

TRANSPORT ACT 2000

Bradford Clean Air Zone Charging Order 2022

Made 6 September 2022

Coming into force on in accordance with articles 1 and 2

ARRANGEMENT OF INSTRUMENT

THE ORDER

1. Citation and commencement
2. The Scheme

SCHEDULE TO THE ORDER

BRADFORD CLEAN AIR ZONE CHARGING SCHEME

1. Interpretation
2. Designation of roads in respect of which charges are imposed
3. Relevant vehicles
4. Compliant vehicles
5. Non-chargeable vehicles
6. Emission standards required of compliant vehicles
7. Imposition of charges
8. Amount of charge payable by purchase of a licence
9. Payment of charges
10. Register of compliant and non-chargeable vehicles
11. Refunds of charges
12. Penalty charge for non-payment of charge
13. Immobilisation of vehicles
14. Removal, storage and disposal of vehicles
15. Duration of the scheme
16. Ten and five year plans for net proceeds

ANNEXES TO THE SCHEME

1. Deposited plans
2. Part 1 -Non-chargeable vehicles in the national register
Part 2- Locally compliant and non-chargeable vehicles in the local register
3. Part 1 – the Council’s general plan for applying its share of the proceeds of this Scheme during the opening ten year period
Part 2 – The Council’s detailed programme for applying its share of the proceeds of this

Scheme during the opening five year period. Whereas

- (1) It appears to the City of Bradford Metropolitan District Council desirable, for the purposes of facilitating the achievement of City of Bradford Metropolitan District Council’s and the West

Yorkshire Combined Authority's local transport policies, contained in the West Yorkshire Transport Strategy 2040, 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, the City of Bradford Metropolitan District 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 6th day of September 2022 and comes into force on the same day and may be cited as the "Bradford Clean Air Zone Charging Order 2022"
2. (1) The Scheme in the Schedule to this Order ("the Scheme") has effect in accordance with sub -paragraphs (2) and (3).

(2) The Scheme, other than article 7 of the Scheme, comes into force on the 6th day of September 2022.

(3) Article 7 of the Scheme comes into force on the 26th September 2022.

THE COMMON SEAL of CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
was hereunto affixed in the
presence of:

Name: *Fiona Jane Chantrey*

Signature: *FJ Chantrey*

Authorised by the City Solicitor



101880

SCHEDULE TO THE ORDER
BRADFORD CLEAN AIR ZONE CHARGING SCHEME

Interpretation

1. - (1) In this Scheme-

“**1994 Act**” means the Vehicle Excise and Registration Act 1994;

“**5-8 Seater Taxi or Private Hire Vehicle**” means a taxi or private hire vehicle of Class M₁ licenced to carry at least 5 but no more than 8 persons in addition to the driver;

“**appointed day**” means the 25th September 2022;

“**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;

“**Central Clean Air Zone Service**” means the national body through which road user charges pursuant to clean air zone charging schemes may be paid;

“**charge**” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;

“**charging day**” means the period of twenty four hours from midnight to midnight;

“**charity**” has the meaning given by section 1(1) of the Charities Act 2011;

“**Class L**” vehicles are those falling within class L_{1(s)} and class L_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class M₁**” vehicles are those falling within class M_{1(s)} and class M_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations; “**Class M₂**” vehicles are those falling within class M_{2(s)} and class M_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations; “**Class M₃**” vehicles are those falling within class M_{3(s)} and class M_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class N₁**” vehicles are those falling within class N_{1(s)} and class N_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class N₂**” vehicles are those falling within class N_{2(s)} and class N_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Class N₃**” vehicles are those falling within class N_{3(s)} and class N_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;

“**Clean Air Zone**” means the area shown edged red and shaded green on the Clean Air Zone Plan the exact boundaries of which are defined on the Clean Air Boundary Plans;

“**Clean Air Zone Boundary Plans**” means the deposited plans specified in Part 2 of Annex 1 each defining part of the boundary of the Clean Air Zone by showing the boundary in red and areas within the Clean Air Zone shaded green sealed by the Council and deposited at Legal Services, City Hall, Hall Ings, Bradford, BD1;

“**Clean Air Zone Plan**” means the deposited plan specified in Part 1 of Annex 1 sealed by the

Council and deposited at Legal Services, City Hall, Hall Ings, Bradford, BD1;

“**compliant vehicle**” has the meaning given by article 4;

“**commencement date**” means 26th September 2022

“**compression ignition**” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder of combustion space;

“**compression ignition vehicle**” means a vehicle powered wholly or partly by a compression ignition engine;

“**Council**” means the City of Bradford Metropolitan District Council;

“**designated road**” means any of the designated roads specified in article 2(2);

“**district**” means the administrative area of the Council

“**Enforcement Regulations**” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;

“**Euro 4 vehicle**” means a vehicle meeting the emissions limit values for that vehicle 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;

“**Euro 5 vehicle**” means a vehicle meeting the emissions limit values for that vehicle set out in Table 1 of Annex I to Commission Regulation 715/2007 of 20 June 2007;

“**Euro 6 vehicle**” means a vehicle meeting the emissions limit values for that vehicle set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007 as amended;

“**Euro IV vehicle**” means a vehicle meeting the emissions limit values for that vehicle 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;

“**Euro V vehicle**” means a vehicle meeting the emissions limit values set out for that vehicle in Row B2 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;

“**Euro VI vehicle**” means a vehicle meeting the emissions limit values set out for that vehicle in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;

“**Euro 4 LPG vehicle**” means a positive ignition vehicle meeting the emission limit values of a Euro 4 Vehicle and constructed or retrofitted so as to be capable of being powered by liquid petroleum gas;

“**Euro 5 LPG vehicle**” means a positive ignition vehicle meeting the emission limit values of a Euro 5 vehicle and constructed or retrofitted so as to be capable of being powered by liquid petroleum gas;

“**Euro 5 electric hybrid vehicle**” means a positive ignition vehicle meeting the emission limit values of Euro 5 vehicle which is capable of operation solely by means of its electrically powered propulsion system drawing motive power from its battery and without using its internal combustion engine;

“**licence**” means a licence purchased under article 9;

“**local register**” means the register of non-chargeable vehicles to be maintained by the Council under article 10;

“**local road**” means any road in respect of which the Council is the local traffic authority;

“**local SME**” means any small or medium sized enterprise employing less than 250 people with an annual turnover of less than £45million and a total balance sheet of less than £40 million which has its registered office or principle place of business in the district.

“**national register**” means the register or registers of compliant and non-chargeable vehicles to be maintained by the Central Clean Air Zone Service under article 10;

“**non-chargeable vehicle**” is to be construed in accordance with article 5 and Annex 2;

“**penalty charge**” and “**penalty charge notice**” have the meaning given in Regulation 2(1) of the Enforcement Regulations;

“**positive ignition**” means an internal combustion engine in which combustion is initiated by a local high temperature in the combustion chamber produced by energy supplied from a source external to the engine;

“**positive ignition vehicle**” means a vehicle powered wholly or partly by a positive ignition engine;

“**private hire vehicle**” has the meaning defined in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

“**registered keeper**” means-

- (a) In relation to a vehicle registered in the United Kingdom, the person whose name the vehicle is registered under the 1994 Act; or
- (b) In relation to any other vehicle, the person by whom the vehicle is kept;

“**relevant vehicle**” has the meaning given by article 3;

“**retrofitted**” means adapted so as to meet the standards required of a compliant vehicle and

“**retrofitting**” shall be construed accordingly-

- (a) In accordance with an approved retrofitting scheme; or
- (b) In such other manner as the Council or the Central Clean Air Zone Service is satisfied is of equivalent efficacy to an accredited retrofit scheme;

“**taxi**” means a vehicle licenced as a hackney carriage under the Town Police Clauses Act 1847 as amended;

“**type-approved**” is to be construed in accordance with article 3 of Council Directive 2007/46/EC and type approval is to be construed accordingly;

“**Vehicle Classes Regulations**” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles)(England) Regulations 2001.

“**wheelchair accessible vehicle**” means a taxi or private hire vehicle that appears on a list of vehicles maintained under section 167(1) of the Equality Act 2020;

“**zero emission vehicle**” means a vehicle that emits 0g of CO₂ per kilometre tailpipe emissions;

(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 in reference to the Council is taken to include a reference to that person.
- (3) For the purposes of this Scheme save for where otherwise provided the number of seats of a vehicle is taken to be the same as the seating capacity of the vehicle calculated in accordance with the principles set out in regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002.

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 as 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) all vehicles of Classes- M₃ (Buses and Coaches), Class N₂ and N₃ (HGV);
 - (b) all vehicles of Classes N₁ (LGV), Class M₂ (Minibus) and Class L (Motor Caravan) other than those Class L vehicles registered with a type-approval of class M₁; (c) taxis and private hire vehicles of Class M₁. **Compliant vehicles**
4. (1) A vehicle is compliant vehicle if –
- (a) the vehicle meets or has been retrofitted to meet the standards required of a compliant vehicle for the purposes of this scheme; and
 - (b) particulars of the vehicles are for the time being entered in the national register or the local register appropriately as prescribed by Article 6. **Non-chargeable vehicles**
5. Annex 2 to this Scheme, which specifies categories of non-chargeable and locally compliant vehicles, has effect.

Emissions standards required of compliant vehicles

6. A vehicle meets the standards required of a compliant vehicle for the purposes of the Schedule if is-
- (a) A zero emission vehicle entered in the national register.
 - (b) A Class M₁ private hire vehicle which is not a “wheelchair accessible vehicle” or a “5-8 Seater Taxi or Private Hire Vehicle” and is either;–
 - (i) a Euro 5 electric hybrid vehicle entered in the national register; or (ii) a Euro 5 LPG vehicle entered in the local register.
 - (c) A vehicle of Class M₁ taxi, Class M₂ (minibus), Class N₁ (LGV), Class L (Motor Caravan) with a type-approval of M₂ or N₁, or a “wheelchair accessible vehicle”, entered on the national register; or
A “5-8 Seater Taxi or Private Hire Vehicle”, entered in the local register;

which is either; -

 - (i) a positive ignition Euro 4 Vehicle/Euro IV vehicle; or (ii) compression ignition Euro 6 Vehicle/Euro VI vehicle; or (iii) a Euro 4 LPG vehicle.

(d) A vehicle of Class M₃ (Buses and Coaches), Class N₂ or N₃ (HGV) or a vehicle of Class L (Motor Caravan with a type-approval of M₃, N₂, N₃) entered in the national register which is a compression ignition Euro 6 Vehicle/Euro VI vehicle. **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 (Buses and Coaches), Class N₂ or N₃ (HGV), or a vehicle of Class L (Motor Caravan) with a type-approval of M₃, N₂ or 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 M₂ (Minibus), N₁ (LGV), or a vehicle of Class L (Motor Caravan) with type-approval of M₂ or N₁ for each charging day on which it is at any time used on one or more designated roads.
- (3) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(3) is imposed in respect of any relevant vehicle being a private hire vehicle or taxi (including wheelchair accessible vehicles) of Class M₁ 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 £9 per charging day;
- (3) The cost of a charge imposed by article 7(3) is £7 per charging day;

Payment of charges

- 9.– (1) A charge imposed by article 7 must be paid by 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 for a single charging day 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 the requirements of the Central Clean Air Zone Service, specify on its website as being acceptable.
- (6) Where a licence is purchased and the relevant payment subsequently fails, or is cancelled for any reason by the payee, then the charge to which the licence relates will be treated as not being paid and the licence will be void.

Register of compliant and non-chargeable vehicles

10.—(1) 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

(2) The Council will maintain the local register which will identify locally compliant and nonchargeable vehicles for the purposes of article 4 and Part 2 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 must include all such information as the Council may reasonably require and be made by such means as the Council may accept,

(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 locally compliant or non-chargeable vehicles set out in Parts 2 of Annex 2 it will enter particulars of the vehicle in the local register.

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

(9) Subject to any other provisions of the Scheme 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) Once purchased a licence shall be non-refundable save for any technical error by the Central Clean Air Zone Service or the Council rendering any licence defective. **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 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;

- (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 service under regulation 7 of the Enforcement Regulations and in a manner specified by the penalty charge notice.

(3) The amount of the 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 the 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 only be released – (i) if all outstanding charges under article 7 are paid; (ii) If all outstanding penalty charges are paid to the Council; 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 that 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 the 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 is 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 the custodian; and
- (e) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Duration of the scheme

15. This Scheme will remain in force indefinitely.

Ten and five year plans for net proceeds

16.- (1) Part 1 of Annex 3 to this Scheme constitutes the general plan, required 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 3 to this Scheme constitutes the detailed programme, required 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 I TO THE SCHEME Article 1(1) DEPOSITED

PLANS

<i>Sheet</i>	<i>Part 1 Clean Air Zone Plan</i>	<i>(3) Date</i>	<i>(4) Revision</i>
A	Clean Air Zone Plan	17 th June 2022	
	Part 2 <i>Clean Air Zone Boundary Plans</i>		
1	Clean Air Zone Boundary Plans-Sheet A	17 th June 2022	
2	Clean Air Zone Boundary Plans-Sheet B	17 th June 2022	
3	Clean Air Zone Boundary Plans-Sheet C	17 th June 2022	
4	Clean Air Zone Boundary Plans-Sheet D	17 th June 2022	
5	Clean Air Zone Boundary Plans-Sheet E	17 th June 2022	
6	Clean Air Zone Boundary Plans-Sheet F	17 th June 2022	
7	Clean Air Zone Boundary Plans-Sheet G	17 th June 2022	
8	Clean Air Zone Boundary Plans-Sheet H	17 th June 2022	
9	Clean Air Zone Boundary Plans-Sheet I	17 th June 2022	
10	Clean Air Zone Boundary Plans-Sheet J	17 th June 2022	
11	Clean Air Zone Boundary Plans-Sheet K	17 th June 2022	
12	Clean Air Zone Boundary Plans-Sheet L	17 th June 2022	
13	Clean Air Zone Boundary Plans-Sheet M	17 th June 2022	
14	Clean Air Zone Boundary Plans-Sheet N	17 th June 2022	
15	Clean Air Zone Boundary Plans-Sheet O	17 th June 2022	
16	Clean Air Zone Boundary Plans-Sheet P	17 th June 2022	
17	Clean Air Zone Boundary Plans-Sheet Q	17 th June 2022	
18	Clean Air Zone Boundary Plans-Sheet R	17 th June 2022	

ANNEX 2 TO THE SCHEME

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 a non-chargeable vehicle if it 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 provided particulars of the vehicle are for the time being entered in the national register.

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

LOCALLY COMPLIANT VEHICLES

5-8 Seater Taxi or Private Hire Vehicle

1. A vehicle shall be a compliant vehicle for the purposes of Article 6 subject to the Council receiving satisfactory evidence that it meets the definition of a "5-8 Seater Taxi or Private Hire Vehicle" and it is either;
 - (a) a positive ignition Euro 4 Vehicle; or
 - (b) a compression ignition Euro 6 Vehicle; or (c) a Euro 4 LPG vehicle; and

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

Class M₁ LPG Private Hire Vehicle

2. A vehicle shall be a compliant vehicle for the purposes of Article 6 if it meets the definition of a Class M₁ Private Hire Vehicle which is not a "wheelchair accessible vehicle" or a "5-8 Seater Taxi or Private Hire Vehicle" subject to the Council receiving satisfactory evidence that it is a Euro 5 LPG vehicle and particulars of the vehicle are for the time being entered in the local register.

NON-CHARGEABLE VEHICLES

Subject to the provisions of this Scheme a relevant vehicle may be treated as a non-chargeable vehicle subject to it qualifying for any of the following exemptions.

Such entry is subject to the submission of any application forms required by the Council being complete and being accompanied by the stipulated supporting information. Information for the time being required to support each application for exemption will be displayed on the Council website.

All exemptions apply only in respect of the specified vehicle whilst the original applicant is the registered keeper and are subject to any conditions or limitations of that exemption which have been notified to the applicant.

All exemptions will cease to apply on the December 31st 2025 or such later date as may be published on the council website.

Agricultural and similar vehicles

1. - (1) A qualifying agricultural vehicle is a non-chargeable vehicle if 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 20F (steam powered vehicles); (e) paragraph 20H (snow ploughs); and (f) paragraph 20J (gritters).

Charity Vehicles

2.– (1) A qualifying charity vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that the vehicle is owned or leased to a charity which operates in the district and provided particulars of the vehicle are for the time being entered in the local register.

Community transport vehicles

3. – (1) A qualifying community transport vehicle is 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 community transport vehicle if it is a vehicle of Class M₂ or M₃ being used pursuant to a community transport permit and the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a compression ignition Euro 4 vehicle/Euro IV vehicle fitted with a diesel particulate filter.

(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;

Emergency Response Vehicles

4. —(1) A qualifying emergency response vehicle is a non-chargeable vehicle provided that it is us particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying emergency response 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) paragraphs 6 (ambulances);

(iv) paragraph 10 (mine rescue vehicles);

(v) paragraph 11 (lifeboat vehicles); or

(b) it is a mountain rescue services vehicle operated by an organisation which provides emergency mountain rescue services and is used for that purpose.

(3) Applications to enter a qualifying emergency response vehicle on the local register shall only be accepted in respect of vehicles for which the body making such an application was the registered keeper of that vehicle on the appointed day.

Local SME vehicles

5.—(1) A qualifying local SME vehicle is 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 local SME vehicle if it is any relevant vehicle, other than taxis or Private Hire Vehicles, for which the Council is satisfied, by the production of such evidence as it may reasonably require, that the local SME was registered keeper on the appointed day.

(3) Not more than three applications to enter a qualifying local SME vehicle in the local register in respect of any single local SME may be made for the duration that the Scheme is in force.

(4) In the event that the local SME should no longer be the registered keeper of a local SME vehicle then the exemption shall cease to apply and the vehicle will revert to being a relevant vehicle.

Motorised horseboxes and motor caravans

6.—(1) A qualifying motorised horsebox or qualifying motor caravan is 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 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 .

(3) A vehicle is a “qualifying 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 other than a Class M₁ motor caravan, that either;-

(a) falls within the definition of a “special vehicle” in paragraph 4(2)(bb) of Schedule 1 to the 1994 Act; or

(b) is a vehicle of any Class registered with a body type of ‘Motor Caravan’.

(4) In the case of either a qualifying motorised horsebox or a qualifying motor caravan the Council must also be satisfied, by the production of such evidence as it may reasonably require, 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 subparagraph (5);

(b) 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;

(c) the vehicle is used solely for social, domestic and pleasure purposes and not be used for hire and reward or in connection with any business; and,

(d) the qualified resident was the registered keeper of the vehicle on the appointed day.

(5) In this Scheme "qualified resident" means an individual in respect of whom the Council is 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 district.

(6) Where a qualified resident ceases to reside at the premises in relation to which the Council was satisfied that the requirement in sub-paragraph (5) was met but resides at other premises in the District, 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 (5) is met in relation to those other premises.

(7) Not more than one application by any qualified resident to enter a qualifying motorised horsebox or a qualifying motor caravan in the local register may be made for the duration that the Scheme is in force.

Recovery vehicles

7.— (1) A qualifying recovery vehicle is 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 it falls within the definition of, and is licensed as, a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act.

Resident's Vehicles

8. --(1) A qualifying resident's vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is qualifying resident's vehicle if it is a relevant vehicle other than a taxi, a private hire vehicle or a vehicle which qualifies for any other exemption, and the Council is satisfied, by the production of such evidence as it may reasonably require, 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 subparagraph (4);
- (b) 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;
- (c) the vehicle is used solely for social, domestic and pleasure purposes and not be used for hire and reward or in connection with any business; and,
- (d) the qualified resident was the registered keeper of the vehicle on the appointed day.

(4) In this Scheme "qualified resident" means an individual in respect of whom the Council is 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 district.

(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 District, 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.

(6) Not more than one application by any qualified resident to enter a qualifying resident's vehicle in the local register may be made for the duration that the Scheme is in force.

Retrofitting and upgrading of vehicles

9.-(1) the Council will treat any relevant vehicle—

(a) that meets the condition specified in sub-paragraphs (2); and,
(b) that also meets the conditions specified in sub-paragraph (3); and, (c) particulars of which are for the time being entered in the local 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, by the production of such evidence as it may reasonably require, that the owner of the vehicle has placed an order for either;-

(a) retrofitting the vehicle concerned which will result in the vehicle becoming a compliant vehicle; or

(b) a compliant vehicle to replace the vehicle concerned.

(3) The conditions referred to in sub-paragraph (1)(b) are either;

(i) the vehicle was registered at an address in the district and the owner was the registered keeper of that vehicle on the appointed day; or,

(ii) the vehicle was registered to an address outside of the district; the owner was the registered keeper of that vehicle on the appointed day and a successful application had been made to the Council for a grant to either retrofit the vehicle to become a compliant vehicle or replace it with a compliant vehicle.

(4) In this paragraph the period during which the vehicle will be treated as a non-chargeable vehicle will commence on the date on which the order referred to in sub-paragraph (2) was placed (“the order date”) and ending on the earlier of—

(a) the date on which, the Council being satisfied that the retrofitting referred to in subparagraph (2)(a) has been completed or the replacement vehicle referred to in subparagraph (2)(b) has been made available for use and particulars of the retrofitted or replacement vehicle are entered in the national register as a compliant vehicle; or (b) a date one year from the order date; or

(c) such other date as shall be specified in writing by the Council;

Showman’s Vehicles

10. – (1) A qualifying showman’s vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A qualifying showman’s vehicle means any vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, either;-

(a) 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

(b) falls within the definition of a “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.

School Buses

11. – (1) A qualifying school bus is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered into the local register.

(2) A “qualifying school bus” is a school bus that –

- (a) The Council is satisfied, by the production of such evidence as it may reasonably require, is being used for the purpose of taking Bradford school pupils to or from school or a school-related activity inside or outside of the district; and
- (b) is a compression ignition Euro 4 vehicle/Euro IV vehicle fitted with a diesel particulate filter.

(3) In this paragraph –

- (a) “Bradford school pupil” means a pupil enrolled at a school in the district or whose only or main residence is at premises situated in the district;
- (b) “pupil” has the meaning given by Section 3 of the Education Act 1996;
- (c) “school” has the meaning given by Section 4(1) of the Education Act 1996;
- (d) “school bus” means any vehicle, other than a private hire vehicle, of Class M₂ or M₃ that is operated by or is contracted to a school inside or outside of the district for the purpose of transporting Bradford school pupils.

Specialist Vehicles

12. – (1) A qualifying specialist vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph a qualifying specialist vehicle means any vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, was either originally built or has been permanently adapted for a specialist purpose and cannot be economically replaced or further adapted to meet the standards required of a compliant vehicle including -

- (a) 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 including but not limited to digging machines, mobile cranes, mobile pumping truck and road rollers;
- (b) A vehicle of a type specified in an order under section 44 of the Road Traffic Act 1988; (c) Buses and Coaches of Class M₃ converted solely for the purpose of driver training.

ANNEX 3 TO THE SCHEME

PART 1 -

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

The Council is required by paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000 to include in the scheme a general plan relating to the application of any net proceeds of the scheme during a defined 'ten year period' notwithstanding that the scheme may not be in force for the full period.

It is proposed that the scheme shall commence on the 26th September 2022. This plan therefore covers the period from the 26th September 2022 to 31st March 2033. 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 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 zones. 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 improvements to achievement the Council's local transport policies contained in the West Yorkshire Transport Strategy 2040 and may be amended or supplemented from time to time.

These improvements might include:

- improving air quality awareness by supporting work on assessing health impacts, air quality and traffic monitoring improvements;
- accelerating the uptake of cleaner transport fuels and technologies, and increasing training opportunities;
- supporting the continuing upgrade of Bradford vehicles in the district;
- ensuring schools in the district are supported in reducing emissions;
- supporting the production of sustainable transport fuels as part of our circular economy;
- enabling sustainable road transport options;
- supporting and enhancing the existing public transport network infrastructure, increasing ultralow emission fleet composition;
- enabling delivered deliveries of goods and freight to be made more efficiently, such as providing for distribution by less polluting modes or development of freight consolidation centres;
- delivery of additional clean growth projects and programmes with measurable emission reduction potential.

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

The Council is required by paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 to include in the scheme a detailed plan relating to the application of any net proceeds of the scheme during a defined opening 'five year period' notwithstanding that the scheme may not be in force for the full period.

It is proposed that the scheme would commence on 26th September 2022. This plan therefore covers the period from 26th September 2022 to March 31st 2028.

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 depending to a large extent on the level of net proceeds generated but improvements might include:

- Funding for transport related environmental assessments;
- Support for CAZ health impact assessments and school creativity labs carried out by Born in Bradford;
- Providing continuing support to upgrade vehicles in the district;
- Expanding the electric vehicle charging network in the district and facilitating all stakeholders in the district to switch to zero emission vehicles
- Creating a hydrogen test bed to support the transition of public service vehicles, such as buses and refuse collection vehicles, and supporting the production of renewable transport fuels
- Supporting exemplar fleets that can provide skilled jobs
- Supporting zero emission delivery networks including freight consolidation and zero emission last journey delivery
- Helping to reduce traffic emissions around schools
- Providing additional park and ride capacity facilities with high quality service connections to the city centre, including zero emission express busway
- Accelerating the transition to cleaner fuels and technologies through inward investment opportunities and increased access for stakeholder communities.