

GREATER LONDON AUTHORITY ACT 1999

TRANSPORT ACT 2000

Greater London (Central Zone) Congestion Charging (Variation) Order 2016

Made

6 October 2016

Coming into force

In accordance with article 1(2)

Whereas—

- (1) the Greater London (Central Zone) Congestion Charging Order 2004 (“the Principal Order”) imposes charges for the using and keeping of motor vehicles on specified roads in Greater London during specified hours and on specified days;
- (2) Transport for London has made a number of orders varying the provisions of the Principal Order; and
- (3) it appears to Transport for London expedient, for the purposes of facilitating the achievement of policies and proposals in the Mayor of London’s Transport Strategy published pursuant to section 142 of the Greater London Authority Act 1999(a) that it should make an Order for the purpose of further varying the Principal Order:

Now, therefore, Transport for London, in exercise of the powers conferred on it by sections 295 and 420(1) of the Greater London Authority Act 1999, by Schedule 23 to that Act, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Greater London (Central Zone) Congestion Charging (Variation) Order 2016.

(2) This Order shall come into force on the day following the day on which the Mayor confirms it.

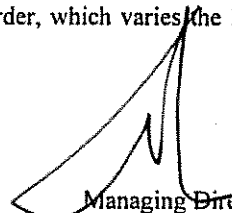
(3) In this Order “the Principal Scheme” means the Scheme contained in the Schedule to the Greater London (Central Zone) Congestion Charging Order 2004 as varied and in force immediately before this Order comes into force.

Variation of the Principal Scheme

2. The Scheme set out in the Schedule to this Order, which varies the Principal Scheme, shall have effect.

Signed by authority of Transport for London

Dated 6 Oct 2016



Managing Director, Surface Transport

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

THE SCHEDULE

Article 2

SCHEME VARYING THE PRINCIPAL SCHEME

Preliminary

1.—(1) Article 1 of the Principal Scheme shall apply, so far as material, for the interpretation of this Scheme as it applies for the interpretation of the Principal Scheme.

(2) The Principal Order and the Principal Scheme shall be further varied in accordance with the provisions of this Schedule.

Arrangement of Instrument

2.—(1) The Arrangement of Instrument of the Principal Order shall be amended as follows.

(2) Between “5. Non-chargeable and reduced rate vehicles etc” and “6. Payment of charges” there shall be inserted—

“5A. Emissions surcharge vehicles

5B. Emissions surcharge register”.

Interpretation

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

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

“(iaa) “emissions surcharge compliant vehicle” has the meaning given in article 5A(3);

(iab) “emissions surcharge large passenger vehicle” means a large passenger vehicle which meets the conditions specified in paragraph 4(1)(a) to (c) of Annex 2 but is an emissions surcharge vehicle;

(iac) “emissions surcharge non-chargeable vehicle” has the meaning given in article 5A(2);

(iad) “emissions surcharge vehicle” has the meaning given in article 5A(1);”.

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

“(ja) “large passenger vehicle” means a vehicle constructed or adapted for the carriage of passengers and their effects and having a seating capacity of 9 or more persons;

(jb) “LEZ Scheme” means the Scheme contained in the Schedule to the Greater London Low Emission Zone Charging Order 2006 as amended;”.

(4) Paragraph (2)(xa) shall be renumbered as paragraph (2)(xb).

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

“(xa) “standard rate vehicle” means a relevant vehicle other than an emissions surcharge vehicle;”.

(6) In paragraph (2)(za) for “as amended.” there shall be substituted “as amended; and”.

(7) After paragraph (2)(za) there shall be inserted—

“(zb) “ULEZ commencement date” means—

(i) in respect of all vehicles other than resident’s vehicles, the day on which charges are first imposed under article 7(2) of the LEZ Scheme;

(ii) in respect of resident’s vehicles, the day falling three years after the day on which charges are first imposed under article 7(2) of the LEZ Scheme.”.

(8) In paragraph (4)(a) the final “and” shall be omitted.

(9) In paragraph (4)(b) for “Act.” there shall be substituted “Act; and”.

(10) After paragraph (4)(b) there shall be inserted—

“(c) references to Council Directives 70/156/EEC, 70/220/EEC, 88/77/EEC and 2002/24/EC are to those Directives as they were in force immediately before their repeal.”.

Emissions surcharge vehicles and emissions surcharge register

4. After article 5 there shall be inserted—

“Emissions surcharge vehicles

5A.—(1) For the period beginning on 23 October 2017 and ending immediately before the ULEZ commencement date any relevant vehicle is an emissions surcharge vehicle unless it is—

(a) an emissions surcharge non-chargeable vehicle; or

(b) an emissions surcharge compliant vehicle.

(2) A vehicle is an emissions surcharge non-chargeable vehicle if—

(a) it falls within one of the classes of vehicle specified in paragraph (4); and

(b) particulars of the vehicle are for the time being entered in the emissions surcharge register.

(3) A vehicle is an emissions surcharge compliant vehicle if—

(a) it meets the emissions standards specified for that vehicle in Table 1 or Table 2; and

(b) particulars of the vehicle are for the time being entered in the emissions surcharge register.

Table 1 – Emissions standards for positive ignition (petrol) vehicles

<i>(a)</i> Row No.	<i>(b)</i> Vehicle category	<i>(c)</i> Maximum mass of vehicle, where relevant (kg)	<i>(d)</i> Reference mass of vehicle, where relevant (kg)	<i>(e)</i> EC emissions standard	<i>(f)</i> Limit values for NO _x — positive ignition vehicles	<i>(g)</i> Appropriate test
(1)	M ₁	not exceeding 2,500		Euro 4	0.08g/km	Type I
(2)	M ₁	exceeding 2,500	not exceeding 1,305	Euro 4	0.08g/km	Type I
(3)	M ₁	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	M ₁	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	M ₂	not exceeding 2,500		Euro 4	0.08g/km	Type I

(6)	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)	M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	M ₂	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	M ₂	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	M ₂	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC
(10)	M ₃ , N ₃			Euro IV	3.5g/kWh	ETC
(11)	N1 sub-class (i)			Euro 4	0.08g/km	Type I
(12)	N1 sub-class (ii)			Euro 4	0.10g/km	Type I
(13)	N1 sub-class (iii)			Euro 4	0.11g/km	Type I
(14a)	N ₂		not exceeding 2,840	Euro 4	0.11g/km	Type I
(14b)	N ₂		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	N ₂		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(16)	L			Euro 3	0.4g/km	Type I

Table 2 – Emissions standards for compression ignition (diesel) vehicles

(a) Row No.	(b) Vehicle category	(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 – compression ignition vehicles	(g) Limit values for PM – compression ignition vehicles	(h) Appropriate tests
(1)	M ₁	not exceeding 2,500		Euro 4	0.25g/km	0.025g/km	Type I
(2)	M ₁	exceeding 2,500	not exceeding 1,305	Euro 4	0.25g/km	0.025g/km	Type I
(3)	M ₁	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.33g/km	0.04g/km	Type I
(4)	M ₁	exceeding 2,500	exceeding 1,760	Euro 4	0.39g/km	0.06g/km	Type I

(5)	M ₂	not exceeding 2,500		Euro 4	0.25g/km	0.025g/km	Type I
(6)	M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.33g/km	0.04g/km	Type I
(7)	M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.39g/km	0.06g/km	Type I
(8a)	M ₂	exceeding 3,500	not exceeding 2,840	Euro 4	0.39g/km	0.06g/km	Type I
(8b)	M ₂	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	ESC & ETC
(9)	M ₂	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	ESC & ETC
(10)	M ₃ , N ₃			Euro IV	3.5g/kWh	0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	ESC & ETC
(11)	N1 sub-class (i)			Euro 4	0.25g/km	0.025g/km	Type I
(12)	N1 sub-class (ii)			Euro 4	0.33g/km	0.04g/km	Type I
(13)	N1 sub-class (iii)			Euro 4	0.39g/km	0.06g/km	Type I
(14a)	N ₂		not exceeding 2,840	Euro 4	0.39g/km	0.06g/km	Type I
(14b)	N ₂		not exceeding 2,840	Euro IV	3.5g/kWh	0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	ESC & ETC
(15)	N ₂		exceeding 2,840	Euro IV	3.5g/kWh	0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	ESC & ETC
(16)	L			Euro 3	0.65g/km	No applicable limit value	Type I

(4) The following classes of vehicle are specified for the purposes of paragraph (2)(a)—

- (a) any vehicle which belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces;
- (b) any vehicle that Transport for London is satisfied is used for naval, military or air force purposes and not registered under the 1994 Act, while it is being used on a

road by a member of a visiting force or a member of a headquarters or organisation;

- (c) any showman's vehicle that is neither a trailer nor a semi-trailer and is permanently fitted with a special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered;
- (d) any vehicle in respect of which Transport for London is satisfied that it is not a vehicle constructed or adapted for general use on roads;
- (e) any vehicle which was constructed before 1st January 1973;
- (f) any exempt vehicle within the meaning of paragraph 1A of Schedule 2 to the 1994 Act.

(5) A vehicle meets the emissions standards specified for that vehicle in Table 1 or Table 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 relevant Table;
- (b) the vehicle has been adapted, by means of an exhaust after-treatment system or otherwise, so that—
 - (i) if the vehicle is a positive ignition vehicle, the limit value for the emission of oxides of nitrogen specified for the vehicle in column (f) of Table 1 would not be exceeded during the appropriate test specified in column (g) of Table 1; or
 - (ii) if the vehicle is a compression ignition vehicle, the limit values for the emission of oxides of nitrogen and particulate matter specified for the vehicle in columns (f) and (g) of Table 2 would not be exceeded during the appropriate test or tests specified in column (h) of Table 2;
- (c) in respect of all other vehicles, Transport for London is satisfied that—
 - (i) if the vehicle is a positive ignition vehicle, the limit value for the emission of oxides of nitrogen specified for the vehicle in column (f) of Table 1 would not be exceeded during the appropriate test specified in column (g) of Table 1; or
 - (ii) if the vehicle is a compression ignition vehicle, the limit values for the emission of oxides of nitrogen and particulate matter specified for the vehicle in columns (f) and (g) of Table 2 would not be exceeded during the appropriate test or tests specified in column (h) of Table 2.

(6) For the purposes of this Scheme—

- (a) "Category L" comprises vehicles falling within categories L5e, L6e and L7e as defined in Article 1 of Council Directive 2002/24/EC;
- (b) "Category M₁" comprises vehicles designed and constructed to have not more than eight seats in addition to the driver's seat and intended for the carriage of passengers;
- (c) "Category M₂" comprises vehicles designed and constructed to have more than eight seats in addition to the driver's seat and intended for the carriage of passengers, and having a maximum mass not exceeding 5,000 kilograms;
- (d) "Category M₃" comprises vehicles designed and constructed to have more than eight seats in addition to the driver's seat and intended for the carriage of passengers, and having a maximum mass exceeding 5,000 kilograms;
- (e) "Category N₁ sub-class (i)" comprises vehicles designed and constructed for the carriage of goods having a reference mass not exceeding 1,305 and a maximum mass not exceeding 3,500 kilograms;
- (f) "Category N₁ sub-class (ii)" comprises vehicles designed and constructed for the carriage of goods having a reference mass exceeding 1,305 kilograms but not exceeding 1,760 kilograms and a maximum mass not exceeding 3,500 kilograms;

- (g) "Category N₁ sub-class (iii)" comprises vehicles designed and constructed for the carriage of goods having a reference mass exceeding 1,760 kilograms and a maximum mass not exceeding 3,500 kilograms;
- (h) "Category N₂" comprises vehicles designed and constructed for the carriage of goods having a maximum mass exceeding 3,500 kilograms but not exceeding 12,000 kilograms;
- (i) "Category N₃" comprises vehicles designed and constructed for the carriage of goods having a maximum mass exceeding 12,000 kilograms;
- (j) "chassis dynamometer test" means a test carried out by means of a chassis dynamometer using a test cycle that Transport for London is satisfied replicates so far as practicable the standard ETC test cycle;
- (k) "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;
- (l) "compression-ignition vehicle" means a vehicle powered wholly or partly by a compression ignition engine;
- (m) "engine test bench ETC test" means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC and carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive;
- (n) "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;
- (o) "ETC test" means an engine test bench ETC test or a chassis dynamometer test;
- (p) "Euro 3" means the emissions limit values set out in the fifth column of the table at section 1 of the Annex to Council Directive 2002/51/EC;
- (q) "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;
- (r) "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;
- (s) "exhaust after-treatment system" means a system installed downstream of the engine of a vehicle for the purposes of reducing emissions of particulate matter, NO_x or both, and operating by means of a particulate filter or trap, NO_x catalyst system or exhaust gas recirculation, or any combination of these methods;
- (t) "g/km" means grams per kilometre;
- (u) "g/kWh" means grams per kilowatt-hour;
- (v) "maximum mass" in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (w) "member of a visiting force" and "member of a headquarters or organisation" have the meaning given in paragraph 1(2) of Schedule 5 to the Road Vehicles (Registration and Licensing) Regulations 2002;
- (x) "NO_x" means oxides of nitrogen;
- (y) "PM" means the mass of particulate matter emissions;
- (z) "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;
- (za) "positive ignition vehicle" means a vehicle powered wholly or partly by a positive ignition engine;
- (zb) "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;

(zc) "showman's vehicle" means a vehicle that is—

(i) registered under the 1994 Act or, 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

(ii) used solely by that person for the purposes of his business and no other purpose; and

(zd) "trailer" and "semi-trailer" have the meaning given by regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986.

Emissions surcharge register

5B.—(1) Transport for London shall maintain a register of emissions surcharge non-chargeable vehicles and emissions surcharge compliant vehicles ("the emissions surcharge register") for the purposes of articles 5A(2)(b) and 5A(3)(b) which require particulars of such vehicles to be entered in that register.

(2) An application to enter particulars of a vehicle on the emissions surcharge register—

(a) shall include all such information as Transport for London may reasonably require; and

(b) shall be made by such means as Transport for London may accept.

(3) If Transport for London is satisfied that a vehicle—

(a) falls within a class of emissions surcharge non-chargeable vehicle; or

(b) complies with the standards required of an emissions surcharge compliant vehicle,

it shall enter particulars of the vehicle in the emissions surcharge register.

(4) If Transport for London is satisfied that a vehicle, particulars of which are entered in the emissions surcharge register, no longer—

(a) falls within a class of emissions surcharge non-chargeable vehicle; or

(b) complies with the standards required of an emissions surcharge compliant vehicle,

it may remove the particulars of the vehicle from the emissions surcharge register.

(5) Where the registered keeper of such a vehicle is aware that the vehicle has ceased or will cease to—

(a) fall within a class of emissions surcharge non-chargeable vehicle; or

(b) comply with the standards required of an emissions surcharge compliant vehicle,

the registered keeper shall notify Transport for London of the fact and Transport for London may remove the particulars of the vehicle from the emissions surcharge register forthwith, or from the date notified to Transport for London as the date on which it will cease to be such a vehicle.

(6) Nothing in this article shall prevent the making of a fresh application under paragraph (2) for particulars of a vehicle to be entered in the emissions surcharge register after they have been removed from it in accordance with any provision of this article."

Level of charges for emissions surcharge vehicles

5.—(1) For article 6(12)(a) there shall be substituted—

- “(a) the amount of the charge per charging day for each licence shall be—
- (i) in respect of a standard rate vehicle, £10.50;
 - (ii) in respect of an emissions surcharge vehicle other than an emissions surcharge large passenger vehicle, £20.50;
 - (iii) in respect of an emissions surcharge large passenger vehicle, £10.”.
- (2) For article 7(1) to 7(3) there shall be substituted—
- “(1) The charge for a licence where the charge is paid by CC Auto Pay shall be—
- (a) in respect of a standard rate vehicle, £10.50 per charging day;
 - (b) in respect of an emissions surcharge vehicle other than an emissions surcharge large passenger vehicle, £20.50 per charging day; and
 - (c) in respect of an emissions surcharge large passenger vehicle, £10 per charging day.
- (2) The charge for a licence where the charge is paid other than by CC Auto Pay on or before the charging day concerned or, in the case of a licence for a period of charging days, on or before the first charging day of the period concerned, shall be—
- (a) in respect of a standard rate vehicle, £11.50 per charging day;
 - (b) in respect of an emissions surcharge vehicle other than an emissions surcharge large passenger vehicle, £21.50 per charging day; and
 - (c) in respect of an emissions surcharge large passenger vehicle, £10 per charging day.
- (3) The charge for a licence where the charge is paid other than by CC Auto Pay after the charging day concerned but on or before the next charging day shall be—
- (a) in respect of a standard rate vehicle, £14 per charging day;
 - (b) in respect of an emissions surcharge vehicle other than an emissions surcharge large passenger vehicle, £24 per charging day; and
 - (c) in respect of an emissions surcharge large passenger vehicle, £10 per charging day.”.
- (3) In article 11(1)(b), after “(6)(5)(a)” there shall be inserted “, provided the vehicle bearing that registration mark meets the condition in paragraph (7)”.
- (4) After article 11(6) there shall be inserted—
- “(7) The condition referred to in paragraph (1)(b) is that the charge payable for the purchase of a licence in respect of the substituted vehicle would be no greater than the charge payable for the purchase of a licence for the vehicle bearing the registration mark specified under article 6(5)(a).”.
- (5) For paragraphs 3(3)(a) and (b) of Annex 3 there shall be substituted—
- “(a) where the charge is paid by CC Auto Pay—
- (i) in respect of a standard rate vehicle, £1.05 per charging day;
 - (ii) in respect of an emissions surcharge vehicle, £2.05 per charging day; or
- (b) where the charge is paid otherwise than by CC Auto Pay—
- (i) for a period of 5 consecutive charging days, £5.75 in respect of a standard rate vehicle or £10.75 in respect of an emissions surcharge vehicle;
 - (ii) for a period of 20 consecutive charging days, £23 in respect of a standard rate vehicle or £43 in respect of an emissions surcharge vehicle; and
 - (iii) for a period of consecutive charging days expiring on the last charging day of the registration period for the vehicle, £1.15 per charging day in respect of a standard rate vehicle or £2.15 per charging day in respect of an emissions surcharge vehicle.”.

Large passenger vehicles as emissions surcharge vehicles

6. For paragraph 4 of Annex 2 there shall be substituted—

“4.—(1) A large passenger vehicle is a reduced rate vehicle if it is—

- (a) registered in the GB records and licensed as a bus under paragraph 3 of Schedule 1 to the 1994 Act;
- (b) registered under the 1994 Act and the condition specified in sub-paragraph (2) is met; or
- (c) registered under legislation relating to the registration of vehicles in an EEA State and the condition specified in sub-paragraph (2) is met,

and is not an emissions surcharge vehicle.

(2) The condition is that particulars of the vehicle are for the time being entered in the register in accordance with article 9 of this Scheme.”.