053	P01
Bath Clean Air Zone, Sheet 4	674726.BR.042.01-CH-DR-0054	P01
Bath Clean Air Zone, Sheet 5	674726.BR.042.01-CH-DR-0055	P01
Bath Clean Air Zone, Sheet 6	674726.BR.042.01-CH-DR-0056	P01
Bath Clean Air Zone, Sheet 7	674726.BR.042.01-CH-DR-0057	P01
Bath Clean Air Zone, Sheet 8	674726.BR.042.01-CH-DR-0058	P01
Bath Clean Air Zone, Sheet 9	674726.BR.042.01-CH-DR-0059	P01
Bath Clean Air Zone, Sheet 10	674726.BR.042.01-CH-DR-0060	P01
Bath Clean Air Zone, Sheet 11	674726.BR.042.01-CH-DR-0061	P01
Bath Clean Air Zone, Sheet 12	674726.BR.042.01-CH-DR-0062	P01
Bath Clean Air Zone, Sheet 13	674726.BR.042.01-CH-DR-0063	P01

## NON-CHARGEABLE VEHICLES

**Historic Vehicles**

1. A vehicle is a non-chargeable vehicle if—
- (a) it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that Act; or
  - (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have been treated as an exempt vehicle in accordance with paragraph 1A(1) of Schedule 2 to the 1994 Act, and particulars of the vehicle are for the time being entered in the register.

**Military vehicles**

- 2.—(1) A vehicle is a non-chargeable vehicle if—
- (a) it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces; or
  - (b) the Council is satisfied the vehicle is used for naval, military or air force purposes and not registered under the 1994 Act, while it is being used on a road by a member of a visiting force or a member of a headquarters or organisation,
- and particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph “member of a visiting force” and “member of a headquarters or organisation” have the meaning given in paragraph 1(2) of Schedule 5 to the Road Vehicles (Registration and Licensing) Regulations 2002.

**Agricultural and similar vehicles**

3.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle—

- (a) paragraph 20A (vehicles used between different parts of land);
- (b) paragraphs 20B, 20C and 20D (tractors and certain agricultural vehicles);
- (c) paragraphs 20E (mowing machines);
- (d) paragraph 20F (steam powered vehicles);
- (e) paragraph 20H (snow ploughs); and
- (f) paragraph 20J (gritters).

(2) If the Council is satisfied that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom had been registered under the 1994 Act, it would have fallen within sub-paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

**Disabled vehicles**

4.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 19 or 20 (vehicles for disabled people) of Schedule 2 to that Act is a non-chargeable vehicle.

(2) If the Council is satisfied that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom had been registered under the 1994 Act, it

would have fallen within paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

### **Health service vehicles**

**5.—(1)** A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 7 or 8 (health service vehicles) of Schedule 2 to that Act is a non-chargeable vehicle.

(1) If the Council is satisfied that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom had been registered under the 1994 Act, it would have fallen within paragraph (1), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

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## EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

1.—(1) A vehicle meets the standards set out in Tables 1 and 2 if the Council is satisfied that—

- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table;
- (b) the vehicle has been retrofitted so that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table; or
- (c) in respect of all other vehicles, the Council is satisfied that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.

(2) The Council will be satisfied that the vehicle has been retrofitted to meet the limit values referred to in paragraph (1)(b) if that vehicle has been certified as having been retrofitted in accordance with an approved retrofit scheme.

Table 1 — EURO 4/IV STANDARDS FOR POSITIVE IGNITION VEHICLES

<i>(a)</i> Row No.	<i>(b)</i> Vehicle Class	<i>(c)</i> Maximum mass of vehicle, where relevant (kg)	<i>(d)</i> Reference mass of vehicle, where relevant (kg)	<i>(e)</i> EC emissions standard	<i>(f)</i> Limit values for NO <sub>x</sub>	<i>(g)</i> Appropriate test
(1)	M <sub>1</sub>	not exceeding 2,500		Euro 4	0.08g/km	Type I
(2)	M <sub>1</sub>	exceeding 2,500	not exceeding 1,305	Euro 4	0.08g/km	Type I
(3)	M <sub>1</sub>	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	M <sub>1</sub>	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	M <sub>2</sub>	not exceeding 2,500		Euro 4	0.08g/km	Type I
(6)	M <sub>2</sub>	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(7)	M <sub>2</sub>	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	M <sub>2</sub>	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	M <sub>2</sub>	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	M <sub>2</sub>	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC

(10)	N <sub>1</sub> sub-class (i)		not exceeding 1,350	Euro 4	0.08g/km	Type I
(11)	N <sub>1</sub> sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	N <sub>1</sub> sub-class (iii)		exceeding 1,760	Euro 4	0.11g/km	Type 1
(13a)	N <sub>2</sub>		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	N <sub>2</sub>		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	N <sub>2</sub>		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	M <sub>3</sub> , N <sub>3</sub>			Euro IV	3.5g/kWh	ETC

Table 2 — EURO 6/VI STANDARDS FOR COMPRESSION IGNITION VEHICLES

<i>(a)</i> Row No.	<i>(b)</i> Vehicle Class	<i>(c)</i> Maximum mass of vehicle, where relevant(kg)	<i>(d)</i> Reference mass of vehicle, where relevant (kg)	<i>(e)</i> EC emissions standard	<i>(f)</i> Limit values for NO <sub>x</sub>	<i>(g)</i> Appropriate tests
(1)	M <sub>1</sub>		not exceeding 2610	Euro 6	0.08g/km	Type I
(2)	M <sub>1</sub>		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	M <sub>2</sub>		not exceeding 2610	Euro 6	0.125g/km	Type I
(4)	M <sub>2</sub>		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(5)	M <sub>3</sub> , N <sub>3</sub>			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(6)	N <sub>1</sub>		not exceeding 1,350	Euro 6	0.08g/km	Type I
(7)	N <sub>1</sub> sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(8)	N <sub>1</sub> sub-class (iii)		exceeding 1,760	Euro 6	0.125g/km	Type 1
(9)	N <sub>2</sub>		not exceeding 2610	Euro 6	0.125g/km	Type I
(10)	N <sub>2</sub>		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC

TRANSITIONAL PROVISIONS –  
TEMPORARY NON-CHARGEABLE VEHICLES**Emergency service vehicles**

1.—(1) During the emergency service vehicles transitional period the Council will treat any qualifying emergency service vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

- (1) A vehicle is a qualifying emergency service vehicle if—
- (a) it is a non-chargeable vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle—
    - (i) paragraph 3A (police vehicles);
    - (ii) paragraphs 4 and 5 (fire engines etc.);
    - (iii) paragraphs 6 and 7 (ambulances and health service vehicles);
    - (iv) paragraph 10 (mine rescue vehicles);
    - (v) paragraph 11 (lifeboat vehicles); or
  - (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen within sub-paragraph (a).

(2) In this paragraph “emergency service vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

**Vehicles supporting the emergency services**

2.—(1) During the emergency service support vehicles transitional period the Council will treat any qualifying emergency service support vehicle as if it were a non-chargeable vehicle.

- (2) A vehicle is a qualifying emergency service support vehicle on any charging day if—
- (a) it is an emergency service support vehicle that has been specified by the Council pursuant to an application under sub-paragraph (3);
  - (b) the Council is satisfied that on the charging day concerned it was used in relation to an emergency incident; and
  - (c) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) An eligible person may apply to the Council to specify a vehicle as an emergency service support vehicle for any charging day or days and, subject to sub-paragraph (4), to specify a different vehicle in place of a specified vehicle.

(4) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.

(5) An application under sub-paragraph (3) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

(6) An application to enter particulars of an emergency service support vehicle on the register pursuant to sub-paragraph (2)(c) shall—

- (a) be made by such means as the Council may specify on its website; and

- (b) be accompanied by such details of the emergency incident and the use of the emergency service support vehicle to which the application relates as the Council may reasonably require.
- (7) In this paragraph—
- (a) “eligible person” means any person who the Council is satisfied works for or acts on behalf of a voluntary organisation working to support a specified emergency service provider during emergency incidents;
  - (b) “emergency service support vehicle” means a vehicle used by an eligible person for the purpose of supporting a specified emergency service provider during emergency incidents;
  - (c) “emergency service support vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024;
  - (d) “specified emergency service provider” means—
    - (i) Avon Fire and Rescue Service;
    - (ii) Avon and Somerset Police; and
    - (iii) South Western Ambulance Service.

### **Blue badge holders**

3.—(1) During the blue badge transitional period the Council will treat any qualifying blue badge vehicle as if it were a non-chargeable vehicle.

- (2) A vehicle is a qualifying blue badge vehicle on any charging day if—
- (a) it has been specified by the Council pursuant to an application under sub-paragraph (3) or (4);
  - (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex;
  - (c) it is being used for the transport of a disabled person and has a blue badge displayed in compliance with regulation 12 and regulation 13, 14, 15 or 16 of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000; and
  - (d) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.
- (3) An eligible person may apply to the Council to specify a vehicle in relation to the blue badge held by that person for any charging day or days and, subject to sub-paragraph (5), to specify a different vehicle in place of a specified vehicle.
- (4) An eligible organisation may apply to the Council to specify a vehicle in relation to any blue badge held by that organisation for any charging day or days and, subject to sub-paragraph (5), to specify a different vehicle in place of a specified vehicle.
- (5) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) or (4) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.
- (6) An application under sub-paragraphs (3) or (4) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

- (7) In this paragraph—
- (a) “blue badge” means any badge issued to an individual or institution under section 21 of the Chronically Sick and Disabled Persons Act 1970 or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;
  - (b) “blue badge transitional period” means the period beginning with the commencement date and ending on 31 December 2022;
  - (c) “eligible organisation” means any organisation issued with and holding a valid blue badge; and



- (d) “eligible person” means any person issued with and holding a valid blue badge.

### **Community transport vehicles**

**4.**—(1) During the community transport vehicles transitional period the Council will treat any vehicle that is a qualifying community transport vehicle and that does not fall within paragraphs 1 to 5 of Annex 2 as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying community transport vehicle on any charging day if—

- (a) it has been specified by the Council pursuant to an application under sub-paragraph (3);
- (b) it is being used pursuant to a community transport permit;
- (c) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex; and
- (d) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) A holder of a community transport permit may apply to the Council to specify a vehicle in relation to that permit for any charging day or days and, subject to sub-paragraph (4), to specify a different vehicle in place of a specified vehicle.

(4) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.

(5) An application under sub-paragraph (3) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

(6) In this paragraph—

- (a) “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985; and
- (b) “community transport vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2022.

### **Vehicles used by registered healthcare providers**

**5.**—(1) During the healthcare providers transitional period the Council will treat any qualifying healthcare provider’s vehicle as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying healthcare provider’s vehicle on any charging day if—

- (a) it has been specified by the Council pursuant to an application under sub-paragraph (3);
- (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex;
- (c) the Council is satisfied it is used on that charging day—
  - (i) for the purposes of undertaking a regulated healthcare activity; and
  - (ii) by or on behalf of a registered healthcare provider; and
- (d) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) A registered healthcare provider may apply to the Council to specify a vehicle as a healthcare provider’s vehicle for any charging day or days and, subject to sub-paragraph (4), to specify a different vehicle in place of a specified vehicle.

(4) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) for a particular charging day or days, it remains specified for all charging days until a different vehicle has been specified in place of it.

(5) In this paragraph—

- (a) “healthcare providers transitional period” means the period beginning with the commencement date and ending on 31 December 2022;
- (b) “registered healthcare provider” means a person registered as a service provider under part 1 of the Health and Social Care Act 2008;
- (c) “regulated healthcare activity” means any activity specified in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

#### **Wheelchair-accessible taxis and private hire vehicles**

**6.—**(1) During the wheelchair-accessible vehicles transitional period the Council will treat any qualifying wheelchair-accessible taxi or private hire vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying wheelchair-accessible taxi or private hire vehicle if—

- (a) it appears on a list of vehicles maintained under section 167(1) of the Equality Act 2010; and
- (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex.

(3) In this paragraph “wheelchair-accessible vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2022.

#### **Commercial vehicles granted a temporary exemption under the Business Assistance Scheme**

**7.—**(1) During the Business Assistance Scheme transitional period the Council will treat a qualifying commercial vehicle as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying commercial vehicle on any charging day if—

- (a) it has been specified by the Council under sub-paragraph (3) pursuant to an application under sub-paragraph (4);
- (b) it is a compression ignition vehicle that the Council is satisfied meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 13 of this Annex; and
- (c) particulars of the vehicle are entered in the register on the charging day concerned or the next working day following that charging day.

(3) The Council shall specify a vehicle for the purpose of sub-paragraph (2)(a) if it is satisfied that—

- (i) the vehicle concerned has been the subject of an unsuccessful application to the Business Assistance Scheme for funding for the replacement of that vehicle with a compliant vehicle;
- (ii) pursuant to a successful application to the Business Assistance Scheme an order has been placed for the purchase of a compliant vehicle to replace the vehicle concerned but the replacement vehicle has not yet been made available for use; or
- (iii) pursuant to a successful application to the Business Assistance Scheme an order has been placed for the vehicle concerned to be retrofitted but the retrofitting has not yet been completed.

(4) An application to the Council to specify a vehicle must—

- (a) include such evidence—
  - (i) of the unsuccessful application to the Business Assistance Scheme for replacement of the vehicle concerned;
  - (ii) that a replacement compliant vehicle has been ordered;
  - (iii) that the an order has been placed for the vehicle to be retrofitted;
  - (iv) of the relevant replacement date;

- as the Council may reasonably require; and
- (b) be made by such means as the Council may accept.
- (5) In this paragraph—
- (a) “Business Assistance Scheme” means the “Pre-Euro 6 Business Assistance Scheme” as set out on the Council’s website and as may be amended from time to time;
- (b) “Business Assistance Scheme transitional period” means the period beginning with the commencement date and ending on the earlier of—
- (i) the replacement date; and
- (ii) 31 December 2022;
- (c) “replacement date” means the date specified in any application under sub-paragraph (4) as the date on which either—
- (i) a replacement compliant vehicle is to be provided for use in replacement of the qualifying commercial vehicle; or
- (ii) the retrofitting of the qualifying commercial vehicle is to be completed.

### **Recovery vehicles**

8.—(1) During the recovery vehicles transitional period the Council will treat any qualifying recovery vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

- (2) In this paragraph—
- (a) “qualifying recovery vehicle” means—
- (i) a vehicle licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act; or
- (ii) a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom in respect of which the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act;
- (b) “qualifying recovery vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

### **Showman’s vehicles**

9.—(1) During the showman’s vehicles transitional period the Council will treat any showman’s vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

- (2) In this paragraph—
- (a) “showman’s vehicle” means any vehicle that—
- (i) is registered under the 1994 Act and is a “showman’s vehicle” or “showman’s goods vehicle” within the meaning of section 62 of the 1994 Act; or
- (ii) is registered in a country other than the United Kingdom, in accordance with that country's rules governing the registration of such vehicles, in the name of a person following the business of a travelling showman and used solely by that person for the purposes of his business and no other purpose;
- (b) “showman’s vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

### **Special vehicles**

**10.**—(1) During the special vehicles transitional period the Council will treat any special vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “special vehicle” means—
  - (i) a vehicle registered under the 1994 Act that falls to be treated as a “special vehicle” within the meaning of Part IV of Schedule 1 to the 1994 Act; or
  - (ii) a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom in respect of which the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be treated as a “special vehicle” within the meaning of Part IV of Schedule 1 to the 1994 Act;
- (b) “special vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

### **Special type vehicles**

**11.**—(1) During the special type vehicles transitional period the Council will treat any special type vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “special type vehicle” means a vehicle of a type specified in an Order under section 44 of the Road Traffic Act 1988; and
- (a) “special type vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

### **General haulage vehicles**

**12.**—(1) During the general haulage vehicles transitional period the Council will treat any general haulage vehicle as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “general haulage vehicle” means—
  - (i) a vehicle registered under the 1994 Act that falls to be treated as a “haulage vehicle” within the meaning of paragraph 7 of Schedule 1 to the 1994 Act; or
  - (ii) a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom in respect of which the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be treated as a “haulage vehicle” within the meaning of paragraph 7 of Schedule 1 to the 1994 Act;
- (b) “general haulage vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2024.

### **Emissions standards for temporary non-chargeable vehicles**

**13.**—(1) A vehicle meets the standards required of a temporary non chargeable vehicle if the Council is satisfied that—

- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the Euro 4, Euro IV, Euro 5 or Euro V emissions standards;
- (b) the vehicle has been retrofitted so that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (e) would not be exceeded during the appropriate test or tests specified in column (f) of Table A; or

- (c) in respect of all other vehicles, the Council is satisfied that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (e) would not be exceeded during the appropriate test or tests specified in column (f) of Table A.

(2) The Council will be satisfied that the vehicle has been retrofitted to meet the limit values referred to in paragraph (1)(b) if that vehicle has been certified as having been retrofitted in accordance with an approved retrofit scheme.

Table A — EURO 4/IV LIMIT VALUES FOR COMPRESSION IGNITION VEHICLES

(a) Row No.	(b) Vehicle Class	(c) Maximum mass of vehicle, where relevant (kg)	(d) Reference mass of vehicle, where relevant (kg)	(e) Limit values for NO <sub>x</sub>	(f) Appropriate tests
(1)	M <sub>1</sub>	not exceeding 2,500		0.25g/km	Type I
(2)	M <sub>1</sub>	exceeding 2,500	not exceeding 1,305	0.25g/km	Type I
(3)	M <sub>1</sub>	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	0.33g/km	Type I
(4)	M <sub>1</sub>	exceeding 2,500	exceeding 1,760	0.39g/km	Type I
(5)	M <sub>2</sub>	not exceeding 2,500		0.25g/km	Type I
(6)	M <sub>2</sub>	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	0.33g/km	Type I
(7)	M <sub>2</sub>	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	0.39g/km	Type I
(8a)	M <sub>2</sub>	exceeding 3,500	not exceeding 2,840	0.39g/km	Type I
(8b)	M <sub>2</sub>	exceeding 3,500	not exceeding 2,840	3.5g/kWh	ESC / ETC
(9)	M <sub>2</sub>	exceeding 3,500	exceeding 2,840	3.5g/kWh	ESC / ETC
(10)	M <sub>3</sub> , N <sub>3</sub>			3.5g/kWh	ESC / ETC
(11)	N <sub>1</sub> sub-class (i)		not exceeding 1,350	0.25g/km	Type I
(12)	N <sub>1</sub> sub-class (ii)		exceeding 1,305 and not exceeding 1,760	0.33g/km	Type I
(13)	N <sub>1</sub> sub-class (iii)		exceeding 1,760	0.39g/km	Type I
(14a)	N <sub>2</sub>		not exceeding 2,840	0.39g/km	Type I

(14b)	N <sub>2</sub>		not exceeding 2,840	3.5g/kWh	ESC & ETC
(15)	N <sub>2</sub>		exceeding 2,840	3.5g/kWh	ESC & ETC

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PART 2 –  
THE COUNCIL'S DETAILED PROGRAMME FOR APPLYING ITS SHARE OF THE  
PROCEEDS OF THIS SCHEME DURING THE OPENING FIVE YEAR PERIOD

It is proposed that the Scheme would commence on [                      ]. This plan therefore covers the five-year period from [                      ] to [                      ].

As set out in Part 1 of this Annex, it is not anticipated that the proposed Scheme would generate substantial net revenues. The Council's detailed plan for applying any net proceeds during this period would therefore depend to a large extent on:

- the level of net proceeds generated;
- the progress made towards meeting the required limit values for NO<sub>2</sub>;
- to what extent the Scheme has impacted on the affected groups identified in the Equalities Impact Assessment for the Scheme;
- to what extent the proposed improvements have already been implemented by other means.

Given these uncertainties the Council intends to form a Revenue Reinvestment Reserve Steering Group comprised of councillors, senior officers and representatives from relevant business and other key interest groups to review and prioritise the proposed improvements and make recommendations to the Project Board for approval.

These improvements could include:

- enhancing the non-charging measures already being funded by the Government's Implementation Fund and Clean Air Fund;
- enhancing the monitoring and evaluation of the Scheme (and implementing the contingency plans if required);
- maintaining and enhancing the existing walking and cycling network and creating low traffic neighbourhoods;
- supporting walking, scooting and cycling to school initiatives and creating school streets;
- supporting and enhancing the public transport network, including home to school transport;
- maintaining and enhancing the public electric vehicle charge point network;
- supporting and enhancing sharing schemes such as the electric cycle hire scheme and car and van club network;
- providing additional park and ride capacity and security at the existing park and ride sites and on existing bus routes;
- providing schemes to reduce the impact of vehicles on the health and wellbeing of residents and visitors;
- supporting the development of a mobility as a service (MaaS) platform; and
- related research and policy development.