

GREATER LONDON AUTHORITY ACT 1999

TRANSPORT ACT 2000

Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2007

Made

10 August 2007

Coming into force In accordance with articles 1(2) and 2(2) to (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 Transport Strategy published pursuant to section 142 of the Greater London Authority Act 1999(a) by the Mayor of London on 10th July 2001, 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 2007.

(2) This Order, other than articles 5(1) to (3) and (5) to (9), 6 and 8 to 17 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 4, 5(4), 7 and 18 of the Scheme set out in the Schedule to this Order come into force.

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

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 5(1) to (3) and (5) to (9), 6, 8 to 12 and 14 to 17 of the Variation Scheme shall come into force on 27 October 2008.

(3) Article 13 of the Variation Scheme shall come into force on 28 October 2008.

Signed by authority of Transport for London

10 August 2007

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 17 of this Scheme.

Interpretation

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

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

“(ia) “ELR test”, “ESC test” and “ETC test” have the meaning given in section 2.1 of Annex 1 to Council Directive 2005/55/EC;

(ib) “Euro V discounted heavy vehicle” has the meaning given by article 5C;”.

(3) After paragraph (2)(j) there shall be inserted—

“(ja) “higher rate vehicle” shall be construed in accordance with articles 5A and 5B;”.

(4) After paragraph (2)(ka) there shall be inserted—

“(kb) “low CO₂ vehicle” has the meaning given by paragraph 1 of Annex 2;

(kc) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;”.

(5) After paragraph (2)(la) there shall be inserted—

“(lb) “N₁ utility vehicle” has the meaning given in article 5B;”.

(6) In paragraph (2)(n) for “1, 2, 3 or 4” there shall be substituted “2, 3, 4 or 5”.

(7) In paragraph (2)(q) for “paragraph 5, 5A or 6” there shall be substituted “paragraph 1, 6, 6A or 7”.

(8) After paragraph (2)(q) there shall be inserted—

“(qa) “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;”.

(9) After paragraph (2)(x) there shall be inserted—

“(y) “standard rate vehicle” means a relevant vehicle other than a higher rate vehicle or a Euro V discounted heavy vehicle;”.

(10) Paragraph (2)(xa) shall be renumbered as paragraph (2)(z).

(11) After paragraph (2)(z) as renumbered there shall be inserted—

- “(za) “type approved” shall be construed in accordance with article 2 of Council Directive 70/156/EEC; and
- (zb) “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.”.

Higher rate vehicles

3. After article 5 of the Principal Scheme there shall be inserted—

“Higher rate vehicles generally

5A.—(1) Subject to paragraph (2) any light passenger vehicle other than a vehicle of a type specified in paragraph (3) is a higher rate vehicle if either—

- (a) that vehicle—
 - (i) was type approved on or after 1 March 2001; and
 - (ii) is registered in the GB or NI records on the basis of 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 EC certificate of conformity or equivalent certificate issued by the appropriate national approval authority, that specifies an applicable CO₂ emissions figure for that vehicle of greater than 225 grams per kilometre; or
- (b) that vehicle—
 - (i) was type approved before 1 March 2001; and
 - (ii) has an engine capacity of greater than 3000 cubic centimetres.

(2) If Transport for London is satisfied that in respect of a vehicle falling within paragraph (1)(b) the carbon dioxide emissions of the vehicle would be 225 grams per kilometre or less during a Type I test the vehicle shall not be considered a higher rate vehicle.

(3) The specified types of vehicle are—

- (a) taxis;
- (b) private hire vehicles;
- (c) disabled persons’ vehicles that are reduced rate vehicles by virtue of paragraph 6(2) of Annex 2; and
- (d) vehicles used or kept on a road by any diplomatic agent within the meaning of the Diplomatic Privileges Act 1964^(b) or consular officer within the meaning of the Consular Relations Act 1968^(c).

(4) In this Scheme—

- (a) “applicable CO₂ emissions figure” means—
 - (i) where the UK approval certificate, EC certificate of conformity or equivalent certificate issued by the appropriate national approval authority specifies only one CO₂ emissions figure, that figure;
 - (ii) where it specifies more than one such figure, the figure specified as the CO₂ emissions (combined) figure; or

(b) 1964 c.81
(c) 1968 c.18

- (iii) where it specifies separate CO₂ emissions figures in terms of grams per kilometre driven for different fuels, the lowest figure specified or, in a case falling within paragraph (ii), the lowest CO₂ emissions (combined) figure specified;
 - (b) “engine capacity” means, in the case of a reciprocating engine, the nominal swept volume and, in the case of a rotary engine, double the nominal swept volume; and
 - (c) “light passenger vehicle” means a vehicle type approved as a class 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), other than—
 - (i) an ambulance or hearse which, applying item 2 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as a class N₁ sub-class (ii) or sub-class (iii) vehicle for emissions purposes;
 - (ii) a motor caravan,
 in each case having a reference mass exceeding 1,305 kilograms and a maximum mass exceeding 2,500 kilograms.
- (5) In this article—
- (a) “ambulance”, “hearse” and “motor caravan” have the meaning given in Annex II.A of Council Directive 70/156/EEC;
 - (b) “private hire vehicle” means a vehicle being used as private hire vehicle such that the conditions specified in paragraph 2(2) of Annex 2 are met; and
 - (c) “taxi” means a licensed hackney carriage within the meaning of paragraph 2(1)(b) of Annex 2.

N₁ utility vehicles as higher rate vehicles

5B.—(1) Subject to paragraphs (3) and (4) any N₁ utility vehicle other than a vehicle of a type specified in article 5A(3) is a higher rate vehicle if either—

- (a) that vehicle was 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 1 March 2008 and either—
 - (i) Transport for London is satisfied that the carbon dioxide emissions of the vehicle would be greater than 225 grams per kilometre during a Type I test; or
 - (ii) if Transport for London is not satisfied as to (i), the vehicle has an engine capacity of greater than 3000 cubic centimetres; or
 - (b) that vehicle was 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, before 1 March 2008 and has an engine capacity of greater than 3000 cubic centimetres.
- (2) “N₁ utility vehicle” means a vehicle that—
- (i) has been type approved as a class N₁ sub-class (ii) or sub-class (iii) vehicle and has a reference mass exceeding 1,305 kilograms and a maximum mass not exceeding 3,500 kilograms;
 - (ii) has a body construction equally suited to the carriage of goods or passengers;
 - (iii) has a driver’s cab which is fitted with at least two rows of transverse seats and has a seating capacity of four or more persons; and
 - (iv) has behind the driver’s cab an uncovered area intended for the transportation of goods, the sides and floor of which are immovably fixed to the chassis, and which may be equipped with a detachable or hinged cover.

(3) If Transport for London is satisfied that in respect of a vehicle falling within paragraph (1)(a)(ii) or (1)(b) the carbon dioxide emissions of the vehicle would be 225 grams per kilometre or less during a Type I test the vehicle shall not be considered a higher rate vehicle.

(4) Where an N₁ utility vehicle—

- (a) is a higher rate vehicle; and
- (b) is on any occasion used on designated roads such that a charge is payable in respect of that vehicle under article 6 of the Greater London Low Emission Zone Charging Order 2006 and under this Scheme,

Transport for London shall, in respect of each such occasion, treat the vehicle as a standard rate vehicle for the purposes of this Scheme, provided particulars of the vehicle are for the time being entered in the register.”

Euro V discounted heavy vehicles

4. Before article 6 of the Principal Scheme there shall be inserted—

“Euro V discounted heavy vehicles

5C.—(1) During the period beginning with 27 October 2008 and ending on 1 October 2010 a qualifying heavy goods vehicle is a Euro V discounted heavy vehicle if the conditions specified in paragraph (4) are met.

(2) During the period beginning with 27 October 2008 and ending on 1 January 2012 a qualifying light goods vehicle is a Euro V discounted heavy vehicle if the conditions specified in paragraph (4) are met.

(3) On or after 27 October 2008 a cleaner goods vehicle is a Euro V discounted heavy vehicle if the conditions specified in paragraph (4) are met.

(4) The conditions referred to in paragraphs (1), (2) and (3) are that—

- (a) the vehicle is not a resident’s vehicle;
- (b) particulars of the vehicle are for the time being entered in the register and in the case of a vehicle falling within paragraph (1) were so entered on or before 1 October 2009; and
- (c) there has been paid to Transport for London a charge of £10 before particulars of the vehicle were so entered.

(5) Where purported payment of a charge under paragraph (4)(c) is made otherwise than in cash and payment is not received by Transport for London (whether because a cheque is dishonoured or otherwise), the condition referred to in sub-paragraph (4)(c) shall not be treated as having been satisfied and particulars of the vehicle shall be removed from the register.

(6) In this article—

(a) “qualifying heavy goods vehicle” means—

- (i) a vehicle powered by compression-ignition engine that has been type approved as a class N₂ or N₃ vehicle and has been certified by the appropriate national approval authority as having been manufactured to satisfy the heavy goods vehicle Euro V standards when applying the appropriate tests; and
- (ii) a vehicle that has been certified by the appropriate national approval authority as having been manufactured to meet the emissions standards required of an EEV within the meaning of article 1 of Council Directive 88/77/EEC as amended by Directive 1999/96/EC of the European Parliament and of the Council of 13 December 1999;

(b) “qualifying light goods vehicle” means—

- (i) an ambulance or hearse having a maximum mass exceeding 2,500 kilograms and which, applying item 2 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as a class N₁ sub-class (ii) or sub-class (iii) vehicle for emissions purposes;
 - (ii) a motor caravan having a maximum mass exceeding 2,500 kilograms; and
 - (iii) any vehicle that has been type approved as a class N₁ sub-class (ii) or sub-class (iii) vehicle other than an N₁ utility vehicle that by virtue of article 5B is a higher rate vehicle, in each case having a reference mass exceeding 1,305 kilograms, a maximum mass not exceeding 3,500 kilograms, and having been certified by the appropriate national approval authority as having been manufactured to satisfy the light goods vehicle Euro V standards when applying the Type I test;
- (c) “cleaner goods vehicle” means a vehicle that appears on the TransportEnergy PowerShift Register maintained by the Energy Saving Trust and falls within class N₁, N₂ or N₃, other than a higher rate vehicle or a low CO₂ vehicle;
- (d) “heavy goods vehicle Euro V standards” means the emissions limit values set out in—
- (i) row B2 of Table 1 of section 6.2.1 of Annex 1 to Council Directive 2005/55/EC for which the appropriate tests shall be the ESC and ELR tests; and
 - (ii) row B2 of Table 2 of section 6.2.1 of Annex 1 to Council Directive 2005/55/EC for which the appropriate test shall be the ETC test;
- (e) “light goods vehicle Euro V standards” means, in relation to a vehicle of a class, engine type and reference mass specified in columns (b) to (d) of the table, the emissions limit values set out in columns (e) to (i) of the table in the row corresponding with that vehicle, save in respect of column (i) of rows 3 and 4 of the table, which limit values apply only to vehicles with a direct injection engine;

Table

(a) Row No.	(b) Class of vehicle	(c) Engine type	(d) Reference mass of vehicle (kilograms)	Limit values				
				(e) Mass of CO (g/km)	(f) Mass of HC (g/km)	(g) Combined mass of HC and NO _x (g/km)	(h) Mass of NO _x (g/km)	(i) Mass of PM (g/km)
1	N ₁ sub-class (ii)	diesel	exceeding 1,305 and not exceeding 1,760	0.63	—	0.295	0.235	0.005
2	N ₁ sub-class (iii)	diesel	exceeding 1,760	0.74	—	0.350	0.280	0.005
3	N ₁ sub-class (ii)	petrol	exceeding 1,305 and not exceeding 1,760	1.81	0.13	—	0.075	0.005
4	N ₁ sub-class (iii)	petrol	exceeding 1,760	2.27	0.16	—	0.082	0.005

- (f) “ambulance”, “hearse” and “motor caravan” have the meaning given in paragraph 5A(5)(a);

- (g) “g/km” means grams per kilometre;
- (h) “HC” means hydrocarbons;
- (i) “NO_x” means oxides of nitrogen; and
- (j) “PM” means particulates.”

Payment of charges

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

(2) In column (2) of items 3 to 6 of the table in paragraph (6) after “7(1)” there shall be inserted “(a)”.

(3) In the table in paragraph (6) after item 6 there shall be inserted—

“6A.	Article 7(1)(b), table item 1	Post, call centre, on-line, retail outlet or, if paid on the day of travel, text message
6B.	Article 7(1)(b), table item 2	Call centre or on-line
6C.	Article 7(1)(b), table item 3 or 4	Post, call centre, on-line or retail outlet
6D.	Article 7(1)(b), table item 5	Post, call centre or on-line
6E.	Article 7(1)(c), table item 1, 3, 4 or 5	Post, call centre or on-line
6F.	Article 7(1)(c), table item 2	Call centre or on-line
6G.	Article 5C(4)(c)	Post”.

(4) In the table in paragraph (6) after item 7 there shall be inserted—

“7A.	Annex 2, paragraph 1(3)(b)	Post, call centre or on-line”.
------	----------------------------	--------------------------------

(5) In column (2) of item 8A of the table in paragraph (6) for “5” there shall be substituted “6”.

(6) In column (2) of item 12 of the table in paragraph (6) for “5” there shall be substituted “6”.

(7) In column (2) of item 13 of the table in paragraph (6) for “6” there shall be substituted “7”.

(8) In paragraph (12)(a)(ii) after “£7” there shall be inserted—

“in respect of a standard rate vehicle, £25 in respect of a higher rate vehicle and £6 in respect of a Euro V discounted heavy vehicle”.

(9) In paragraph (12)(c) for “3” there shall be substituted “4”.

Amount of charge payable by the purchase of a licence

6.—(1) Article 7(1) of the Principal Scheme shall be amended as follows.

(2) Before “the amount specified” there shall be inserted—

“—

(a) in respect of a licence relating to a standard rate vehicle.”.

(3) After “of that item” there shall be inserted—

“;

- (b) in respect of a licence relating to a higher rate vehicle, the amount specified in column (4) of that item; or
- (c) subject to paragraph (3), in respect of a licence relating to a Euro V discounted heavy vehicle, the amount specified in column (5) of that item”.

(4) For the table there shall be substituted the following table—

“(1) Item No.	(2) <i>Period and circumstances</i>	(3) <i>Amount of charge (standard rate)</i> £	(4) <i>Amount of charge (higher rate)</i> £	(5) <i>Amount of charge (Euro V discounted rate)</i> £
1.	One day, if the charge is paid on or before the charging day concerned	8	25	6
2.	One day, if the charge is paid after the charging day concerned but on or before the next consecutive charging day	10	27	8
3.	5 consecutive charging days	40	125	30
4.	20 consecutive charging days	136	425	120
5.	252 consecutive charging days	1696	5300	1512”.

(5) After article 7(2) of the Principal Scheme there shall be inserted—

“(3) Where a licence in respect of a Euro V discounted heavy vehicle is purchased for a period of consecutive charging days and during that period the vehicle ceases to be a Euro V discounted vehicle the amount payable for the purchase of the licence shall be calculated pro rata on the basis that—

- (a) in respect of those charging days on which the vehicle is a Euro V discounted heavy vehicle the applicable charge is that relating to a Euro V discounted heavy vehicle under paragraph (1)(c); and
- (b) in respect of those charging days on which the vehicle is not a Euro V discounted heavy vehicle the applicable charge is that relating to a standard rate vehicle under paragraph (1)(a).”.

The register of non-chargeable, reduced rate and resident’s vehicles

7.—(1) Article 9 of the Principal Scheme shall be amended as follows.

(2) In paragraphs (2)(a) and (2)(c) for “5” there shall be substituted “6”.

(3) In paragraphs (4) and (5) after “a reduced rate vehicle” there shall be inserted—
“, a Euro V discounted heavy vehicle”.

(4) In paragraph (5)(b)(ii) for “5” there shall be substituted “6”.

(5) In paragraph (5)(b)(iii), after “the registered keeper” there shall be inserted—

“or the person whose name was specified in the particulars submitted to Transport for London under paragraph (3)”.

Refunds of charges

8.—(1) The table in article 10(4) of the Principal Scheme shall be amended as follows.

(2) In column (2) of item 1, “1” shall be omitted and after “4 or 5” there shall be inserted “, column (3)”.

(3) After item 1 there shall be inserted—

“1A.	Article 7(1) table item 4, column (4)	21.25
1B.	Article 7(1) table item 5, column (4)	21.03
1C.	Article 7(1) table item 4 or 5, column (5)	6”.

Low CO₂ vehicles

9. Before paragraph 1 of Annex 2 of the Principal Scheme there shall be inserted—

“Low CO₂ vehicles

1.—(1) A low CO₂ vehicle is a reduced rate vehicle if the conditions specified in sub-paragraph (3) are met.

(2) A vehicle is a low CO₂ vehicle if—

- (a) it is a light passenger vehicle within the meaning of article 5A, registered in the GB or NI records on the basis of 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 EC certificate of conformity or equivalent certificate issued by the appropriate national approval authority, that specifies an applicable CO₂ emissions figure for that vehicle of 120 grams per kilometre or less, and was type approved either—
 - (i) on or after 1 January 2005; or
 - (ii) before 1 January 2005 and is certified by the appropriate national approval authority as having been manufactured to satisfy Euro 4 emissions standards; or
- (b) it is an N₁ utility vehicle within the meaning of article 5B, that Transport for London is satisfied would emit no more than 120 grams of carbon dioxide per kilometre during a Type I test, and was type approved either—
 - (i) on or after 1 January 2006; or
 - (ii) before 1 January 2006 and is certified by the appropriate national approval authority as having been manufactured to satisfy Euro 4 emissions standards; or
- (c) it appears on the TransportEnergy PowerShift Register maintained by the Energy Saving Trust and is either—
 - (i) a light passenger vehicle within the meaning of article 5A registered in the GB or NI records on the basis of 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 EC certificate of conformity or equivalent certificate issued by the appropriate national approval authority, that specifies an applicable CO₂ emissions figure for that vehicle of 120 grams per kilometre or less; or

- (ii) an N₁ utility vehicle within the meaning of article 5B that Transport for London is satisfied would emit no more than 120 grams of carbon dioxide per kilometre during a Type I test.
- (3) The conditions referred to in sub-paragraph (1) are that—
 - (a) particulars of the vehicle are for the time being entered in the register; and
 - (b) there has been paid to Transport for London a charge of £10 before particulars of the vehicle were so entered.
- (4) Where purported payment of a charge under sub-paragraph (3)(b) is made otherwise than in cash and payment is not received by Transport for London (whether because a cheque is dishonoured or otherwise), the condition referred to in sub-paragraph (3)(b) shall not be treated as having been satisfied and particulars of the vehicle shall be removed from the register.
- (5) In this paragraph “Euro 4 emissions standards” 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.”.

Renumbering of Annex 2

10. Paragraphs 1 to 9 of Annex 2 of the Principal Scheme shall be renumbered as paragraphs 2 to 10 respectively.

Vehicles exempt from vehicle excise duty

11.—(1) Paragraph 3 of Annex 2 of the Principal Scheme as renumbered shall be amended as follows.

- (2) Sub-paragraphs (2) and (3) shall be renumbered as sub-paragraphs (3) and (4) respectively.
- (3) In sub-paragraph (1)—
 - (a) “following” shall be omitted;
 - (b) after “to that Act” there shall be inserted “specified in sub-paragraph (2)”;
 - (c) after “non-chargeable vehicle if”, “;” shall be omitted and there shall be inserted—
 - “__
 - (a)”;
 - and
 - (d) after “are both met”, “—” shall be omitted and there shall be inserted—
 - “; and
 - (b) if the vehicle is a higher rate vehicle other than a vehicle falling within sub-paragraph (2)(e), condition C is met.
- (2) The paragraphs of Schedule 2 to the 1994 Act specified for the purposes of sub-paragraph (1) are—
- (4) In sub-paragraph (3) as renumbered—
 - (a) after “is a non-chargeable vehicle if” there shall be inserted—
 - “__
 - (a)”;
 - (b) after “condition B is met” there shall be inserted—
 - “; and
 - (b) if the vehicle is a higher rate vehicle other than a vehicle falling within sub-paragraph (2)(e), condition C is met.”.

- (5) In sub-paragraph (4)(a) as renumbered, after “1994 Act;” the word “and” shall be omitted.
- (6) In sub-paragraph (4)(b) as renumbered, after “in the register” there shall be inserted—
- “; and
- (c) condition C is that Transport for London is satisfied on an application by the body for the purposes of which the vehicle is used that there are operational reasons relating to the performance of the vehicle for the use of that vehicle rather than a standard rate vehicle”.

Vehicles used in the provision of particular public services

12.—(1) Paragraph 5 of Annex 2 of the Principal Scheme as renumbered shall be amended as follows.

- (2) In sub-paragraph (1)—
- (a) for “(2)” there shall be substituted “(3)(a) or (3)(g)”;
- (b) for “both” there shall be substituted “all”; and
- (c) for “sub-paragraph (3)” there shall be substituted “sub-paragraphs (4)(a), (b) and (c)”.
- (3) Sub-paragraphs (2) to (5) shall be renumbered as sub-paragraphs (3) to (6) respectively.
- (4) Before sub-paragraph (3) as renumbered there shall be inserted—
- “(2) A vehicle which falls within one of the descriptions specified in sub-paragraphs (3)(b) to (f) and is in use for the purposes specified in that description is a non-chargeable vehicle if both the conditions specified in sub-paragraphs (4)(a) and (b) are met.”
- (5) In sub-paragraph (3)(a) as renumbered, for “2(1)” there shall be substituted “3(2)”.
- (6) In sub-paragraphs (3)(b) to (3)(e) as renumbered after “a vehicle” there shall be inserted “, other than a higher rate vehicle,”.
- (7) In sub-paragraph (3)(f) as renumbered after “operational vehicles” there shall be inserted “, other than higher rate vehicles,”.
- (8) In sub-paragraph (4)(a) as renumbered for “(2); and” there shall be substituted “(3);”.
- (9) In sub-paragraph (4)(b) as renumbered after “the register” there shall be inserted—
- “; and
- (c) if the vehicle is a higher rate vehicle, Transport for London is satisfied on an application by the body for the purposes of which the vehicle is used that there are operational reasons relating to the performance of the vehicle for the use of that vehicle rather than a standard rate vehicle”.
- (10) In sub-paragraph (5) as renumbered for “(2)” there shall be substituted “(3)”.
- (11) In sub-paragraph (6)(c) as renumbered for “condition” there shall be substituted “conditions” and for “(3)(b) is met” there shall be substituted “(4)(b) and (c) and met”.

Alternative fuel discount

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

- (2) Sub-paragraphs (1)(c), (4)(d) to (g), (5) and (6) shall be omitted.
- (3) In sub-paragraph (1)(b) for “;” there shall be substituted “.”.
- (4) In sub-paragraph (4)(c) after “EEA State;” there shall be inserted “and”.
- (5) Sub-paragraph (4)(h) shall be renumbered as sub-paragraph (4)(d).

Vehicles used by certain NHS employees

14.—(1) Paragraph 8 of Annex 2 of the Principal Scheme as renumbered shall be amended as follows.

(2) In sub-paragraph (1) for “as having been a non chargeable vehicle on that occasion” there shall be substituted “in accordance with sub-paragraph (2)”.

(3) In sub-paragraph (2) —

- (a) for “a vehicle falls to be treated as having been a non-chargeable vehicle in accordance with this paragraph” there shall be substituted “the conditions referred to in sub-paragraph (1) have been met”;
- (b) “the charge incurred” shall be omitted; and
- (c) after “relevant NHS employer” there shall be inserted—
 - “an amount equal to the lower of—
 - (a) the charge incurred in respect of each occasion referred to in sub-paragraph (1); or
 - (b) the charge a standard rate vehicle would have incurred in respect of each such occasion”.

Vehicles used for transporting certain NHS patients

15.—(1) Paragraph 9 of Annex 2 of the Principal Scheme as renumbered shall be amended as follows.

(2) In sub-paragraph (1) for “as having been a non-chargeable vehicle on that occasion” there shall be substituted “in accordance with sub-paragraph (2)”.

(3) In sub-paragraph (2) —

- (a) for “a vehicle falls to be treated as having been a non-chargeable vehicle in accordance with this paragraph” there shall be substituted “the conditions referred to in sub-paragraph (1) have been met”;
- (b) “the charge incurred” shall be omitted; and
- (c) after “relevant NHS body” there shall be inserted—
 - “an amount equal to the lower of—
 - (a) the charge incurred in respect of each occasion referred to in sub-paragraph (1); or
 - (b) the charge a standard rate vehicle would have incurred in respect of each such occasion”.

Vehicles used by firefighters for operational reasons

16.—(1) Paragraph 10 of Annex 2 of the Principal Scheme as renumbered shall be amended as follows.

(2) In sub-paragraph (1)(b) after “fire station;” the word “and” shall be omitted.

(3) Sub-paragraph (1)(c) shall be renumbered as sub-paragraph (1)(d).

(4) Before sub-paragraph (1)(d) as renumbered there shall be inserted—

- “(c) if the vehicle is a higher rate vehicle, that there are operational reasons relating to the performance of the vehicle for the use of that vehicle rather than a standard rate vehicle; and”.

(5) In sub-paragraph (1)(d) as renumbered for “(a) and (b) were both met” there shall be substituted “(a), (b) and (c) were met”.

Residents' vehicles

- 17.—(1) Annex 3 of the Principal Scheme shall be amended as follows.
- (2) In paragraph 2(1)(a) for “relevant” there shall be substituted “standard rate”.
 - (3) In paragraph 2(3) before “vehicle” there shall be inserted “resident’s”.
 - (4) In paragraph 5(1)(a) and 5(1)(b) for “relevant” there shall be substituted “new resident’s”.

Transitional provisions

18. The Annex to this Scheme, which sets out transitional provisions, shall have effect.

ANNEX TO THE VARIATION SCHEME

Article 18

TRANSITIONAL PROVISIONS

Eligibility for alternative fuel discount

1.—(1) Subject to sub-paragraph (4), during the alternative fuel transitional period Transport for London shall treat any qualifying alternative fuel vehicle as if it were a reduced rate vehicle.

(2) In this paragraph—

- (a) “alternative fuel transitional period” means the period beginning with 27 October 2008 and ending on 11 January 2010; and
 - (b) “qualifying alternative fuel 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) the vehicle is an alternative fuel vehicle within the meaning of paragraph 6 of Annex 2 of the Principal Scheme as it was in force immediately before the coming into force of Article 13 of the Variation Scheme;
 - (b) particulars of the vehicle appear in the register immediately before the coming into force of Article 13 of the Variation Scheme; and
 - (c) the registered keeper of the vehicle is the same as it was on the first day of the subsisting registration period relating to that vehicle.

(4) Where a qualifying alternative fuel vehicle is a Low CO₂ vehicle within the meaning of paragraph 1 of Annex 2 of the Principal Scheme as varied by this Scheme then the vehicle shall on 27 October 2008 cease to be treated as an alternative fuel vehicle and shall thereafter be treated as a Low CO₂ vehicle.

(5) Where the registration period relating to a vehicle falling within sub-paragraph (4) expires within 90 days after 27 October 2008 then Transport for London shall treat that vehicle as if it were registered as a Low CO₂ vehicle for a period of twelve months beginning with the day after the last day of that registration period.

Qualifying N₁ utility vehicles liability for higher rate charge

2.—(1) During the qualifying N₁ utility vehicles transitional period Transport for London shall treat any qualifying N₁ utility vehicle as if it were a standard rate vehicle.

(2) In this paragraph—

- (a) “qualifying N₁ utility vehicles transitional period” means the period beginning with 27 October 2008 and ending on 11 January 2010; and
 - (b) “qualifying N₁ utility vehicle” means an N₁ utility vehicle that was 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 before 1 March 2008.
- (3) Where a licence in respect of a qualifying N₁ utility vehicle is purchased on or before the last day of the qualifying N₁ utility vehicles transitional period Transport for London shall thereafter in relation to that licence treat the vehicle as a standard rate vehicle.

Licences purchased before 27 October 2008

3.—(1) Where a licence in respect of a higher rate vehicle is purchased before 27 October 2008 Transport for London shall thereafter in relation to that licence treat the vehicle as if it were a standard rate vehicle.

(2) Where a licence in respect of a resident’s vehicle is purchased before 27 October 2008 Transport for London shall thereafter in relation to that licence treat the vehicle as if it were a resident’s vehicle within the meaning of the Principal Scheme.