

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

**EXPLANATORY NOTES TO THE SCHEME FOR
CONGESTION
CHARGING IN CENTRAL LONDON
Version 12 – updated 09 October 2008**

To accompany

The Greater London (Central Zone) Congestion Charging Order 2004
(These notes are not part of the Order)

INTRODUCTION

1. The Greater London (Central Zone) Congestion Charging Order 2004 is the document which forms the legal basis for the congestion charging scheme.
2. The original Greater London (Central Zone) Congestion Charging Order 2001 and subsequent variations were consolidated by the Greater London (Central Zone) Congestion Charging Order 2004 ('the Scheme Order') which was made by TfL on 30 September 2004 and confirmed with modifications by the Mayor of London on 27 October 2004 ('the Scheme Order').
3. The Scheme Order has subsequently been varied by 11 variation orders. The Greater London (Central Zone) Congestion Charging Order (Variation No. 4) Order 2004; The Greater London (Central Zone) Congestion Charging Order (Variation No. 5) Order 2004; The Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2005; The Greater London (Central Zone) Congestion Charging Order (Variation No. 2) Order 2005, The Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2006, The Greater London (Central Zone) Congestion Charging (Variation) (No 2) Order 2006, The Greater London (Central Zone) Congestion Charging (Variation No. 3) Order 2006, The Greater London (Central Zone) Congestion Charging (Variation No. 4) Order 2006, The Greater London (Central Zone) Congestion Charging (Variation) Order 2007, The Greater London (Central Zone) Congestion Charging (Variation No. 2) Order 2007 and The Greater London (Central Zone) Congestion Charging (Variation No. 3) Order 2007. Copies of these can be found on the publications page of the TfL website.
4. To assist, a version of the Scheme Order which incorporates all amendments in force up to and including 10 December 2007 called 'the Consolidated Scheme Order' is available on the publications library of the TfL website.

5. These notes are for information only, have no legal status and are not part of the Order. They should be read in conjunction with the Scheme Order.

6. The notes are not, and are not meant to be, a comprehensive description of the scheme. Where part of the schedule does not seem to require any explanation or comment, none is given.

CONTENT OF THE CONSOLIDATED SCHEME ORDER

7. The Order falls into two main parts and four annexes. The first part states its formal title and when the scheme started. The second part is a schedule to the Order and sets out the details of the scheme.

8. Annex 1 to the Schedule to the Order lists the deposited plans which show the boundaries of the zone, where charges apply, and the boundaries of the residents' discount zone. Annex 2 sets out classes of non-chargeable and reduced rate vehicles. Annex 3 provides information on resident's vehicles and the residents' 90% discount. Annex 4 contains TfL's general plan for applying the net proceeds of congestion charging during the first ten years of operation.

The Order

9. **Article 1 (Citation and commencement)** states the title of the Order and gives the date on which it came into force, 1st November 2004.

10. **Article 2 (Scheme)** gives effect to the Schedule to the Order, with details of the scheme which also came into force on 1st November 2004.

Schedule to the Order – Scheme for Congestion Charging in Central London

11. **Article 1 (Revocation and Interpretation)** details the orders that have been revoked and sets out the meaning of various terms used in the Order.

12. **Article 2 (The charging area)** designates Greater London (exclusive of trunk roads) as the area to which the scheme applies. This means that the whole of Greater London, exclusive of trunk roads, 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 clamped and/or removed, but charges are only imposed in respect of the roads designated by article 3 (see next paragraph).

13. **Article 3 (Designation of roads in the charging area in respect of which charges are imposed)** designates the roads within the charging area that are subject to the congestion charge. These roads include all publicly maintainable and Crown roads within the central zone which is the area, with a few minor exceptions, within the Inner Ring Road (from West to East, starting from Old Marylebone Road, Marylebone Road, Euston Road, Grays Inn Road, Swinton Street, Pentonville Road, Goswell Road, City Road, Great Eastern Street, Commercial Street, Mansell Street, The Minories leading to Tower Bridge Road, New Kent Road, Elephant & Castle, Kennington Lane, Vauxhall Bridge, Vauxhall Bridge Road, Bressenden Place leading to Grosvenor Place, Park Lane, Edgware Road). The deposited plans show the boundary in detail. Annex 1 lists the deposited plans.

14. **Article 4 (Imposition of charges)** sets out the days on which charges are payable. These are all days except Saturdays and Sundays, New Year's Day, Good Friday, Christmas Day, the three days falling between Christmas and New Year and bank holidays. It also refers to the charging hours which are defined in article 1 as 7.00 am to 6.00 pm. A charge is imposed whenever a motor vehicle is used or kept on a designated road during charging hours on a charging day. No charge is however payable for vehicles with a resident's parking permit parked in a designated parking place in their parking zone on a designated road, and not moved during the charging hours.

15. **Article 5 (Non-chargeable and reduced rate vehicles etc)** introduces Annex 2 to the schedule, which sets out the classes of vehicles that are not subject to the congestion charge or that are subject to a 100% discount provided they register ('non-chargeable vehicles'), and those that are subject to a 100% discount provided they register and pay an annual, or in the case of disabled persons' vehicles an initial one off, £10 charge ('reduced rate vehicles'). There are also three classes of vehicle which when used for specified National Health Service or Fire Brigade purposes are retrospectively treated as non-chargeable vehicles and for which the charges incurred are refunded. Details of the 90% discount for resident's vehicles are covered in Annex 3.

16. **Article 6 (Payment of charges)** provides for the congestion charge to be paid by the purchase of a licence from TfL and sets out the periods for which a licence may be purchased. A licence is specific to one vehicle only and a vehicle is identified by its registration mark. This article also provides, subject to TfL's discretion, for the purchase of licences where the day of travel is specified subsequent to purchase according to certain conditions.

17. This article also allows for the charge to be paid (at a higher rate) up to midnight on the charging day after travelling (see article 7 below).

18. The table in this article lays out the appropriate methods of payment applicable to the different types of charges.

19. This article enables TfL to enter into agreements with fleet operators who control and manage fleets. Fleet operators with 10 or more vehicles can register for TfL's Fleet Scheme and normally a £10 charge is payable in respect of each vehicle registered. Such vehicles are charged £7 per day for travelling in the zone rather than £8.

20. **Article 7 (Amount of charge payable by the purchase of a licence)** sets out the level of charges for licences. These are £8 for a single day licence if the charge is paid before midnight on the day of travel, or £10 if the charge is paid before midnight on the following charging day. A licence valid for five consecutive charging days costs £40; one for 20 consecutive charging days (four week licence) costs £136; and one for 252 consecutive charging days (annual licence) costs £1696.

21. The cost of a four-week licence includes 3 uncharged days and an annual licence includes 40 uncharged days as a frequent user discount.

22. **Article 8 (Resident's vehicles)** introduces Annex 3 which provides information on resident's vehicles and the residents' 90% discount.

23. **Article 9 (The register of non-chargeable, reduced rate and resident's vehicles)** requires TfL to keep a register of those vehicles which must be registered as a condition of an exemption or discount by virtue of article 5 and Annex 2, and article 8 and Annex 3 to the Scheme. If the registration is not renewed, the vehicle is taken off the register at the end of the registration period, which is normally 12 months, or 7 charging days after a change of keeper. A renewal application can be made up to three months before the expiry date of the registration period. The owner of a vehicle must inform TfL when the entitlement to a reduced rate or discount no longer exists, and TfL can remove a vehicle from the register if it is no longer satisfied that the vehicle is entitled to be on the register.

24. **Article 10 (Refunds of charges)** provides for the application process for refunds of charges for unexpired monthly and annual licences provided adequate notice is given to TfL and where a £10 administration charge is paid..

25. **Article 11 (Amendment of licences)** provides for the process and conditions whereby the registration number and/or the start date associated with an issued licence may be amended, subject to the payment of a £2.50 charge.

26. **Article 12 (Penalty charge for non-payment of charge)** sets out the penalties for non-payment of the congestion charge and the circumstances in which the penalties will be imposed. Where a chargeable vehicle has been used or kept on a road within the central zone, and no licence has been purchased, a penalty of £120 is payable within 28 days. This is reduced to £60 if payment is

made within 14 days. If payment is not made within 28 days the penalty is increased to £180.

27. **Article 13 (Immobilisation of vehicles)** allows TfL to immobilise (wheel clamp) on public roads (except trunk roads), anywhere within the charging area, Greater London, a vehicle with at least three outstanding penalty charges. The vehicle will be released once all the outstanding penalty charges have been paid, together with a £70 release charge.

28. **Article 14 (Removal of vehicles)** allows TfL to remove on public roads (except trunk roads), anywhere within the charging area, Greater London, a vehicle with at least three outstanding penalty charges. The vehicle will be released on payment of the outstanding penalty charges, a £200 removal charge and a £40 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 £70 disposal charge. If the disposal does not realise enough to cover these charges the amount by which the charges exceed the disposal proceeds is payable in any event.

29. **Article 15 (10 year plan for net proceeds)** introduces Annex 4 to the schedule, TfL's general plan for spending the net proceeds from the scheme for the first ten years after it starts. Transport for London submitted the plan to the Secretary of State for Transport, Local Government and the Regions who approved it on 6 March 2002.

30. **Article 16 (Duration of scheme)** provides for the scheme to remain in force indefinitely. (*The scheme could be modified or withdrawn by an order duly made by TfL and confirmed by the Mayor.*)

Annexes

31. **Annex 1** is a list of the deposited plans which show the boundaries of the zone where charges would apply, and the boundaries of the residents' discount zone.

32. **Annex 2** sets out in detail the classes of non-chargeable and reduced rate vehicles.

33. Paragraph 1 – (Motorbicycles, licensed hackney carriages and licensed private hire vehicles) defines vehicles that are not subject to the congestion charge and which do not have to be registered. These include the following:

- motorbicycles – this includes motorcycles, scooters, mopeds, electrically propelled two-wheel vehicles and motorcycles with sidecars. Three-wheel vehicles (motortricycles) are subject to the charge but can qualify for a discount under paragraph 5A of this Annex (see below).hackney carriages (black cabs) – London taxis licensed through the Public Carriage Office within TfL.

It also includes:

- private hire vehicles of London licensed operators (including minicabs) whilst hired to carry passengers provided they are registered through the Public Carriage Office within TfL.

34. Paragraph 2 – (Vehicles exempt from vehicle excise duty) defines certain vehicles that are exempt from vehicle excise duty and that are also exempt from congestion charging provided that they display a nil licence issued by the Driver and Vehicle Licensing Agency (DVLA), or its Northern Ireland equivalent (DVLNI) and, in the case of vehicles registered in Northern Ireland, provided also that they are registered with TfL. This class of exemption covers the following vehicles:

- emergency service vehicles – this includes police vehicles, fire engines and fire service vehicles, ambulances and lifeboat vehicles;
- health service vehicles – this includes vehicles used or kept by a health service body. *It is an administrative requirement for obtaining a nil licence from the DVLA or DVLNI that the vehicle should be registered in the name of the health service body claiming the exemption. If a leasing company has an interest in the vehicle, the vehicle should be registered with the DVLA or DVLNI in the name of the health service body with c/o address of the leasing company;* and
- certain vehicles used for the carriage of disabled persons – these include those vehicles which are dedicated to carrying disabled people (disabled passenger carrying vehicles) as well as those vehicles used by disabled persons in receipt of a nil licence from DVLA or DVLNI. *It should be noted that a Department for Work and Pensions (DWP) Certificate of Entitlement is required to obtain vehicle excise duty exempt status for this last category.*

35. For certain types of vehicle (ambulances, invalid carriages and disabled passenger carrying vehicles) a 100% discount is provided for those vehicles registered in a member state of the European Union, subject to registration with TfL.

36. Paragraph 3 – (Large passenger vehicles) defines vehicles with nine or more seats (excluding the driver's seat) registered in Great Britain and licensed as a bus with DVLA as exempt from the congestion charge. Such vehicles from Northern Ireland and all European Economic Area states, and other vehicles with nine or more seats not licensed as a bus e.g. buses operated by non-profit making organisations under the Section 19 permit scheme and community buses, are also not subject to the charge provided they are registered with TfL.

37. Paragraph 4 – (Vehicles used in the provision of particular public services) defines vehicles that are eligible for a 100% discount from the congestion charge because they provide specified public services. To qualify for the 100% discount the vehicle must be entered in the register of non-chargeable, reduced rate and resident's vehicles. These include the following vehicles:

- emergency services' operational vehicles – these include vehicles owned by, or leased/hired to the emergency services for authorised operational purposes. *This is not intended to cover staff vehicles used for private purposes;*
- certain operational vehicles used by the Royal Parks Agency, the Crown Estate Paving Commission and the eight Local Authorities within or partly within the central zone provided they are being used to carry out the operational functions as described in paragraph 4(4) and provided that they are used for the provision of non-commercial services - *Vehicles owned or leased by contractors operating on behalf of the Local Authority, the Royal Parks Agency or the Crown Estate Paving Commission, will also be eligible for the 100% discount under this category provided they meet the other criteria;*
- vehicles used for lifeboat haulage and HM Coastguard purposes, and Port of London Authority vehicles in use attending emergencies on the River Thames;
- an emergency response unit of TfL or any London borough council used in responding to an emergency; and
- military vehicles used by the armed forces.

38. Paragraph 5 – (Disabled persons' vehicles) defines vehicles that are eligible for a 100% discount because they are used by disabled persons. To qualify for the 100% discount an individual or an institution must hold a UK disabled person's badge (Blue Badge). This discount will also apply to individual blue badge holders throughout the European Union. Once the criteria have been met and an initial one-off £10 charge paid, the individual or institution can register their vehicles on the register of non-chargeable, reduced rate and resident's vehicles. The registered vehicles can be changed at any time but no more than two vehicles on any one day can be registered for the 100% discount.

39. **Paragraph 5A – (Motortricycles)** defines three-wheel vehicles (mototricycles) that can qualify for a 100% discount. A motortricycle must be licensed as such with the DVLA and cannot exceed 1 metre in overall width and 2 metres in overall length.

40. To qualify for the 100% discount motortricycles must be registered with TfL and an annual £10 registration charge must be paid.

41. **Paragraph 6 – (Other reduced rate vehicles)** defines the following other classes of vehicle eligible for a 100% discount, subject to registration and the payment of an annual £10 registration charge:

- specially adapted recovery vehicles – vehicles which are constructed or permanently adapted primarily for the purposes of lifting, towing and transporting a broken-down vehicle, and only used for those purposes;
- breakdown vehicles in use to provide roadside assistance or recovery services operated by an accredited recovery organisation;
- electrically propelled vehicles; and
- alternative fuel vehicles meeting the requirements below:
 - vehicles above 3500 kilograms maximum gross weight that are approved vehicles supplied or converted by an approved supplier as listed in bands 2, 3 or 4 of the TransportEnergy Register maintained by the Energy Saving Trust, or meeting an equivalent emissions standard in a register maintained by an equivalent body in a European Economic Area (EEA) State i.e. that attain Euro III emissions standards or higher;
- cars and light commercial vehicles that are approved vehicles supplied or converted by an approved supplier as listed in band 4 of the TransportEnergy Register maintained by the Energy Saving Trust, or meeting an equivalent emissions standard in a register maintained by an equivalent body in an EEA State i.e. that attain 40% reduction above Euro IV emissions standards or higher.

42. **Paragraph 7 – (Vehicles used by certain NHS employees)** provides for TfL to refund NHS employers for charges incurred and paid by NHS staff (including locum and agency staff) for vehicles used by NHS staff on journeys carrying bulky, heavy or fragile equipment, confidential patient notes, controlled drugs or other material specified in the Scheme Order; and for NHS staff on call to provide services required in consequence of an emergency.

43. **Paragraph 8 – (Vehicles used for transporting certain NHS patients)** provides for TfL to refund NHS bodies for charges that the NHS has refunded to certain patients who incurred charges whilst attending NHS appointments using private transport. This will only apply to those NHS patients who are receiving assistance from an NHS body to enable them to attend appointments using private transport; who have a compromised immune system, require regular

therapy or assessment or require recurrent surgical intervention; and where the patient is clinically assessed as too ill, weak or disabled to travel to an appointment on public transport.

44. **Paragraph 9 – (Vehicles used by firefighters for operational reasons)** provides for TfL to refund the London Fire and Emergency Planning Authority (LFEPA) for charges incurred and paid by firefighters for operational journeys between fire stations.

45. **Annex 3** sets out the reduced rates (90% discount) payable by qualified residents of the residents' discount zone.

46. **Paragraph 1 – (Meaning of qualified resident)** defines a qualified resident of the residents' discount zone as someone who is at least 17 years old, who mainly lives at an address in the residents' discount zone, who is on the register of parliamentary electors or the register of local government electors for that address (if eligible) and who lives at that address for at least 4 days a week, and for a period of at least 13 weeks.

47. **Paragraph 2 – (Meaning of resident's vehicle)** sets out that to qualify for a resident's discount, the resident must apply for the relevant vehicle to be entered on the register of non-chargeable, reduced rate and resident's vehicles and pay an annual £10 charge. Residents changing their vehicle registration mark on the register will be subject to a £2.50 charge. Only one vehicle per resident may be entered on the register at any one time.

48. **Paragraph 3 – (Purchase of licenses for residents' vehicle)** sets out the residents' 90% discounted charges. A discounted resident's charge can be purchased for a minimum of 5 consecutive charging days.

49. **Paragraph 4 – (Temporary substitutions)** sets out the special provision made for residents using a temporary substitute vehicle either hired or provided by a garage or insurance company while their main vehicle is off the road undergoing servicing or repair. Such residents are entitled to a reimbursement of the standard charge(s) paid minus the discounted charge that the resident would have paid for the use of their original vehicle (in effect, returning 90% of the standard daily charges paid), subject to an administrative charge.

50. **Paragraph 5 – (New residents)** sets out that new residents (who move into or within the residents' discount zone) and are unable to provide all the required evidence of qualified resident status immediately must pay the standard daily charge (£8), but will be refunded 90% of this if they provide the necessary evidence within 90 days.

51. **Paragraph 6 – (Certificates of residence)** makes provision for qualified residents who do not have a vehicle to receive a certificate of residence so that

they can receive the residents' 90% discount when they hire a car subject to notifying TfL of the hiring in advance, providing evidence of the hiring and on payment of £10.

52. **Paragraph 7 – (Licences void)** makes provision for void licenses.

53. **Paragraph 8 – (Holder ceasing to be a qualified resident)** provides for a discounted licence to cease to have effect if the holder is no longer a qualified resident.

54. **Annex 4** 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 of this scheme during the opening ten year period of the scheme's operation.

55. This is version 12 of the explanatory notes, which are updated as necessary.