

TRANSPORT ACT 2000

Birmingham Clean Air Zone Charging Order 2019

Made []

Coming into force *In accordance with articles 1 and 2*

ARRANGEMENT OF INSTRUMENT

THE ORDER

1. Citation and commencement
2. The Scheme

SCHEDULE TO THE ORDER

BIRMINGHAM CLEAN AIR ZONE CHARGING SCHEME

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Whereas—

- (1) It appears to Birmingham City Council desirable, for the purposes of facilitating the achievement of Birmingham City Council's and the West Midlands Combined Authority's local transport policies, 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, Birmingham City 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, hereby makes the following Order:—

Citation and commencement

1. This Order is made on the [] day of [] 2019 and comes into force on the same day and may be cited as the "Birmingham Clean Air Zone Charging Order 2019".

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 shall come into force on such date, not being earlier than 1 July 2020, 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 the Birmingham area 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
BIRMINGHAM CITY COUNCIL**

was hereunto affixed in
the presence of:

Authorised signatory:

BIRMINGHAM 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;
- (c) “business” includes a trade, profession or employment and includes an activity carried on by a body of persons, whether corporate or unincorporated;
- (d) “business premises” means premises that the Council is satisfied, by the production of such evidence as it may reasonably require, are permanently occupied for the purposes of carrying on a business;
- (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 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;
- (h) “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;
- (i) “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;
- (j) “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;
- (k) “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;
- (l) “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;
- (m) “Clean Air Zone” means the area shown shaded yellow on the Clean Air Zone Plan, the boundaries of which are defined on the Clean Air Zone Boundary Plans;
- (n) “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 areas within the Clean Air Zone as shaded yellow;
- (o) “Clean Air Zone Plan” means the plan corresponding with sheet A of Part 1 of Annex 1;
- (p) “commencement date” means the date appointed by the Council under article 2(3) of the Order;
- (q) “commercial vehicle” means—
 - (i) a relevant vehicle of Class M₂ other than a taxi or private hire vehicle, or any relevant vehicle of Class M₃, Class N₂ or Class N₃; and
 - (ii) a relevant vehicle of Class N₁ that the Council is satisfied is owned by a company or a sole trader;
- (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 or partly by a compression ignition engine;
- (u) “Council” means Birmingham City Council;

- (v) “deposited plans” means the portfolio of plans comprising the Clean Air Zone Plan, the Clean Air Zone Boundary Plans and the Clean Air Zone Key Plan—
 - (i) deposited at the offices of the Council at Transport and Connectivity, Inclusive Growth Directorate, Birmingham City Council, 1 Lancaster Circus, Birmingham B2 2GA (Satnav B4 7DJ); and
 - (ii) consisting of the plans bearing the sheet numbers or letters, dates 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) which 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) which the Council 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 Council 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 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (dd) “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;
- (ee) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- (ff) “licence” means a licence purchased under article 9;
- (gg) “local road” means any road in respect of which the Council is the local traffic authority;
- (hh) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (ii) “National Payment Body” means a body charged with receiving road user charges made pursuant to clean air zone charging schemes and administering the National Payment Portal;
- (jj) “National Payment Portal” means the standardised payment system developed by Government through which payment of road user charges in clean air zones nationwide will be administered;
- (kk) “non-chargeable vehicle” is to be construed in accordance with article 5 and Annexes 2 and 4;
- (ll) “NO_x” means oxides of nitrogen;
- (mm) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- (nn) “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;
- (oo) “positive ignition vehicle” means a vehicle powered wholly or partly by a positive ignition engine;
- (pp) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

- (qq) “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;
 - (rr) “register” means the register or registers of compliant and non-chargeable vehicles to be maintained by the Council and the National Payment Body under article 10;
 - (ss) “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;
 - (tt) “relevant vehicle” has the meaning given by article 3;
 - (uu) “retrofitted” means adapted so as to meet the standards required of a compliant vehicle—
 - (i) in accordance with an approved retrofit scheme; or
 - (ii) in such other manner as the Council is satisfied, by the production of such evidence as it may reasonably require, is of equivalent efficacy to an accredited retrofit scheme;
 - (vv) “sole trader” means an individual who is self-employed and registered for self-assessment within the meaning of section 9 of the Taxes Management Act 1970;
 - (ww) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
 - (xx) “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;
 - (yy) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
 - (zz) “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;
 - (aaa) “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 specified in paragraph (2) that is not—

- (a) a compliant vehicle; or
 - (b) a non-chargeable vehicle.
- (2) The classes of vehicle specified for the purpose of paragraph (1) are Class M₁, 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 register.

Non-chargeable vehicles

5. Annex 2 to this Scheme, which specifies categories of non-chargeable 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 Council 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 in respect of any relevant vehicle of Class M₃, Class N₂ or Class N₃ 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 in respect of any relevant vehicle of Class M₁, Class M₂ or Class N₁ 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 cost of a charge imposed by article 7(1) is £50 per charging day.
- (2) The cost of a charge imposed by article 7(2) is £8 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 the charging day immediately following that charging day; or
- (c) on a day falling within such period of days immediately preceding the charging day concerned as the Council may, in accordance with the requirements of the National Payment Portal, specify on its website.

(5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with the requirements of the National Payment Portal, specify on its website as being acceptable.

(6) Where a licence is purchased otherwise than in cash and payment is not received (whether because a direct debit, credit card or debit card payment is declined, or otherwise) before the end of the charging day following the charging day to which the licence relates, the charge to which the licence relates will be treated as not paid and the licence will be void.

Register of compliant and non-chargeable vehicles

10.—(1) The Council and the National Payment Body will maintain one or more registers which will together identify compliant vehicles and non-chargeable vehicles (“the register”) for the purposes of articles 4 and 5 and Annexes 2 and 4 which require particulars of such vehicles to be entered in the register.

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

- (a) must include all such information as the Council or the National Payment Body may reasonably require; and
- (b) must be made by such means as the Council or the National Payment Body may accept.

(3) If the Council or the National Payment Body 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,

it will enter particulars of the vehicle in the register.

(4) If the Council or the National Payment Body is satisfied that a vehicle, particulars of which are entered in the register, no longer—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

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

(5) Where the registered keeper of such a vehicle 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 vehicle,

the registered keeper must notify the Council or the National Payment Body of the fact and the Council or the National Payment Body may remove the particulars of the vehicle from the register forthwith, or from the date notified to the Council or the National Payment Body as the date on which it will cease to be such a vehicle.

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

Penalty charge for non-payment of charge

11.—(1) A penalty charge will be payable in lieu of the charge imposed under article 7 for each charging day as respects which—

- (a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7; and
- (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

12.—(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 penalty charges are paid to the Council; and
 - (ii) 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

13.—(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 penalty charges that are outstanding in relation to the vehicle;
- (b) a penalty charge of £200 for its removal;
- (c) 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
- (d) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Duration of scheme

14. This Scheme will remain in force indefinitely.

Transitional provisions – temporary non-chargeable vehicles

15. 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

16.—(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.

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ANNEX 1 TO THE SCHEME
DEPOSITED PLANS

Article 1(1)

PART 1 – CLEAN AIR ZONE PLAN

<i>(1)</i> <i>Sheet</i>	<i>(2)</i> <i>Plan title</i>	<i>(3)</i> <i>Date</i>	<i>(4)</i> <i>Revision</i>
A	Clean Air Zone Plan		
B	Clean Air Zone Key Plan		

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

<i>(1)</i> <i>Title & Sheet No.</i>	<i>(2)</i> <i>Date</i>	<i>(3)</i> <i>Revision</i>
Clean Air Zone Boundary Plan, Sheet 1 of 18		
Clean Air Zone Boundary Plan, Sheet 2 of 18		
Clean Air Zone Boundary Plan, Sheet 3 of 18		
Clean Air Zone Boundary Plan, Sheet 4 of 18		
Clean Air Zone Boundary Plan, Sheet 5 of 18		
Clean Air Zone Boundary Plan, Sheet 6 of 18		
Clean Air Zone Boundary Plan, Sheet 7 of 18		
Clean Air Zone Boundary Plan, Sheet 8 of 18		
Clean Air Zone Boundary Plan, Sheet 9 of 18		
Clean Air Zone Boundary Plan, Sheet 10 of 18		
Clean Air Zone Boundary Plan, Sheet 11 of 18		
Clean Air Zone Boundary Plan, Sheet 12 of 18		
Clean Air Zone Boundary Plan, Sheet 13 of 18		
Clean Air Zone Boundary Plan, Sheet 14 of 18		
Clean Air Zone Boundary Plan, Sheet 15 of 18		
Clean Air Zone Boundary Plan, Sheet 16 of 18		
Clean Air Zone Boundary Plan, Sheet 17 of 18		

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NON-CHARGEABLE VEHICLES

Historic Vehicles

1. A vehicle is a non-chargeable vehicle if—

- (a) it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that 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, the Council is satisfied that, had it been registered under the 1994 Act, it would have been treated as an exempt vehicle in accordance with paragraph 1A(1) of Schedule 2 to the 1994 Act,

and particulars of the vehicle are for the time being entered in the register.

Military vehicles

2.—(1) A vehicle is a non-chargeable vehicle if—

- (a) it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces; or
- (b) the Council is satisfied the vehicle 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,

and particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph “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.

Emergency service vehicles

3.—(1) A qualifying emergency service vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying emergency service vehicle if—

- (a) it is a non-chargeable vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle—
 - (i) paragraph 3A (police vehicles);
 - (ii) paragraphs 4 and 5 (fire engines etc.);
 - (iii) paragraphs 6 and 7 (ambulances and health service vehicles);
 - (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).

Agricultural and similar vehicles

4.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the 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 20F (steam powered vehicles);
- (e) paragraph 20H (snow ploughs); and
- (f) paragraph 20J (gritters).

(2) If the Council is satisfied, in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, that had the vehicle been registered under the 1994 Act it would 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 register.

Disabled vehicles

5.—(1) A vehicle that 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.

(2) If the Council is satisfied, in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, that had the vehicle been registered under the 1994 Act it would 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 register.

Recovery vehicles

6.—(1) A qualifying recovery vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying recovery vehicle if—

- (a) it 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, the Council is satisfied that, 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.

Showman's vehicles

7.—(1) A showman's vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) "showman's vehicle" means any vehicle that—
 - (i) is registered under the 1994 Act and is a "showman's vehicle" or "showman's goods vehicle" within the meaning of section 62 of the 1994 Act; or
 - (ii) 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.

Special vehicles

8.—(1) A special vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) In this paragraph—

- (a) "special vehicle" means—
 - (i) a vehicle 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;
 - (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 “special vehicle” within the meaning of Part IV of Schedule 1 to the 1994 Act; or

(iii) a vehicle of a type specified in an Order under section 44 of the Road Traffic Act 1988.

Community transport vehicles

9.—(1) A qualifying community transport vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the register.

(2) A vehicle is a qualifying community transport vehicle if it is a vehicle of Class M₂ or M₃ being used pursuant to a community transport permit.

(3) In this paragraph “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985.

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EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

- 1.—(1) A vehicle meets the standards set out in Tables 1 and 2 if the Council is satisfied that—
- 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;
 - 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
 - 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 (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.

(2) The Council will be satisfied that the vehicle has been retrofitted to meet the limit values referred to in paragraph (1)(b) if that vehicle has been certified as having been retrofitted in accordance with an approved retrofit scheme.

Table 1 — EURO 4/IV STANDARDS FOR POSITIVE IGNITION VEHICLES

<i>(a)</i> Row No.	<i>(b)</i> Vehicle Class	<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	<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)	N ₁ sub-class (i)		not exceeding 1,350	Euro 4	0.08g/km	Type I
(11)	N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	N ₁ sub-class (iii)		exceeding 1,760	Euro 4	0.11g/km	Type 1
(13a)	N ₂		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	N ₂		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	N ₂		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	M ₃ , 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)	M ₁		not exceeding 2610	Euro 6	0.08g/km	Type I
(2)	M ₁		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	M ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(4)	M ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(5)	M ₃ , N ₃			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(6)	N ₁		not exceeding 1,350	Euro 6	0.08g/km	Type I
(7)	N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(8)	N ₁ sub-class (iii)		exceeding 1,760	Euro 6	0.125g/km	Type 1
(9)	N ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(10)	N ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC

TRANSITIONAL PROVISIONS –
TEMPORARY NON-CHARGEABLE VEHICLES

Resident’s vehicles

1.—(1) During the resident’s vehicles transitional period the Council will treat a qualifying resident’s 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 “resident’s vehicles transitional period” means the period of two years beginning with the commencement date.

(3) A vehicle is qualifying resident’s vehicle if it is a relevant vehicle of Class M₁ or Class N₁ other than a commercial vehicle, a taxi or a private hire vehicle, and the Council is satisfied that—

- (a) the registered keeper of the vehicle is a qualified resident and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in sub-paragraph (4);
- (b) the registered keeper of the vehicle is the employer of a qualified resident or the vehicle is hired by or leased to the qualified resident by their employer, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident; or
- (c) the registered keeper of the vehicle is a company that has leased or sold the vehicle to the qualified resident, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified resident and members of the qualified resident's household residing at the same address as the qualified resident.

(4) In this Scheme "qualified resident" means an individual in respect of whom the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that the individual's only or main residence is at premises situated in the Clean Air Zone.

(5) Where a qualified resident ceases to reside at the premises in relation to which the Council was satisfied that the requirement in sub-paragraph (4) was met but resides at other premises in the Clean Air Zone, that person shall cease to be a qualified resident unless that person has notified the change of residence to the Council and the Council is satisfied that the requirement in sub-paragraph (4) is met in relation to those other premises.

Those travelling into the Clean Air Zone for work

2.—(1) During the CAZ workers transitional period the Council will treat a qualifying CAZ worker’s 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 “CAZ workers transitional period” means the period of one year beginning with the commencement date.

(3) A vehicle is a “qualifying CAZ worker’s vehicle” if it is a relevant vehicle of Class M₁ or Class N₁ other than a taxi or private hire vehicle and the Council is satisfied that—

- (a) the registered keeper of the vehicle is a qualified CAZ worker and the address of the registered keeper shown on the vehicle registration document is the same as that of the premises referred to in sub-paragraph (4)(a);
- (b) the registered keeper of the vehicle is the employer of a qualified CAZ worker or the vehicle is hired by or leased to the qualified CAZ worker by their employer, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified CAZ worker and members of the qualified CAZ worker's household residing at the same address as the qualified CAZ worker; or

- (c) the registered keeper of the vehicle is a company that has leased or sold the vehicle to the qualified CAZ worker, and the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the qualified CAZ worker and members of the qualified CAZ worker's household residing at the same address as the qualified CAZ worker.
- (4) An individual is a "qualified CAZ worker" if the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that:
- (a) the individual's only or main residence is at premises situated outside the Clean Air Zone;
 - (b) the individual works for more than 21 hours per week at business premises situated in the Clean Air Zone; and
 - (c) the individual's income for the tax year ending on 5 April 2019 was no greater than £30,000.
- (5) In this paragraph—
- (a) "income" means—
 - (i) "earnings" within the meaning of section 62 of the Income Tax (Earnings and Pensions) Act 2003 ("the 2003 Act");
 - (ii) earned income derived from carrying on a trade profession or vocation; and
 - (iii) any other taxable income not falling within sub-paragraphs (i) and (ii), excluding any chargeable gain computed in accordance with Part II of the Taxation of Chargeable Gains Act 1992;
 - (b) section 29 of the 2003 Act shall apply for the purposes of determining whether, in relation to an employee within the meaning of section 4 of the 2003 Act, earnings are "for" a particular tax year.
- (6) Where a qualified CAZ worker ceases to reside or work at the premises in relation to which the Council was satisfied that the requirements in sub-paragraph (4) were met but resides or works at other premises, that person shall cease to be a qualified CAZ worker unless that person has notified the change of residence or business premises to the Council and the Council is satisfied that those requirements are met in relation to those other premises.
- (7) At no time may more than one qualifying CAZ worker's vehicle be entered in the register in relation to any one individual who is a qualifying CAZ worker.

Commercial CAZ vehicles

- 3.—(1) During the commercial CAZ vehicles transitional period the Council will treat a qualifying commercial CAZ 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 "commercial CAZ vehicles transitional period" means the period of one year beginning with the commencement date.
- (3) A vehicle is a commercial CAZ vehicle for the purposes of this paragraph and paragraph 4 of this Annex if the vehicle is a commercial vehicle that the Council is satisfied is—
- (a) owned by a qualified business; and
 - (b) kept at or operating out of qualifying business premises for the use of the qualified business.
- (4) A vehicle is a qualifying commercial CAZ vehicle if it is one of the qualified business's two cleanest non-compliant commercial CAZ vehicles.
- (5) For the purposes of sub-paragraph (4) a vehicle will be considered cleaner than another vehicle if its date of first registration is more recent than the other vehicle.
- (6) In this paragraph—
- (a) "qualified business" means a company or sole trader that the Council is satisfied, by the production of such evidence as it may reasonably require, occupies qualifying business premises;
 - (b) "qualifying business premises" means business premises situated within the Clean Air Zone.

Commercial vehicles subject to finance agreements

- 4.—(1) During the financing transitional period the Council will treat any commercial vehicle—
- (a) that meets the conditions 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 conditions referred to in sub-paragraph (1)(a) are that the Council is satisfied, by the production of such evidence as it may reasonably require, that—
- (a) the owner of the vehicle had on or before 10 September 2018 entered into a contractual arrangement for financing the purchase or leasing of the vehicle concerned; and
 - (b) one or more payments pursuant to that contractual arrangement are due on or after the commencement date;
 - (c) the vehicle is—
 - (i) a commercial CAZ vehicle within the meaning of paragraph 3 of this Annex; or
 - (ii) regularly kept overnight in the Clean Air Zone for the primary purpose of carrying on a business in the Clean Air Zone.
- (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) the date falling one year after the commencement date;
 - (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.

Visitors to specified hospitals

5.—(1) During the specified hospital visitor's transitional period the Council will treat a specified hospital visitor's vehicle as if it were a non-chargeable vehicle.

(2) In this paragraph "specified hospital visitor's transitional period" means the period of one year beginning with the commencement date.

(3) A vehicle is a specified hospital visitor's vehicle on any charging day if—

- (a) it is a private vehicle;
- (b) the Council is satisfied that it is used on the charging day concerned for the purposes of—
 - (i) transporting a patient to or from a specified hospital; or
 - (ii) visiting an inpatient in a specified hospital; and
- (c) particulars of the vehicle are entered in the register before the end of the second charging day following the charging day concerned.

(4) An application to enter particulars of a specified hospital visitor's vehicle on the register shall be made by such means and accompanied by such details relating to the specified hospital, the vehicle and its use the as the Council may reasonably require.

(5) In this paragraph—

- (a) "private vehicle" means any vehicle other than a taxi, a private hire vehicle, a bus or a coach;
- (b) "bus" means a vehicle used for carrying passengers for hire or reward and operated pursuant to a licence granted under section 14 of the Public Passenger Vehicles Act 1981;
- (c) "coach" means any vehicle of Class M₂ or Class M₃ other than a bus, taxi or private hire vehicle, used for carrying passengers for hire or reward; and
- (d) "specified hospital" means—
 - (i) Birmingham Children's Hospital;
 - (ii) Badger Medical centre; or
 - (iii) Bath Row Medical Practice.

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 will commence no earlier than 1st July 2020 and this general plan covers the ten year period running from the commencement date of the Scheme with particular reference to the early part of this period.

The revenue generated by the Scheme will in the first place be used to cover the cost of operation, including the maintenance of cameras, operational staff etc. It is not intended that the Scheme should generate substantial net proceeds after covering these costs. Government policy is that the level of any charges should not be set as a revenue raising measure and the purpose of the Scheme is not to generate revenue but to encourage improved air quality. The more vehicles that are compliant with the Scheme, the less revenue Scheme will generate.

In the event that net proceeds are generated from the 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 Council's local transport policies in accordance with the following high level spending objectives:

- supporting the delivery of the ambitions of the Scheme and promoting cleaner air;
- supporting active travel and incentivising public transport use;
- supporting zero emission and sustainable infrastructure and actions in and around the city to improve air quality.

PART 2 –
THE COUNCIL'S DETAILED PROGRAMME FOR APPLYING ITS SHARE OF THE PROCEEDS OF
THIS SCHEME DURING THE OPENING FIVE YEAR PERIOD

The Council's detailed programme for applying any net proceeds during this period will depend to a great extent on:

- the level of net proceeds generated;
- how quickly compliance with Scheme standards will be achieved across the various sectors and therefore which sectors will still require support to meet those standards;
- what other work will already have been implemented via other means and what the demand for further support is;
- how long the Scheme stays in place and when compliance with relevant air quality standards will be achieved.

If these factors are as anticipated, then the net proceeds of the scheme will be used to facilitate the delivery of the following of the Council's local transport policies programmes:

- the Council's Transport Plan 2050 policies to increase the use of active transport, public transport and low emissions vehicles and to implement the most appropriate sustainable infrastructure and technology along the most polluted roads; and
- to deliver this broad policy objective net proceeds will be used to help facilitate:
 - new cleaner fuel technology uses;

- improvements in City Centre pedestrianisation and public realm – the Council will prioritise bus patronage, walking and cycling through further bus priority schemes, additional cycling schemes and pedestrianizing areas of the public realm where appropriate;
 - improvements in connectivity through rail, bus, metro, cycling and walking;
 - car parking policies to manage demand for travel by car through availability, pricing and restrictions.
- the Clean Air City fund, which will focus on a localised catalogue of measures that can be employed to deliver the right solution for the right area. These include but are not limited to:
 - cycle bays;
 - school traffic exclusion plans;
 - sustainable transport measures;
 - parking restrictions.

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