

**Greater London Authority Act 1999
Transport Act 2000**

**EXPLANATORY NOTES TO THE GREATER LONDON LOW
EMISSION ZONE CHARGING ORDER 2006**

To accompany

Greater London Low Emission Zone Charging Order 2006 (the 'Scheme Order')

(These notes are not part of the Scheme Order)

INTRODUCTION

1. The Scheme Order is the document which provides the legal authority for the Low Emission Zone Charging Scheme.
2. The Scheme Order was made by Transport for London (TfL) on 13 November 2006, was subject to consultation between 13 November 2006 and 2 March 2007, and confirmed with modifications by the Mayor of London on 3 May 2007.
3. These notes are for information only, have no legal status and are not part of the Scheme Order. They should be read in conjunction with the Scheme Order.
4. The notes are not, and are not meant to be, a comprehensive description of the scheme. They are simply a resource to assist in the understanding of the Scheme Order. Where part of the Scheme Order is self explanatory no description has been given.

CONTENT OF THE SCHEME ORDER

5. The Scheme Order is divided into two main parts and three annexes. The first part states its formal title and when the scheme is scheduled to come into force. The second part is a schedule to the Order and sets out the details of the scheme.

6. Annex 1 to the Schedule to the Scheme Order lists the deposited plans which show the boundaries of the Low Emission Zone, where charges may apply. Annex 2 sets out the emissions limit values for compliant vehicles. Annex 3 contains TfL's general plan for applying any net proceeds of the scheme during the first ten years of operation.

The Scheme Order

7. **Article 1 (Citation and commencement)** states the title and gives the date on which the Order comes into force.

8. **Article 2 (Scheme)** gives effect to the Schedule to the Scheme Order, with details of the scheme which also come into force on the same date on which the Order comes into force.

Schedule to the Scheme Order – Greater London Low Emission Zone Charging Scheme

9. **Article 1 (Interpretation)** sets out the meanings of various terms used in the Scheme Order. The Low Emission Zone is defined in this section as the area defined by the boundary plans as specified in Annex 1.

10. **Article 2 (Charging area)** designates all of Greater London as the area in which the scheme applies. This means that the whole of Greater London is the area in which persistent evaders' vehicles (i.e. those with at least three outstanding penalty charges which are not subject to representations) may be immobilised (clamped) and/or removed, but charges can only be imposed in respect of the roads within the charging area, designated by article 3 (see next paragraph). The charging area of Greater London should not be confused with the Low Emission Zone itself, defined by the boundary plans, which is a slightly smaller area wholly within Greater London.

11. **Article 3 (Designation of roads in the charging area)** designates the roads within the charging area that are subject to the charge. This includes all roads within the Low Emission Zone, Crown roads and certain motorways and trunk roads (maintained by the Department for Transport), excluding the M25. This definition allows for the inclusions of private roads for which the public has

access. The deposited plans show the Low Emission Zone boundary in detail. Annex 1 to the Scheme Order lists the deposited plans.

12. **Article 4 (Relevant Vehicles)** details the vehicle types which are covered by the scheme and states in what situation a vehicle is compliant with the scheme. A relevant vehicle is a motor vehicle which is liable to pay the charge. A vehicle is not a relevant vehicle if it is either non-chargeable (100% discounted or exempt) or is a ‘compliant’ vehicle. A vehicle can only be compliant with the scheme if it a) falls within the vehicle types which are covered by the scheme and b) complies with the standards which the scheme sets for each vehicle type. A vehicle can also only be a compliant vehicle if TfL is made aware that the vehicle is compliant, i.e. the vehicle appears on the specified register or TfL is able to identify whether or not it is compliant through data obtained via the Driver and Vehicle Licensing Agency (DVLA) or other such sources. The scheme only applies to diesel-engine (compression ignition) vehicles by virtue of article 5.

The vehicle types in this article have been specified according to their European classification (e.g. M₂). This allows for a consistent approach with European legislation and is clear to both UK and operators from other EU member states. For ease of use, Table One below describes each vehicle type by European vehicles classification.

Table One: European Vehicle Classifications

Vehicle type	European vehicle classification
Heavy Goods Vehicles (HGVs) exceeding 12 tonnes gross vehicle weight. This vehicle class also includes private HGVs such as motor homes and horse boxes	N ₃
Heavy Good Vehicles (HGVs) exceeding 3.5 tonnes gross vehicle weight. This vehicle class also includes private HGVs such as motor homes (over 2.5 tonnes) and horse boxes	N ₂
Buses and coaches with more than eight seats plus the drivers seat exceeding 5 tonnes gross vehicle weight	M ₃
Light Goods Vehicles between 1.205 tonnes unladen and 3.5 tonnes gross vehicle weight	N ₁ – class II & class III
Minibuses with more than eight seats plus the driver’s seat below 5 tonnes gross vehicle weight	M ₂

The vehicles which are specified in this article as being non-chargeable (exempt or entitled to a 100% discount) from the Low Emission Zone are as follows.

Exempt vehicles

- UK and foreign military vehicles (not registered with the DVLA or European equivalent)
- Historic vehicles, defined as vehicles constructed before 1st January 1973
- Non road-going vehicles which are allowed to drive on the highway e.g. agricultural and construction vehicles.

100% discount

- Showman's goods vehicles which are custom built and permanently fitted with a special type of body forming part of the equipment of the show.

Those vehicles which are exempt will not need to take any action in response to the LEZ (unless they are foreign registered vehicles). Those vehicles which are entitled to a 100% discount from the LEZ will need to be registered with TfL.

This article also states that the scheme only applies to vehicles in use on a road within the Low Emission Zone as defined in article 3.

13. Article 5 (Emissions Standards) introduces Annex 2 of the Scheme Order which sets out the emissions criteria which vehicles covered by the scheme must meet in order to be compliant with the scheme. The standards are based on "Euro emissions standards" which define the required limits for vehicle emissions. Vehicles manufactured to those standards, on or before the dates specified, will comply with the scheme. These standards have been set by the European Commission. The vehicle classes correspond directly with the European vehicle classifications, save for the inclusion of a reference to compression-ignition engines which limits the application of the scheme to diesel-engine vehicles. TfL must be satisfied that the vehicle meets the relevant emission standard in order for the vehicle to be considered compliant with the LEZ.

14. Article 6 (Imposition of Charges) sets out the periods upon which charges are payable for a relevant vehicle, and by which vehicle class. These are all days including weekends and bank holidays and the three days falling between Christmas and New Year. A charge is imposed whenever a relevant vehicle is used on a designated road during a charging day. In summary, Table Two below shows the relevant vehicles which may be liable to pay the charge and when, as set out in this article:

Table Two: Imposition of Charges

Relevant Vehicle Class (See Table One above for description)	Date from which a vehicle may be subject to charge
N ₃	4 February 2008
M ₃ , N ₂ , or N ₃	7 July 2008
M ₂ , N ₁ , class ii and iii	3 October 2010

15. **Article 7 (Payment of Charges)** provides for the charge to be paid to TfL. A charge may be purchased for one specific vehicle only. A charge for a single-day can be bought on the day itself, up to 64 days in advance or on the next working day after the day in respect of which the charge is being purchased. More than one single-day charge can be purchased at a time. This article also states that the charge can be paid via call centre (telephone), by post (only if paid on or before the charging day concerned) or online.

16. **Article 8 (Amount of Charge)** sets out the level of the charge imposed for different vehicle types. These are: £200 per charging day for relevant HGVs, buses and coaches and £100 per charging day for relevant LGVs and minibuses, if the charge is paid on that charging day or by midnight of the next working day.

17. **Article 9 (Register of Compliant and Non-Chargeable Vehicles)** requires TfL to keep a register of those vehicles which must be on TfL's register as a condition of compliance with the scheme, as required by article 4. The registered keeper of the vehicle must inform TfL if and when their vehicle is no longer compliant with the scheme as set out in article 4. TfL can remove a vehicle from the register if it is no longer satisfied that the vehicle is entitled to be on the register.

18. **Article 10 (Refunds of Charges)** provides the application process for charges to be refunded, provided adequate notice is given to TfL. The article allows TfL to require proof of purchase of the charge and notification of the specific day for which the charge is to be refunded before any refund is made. Any application for a refund of a charge must be received a minimum of 7 working days before the day for which the charge is to be refunded.

19. **Article 11 (Application of charge to different date or vehicle)** sets out the process and conditions whereby the vehicle registration mark (i.e. number plate) and/or the date relating to a pre-purchased charge may be amended. An application for the amendment of a charge must be made no later than 7 days before the original charge date in the case of postal applications, and up to and including the original charge date in the case of telephone applications. Payment will not be required to amend a charge.

20. **Article 12 (Penalty Charge for Non-Payment of Charge)** sets out the penalties for non-payment of the charge (where the vehicle is not a non-

chargeable vehicle or not compliant with the scheme as set out in article 4) and the circumstances in which the penalties will be imposed. Where a relevant vehicle has been used on a road within the Low Emission Zone, and no charge has been paid, a penalty charge of £1000 for relevant HGVs, buses and coaches, and £500 for relevant LGVs and minibuses is payable within 28 calendar days. This is reduced to £500 and £250 respectively if payment is made within 14 calendar days. If payment is not made within 28 days the penalty is increased to £1500 and £750 respectively.

21. Article 13 (Immobilisation of Vehicles) allows TfL to immobilise (wheel clamp) vehicles on public roads (except trunk roads), anywhere within the Greater London Area. Only vehicles with at least three outstanding penalty charges which are not subject to duly made representations (or an outstanding appeal) will be immobilised. The vehicle will be released once all the charges and outstanding penalty charges, together with a £100 release charge have been paid.

22. Article 14 (Removal of Vehicles) allows TfL to remove vehicles on public roads (except trunk roads), anywhere within the Greater London Area. Only vehicles with at least 3 outstanding penalty charges will be removed. The vehicle will be released on payment of the outstanding charges and penalty charges together with a £250 removal charge and a £100 storage charge for each day the vehicle is held by TfL. If the vehicle is disposed of, the owner will be entitled to the balance, if any, of the disposal proceeds after deduction of the removal and storage charges and a £60 disposal charge. If the disposal does not realise enough proceeds to cover these charges, the amount by which the charges exceed the disposal proceeds is payable in any event.

23. Article 15 (Ten Year Plan for Net Proceeds) introduces Annex 3 which outlines TfL's General Plan for spending the net proceeds, if any are made, from the scheme. TfL submitted the plan to the Secretary of State on a given date for approval.

24. Article 16 (Duration of Scheme) provides for the scheme to remain in force indefinitely. (It should be noted that the Scheme Order could be modified or withdrawn by another Order under section 295 of the Greater London Authority Act 1999, duly made by TfL and confirmed by the Mayor).

Annexes

25. Annex 1 is a list of the deposited plans which show the boundaries of the Low Emission Zone, inside which charges for relevant vehicles will apply.

26. Annex 2 sets out in detail the emissions limit values for compliant vehicles and the appropriate emissions tests relevant to each vehicle before 3 January

2012 and on or after 3 January 2012. The two tables define the emissions limits for each compliant vehicle to which the scheme applies.

27. **Paragraph 1** refers to Table 1 which details the Euro standard or limit values for Particulate Matter (PM) for vehicles to which the scheme applies from 4 February 2008 to 2 January 2012. This paragraph also refers to Table 2 which details the Euro standard or limit values for PM for vehicles to which the scheme applies from 3 January 2012.

28. **Paragraph 2** defines each European vehicle class as directed in the relevant European legislation. Relevant terms used in Paragraphs 1 and 2 are also defined according to European legislation. These definitions also state that for the purposes of the scheme, these European vehicle classes only refer to vehicles powered by compression-ignition engines (diesel engine vehicles); this is not replicated in the European legislation.

29. **Annex 3** is the statement, under paragraph 19 of Schedule 23 to the Greater London Authority Act 1999, of TfL's General Plan for applying its share of the net proceeds, if any, of this scheme during the opening ten year period. This has been approved by the Secretary of State for Transport.

30. This is version 2 of the explanatory notes, which has been updated following the confirmation of the Scheme Order by the Mayor of London, with modifications.

Dated 3 May 2007