

GREATER LONDON AUTHORITY ACT 1999

TRANSPORT ACT 2000

Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2012

Made

15 November 2012

Coming into force

In accordance with articles 1(2), 2(2) and 2(3)

Whereas—

- (1) the Greater London (Central Zone) Congestion Charging Order 2004 (“the Principal Order”) imposes charges for the using and keeping of motor vehicles on specified roads in Greater London during specified hours and on specified days;
- (2) Transport for London has made a number of orders varying the provisions of the Principal Order; and
- (3) it appears to Transport for London expedient, for the purposes of facilitating the achievement of policies and proposals in the Mayor of London’s Transport Strategy published pursuant to section 142 of the Greater London Authority Act 1999^(a) that it should make an Order for the purpose of further varying the Principal Order:

Now, therefore, Transport for London, in exercise of the powers conferred on it by sections 295 and 420(1) of the Greater London Authority Act 1999, by Schedule 23 to that Act, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2012.

(2) This Order, other than articles 1 to 8 of the Schedule, shall come into force on the day following the day on which the Mayor confirms it.

(3) In this Order “the Principal Scheme” means the Scheme contained in the Schedule to the Greater London (Central Zone) Congestion Charging Order 2004 as varied and in force immediately before articles 1 to 8 of the Scheme set out in the Schedule to this Order come into force.

Variation of the Principal Scheme

2.—(1) The Scheme set out in the Schedule to this Order (the “Variation Scheme”), which varies the Principal Scheme and contains transitional provisions, shall have effect.

(2) Articles 1 and 5 of the Variation Scheme shall come into force on 29 April 2013.

(a) 1999 c.29; Schedule 23 was amended by the Transport Act 2000 (c. 38), Schedule 13

(3) Articles 2, 3, 4, 6, 7 and 8 of the Variation Scheme shall come into force on 29 June 2013.

Signed by authority of Transport for London

15 November 2012

Managing Director, Surface Transport

THE SCHEDULE

Article 2

SCHEME VARYING THE PRINCIPAL SCHEME

Preliminary

1.—(1) Article 1 of the Principal Scheme shall apply, so far as material, for the interpretation of this Scheme as it applies for the interpretation of the Principal Scheme.

(2) The Principal Scheme shall be further varied in accordance with articles 2 to 8 of this Scheme.

Arrangement of Instrument

2.—(1) The Arrangement of Instrument of the Principal Order shall be amended as follows.

(2) For “1. Greener Vehicles” there shall be substituted—

“1. Ultra low emission vehicles”.

(3) For “7. Other reduced rate vehicles” there shall be substituted “7. Recovery and breakdown vehicles”.

Interpretation

3.—(1) Article 1(2) of the Principal Scheme shall be amended as follows.

(2) After paragraph (a) there shall be inserted—

“(aa) “category” in relation to a vehicle is to be construed in accordance with Council Directive 70/156/EEC and “class” in relation to a vehicle of category N₁ is to be construed in accordance with regulation 61C of the Road Vehicles (Construction and Use) Regulations 1986 as amended;”.

(3) After paragraph (i) there shall be inserted—

“(ia) “electric range” means in relation to a plug in hybrid electric vehicle the distance that can be driven electrically on one fully charged battery (or other electric energy storage device) within the meaning of United Nations Economic Commission for Europe (UNECE) Regulation 101 and measured according to the procedure described in Annex 9 of that Regulation;

(ib) “Euro 5 emissions standards” means—

(i) in relation to a light passenger vehicle, the emissions limit values set out in the row corresponding with vehicle category M in Table 1 of Annex I to Regulation (EC) no. 715/2007;

(ii) in relation to a light commercial vehicle, the emissions limit values set out in the rows corresponding with vehicle category N₁, classes I, II and III in Table 1 of Annex I to Regulation (EC) no. 715/2007;

(ic) “Euro 5 implementation date” means—

(i) for light passenger vehicles and for light commercial vehicles within class I of category N₁, 1 September 2009;

(ii) for light commercial vehicles within classes II or III of category N₁, 1 September 2010;

(id) “Euro 5 mandatory date” means—

(i) for light passenger vehicles and for light commercial vehicles within class I of category N₁, 1 January 2011;

(ii) for light commercial vehicles within classes II or III of category N₁, 1 January 2012;”.

(4) Paragraph (ka) shall be renumbered as paragraph (kc).

(5) After paragraph (k) there shall be inserted—

“(ka) light commercial vehicle” means a vehicle type approved as a category N₁, class I, II or III vehicle (vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes) within the meaning of Annex II of Council Directive 2007/46/EC;

(kb) “light passenger vehicle” means a vehicle type approved as a category M₁ vehicle (vehicle with at least four wheels used for carriage of passengers and comprising no more than 8 seats in addition to the driver’s seat) within the meaning of Annex II of Council Directive 2007/46/EC;”.

(6) After paragraph (ob) there shall be inserted—

“(oc) “plug in hybrid electric vehicle” means a vehicle that operates wholly or partly by means of an electrically powered propulsion system that draws motive power from a battery that can be fully recharged from an external source of electricity;”.

(7) After paragraph (z) there shall be inserted—

“(za) “UK registration document” means a registration document issued by the Secretary of State under Regulation 10 and in accordance with Regulation 10A of the Road Vehicles (Registration and Licensing) Regulations 2002 as amended;”.

Payment of charges

4.—(1) Article 6 of the Principal Scheme shall be amended as follows.

(2) In paragraph (6)—

(a) in sub-paragraphs (a)(ii) and (h)(ii) “, retail outlet” shall be omitted; and

(b) in sub-paragraphs (b), (h)(iii) and (h)(iv) for “, on-line or retail outlet” there shall be substituted “or on-line”.

(3) In paragraph (7), sub-paragraph (e) shall be omitted and sub-paragraphs (f) to (h) shall be renumbered as sub-paragraphs (e) to (g) respectively.

Penalty charge for non-payment of charge

5.—(1) Article 12 of the Principal Scheme shall be amended as follows.

(2) In paragraph (3) for “£120” there shall be substituted “£130” and for “£60” there shall be substituted “£65”.

(3) In paragraph (4) for “£180” there shall be substituted “£195”.

Ultra low emission discount

6. For paragraph 1 of Annex 2 of the Principal Scheme there shall be substituted—

“Ultra low emission vehicles

1.—(1) An ultra low emission vehicle is a reduced rate vehicle if the condition specified in sub-paragraph (7) is met.

(2) A vehicle is an ultra low emission vehicle if it is—

(a) an electric vehicle;

(b) an ultra low emission car; or

(c) an ultra low emission van.

(3) A vehicle is an electric vehicle if it is—

- (a) a vehicle for which a nil licence is in force by virtue of its being 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
 - (b) registered in the GB or NI records on the basis of a UK registration document or, in the case of a vehicle registered in a country other than the United Kingdom, in the appropriate records of that country on the basis of an equivalent registration document issued by the appropriate national authority, that states the vehicle is wholly electrically fuelled or powered.
- (4) A vehicle is an ultra low emission car if—
- (a) it is a light passenger vehicle that meets the Euro 5 emissions standards for such a vehicle;
 - (b) it is registered in the GB or NI records on the basis of a UK registration document or, in the case of a vehicle registered in a country other than the United Kingdom, in the appropriate records of that country on the basis of an equivalent registration document issued by the appropriate national authority, that specifies a CO₂ emissions figure for that vehicle of 75 grams per kilometre or less; and
 - (c) if it is a plug in hybrid electric vehicle, Transport for London is satisfied that—
 - (i) it has a maximum speed in excess of 60 miles per hour; and
 - (ii) it has an electric range of 10 miles or more.
- (5) A vehicle is an ultra low emission van if—
- (a) it is a light commercial vehicle that meets the Euro 5 emissions standards for such a vehicle;
 - (b) it is—
 - (i) registered in the GB or NI records on the basis of a UK registration document or a UK approval certificate or, in the case of a vehicle registered in a country other than the United Kingdom, in the appropriate records of that country on the basis of an equivalent registration document or EC certificate of conformity or equivalent certificate issued by the appropriate national authority, that specifies a CO₂ emissions figure for that vehicle of 75 grams per kilometre or less; or
 - (ii) certified by the appropriate national approval authority as emitting 75 grams or less of CO₂ per kilometre when tested according to the procedure described in Annex 6, in the case of vehicles powered by an internal combustion engine only, or Annex, 8 in the case of vehicles powered by a hybrid electric and internal combustion engine power train, of United Nations Economic Commission for Europe (UNECE) Regulation 101; and
 - (c) if it is a plug in hybrid electric vehicle, Transport for London is satisfied that:
 - (i) it has a maximum speed in excess of 50 miles per hour; and
 - (ii) it has an electric range of 10 miles or more.
- (6) A vehicle meets the Euro 5 emissions standards if it was—
- (a) type approved on or after the Euro 5 implementation date;
 - (b) type approved before the Euro 5 implementation date and is certified by the appropriate national approval authority as having been manufactured to satisfy the Euro 5 emissions standards when applying the Type I test; or
 - (c) purchased as new on or after the Euro 5 mandatory date and first registered in the GB or NI records, or in the case of a vehicle registered in a country other than the United Kingdom in the appropriate records of that country, on or after that date.
- (7) The condition referred to in sub-paragraph (1) is that particulars of the vehicle are entered in the register in accordance with article 9 of this Scheme.”.

Other reduced rate vehicles

7.—(1) Paragraph 7 of Annex 2 of the Principal Scheme shall be amended as follows.

(2) In the title of the paragraph for “Other reduced rate vehicles” there shall be substituted “Recovery and breakdown vehicles”.

(3) For sub-paragraphs (1)(a), (b) and (c) there shall be substituted—

“(1) A recovery or breakdown vehicle is a reduced rate vehicle if the condition specified in sub-paragraph (2) is met.”.

(4) Sub-paragraphs (4) and (5) shall be omitted.

Greener vehicles discount – transitional provisions

8.—(1) During the greener vehicles transitional period Transport for London shall treat any qualifying greener vehicle as if it were a reduced rate vehicle.

(2) In this paragraph—

(a) “greener vehicles transitional period” means the period beginning with 29 June 2013 and ending on 26 June 2015; and

(b) “qualifying greener vehicle” means any vehicle that meets the conditions specified in sub-paragraph (3).

(3) The conditions referred to in sub-paragraph (2)(b) are—

(a) that the vehicle is a greener vehicle within the meaning of paragraph 1 of Annex 2 of the Principal Scheme as it was in force immediately before the coming into force of articles 2 and 6 of the Variation Scheme;

(b) that particulars of the vehicle appeared in the register immediately before the coming into force of articles 2 and 6 of the Variation Scheme; and

(c) the registered keeper of the vehicle is the same as it was immediately before the coming into force of articles 2 and 6 of the Variation Scheme.