

TRANSPORT ACT 2000

Bath Clean Air Zone Charging Order 2021

Coming into force: In accordance with articles 1 and 2

Arrangement of INSTRUMENT

THE ORDER

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- 2. The Scheme**

Schedule to the order

BATH CLEAN AIR ZONE Charging Scheme

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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 contained in their joint local transport plan, 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, as the relevant charging authority under the Transport Act 2000, hereby makes the following Order:-

Citation and commencement:

1. This Order is made on the **28th day of January 2021** and comes into force on the same day and may be cited as the “Bath Clean Air Zone Charging Order 2021”.

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 the day following the day on which this Order is made.

(3) Article 7 of the Scheme comes into force on such date, not being earlier than 15 March 2021, as may be appointed by the Council in accordance with paragraph (4).

(4) The Council shall cause to be published in a newspaper circulating in and around Bath notice of the appointment of a date under paragraph (3), and the date so appointed shall not be earlier than the expiration of 28 days after the publication of the said notice.

(5) The notice referred to in paragraph (4) shall include the following particulars:

- (a) the date appointed under paragraph (3);
- (b) the general effect of article 7 of the Scheme coming into force on that date; and
- (c) details of a place at which this Order may be inspected and the times when it may be inspected.

THE COMMON SEAL of

BATH AND NORTH EAST SOMERSET COUNCIL
was hereunto affixed in the presence of:

SCHEDULE TO THE ORDER Article 2

BATH CLEAN AIR ZONE CHARGING SCHEME

Interpretation

1.—(1) In this Scheme—

- (a) “**1994 Act**” means the Vehicle Excise and Registration Act 1994;
- (b) “**approved retrofit scheme**” means the Clean Vehicle Retrofit Accreditation Scheme and such other accreditation scheme or schemes as may from time to time be specified by the Council in accordance with any requirements of the Central Clean Air Zone Service;
- (c) “**category**” in relation to a vehicle shall be construed in accordance with the vehicle categories set out in Part A of Annex II to Council Directive 2007/46/EC;
- (d) “**Central Clean Air Zone Service**” means the national body through which road user charges pursuant to clean air zone charging schemes may be paid;
- (e) “**charge**” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;
- (f) “**charging day**” means the period of twenty four hours from midnight to midnight;
- (g) “**Class L**” vehicles are those falling within class L(a) and class L(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (h) “**Class M₁**” vehicles are those falling within class M_{1(a)} and class M_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (i) “**Class M₂**” vehicles are those falling within class M_{2(a)} and class M_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (j) “**Class M₃**” vehicles are those falling within class M_{3(a)} and class M_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (k) “**Class N₁**” vehicles are those falling within class N_{1(a)} and class N_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (l) “**Class N₂**” vehicles are those falling within class N_{2(a)} and class N_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (m) “**Class N₃**” vehicles are those falling within class N_{3(a)} and class N_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (n) “**Clean Air Zone**” means the area shown edged red and shaded pink on the Clean Air Zone Plan, the boundaries of which are defined on the Clean Air Zone Boundary Plans;
- (o) “**Clean Air Zone Boundary Plan**” means a deposited plan specified in Part 2 of Annex 1 defining part of the boundary of the Clean Air Zone by showing the boundary in red and areas within the Clean Air Zone shaded pink;
- (p) “**Clean Air Zone Plan**” means the plan specified in Part 1 of Annex 1;

- (q) “**commencement date**” means the date appointed by the Council under article 2(3) of this Order;
- (r) “**compliant vehicle**” has the meaning given by article 4;
- (s) “**compression ignition engine**” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder or combustion space;
- (t) “**compression ignition vehicle**” means a vehicle powered wholly by a compression ignition engine;
- (u) “**Council**” means Bath and North East Somerset Council;
- (v) “**deposited plans**” means the portfolio of plans comprising the Clean Air Zone Plan and the Clean Air Zone Boundary Plans —
 - (i) deposited at the offices of the Council at the Guildhall, High Street, Bath BA1 5AW; and
 - (ii) consisting of the plans bearing the titles, sheet numbers, drawing numbers and revision numbers specified in Annex 1 to the Scheme;
- (w) “**designated road**” means one of the designated roads specified in article 2(2);
- (x) “**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 Central Clean Air Zone Service 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 CO₂ emissions of 0 grams per kilometre;
- (y) “**Enforcement Regulations**” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;
- (z) “**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;
- (aa) “**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 Central Clean Air Zone Service is satisfied replicates so far as practicable the standard ETC test cycle;
- (bb) “**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;
- (cc) “**Euro 5**” means the emissions limit values set out in Table 1 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (dd) “**Euro 6**” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;

- (ee) “**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;
- (ff) “**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;
- (gg) “**Euro VI**” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- (hh) “**licence**” means a licence purchased under article 9;
- (ii) “**local register**” means the register of non-chargeable and reduced rate vehicles to be maintained by the Council under article 10;
- (jj) “**local road**” means any road in respect of which the Council is the local traffic authority;
- (kk) “**maximum mass**” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (ll) “**national register**” means the register of compliant and non-chargeable vehicles to be maintained by the Central Clean Air Zone Service under article 10;
- (mm) “**non-chargeable vehicle**” is to be construed in accordance with articles 5 and 16 and Annexes 2 and 4;
- (nn) “**NO_x**” means oxides of nitrogen;
- (oo) “**penalty charge**” and “**penalty charge notice**” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- (pp) “**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;
- (qq) “**positive ignition vehicle**” means a vehicle powered wholly by a positive ignition engine;
- (rr) “**private hire vehicle**” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
- (ss) “**reduced rate vehicle**” is to be construed in accordance with article 5 and Annex 2;
- (tt) “**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;
- (uu) “**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;
- (vv) **“relevant vehicle”** has the meaning given by article 3;
- (ww) **“retrofitted”** means adapted so as to meet the emissions standards required of a compliant vehicle in accordance with an approved retrofit scheme;
- (xx) **“scheme year”** means a period of one year commencing on the commencement date or any anniversary of the commencement date;
- (yy) **“taxi”** means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
- (zz) **“type-approved”** is to be construed in accordance with article 3 of Council Directive 2007/46/EC;
- (aaa) **“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;
- (bbb) **“Vehicle Classes Regulations”** means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
- (ccc) **“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;
- (ddd) **“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.

(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 M₁; and
- (b) all vehicles of Class L, Class M₂, Class M₃, Class N₁, Class N₂ and Class N₃.

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 national register.

Non-chargeable and reduced rate vehicles

5. Annex 2 to this Scheme, which specifies categories of non-chargeable and reduced rate 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 Central Clean Air Zone Service is satisfied that the vehicle is—

- (a) an electric vehicle;
- (b) 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
- (c) 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—

- (a) in respect of any relevant vehicle of Class M₃, Class N₂ or Class N₃ other than a reduced rate vehicle; and
- (b) in respect of any relevant vehicle of Class L falling within rows 13a to 16 of Table 1 of Annex 3 or rows 8 to 11 of Table 2 of Annex 3,

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—

- (a) in respect of any relevant vehicle of Class M₁, Class M₂ or Class N₁ and any reduced rate vehicle; and
- (b) in respect of any relevant vehicle of Class L falling within rows 1 to 12 of Table 1 of Annex 3 or rows 1 to 7 of Table 2 of Annex 3,

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 any of the first six charging days immediately following that charging day; or
- (c) on a day falling within a period of six charging days immediately preceding that charging day.

(5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website as being acceptable.

Register of compliant, non-chargeable and reduced rate vehicles

10.—(1) The Council will maintain the local register which will identify non-chargeable and reduced rate vehicles for the purposes of Annex 4 and Parts 2 and 3 of Annex 2.

(2) The Central Clean Air Zone Service will maintain the national register which will identify compliant vehicles and non-chargeable vehicles for the purposes of article 4 and Part 1 of Annex 2.

(3) An application to enter particulars of a vehicle in the national register—

- (a) must include all such information as the Central Clean Air Zone Service may reasonably require; and

(b) must be made by such means as the Central Clean Air Zone Service may accept.

(4) An application to enter particulars of a vehicle in the local register—

(a) may only relate to a single scheme year; and

(b) must include all such information as the Council may reasonably require and be made by such means as the Council may accept,

and at the end of the scheme year concerned a new application will be required to re-enter particulars of the vehicle in the local register.

(5) If the Central Clean Air Zone Service 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 set out in Part 1 of Annex 2,

it will enter particulars of the vehicle in the national register.

(6) If the Council is satisfied that a vehicle falls within a class of non-chargeable or reduced rate vehicle set out in Parts 2 or 3 of Annex 2 or in Annex 4—

(a) it will enter particulars of the vehicle in the local register for the scheme year in respect of which the application under paragraph (4) was made; and

(b) at the end of that scheme year the Council will remove particulars of the vehicle from the local register unless a new application is made under paragraph (4) to enter particulars of the vehicle for the subsequent scheme year.

(7) If the Council or the Central Clean Air Zone Service respectively is satisfied that a vehicle, particulars of which are entered in the relevant register, no longer—

(a) complies with the standards required of a compliant vehicle; or

(b) falls within a class of non-chargeable or reduced rate vehicle,

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

(8) Where the registered keeper of a vehicle, particulars of which are entered in the local or national register, 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 or reduced rate vehicle,

the registered keeper must notify the Council or the Central Clean Air Zone Service respectively of the fact and the Council or the Central Clean Air Zone Service respectively may remove the particulars of the vehicle from the relevant register forthwith, or from the date notified to the Council or the Central Clean Air Zone Service as the date on which it will cease to be such a vehicle.

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

Refunds of charges

11.—(1) The purchaser of a licence in respect of a charge imposed under article 7 may surrender the licence and, subject to any requirements of the Central Clean Air Zone Service, obtain a refund in accordance with the following provisions of this article.

(2) An application for a refund must be made before the charging day to which the licence relates and in such manner as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website.

(3) An application for a refund must be accompanied by such information as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website.

(4) The amount of a refund for a charge imposed under article 7 will be the charge paid for the licence, less £2.50.

Penalty charge for non-payment of charge

12.—(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

13.—(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

14.—(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

15. This Scheme will remain in force indefinitely.

Transitional provisions – temporary non-chargeable vehicles

16. 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

17.—(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 Article 1(1)

DEPOSITED PLANS

PART 1 – CLEAN AIR ZONE PLAN

(a) <i>Title & Sheet No.</i>	(b) <i>Drawing Number</i>	(c) <i>Revision</i>
Bath Clean Air Zone, Overview	674726.BR.042.01-CH-DR-0050	P03

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

(a) <i>Title & Sheet No.</i>	(b) <i>Drawing Number</i>	(c) <i>Revision</i>
Bath Clean Air Zone, Sheet 1	674726.BR.042.01-CH-DR-0051	P03
Bath Clean Air Zone, Sheet 2	674726.BR.042.01-CH-DR-0052	P03
Bath Clean Air Zone, Sheet 3	674726.BR.042.01-CH-DR-0053	P03
Bath Clean Air Zone, Sheet 4	674726.BR.042.01-CH-DR-0054	P03
Bath Clean Air Zone, Sheet 5	674726.BR.042.01-CH-DR-0055	P03
Bath Clean Air Zone, Sheet 6	674726.BR.042.01-CH-DR-0056	P03
Bath Clean Air Zone, Sheet 7	674726.BR.042.01-CH-DR-0057	P03
Bath Clean Air Zone, Sheet 8	674726.BR.042.01-CH-DR-0058	P03
Bath Clean Air Zone, Sheet 9	674726.BR.042.01-CH-DR-0059	P03
Bath Clean Air Zone, Sheet 10	674726.BR.042.01-CH-DR-0060	P03
Bath Clean Air Zone, Sheet 11	674726.BR.042.01-CH-DR-0061	P03
Bath Clean Air Zone, Sheet 12	674726.BR.042.01-CH-DR-0062	P03
Bath Clean Air Zone, Sheet 13	674726.BR.042.01-CH-DR-0063	P03

NON-CHARGEABLE AND REDUCED RATE VEHICLES

PART 1 – NON-CHARGEABLE VEHICLES ENTERED IN THE NATIONAL REGISTER

Historic Vehicles

1. A vehicle is a non-chargeable vehicle if it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the national register.

Military vehicles

2. A vehicle is a non-chargeable vehicle if it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces and particulars of the vehicle are for the time being entered in the national register.

Vehicles for disabled people

3. 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 provided particulars of the vehicle are for the time being entered in the national register.

Hybrid, gas and steam-powered fuel vehicles

4. A vehicle is a non-chargeable vehicle, provided particulars of the vehicle are for the time being entered in the national register, if—

- (a) it 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 is a non-chargeable vehicle;
- (b) it is a positive ignition vehicle constructed or retrofitted so as to be capable of being powered by liquid petroleum gas or compressed natural gas; or
- (c) it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within the definition in paragraph 20F (steam powered vehicles) of Schedule 2 to that Act.

PART 2 – NON-CHARGEABLE VEHICLES ENTERED IN THE LOCAL REGISTER

Bio-ethanol fuelled vehicles

5. A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) the vehicle is a positive ignition vehicle constructed or retrofitted so as to be capable of being powered solely by bio-ethanol;
- (b) the vehicle is not a compliant vehicle; and
- (c) particulars of the vehicle are for the time being entered in the local register.

Agricultural and similar vehicles

6.—(1) A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the local register—

- (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 20H (snow ploughs); and
- (e) 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 would, had it been registered under the 1994 Act, 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 local register.

Health service vehicles

7.—(1) A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within the definitions in paragraphs 7 or 8 (health service vehicles) of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the local register.

(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 would, had it been registered under the 1994 Act, 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 local register.

Non-UK registered vehicles for disabled people

8. If the Council is satisfied, by the production of such evidence as it may reasonably require, that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom would, had it been registered under the 1994 Act, have fallen within paragraph 3 of this Annex, that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

PART 3 – REDUCED RATE VEHICLES ENTERED IN THE LOCAL REGISTER

Motorised horseboxes and motor caravans

9.—(1) An eligible motorised horsebox is a reduced rate vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) An eligible motor caravan is a reduced rate vehicle provided particulars of the vehicle are for the time being entered in the local register.

(3) A vehicle is an eligible motorised horsebox if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a motorised horsebox that falls within the definition of a “special vehicle” in paragraph 4(2)(bb) of Schedule 1 to the 1994 Act.

(4) An eligible motor caravan is a reduced rate vehicle provided particulars of the vehicle are for the time being entered in the local register.

(5) A vehicle is an eligible motor caravan if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a Class L vehicle that falls within the definition of a “special vehicle” in paragraph 4(2)(bb) of Schedule 1 to the 1994 Act.

EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

- 1.—(1) A vehicle meets the standards set out in Tables 1 and 2 if—
- (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_x 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 Central Clean Air Zone Service is satisfied that the limit values for the emission of NO_x 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) A reference to a vehicle of Class L in any row of Table 1 or 2 is to be construed, for the purpose of assessing its emissions, as a reference to a vehicle that has been type-approved as the relevant M or N category specified in that row of the Table concerned.

Table 1 — EURO 4/IV STANDARDS FOR POSITIVE 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) EC emissions standard	(f) Limit values for NO_x	(g) Appropriate test
(1)	L, M ₁	not exceeding 2,500		Euro 4	0.08g/km	Type I
(2)	L, M ₁	exceeding 2,500	not exceeding 1,305	Euro 4	0.08g/km	Type I
(3)	L, M ₁	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	L, M ₁	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	L, M ₂	not exceeding 2,500		Euro 4	0.08g/km	Type I

(6)	L, M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(7)	L, M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	L, M ₂	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	L, M ₂	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	L, M ₂	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC
(10)	L, N ₁ sub-class (i)		not exceeding 1,305	Euro 4	0.08g/km	Type I
(11)	L, N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	L, N ₁ sub-class (iii)		exceeding 1,760	Euro 4	0.11g/km	Type 1
(13a)	L, N ₂		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	L, N ₂		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	L, N ₂		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	L, M ₃			Euro IV	3.5g/kWh	ETC
(16)	L, N ₃			Euro IV	3.5g/kWh	ETC

Table 2 — EURO 6/VI STANDARDS 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) EC emissions standard	(f) Limit values for NO_x	(g) Appropriate tests
(1)	L, M ₁		not exceeding 2610	Euro 6	0.08g/km	Type I
(2)	L, M ₁		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	L, N ₁		not exceeding 1,305	Euro 6	0.08g/km	Type I
(4)	L, N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(5)	L, N ₁ sub-class (iii)		exceeding 1,760	Euro 6	0.125g/km	Type 1
(6)	L, M ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(7)	L, M ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(8)	L, N ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(9)	L, N ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and	WHSC and WHTC

(a) Row No.	(b) Vehicle Class	(c) Maximum mass of vehicle, where relevant (kg)	(d) Reference mass of vehicle, where relevant (kg)	(e) EC emissions standard	(f) Limit values for NO_x	(g) Appropriate tests
					0.46 g/kWh (WHTC)	
(10)	L, M ₃			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(11)	L, N ₃			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 local register.

(2) A vehicle is a qualifying emergency service vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act—
 - (i) paragraph 3A (police vehicles);
 - (ii) paragraphs 4 and 5 (fire engines etc.);
 - (iii) paragraph 6 (ambulances);
 - (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).

(3) In this paragraph “emergency service vehicles transitional period” means the period of four years beginning with the commencement date.

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 local register in respect of the charging day concerned following an application received on—
 - (i) the charging day concerned;
 - (ii) any of the first six charging days immediately following that charging day; or
 - (iii) a day falling within a period of six charging days immediately preceding that charging day.

(3) An eligible person may apply to the Council to specify a vehicle as an emergency service support vehicle for any or all charging days in a scheme year 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 until the end of the scheme year concerned or, if earlier, 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 local register pursuant to sub-paragraph (2)(c) may only be made in respect of a single charging day and shall—

- (a) specify the charging day concerned;
- (b) be made by such means as the Council may specify on its website; and
- (c) 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,

and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the charging day concerned only and shall thereafter remove particulars of the vehicle from the local register.

(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 of four years beginning with the commencement date;
- (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 is a vehicle of Class N₁ or Class L or a reduced rate vehicle within the meaning of paragraph 9 of Annex 2;

- (b) it has been specified by the Council pursuant to an application under sub-paragraph (3) or (4);
- (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 14 of this Annex;
- (d) 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
- (e) particulars of the vehicle are entered in the local register in respect of the charging day concerned following an application received on—
 - (i) the charging day concerned;
 - (ii) any of the first six charging days immediately following that charging day; or
 - (iii) a day falling within a period of six charging days immediately preceding 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 or all charging days in a scheme year 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 or all charging days in a scheme year 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 until the end of the scheme year concerned or, if earlier, 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) An application under sub-paragraph (2)(e) to enter particulars of a qualifying blue badge vehicle on the local register may only be made in respect of a single charging day and shall—

- (a) specify the charging day concerned;
- (b) be made by such means as the Council may specify on its website; and
- (c) be accompanied by such details of the use of that vehicle to transport a disabled person on that charging day as the Council may reasonably require,

and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the charging day concerned only and shall thereafter remove particulars of the vehicle from the local register.

(8) 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 of two years beginning with the commencement date;
- (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 8 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 14 of this Annex; and
- (d) particulars of the vehicle are entered in the local register in respect of the charging day concerned following an application received on—
 - (i) the charging day concerned;
 - (ii) any of the first six charging days immediately following that charging day; or
 - (iii) a day falling within a period of six charging days immediately preceding 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 or all charging days in a scheme year 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 until the end of the scheme year concerned or, if earlier, 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 under sub-paragraph (2)(d) to enter particulars of a qualifying community transport vehicle on the local register may only be made in respect of a single charging day and shall—

- (a) specify the charging day concerned;
- (b) be made by such means as the Council may specify on its website; and
- (c) be accompanied by such details of the use of that vehicle pursuant to a community transport permit as the Council may reasonably require, and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the charging day concerned only and shall thereafter remove particulars of the vehicle from the local register.

(7) 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 of two years beginning with the commencement date.

Vehicles used by providers of community-based health, social care and education services

5.—(1) During the community-based health, social care and education transitional period the Council will treat any qualifying provider’s vehicle as if it were a non-chargeable vehicle.

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

- (a) it is a vehicle of Class N₁ or Class L;
- (b) it has been specified by the Council pursuant to an application under sub-paragraph (3);
- (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 14 of this Annex;
- (d) the Council is satisfied it is used on that charging day by or on behalf of a qualifying provider for the purposes of—
 - (i) undertaking a community-based regulated healthcare activity; or
 - (ii) providing community-based education or social care services; and
- (e) particulars of the vehicle are entered in the local register in respect of the charging day concerned following an application received on—
 - (i) the charging day concerned;
 - (ii) any of the first six charging days immediately following that charging day; or
 - (iii) a day falling within a period of six charging days immediately preceding that charging day.

(3) A qualifying provider may apply to the Council to specify a vehicle as a qualifying provider’s vehicle for any or all charging days in a scheme year 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 until the end of the scheme year concerned or, if earlier, until a different vehicle has been specified in place of it.

(5) In this paragraph—

- (a) “**community-based**” in relation to any health, social care or education services refers to off-site services that the Council is satisfied are provided in the community at a location other than one at which those services are permanently provided;
- (b) “**community-based health, social care and education transitional period**” means the period of two years beginning with the commencement date;
- (c) “**qualifying provider**” means—
 - (i) a registered healthcare provider providing community-based services in Bath and North East Somerset; or
 - (ii) a relevant provider of community-based education or social care services;
- (d) “**registered healthcare provider**” means a person registered as a service provider under part 1 of the Health and Social Care Act 2008;
- (e) “**regulated healthcare activity**” means any activity specified in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014;
- (f) “**relevant provider of community-based education or social care services**” means—
 - (i) the Council;
 - (ii) a relevant NHS Trust;
 - (iii) NHS England;
 - (iv) an NHS Clinical Commissioning Group;
 - (v) a charity that the Council is satisfied, by the production of such evidence as it may reasonably require, is providing community-based education or social care services in Bath and North East Somerset; or
 - (vi) any other organisation that the Council is satisfied, by the production of such evidence as it may reasonably require, is providing community-based education or social care services in Bath and North East Somerset on behalf of the Council, a relevant local NHS Trust, NHS England or an NHS Clinical Commissioning Group;
- (g) “**relevant NHS Trust**” means any NHS Trust or NHS Foundation Trust;
- (h) “**NHS Clinical Commissioning Group**” means a clinical commissioning group within the meaning of section 11 of the National Health Service Act 2006;

- (i) **“NHS Trust”** means a body established by an NHS trust order under section 25 of the National Health Service Act 2006;
- (j) **“NHS Foundation Trust”** has the meaning given in section 30 of the National Health Service Act 2006;
- (k) **“social care”** includes all forms of personal care and other practical assistance provided for individuals who are in need of such care or assistance by reason of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs or other similar circumstances.

(6) An application under sub-paragraph (2)(e) to enter particulars of a qualifying provider’s vehicle on the local register may only be made in respect of a single charging day and shall—

- (a) specify the charging day concerned;
- (b) be made by such means as the Council may specify on its website; and
- (c) be accompanied by such details of the use of that vehicle for community-based health, social care or education services as the Council may reasonably require,

and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the charging day concerned only and shall thereafter remove particulars of the vehicle from the local register.

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 local 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 14 of this Annex.

(3) In this paragraph “wheelchair-accessible vehicles transitional period” means the period of two years beginning with the commencement date.

Vehicles granted a temporary exemption under the Financial Assistance Scheme

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

(2) A vehicle is a qualifying 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); and

(b) particulars of the vehicle are entered in the local register in accordance with sub-paragraphs (5) and (6).

(3) The Council shall specify a vehicle for the purpose of sub-paragraph (2)(a) if it is satisfied, by the production of such evidence as it may reasonably require, that—

- (i) the vehicle concerned has (i) been the subject of an unsuccessful application to the Financial Assistance Scheme for funding for the replacement of that vehicle with a compliant vehicle and (ii) meets the emissions standards for temporary non-chargeable vehicles set out in paragraph 14 of this Annex;
- (ii) pursuant to an application to the Financial Assistance Scheme, the vehicle concerned is required to undergo a telematics assessment;
- (iii) pursuant to a successful application to the Financial 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
- (iv) pursuant to a successful application to the Financial 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 Financial Assistance Scheme for replacement of the vehicle concerned;
 - (ii) of an application to the Financial Assistance Scheme and any requirement for a telematics assessment of the vehicle concerned;
 - (iii) that a replacement compliant vehicle has been ordered;
 - (iv) that an order has been placed for the vehicle to be retrofitted;
 - (v) of the relevant replacement date;
- as the Council may reasonably require; and

(b) be made by such means as the Council may accept.

(5) An application to enter particulars of a qualifying vehicle falling within sub-paragraphs (3)(ii), (iii) or (iv) on the local register shall be made by such means as the Council may specify on its website, and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register until the end of the Financial Assistance Scheme transitional period.

(6) An application to enter particulars of a qualifying vehicle falling within sub-paragraph (3)(i) on the local register may only be made in respect of a single charging day and shall—

(a) specify the charging day concerned; and

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

and in the event that the application is successful the Council shall enter particulars of the vehicle in the local register in respect of the charging day concerned only and shall thereafter remove particulars of the vehicle from the local register.

(7) In this paragraph—

- (a) **“Financial Assistance Scheme”** means the “Pre-Euro 6 Financial Assistance Scheme” as set out on the Council’s website and as may be amended from time to time;
- (b) **“Financial Assistance Scheme transitional period”** means—
 - (i) in respect of a vehicle falling within sub-paragraphs (3)(i), (iii) or (iv), the period beginning with the commencement date and ending on the earlier of (i) the replacement date and (ii) the date falling two years after the commencement date;
 - (ii) in respect of a vehicle falling within sub-paragraph (3)(ii), the period beginning with the commencement of the telematics assessment for that vehicle and ending on the earlier of (i) an order being placed for retrofitting of the vehicle concerned or for a replacement compliant vehicle and (ii) the date falling ninety days after the commencement date;
- (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 vehicle; or
 - (ii) the retrofitting of the qualifying 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 local register.

(2) A vehicle is a qualifying recovery vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) it falls within the definition of, and is licensed as, a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 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, 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;

(3) In this paragraph “qualifying recovery vehicles transitional period” means the period of four years beginning with the commencement date.

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 local register.

(2) In this paragraph—

- (a) **“showman’s vehicle”** means any vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require—

- (i) falls within the definition of, and is registered under the 1994 Act as, a “showman’s vehicle” or “showman’s goods vehicle” within the meaning of section 62 of the 1994 Act; or
 - (ii) falls within the definition of “showman’s vehicle” or “showman’s goods vehicle” within the meaning of section 62 of the 1994 Act and 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 of four years beginning with the commencement date.

Special vehicles

10.—(1) During the special vehicles transitional period the Council will treat any special vehicle other than one falling to be treated as reduced rate vehicle under paragraph 9 of Annex 2 as a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph—

- (a) “special vehicle” means a vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, is—
 - (i) 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) 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 of four years beginning with the commencement date.

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 local 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
- (b) “special type vehicles transitional period” means the period of four years beginning with the commencement date.

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 local register.

(2) In this paragraph—

- (a) “general haulage vehicle” means a vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, is—
 - (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 of four years beginning with the commencement date.

Vehicles to be replaced by an electric vehicle

13.—(1) During the electric vehicle replacement transitional period the Council will treat a qualifying vehicle as it were a non-chargeable vehicle.

(2) A vehicle is a qualifying vehicle if—

- (a) it has been specified by the Council under sub-paragraph (3) pursuant to an application under sub-paragraph (4); and
- (b) particulars of the vehicle are for the time being entered in the local register.

(3) The Council shall specify a vehicle for the purpose of sub-paragraph (2)(a) if it is satisfied by the production of such evidence as it may reasonably require, that—

- (a) an order has been placed for the purchase of an electric vehicle to replace the qualifying vehicle; and
- (b) the replacement electric vehicle has not yet been made available for use.

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

- (a) include such evidence—
 - (i) that a replacement electric vehicle has been ordered;
 - (ii) of the relevant replacement date;as the Council may reasonably require; and
- (b) be made by such a means as the Council may accept.

(5) In this paragraph—

- (a) “electric vehicle replacement transitional period” means the period beginning with the date on which the order referred to in sub-paragraph (3)(a) was placed (“the order date”) and ending on the earlier of—

- (i) the replacement date, and
 - (ii) the date falling two years after the commencement date; and
- (b) “replacement date” means the date on which a replacement electric vehicle is to be provided for use in replacement of the vehicle concerned.

Emissions standards for certain temporary non-chargeable vehicles

14.—(1) A vehicle meets the emission standards required of a temporary non chargeable vehicle for the purposes of paragraphs 3, 4, 5, 6 or 7 of this Annex 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_x 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_x 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) A reference to a vehicle of Class L in any row of Table A is to be construed, for the purpose of assessing its emissions, as a reference to a vehicle that has been type-approved as the relevant M or N category specified in that row of the Table.

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_x	(f) Appropriate tests
(1)	L, M ₁	not exceeding 2,500		0.25g/km	Type I
(2)	L, M ₁	exceeding 2,500	not exceeding 1,305	0.25g/km	Type I
(3)	L, M ₁	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	0.33g/km	Type I

(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_x	(f) Appropriate tests
(4)	L, M ₁	exceeding 2,500	exceeding 1,760	0.39g/km	Type I
(5)	L, M ₂	not exceeding 2,500		0.25g/km	Type I
(6)	L, M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	0.33g/km	Type I
(7)	L, M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	0.39g/km	Type I
(8a)	L, M ₂	exceeding 3,500	not exceeding 2,840	0.39g/km	Type I
(8b)	L, M ₂	exceeding 3,500	not exceeding 2,840	3.5g/kWh	ESC / ETC
(9)	L, M ₂	exceeding 3,500	exceeding 2,840	3.5g/kWh	ESC / ETC
(10)	L, N1 sub- class (i)		not exceeding 1,305	0.25g/km	Type I
(11)	L, N1 sub- class (ii)		exceeding 1,305 and not exceeding 1,760	0.33g/km	Type I
(12)	L, N1 sub- class (iii)		exceeding 1,760	0.39g/km	Type I
(13a)	L, N2		not exceeding 2,840	0.39g/km	Type I
(13b)	L, N2		not exceeding 2,840	3.5g/kWh	ESC & ETC

(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_x	(f) Appropriate tests
(14)	L, N2		exceeding 2,840	3.5g/kWh	ESC & ETC
(15)	L, N ₃			3.5g/kWh	ESC / ETC
(16)	L, M ₃			3.5g/kWh	ESC / ETC

Diverted vehicles

15. Where the Council is satisfied that a vehicle has been used on one or more designated roads solely as a result of a traffic diversion on a route approved or designated by the Council (including diversions caused by or related to road works and emergencies) that vehicle will be treated as if it were a non-chargeable vehicle.

PART 1 –

THE COUNCIL'S GENERAL PLAN FOR APPLYING ITS SHARE OF THE PROCEEDS OF THIS SCHEME DURING THE OPENING TEN YEAR PERIOD

It is proposed that the Scheme would commence on a date to be appointed by the Council (“the commencement date”), being no earlier than 15 March 2021. This plan therefore covers the ten-year period beginning with the commencement date.

The objective of the Scheme is to take steps towards meeting required limit values for nitrogen dioxide (NO₂) in the shortest possible time, and by so doing reduce the exposure of people to excessive levels of NO₂. This would be done by applying a substantial daily charge so that operators would make an economic decision whether or not to take their vehicles into the clean air zone. The charge is set at such a level as to encourage operators to modify or replace their vehicles or change modes, and so maximise the air quality and health benefits of the zone.

The revenue generated by the Scheme would in the first place be used to cover the cost of operation of the Scheme, including the maintenance of cameras, operational staff, etc. It is not anticipated that the proposed Scheme would generate substantial net revenues. Indeed, the more vehicles that are compliant with the Scheme's standards the less revenue will be generated. However, in the event that net revenues are generated from the proposed Scheme over the opening ten year period, these proceeds would be applied in such proportions as may be decided by the Council, to directly or indirectly facilitate the achievement of the transport policies set out in the Joint Local Transport Plan, Getting Around Bath – A Transport Strategy for Bath and Balancing Your Needs – A Parking Strategy for Bath & North East Somerset and as may be amended or supplemented from time to time.

These improvements could include:

- improving air quality by supporting work on assessing health impacts, air quality and traffic monitoring improvements, other Air Quality Management Areas and zero and low emission vehicles
- providing attractive and safe walking and cycling networks, and initiatives to support the uptake of active travel including the promotion of Workplace and School Travel Plans and formation of low traffic neighbourhoods and school streets
- supporting and enhancing the existing public transport network, including home to school transport

- using technology to monitor traffic flows, keep traffic moving and improve the enforcement of traffic restrictions
- providing initiatives, park and ride and sharing schemes to minimise the impact of single occupancy vehicles
- introducing measures to influence and better manage private car use
- enabling deliveries to be made more efficiently, such as supporting the development of freight consolidation centres and providing for distribution by less polluting modes

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 a date to be appointed by the Council (“the commencement date”), being no earlier than 15 March 2021. This plan covers the five-year period beginning with the commencement date.

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 NO₂;
- 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;
- 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.