

# TRANSPORT ACT 2000

## Sheffield Clean Air Zone Charging Order 2023

*Made* 2<sup>nd</sup> February 2023

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

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## SHEFFIELD CLEAN AIR ZONE CHARGING SCHEME

**Interpretation**

1. (1) In this Scheme
  - a) “1994 Act” means the Vehicle Excise and Registration Act 1994;
  - b) “approved retrofit scheme” means the Clean Vehicle Retrofit Accreditation Scheme and such other accreditation scheme or schemes as may from time to time be specified by the Council in accordance with any requirements of the Central Clean Air Zone Service;
  - c) “category” in relation to a vehicle shall be construed in accordance with the vehicle categories set out in Part A of Annex II to Council Directive 2007/46/EC;
  - d) “Central Clean Air Zone Service” means the national body through which road user charges pursuant to clean air zone charging schemes may be paid;
  - e) “charge” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;
  - f) “charging day” means the period of twenty four hours from midnight to midnight;
  - g) “Class L” vehicles are those falling within class L(a) and class L(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
  - h) “Class M1” vehicles are those falling within class M1(a) and class M1(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
  - i) “Class M2” vehicles are those falling within class M2(a) and class M2(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
  - j) “Class M3” vehicles are those falling within class M3(a) and class M3(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
  - k) “Class N1” vehicles are those falling within class N1(a) and class N1(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
  - l) “Class N2” vehicles are those falling within class N2(a) and class N2(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
  - m) “Class N3” vehicles are those falling within class N3(a) and class N3(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
  - n) “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;
  - o) “Clean Air Zone Boundary Plan” means a deposited plan specified in Part 2 of Annex 1 defining part of the boundary of the Clean Air Zone by showing areas within the Clean Air Zone as green;
  - p) “Clean Air Zone Plan” means the plan corresponding with sheet A of Part 1 of Annex 1;
  - q) “commencement date” means the date appointed by the Council under article 2(3) of the Order;
  - r) “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;
- s) “compliant vehicle” has the meaning given by article 4;
- t) “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;
- u) “compression ignition vehicle” means a vehicle powered wholly or partly by a compression ignition engine;
- v) “Council” means Sheffield City Council;
- w) “deposited plans” means the collection 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 Town Hall, Pinstone Street, Sheffield S1 2HH; and
  - (ii) consisting of the plans bearing the sheet numbers or letters, dates and revision numbers specified in Annex 1 to the Scheme;
- x) “designated road” means one of the designated roads specified in article 2(2);
- y) “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 Central Clean Air Zone Service is satisfied operates wholly by means of an electrically powered propulsion system that draws its motive power from either a hydrogen fuel cell or from a battery that can be fully recharged from an external source of electricity and has tailpipe CO<sub>2</sub> emissions of 0 grams per kilometer;
- z) “Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;
- aa) “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;
- bb) “ETC test” means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive or a test carried out by means of a chassis dynamometer using a test cycle that the Central Clean Air Zone Service is satisfied replicates so far as practicable the standard ETC test cycle;
- cc) “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;
- dd) “Euro 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- ee) “Euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;

- ff) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- gg) “licence” means a licence purchased under article 9;
- hh) “local register” means the register of non-chargeable and reduced rate vehicles to be maintained by the Council under article 10;
- ii) “local road” means any road in respect of which the Council is the local traffic authority;
- jj) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- kk) “national register” means the register of compliant and non-chargeable vehicles to be maintained by the Central Clean Air Zone Service under article 10;
- ll) “NEDC” means the drive cycle defined in Annex 4a of Regulation No. 83 of the Economic Commission for Europe of the United Nations;
- mm) “non-chargeable vehicle” is to be construed in accordance with articles 5 and 16 and Annexes 2 and 4;
- nn) NOx” means oxides of nitrogen;
- oo) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
- pp) “positive ignition engine” means an internal combustion engine in which combustion is initiated by a localised high temperature in the combustion chamber produced by energy supplied from a source external to the engine;
- qq) “positive ignition hybrid vehicle” means a vehicle that operates partly by means of an electrically powered propulsion system that draws motive power from a battery and partly by means of a positive ignition engine;
- rr) “positive ignition vehicle” means a vehicle powered wholly or partly by a positive ignition engine;
- ss) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
- tt) “reduced rate vehicle” is to be construed in accordance with article 5 and Annex 2;
- uu) “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;
- vv) “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;
- ww) “registration period” means the period during which a vehicle has been added to the local register pursuant to an application to enter its particulars per article 10;

- xx) “relevant vehicle” has the meaning given by article 3;
- yy) “retrofitted” means adapted so as to meet the emissions standards required of a compliant vehicle in accordance with an approved retrofit scheme;
- zz) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
- aaa) “Type I test” means a test carried out in accordance with Annex III of Council Directive 692/2008 applying the NEDC or the appropriate WLTC test cycle;;
- bbb) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
- ccc) “WHSC” means the World Harmonised Steady state Driving Cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
- ddd) “WHTC” means the World Transient Steady state Driving cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations; and
- eee) “WLTC” means the Worldwide Light-Duty Test Cycles as defined in Annex 1 of Global Technical Regulation No. 15 of the Economic Commission for Europe of the United Nations.

(2) In this Scheme –

- a) a reference in any provision to an instrument of the European Community is to that instrument –
  - (i) as amended at the commencement date, if the instrument concerned is in force at that date; or
  - (ii) as amended at the date of its repeal, if that instrument has been repealed before the commencement date;
- b) a reference in any provision to an authorised person is to a person authorised by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
- c) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council is taken to include a reference to that person.

### **Designation of roads in respect of which charges are imposed**

- 2. (1) Charges are imposed by this Scheme in respect of the designated roads.
- (2) The designated roads are all local roads within the Clean Air Zone.

### **Relevant vehicles**

- 3. (1) A relevant vehicle is a vehicle of a Class and type specified in paragraph (2) that is not –
  - a) a compliant vehicle; or
  - b) a non-chargeable vehicle.
- (2) The classes of vehicle specified for the purpose of paragraph (1) are;
  - (a) all vehicles of Class M2, Class M3, Class N1, Class N2 and Class N3;

- (b) vehicles of Class L falling within rows 5 to 16 of Table 1 of Annex 3 or rows 3 to 11 of Table 2 of Annex 3; and
- (c) taxis and private hire vehicles of Class M1.

### **Compliant vehicles**

4. A vehicle is a compliant vehicle if –
- a) the vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme; and
  - b) particulars of the vehicle are for the time being entered in the national register.

### **Non-chargeable vehicles and reduced rate vehicles**

5. Annex 2 to this Scheme, which specifies categories of non-chargeable and reduced rate vehicles, has effect.

### **Emissions standards required of compliant vehicles**

6. A vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme if the Central Clean Air Zone Service is satisfied that the vehicle is –
- a) an electric vehicle;
  - b) a positive ignition vehicle that meets the standards specified for that vehicle in Table 1 of Annex 3 (Euro 4/IV Standards For Positive Ignition Vehicles); or
  - c) a compression ignition vehicle that meets the standards specified for that vehicle in Table 2 of Annex 3 (Euro 6/VI Standards For Compression Ignition Vehicles).

### **Imposition of charges**

7. (1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(1) is imposed
- a) in respect of any relevant vehicle of Class M3, Class N2 or Class N3 other than a reduced rate vehicle, and
  - b) in respect of any relevant vehicle of Class L other than a reduced rate vehicle falling within rows 13a to 16 of Table 1 of Annex 3 or rows 8 to 11 of Table 2 of Annex 3
- for each charging day on which it is at any time used on one or more designated roads.
- (2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed –
- a) in respect of any relevant vehicle of Class N1, Class M1 or Class M2 and any reduced rate vehicle; and
  - b) in respect of any relevant vehicle of Class L falling within rows 5 to 12 of Table 1 of Annex 3 or rows 3 to 7 of Table 2 of Annex 3
- for each charging day on which it is at any time used on one or more designated roads.

### **Amount of charge payable by purchase of a licence**

8. (1) The amount of a charge imposed by article 7(1) is £50 per charging day.  
(2) The amount of a charge imposed by article 7(2) is £10 per charging day.

### **Payment of charges**

9. (1) A charge imposed by article 7 must be paid by the purchase of a licence in accordance with the provisions of this article.
- (2) A licence must be issued in respect of a particular vehicle and for a single charging day.
- (3) A vehicle referred to in paragraph (2) must be identified by its registration mark, and –
- a) the purchaser of a licence must specify the registration mark of the vehicle in respect of which that charge is paid;
  - b) a licence will not be valid in respect of any vehicle having a registration mark different from the mark so specified.
- (4) A licence may only be purchased –
- a) on the charging day concerned;
  - b) on any of the first six charging days immediately following that charging day; or
  - c) on a day falling within such period of six charging days immediately preceding that charging day.
- (5) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website as being acceptable.

### **Registers of compliant, non-chargeable and reduced rate vehicles**

10. (1) The Council will maintain the local registers which will identify non-chargeable and reduced rate vehicles for the purposes of Part 2 and Part 3 of Annex 2 and Annex 4.
- (2) The Central Clean Air Zone Service will maintain the national register which will identify compliant vehicles and non-chargeable vehicles for the purposes of article 4 and Part 1 of Annex 2.
- (3) An application to enter particulars of a vehicle on the local or national register –
- a) must include all such information as the Council or the Central Charging Clean Air Zone Service respectively may reasonably require; and
  - b) must be made by such means as the Council or the Central Charging Clean Air Zone Service respectively may accept.
- (4) If the Council or the Central Clean Air Zone Service respectively 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, or
  - (c) is a reduced rate vehicle
- it will enter particulars for the vehicle in the relevant register.
- (5) If the Council or the Central Clean Air Zone Service respectively is satisfied that a vehicle, particulars of which are entered in the relevant register, no longer –
- (a) complies with the standards required of a compliant vehicle; or
  - (b) falls within a class of non-chargeable vehicle,
  - (c) is a reduced rate vehicle



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

(6) If the Council is satisfied that a vehicle, particulars of which are entered in the relevant local register, has reached the expiry date of the current registration period it may remove the particulars of that vehicle from the relevant register.

(7) 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,
- (c) be a reduced rate vehicle

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

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

### **Refunds of charges**

11. (1) The purchaser of a licence in respect of a charge imposed under article 7 may surrender the licence and, subject to any requirements of the Central Clean Air Zone Service, obtain a refund in accordance with the following provisions of this article.
- (2) An application for a refund must be made before the charging day to which the licence relates and in such manner as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website.
- (3) An application for a refund must be accompanied by such information as the Council may, in accordance with any requirements of the Central Clean Air Zone service, specify on its website.
- (4) The amount of a refund for a charge imposed under article 7 will be the charge paid for the licence, less £3.00.

### **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; 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**

13. (1) Provided that –
- (a) none of the circumstances in paragraph (2) of Regulation 25 of the Enforcement Regulations apply; and
  - (b) the conditions in paragraph (3) of that Regulation apply,
- an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that Regulation.
- (2) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme –
- (a) may be released only by or under the direction of an authorised person; and
  - (b) subject to paragraph (a), will be released –
    - (i) if all outstanding charges under article 7 are paid;
    - (ii) if all outstanding penalty charges are paid 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 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) (3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (1) the Council or the custodian may (whether or not any claim is made under Regulation 30 or 31 of the Enforcement Regulations) recover from the person who was the keeper of the vehicle when the vehicle was removed –
- (a) all outstanding charges under article 7;
  - (b) all penalty charges that are outstanding in relation to the vehicle;
  - (c) a penalty charge of £200 for its removal;
  - (d) a penalty charge of £40 for each complete day or part of a day on which it has been held by the Council or a custodian; and
  - (e) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

### **Duration of scheme**

15. This Scheme will remain in force indefinitely.

### **Transitional provisions – temporary non-chargeable vehicles**

16. Annex 4 to this Scheme which contains transitional provisions specifying classes of temporary non-chargeable vehicles has effect.

**Ten and five year plans for net proceeds**

17. (1) Part 1 of Annex 5 to this Scheme constitutes the general plan, under paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening ten year Period.
- (2) Part 2 of Annex 5 to this Scheme constitutes the detailed programme, under paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, for the application of the Council's share of the net proceeds of this Scheme during the opening five year period.

# ANNEX 1 TO THE SCHEME

## DEPOSITED PLANS

### PART 1 – CLEAN AIR ZONE PLAN

(1) Sheet	(2) Plan Title	(3) Date	(4) Revision (where relevant)
A	Clean Air Zone Plan	January 2023	TP_LT274_001_01
B	Clean Air Zone Key Plan	January 2023	TP_LT274_002_01

### PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

(1) Sheet	(2) Date	(3) Revision (where relevant)
Clean Air Zone Boundary Plan Sheet 1 of 25	January 2023	TP_LT274_003_01
Clean Air Zone Boundary Plan Sheet 2 of 25	January 2023	TP_LT274_004_01
Clean Air Zone Boundary Plan Sheet 3 of 25	January 2023	TP_LT274_005_01
Clean Air Zone Boundary Plan Sheet 4 of 25	January 2023	TP_LT274_006_01
Clean Air Zone Boundary Plan Sheet 5 of 25	January 2023	TP_LT274_007_01
Clean Air Zone Boundary Plan Sheet 6 of 25	January 2023	TP_LT274_008_01

Clean Air Zone Boundary Plan Sheet 7 of 25	January 2023	TP_LT274_009_01
Clean Air Zone Boundary Plan Sheet 8 of 25	January 2023	TP_LT274_010_01
Clean Air Zone Boundary Plan Sheet 9 of 25	January 2023	TP_LT274_011_01
Clean Air Zone Boundary Plan Sheet 10 of 25	January 2023	TP_LT274_012_01
Clean Air Zone Boundary Plan Sheet 11 of 25	January 2023	TP_LT274_013_01
Clean Air Zone Boundary Plan Sheet 12 of 25	January 2023	TP_LT274_014_01
Clean Air Zone Boundary Plan Sheet 13 of 25	January 2023	TP_LT274_015_01
Clean Air Zone Boundary Plan Sheet 14 of 25	January 2023	TP_LT274_016_01
Clean Air Zone Boundary Plan Sheet 15 of 25	January 2023	TP_LT274_017_01
Clean Air Zone Boundary Plan Sheet 16 of 25	January 2023	TP_LT274_018_01
Clean Air Zone Boundary Plan Sheet 17 of 25	January 2023	TP_LT274_019_01
Clean Air Zone Boundary Plan Sheet 18 of 25	January 2023	TP_LT274_020_01
Clean Air Zone Boundary Plan Sheet 19 of 25	January 2023	TP_LT274_021_01

Clean Air Zone Boundary Plan Sheet 20 of 25	January 2023	TP_LT274_022_01
Clean Air Zone Boundary Plan Sheet 21 of 25	January 2023	TP_LT274_023_01
Clean Air Zone Boundary Plan Sheet 22 of 25	January 2023	TP_LT274_024_01
Clean Air Zone Boundary Plan Sheet 23 of 25	January 2023	TP_LT274_025_01
Clean Air Zone Boundary Plan Sheet 24 of 25	January 2023	TP_LT274_026_01
Clean Air Zone Boundary Plan Sheet 25 of 25	January 2023	TP_LT274_027_01

## ANNEX 2 TO THE SCHEME

### NON-CHARGEABLE AND REDUCED RATE VEHICLES

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

##### **Historic vehicles**

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

##### **Military vehicles**

2. A vehicle is a non-chargeable vehicle if it belongs to any of His 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.

##### **Disabled vehicles**

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

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

##### **Community Transport Vehicles**

4. (1) A community transport vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, and if particulars of the vehicle are for the time being entered in the local register.  
(2) In this paragraph –
  - (a) “community transport vehicle” means a vehicle of Class M2 or M3 that is being used pursuant to a community transport permit, is not a taxi or private hire vehicle and, if the vehicle is a coach within the meaning given by regulation 2 of the Public Service Vehicles Accessibility Regulations 2000, a valid Accessibility Certificate has been issued for it pursuant to those regulations.
  - (b) “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985.

##### **Disabled adapted minibuses, buses and coaches**

5. (1) A disabled adapted minibus, bus or coach 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 disabled adapted minibus, bus or coach if the Council is satisfied by the production of such evidence as it may reasonably require and is

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- (a) A bus or coach within the meaning given by regulation 2 of the Public Service Vehicles Accessibility Regulations 2000 and has been issued a valid Accessibility Certificate certifying that it conforms to schedule 1 of the Public Service Vehicles Accessibility Regulations 2000; or
- (b) A public service vehicle within the meaning given by section 1(a) of the Public Passenger Vehicles Act 1981 that conforms to schedule 1 the Public Service Vehicles Accessibility Regulations 2000.

### **Non-commercial vintage buses and vintage emergency service vehicles**

6. (1) A non-commercial vintage bus or vintage emergency service vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, and if particulars of the vehicle are for the time being entered in the local register on an eligible charging day.
- (2) A “non-commercial vintage bus” means a vehicle of Class M2 or M3 which -
- a) is not a historic vehicle within the meaning of paragraph 1;
  - b) is used exclusively for demonstration or educational purposes;
  - c) is not, in any case, being used primarily for the transportation of passengers for commercial purposes; and
  - d) was constructed more than 20 years before the charging day concerned;
- (3) A “vintage emergency service vehicle” means a vehicle which -
- a) is or was an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in paragraphs 3A, 4, 5, 6 or 7 of Schedule 2 to that Act or section 4(1)(a), (b) or (c) of the Vehicles (Excise) Act 1971;
  - b) is not a historic vehicle within the meaning of paragraph 1;
  - c) is used exclusively for demonstration or educational purposes; and
  - d) was constructed more than 20 years before the charging day concerned.
- (4) An “eligible charging day” means –
- a) each of the first 10 charging days in any calendar year on which a non-commercial vintage bus is used on one or more designated roads; or
  - b) each of the first 10 charging days in any calendar year on which a vintage emergency service vehicle is used on one or more designated roads if that vehicle is kept at or operating out of premises situated outside the Clean Air Zone; or
  - c) any charging day on which a vintage emergency service vehicle is used on one or more designated roads if that vehicle is kept at or operating out of premises situated within the Clean Air Zone at the commencement date.

### **Agricultural and Similar Vehicles**

7. (1) A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, and that it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the local register-
- (a) paragraph 20A (vehicles used between different parts of land);
  - (b) paragraphs 20B, 20C and 20D (tractors and certain agricultural vehicles);
  - (c) paragraphs 20E (mowing machines);
  - (d) paragraph 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 local register.

### **Recovery Vehicles**

- 8. 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 is being used exclusively for the purposes of vehicle recovery and-
  - (a) it falls within the definition of, and is licensed as, a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act; or
  - (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, 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.

### **Abnormal indivisible load vehicles**

- 9. 1) An abnormal indivisible load 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 an abnormal indivisible load vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it falls within the definition of an abnormal indivisible load vehicle within the meaning of the Motor Vehicles (Authorisation of Special Types) General Order 2003.

### **Special vehicles**

- 10. 1) A special 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 “special vehicle” means a vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require, and is—
  - (a) registered under the 1994 Act and falls to be treated as a “special vehicle” within the meaning of the following sub-paragraphs only of Part IV of Schedule 1 to the 1994 Act;
    - (c) a digging machine,
    - (d) a mobile crane,
    - (dd) a mobile pumping vehicle,
    - (e) a works truck,
    - (ee) a road roller; or
  - (b) 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 the aforementioned sub-paragraphs Part IV of Schedule 1 to the 1994 Act; or
- (c) a vehicle of a type specified in an Order under section 44 of the Road Traffic Act 1988.

### **Emergency service vehicles**

11. (1) A qualifying emergency service 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 emergency service vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require and 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 and 7 (ambulances and health service vehicles);
  - (iv) paragraph 9 (veterinary ambulances);
  - (v) paragraph 10 (mine rescue vehicle);
  - (vi) 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).

### **Showman's vehicles**

12. (1) A showman's 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 “showman's vehicle” means any vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require –
- (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
- (a) 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.

### **Non-UK registered vehicles for disabled people**

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

### **Buses, minibuses and coaches used for educational school trips**

- 14.** 1) A school coach 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) “school coach” means a vehicle of Class M2 or M3 that the Council is satisfied, by the production of such evidence as it may reasonably require, which is –
    - i) being used exclusively for the purposes of transporting pupils of a school from that school to the site of a school-related activity which is located within the Clean Air Zone or where the direct route to the site of a school-related activity runs through the Clean Air Zone; or
    - ii) being used exclusively for the purposes of transporting pupils of a school to that school from the site of a school-related activity which is located within the Clean Air Zone or where the direct route to that school from the site of a school-related activity runs through the Clean Air Zone;
  - (b) “school” means an educational institution which is an institution for providing primary education, secondary education or further education.
  - (c) “pupil” means a person who has not attained the age of 19 and for whom full time education is being provided.

### **Diverted vehicles**

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

## PART 3 – REDUCED RATE VEHICLES ENTERED IN THE LOCAL REGISTER

### **Larger motorhomes**

1.
  - 1) A larger motorhome is a reduced rate vehicle provided particulars of the vehicle are for the time being entered in the local register.
  - 2) In this paragraph “larger motorhome” means a vehicle of Class M2 or M3, or a vehicle of Class L which for the purpose of assessing its emissions has been type-approved as a vehicle of either class Class M2 or M3, that the Council is satisfied, by the production of such evidence as it may reasonably require, and is constructed to include living accommodation which contains at least the following equipment -
    - a) seats and table,
    - b) sleeping accommodation which may be converted from the seats,
    - c) cooking facilities, and
    - d) storage facilities

This equipment shall be rigidly fixed to the living compartment; however, the table may be designed to be easily removable.

## ANNEX 3 TO THE SCHEME

### EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

1. (1) A vehicle meets the standards set out in Tables 1 and 2 if.
  - (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table;
  - (b) the vehicle has been retrofitted so that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table; or
  - (c) in respect of all other vehicles, the Central Clean Air Zone Service is satisfied that the limit values for the emission of NO<sub>x</sub> specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.
- (2) A reference to a vehicle of Class L in any row of Tables 1 or 2 is to be construed, for the purpose of assessing its emissions, as a reference to a vehicle of Class L which has been type-approved as a vehicle of the relevant M or N category specified in that row of the Table concerned.

TABLE 1 – EURO 4/IV STANDARDS FOR POSITIVE IGNITION VEHICLES

(a) Row No.	(b) Vehicle Class	(c) Maximum mass of vehicle, where relevant (kg)	(d) Reference mass of vehicle, where relevant (kg)	(e) EC emissions standard	(f) Limit values for NOx	(g) Appropriate test
(1)	L, M1	not exceeding 2,500		Euro 4	0.08g/km	Type I
(2)	L, M1	exceeding 2,500	not exceeding 1,305	Euro 4	0.08g/km	Type I
(3)	L, M1	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	L, M1	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	L, M2	not exceeding 2,500		Euro 4	0.08g/km	Type I
(6)	L, M2	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(7)	L, M2	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	L, M2	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	L, M2	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	L, M2	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC
(10)	L, N1 sub-class (i)		not exceeding 1,305	Euro 4	0.08g/km	Type I
(11)	L, N1 sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	L, N1 sub-class (iii)		exceeding 1,760	Euro 4	0.11g/km	Type I
(13a)	L, N2		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	L, N2		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	L, N2		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	L, N3			Euro IV	3.5g/kWh	ETC
(16)	L, M3			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 NOx	(g) Appropriate tests
(1)	L, M1		not exceeding 2610	Euro 6	0.08g/km	Type I
(2)	L, M1		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	L, N1 sub-class (i)		not exceeding 1,305	Euro 6	0.08g/km	Type I
(4)	L, N1 sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(5)	L, N1 sub-class (iii)		exceeding 1,760	Euro 6	0.125g/km	Type I
(6)	L, M2		not exceeding 2610	Euro 6	0.125g/km	Type I
(7)	L, M2		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(8)	L, M3			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(9)	L, N2		not exceeding 2610	Euro 6	0.125g/km	Type I
(10)	L, N2		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(11)	L, N3			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC

## ANNEX 4 TO THE SCHEME

### TRANSITIONAL PROVISIONS – TEMPORARY NON-CHARGEABLE VEHICLES

#### **Compliant Vehicle On Order (Delivery Exemption)**

1. (1) During the vehicle retrofitting period or vehicle supply period the Council will treat any vehicle -
  - (a) that meets the condition specified in sub-paragraph (2)(a) or (2)(b); and
  - (b) 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
  - (a) the owner of the vehicle has placed an order for retrofitting the vehicle concerned that would result in the vehicle becoming a compliant vehicle; or
  - (b) that the owner of the vehicle concerned has placed an order for a compliant vehicle (“the replacement vehicle”) which is intended to replace that vehicle and will result in their only vehicles being compliant vehicles
- (3) In this paragraph –
  - (a) “vehicle retrofitting period” means the period beginning with the date on which the order referred to in sub-paragraph (2)(a) was placed (“the retrofit order date”) and ending on the earlier of-
    - (i) the date on which, the Council being satisfied that the retrofitting referred to in sub-paragraph (2)(a) has been completed, particulars of the vehicle are entered in the local register as a compliant vehicle, or
    - (ii) the date falling one year after the retrofit order date;
  - (b) “vehicle supply period” means the period beginning with the date on which the order referred to in sub-paragraph (2) was placed (“the replacement order date”) and ending on the earlier of-
    - (i) the date on which, the Council being satisfied that the replacement vehicle has been provided to the owner, particulars of that vehicle are entered in the local register as a compliant vehicle, or
    - (ii) the date falling one year after the replacement order date;
  - (c) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website.

#### **Compliant Vehicle Search**

2. (1) During the vehicle search period the Council will treat any vehicle -
  - (a) that meets the conditions specified in sub-paragraph (2); and
  - (b) 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 been notified of the approval of a detailed eligibility check and



credit assessment for an offer of funding support, has not previously received such a notification, and is yet to place an order for a compliant vehicle to replace that vehicle or has placed an order for retrofitting the vehicle concerned which will result in their only vehicles being compliant vehicles.

- (3) In this paragraph –
  - (a) “vehicle search period” means the period beginning with the date on which notification referred to in sub-paragraph (3) occurred (“the notification date”) and ending on the earlier of-
    - (i) the date on which the Council is satisfied that the vehicle retrofitting period or vehicle supply period referred to in paragraph 1(1) has begun, or
    - (ii) the date falling three months after the notification 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.

### **Failed Credit Assessment Exemption**

3.
  - (1) During the failed credit assessment period the Council will treat any vehicle -
    - (a) that meets the condition specified in sub-paragraph (2); and
    - (b) 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 been notified of the approval of a detailed eligibility check but has failed the credit assessment for an offer of funding support and has not previously received such a notification.
  - (3) In this paragraph –
    - (a) “failed credit assessment period” means the period beginning with the date on which notification referred to in sub-paragraph (2) occurred (“the notification date”) and ending on the later of-
      - (i) the date falling six months after the commencement date, or
      - (ii) the date falling twelve months after the notification date if the vehicle is of Class M2 or M3, or
      - (iii) the date falling six months after the notification date if the vehicle is of any class other than M2 or M3.
    - (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.

### **Non-compliant Commercial Vehicles With Existing Finance Agreement**

4.
  - (1) During the financing transitional period the Council will treat a commercial vehicle -
    - (a) that meets the condition specified in sub-paragraph (2); and
    - (b) 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-

- (a) the owner of the vehicle had on or before the commencement date 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;
- (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;
  - (c) “commercial vehicle” means a vehicle which the Council is satisfied, by the production of such evidence as it may reasonably require, is owned by a qualified business and kept at or operating out of a qualifying business premises for the use of the qualified business;
  - (d) “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;
  - (e) “qualifying business premises” means business premises situated within the Clean Air Zone.

### **Temporary Exemption For Local Hackney Carriages and LGVs**

5. (1) During the temporary exemption period the Council will treat any vehicle -
- (a) that meets the conditions specified in sub-paragraph (2); and
  - (b) 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 vehicle is a local taxi or a local LGV.
- (3) In this paragraph –
- (a) “local taxi” means a vehicle licensed by Sheffield City Council as a hackney carriage under the Town Police Clauses Act 1847 as amended.
  - (b) “local LGV” means a vehicle of Class N1 which the Council is satisfied, by the production of such evidence as it may reasonably require, is owned by a person resident within Sheffield or Rotherham or kept at or operating out of a business premises situated within Sheffield or Rotherham.
  - (c) “temporary exemption period” means the period beginning with the commencement date and ending on 4<sup>th</sup> June 2023;
  - (d) “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.

## ANNEX 5 TO THE SCHEME

### 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 27<sup>th</sup> February 2023 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 the 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 relevant local transport policies in Sheffield's Transport Strategy and the Sheffield City Region Transport Strategy 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 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;
- to what extent the proposed improvements have already been implemented by other means;
- how long the Scheme stays in place and when compliance with relevant air quality standards will be achieved.

Given these uncertainties the Council will consider and prioritise how the net proceeds of the scheme will be used to deliver additional schemes, interventions and/or policies in

line with the strategies and objectives in Part 1, and these would potentially include but would not be limited to:

- supporting and enhancing the public transport network, through the delivery of infrastructure improvements and complementary initiatives, facilities and services that support increased use of public transport;
- enhancing the existing walking and cycling network, and complementary initiatives and facilities that support Active Travel;
- maintaining and enhancing the public electric vehicle charge point network, and other schemes and initiatives that support the uptake and use of zero emission vehicles;
- car parking projects and policies to manage demand for travel by car through availability, pricing and/or restrictions.
- enhancing the non-charging measures already being funded by the Government's Implementation Fund and Clean Air Fund;
- enhancing the monitoring and evaluation of the Scheme;
- providing schemes to reduce the impact of vehicles on the health and wellbeing of residents and visitors; and

related research and policy development.