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**Executive Board, 21 November 2018**

**Agenda Item 24 (Improving Air Quality within the City) –**

**Revised Paragraph 6, Annex 4 to Appendix A**

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## ANNEX 4 TO THE SCHEME

Article 16

### TRANSITIONAL PROVISIONS AND TEMPORARY NON-CHARGABLE VEHICLES

#### **Retrofitting of heavy vehicles**

- 1.**—(1) During the retrofitting transitional period the Council will treat any relevant vehicle—
- (a) of Class M<sub>3</sub>, Class N<sub>2</sub> or Class N<sub>3</sub>;
  - (b) that meets the conditions specified in sub-paragraph (2); and
  - (c) particulars of which are for the time being entered in the register,
- as if it were a non-chargeable vehicle.
- (2) The conditions referred to in sub-paragraph (1)(b) are—
- (a) that the Council is satisfied that—
    - (i) the owner of the vehicle has, on or before 31 July 2019, placed an order for retrofitting of the vehicle concerned that would result in its becoming a compliant vehicle;
    - (ii) particulars of the vehicle are for the time being entered on the register.
- (3) In this paragraph—
- (a) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website;
  - (b) “retrofitting transitional period” in respect of any vehicle means the period beginning with the commencement date and ending on the earlier of—
    - (i) the date on which, the Council being satisfied that the retrofitting referred to in sub-paragraph (2)(a)(i) has been completed, particulars of the vehicle are entered in the register as a compliant vehicle; or
    - (ii) 31 December 2020.

#### **Wheelchair-accessible vehicles**

- 2.**—(1) During the designated wheelchair-accessible vehicles transitional period the Council will treat any vehicle—
- (a) that is a designated wheelchair-accessible vehicle;
  - (b) that is liable to pay a charge imposed by article 7(2) of this Scheme; and
  - (c) particulars of which are for the time being entered in the register,
- as if it were a non-chargeable vehicle.
- (2) In this paragraph “designated wheelchair-accessible vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2021.

#### **Taxis and private hire vehicles subject to finance agreements**

- 3.**—(1) During the financing transitional period the Council will treat any local taxi or local private hire vehicle—
- (a) that meets the condition specified in sub-paragraph (2); and
  - (b) particulars of which are for the time being entered in the register,
- as if it were a non-chargeable vehicle.

(2) The condition referred to in sub-paragraph (1)(a) is that the Council is satisfied that the owner of the vehicle had on or before 17 October 2018 entered into a contractual arrangement for financing the purchase of the vehicle concerned.

(3) In this paragraph—

- (a) “financing transitional period” means the period beginning with the commencement date and ending on the earlier of—
  - (i) the date on which the payment for the purchase of the vehicle concerned is completed and the contractual arrangement referred to in sub-paragraph (2) ceases to apply; and
  - (ii) 31 December 2021.
- (b) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website.

### **Heavy vehicles for which a replacement has been ordered**

4.—(1) During the heavy vehicle replacement period the Council will treat a qualifying heavy vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “qualifying heavy vehicle” means any relevant vehicle of Class M<sub>3</sub>, Class N<sub>2</sub> or Class N<sub>3</sub> in respect of which the Council is satisfied that the owner has on or before 31 July 2019 placed an order for the purchase of a replacement compliant vehicle;
- (b) “heavy vehicle replacement period” means the period beginning with the commencement date and ending on the earlier of—
  - (i) the replacement date; and
  - (ii) 31 December 2020;
- (c) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website;
- (d) “purchase” includes leasing, hire purchase, and such other form of credit agreement or other arrangements as the Council may specify on its website;
- (e) “replacement compliant vehicle” means a vehicle intended to replace the qualifying heavy vehicle which will meet the standards required of a compliant vehicle;
- (f) “replacement date” means the date specified in any application to enter particulars of a qualifying heavy vehicle on the register as the date on which a replacement compliant vehicle is to be provided for use in replacement of the qualifying heavy vehicle.

(3) An application to enter particulars of a qualifying heavy vehicle on the register must—

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

### **Class M<sub>2</sub> vehicles**

5.—(1) During the Class M<sub>2</sub> vehicles transitional period the Council will treat any relevant vehicle of Class M<sub>2</sub> as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph “Class M<sub>2</sub> vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2021.

#### **Euro 6 diesel and Euro 4 petrol taxis and private hire vehicles**

6.—(1) During the qualifying taxis and private hire vehicles transitional period the Council will treat any qualifying taxi or qualifying private hire vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) “qualifying private hire vehicle” means a local private hire vehicle that—
  - (i) the Council is satisfied meets the emissions standards specified for that vehicle in Tables 1 or 2 of Annex 3; and
  - (ii) was on 17 October 2018 a local private hire vehicle.
- (b) “qualifying taxi” means a local taxi that—
  - (i) the Council is satisfied meets the emissions standards specified for that vehicle in Tables 1 or 2 of Annex 3; and
  - (ii) was on 17 October 2018 a local taxi;
- (c) “qualifying taxis and private hire vehicles transitional period” means the period beginning with the commencement date and ending on 31 December 2021.

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