

# GREATER LONDON AUTHORITY ACT 1999

## TRANSPORT ACT 2000

### Greater London Low Emission Zone Charging (Exceptional Variation and Transitional Provisions) Order 2020

*Made*

*22 September 2020*

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

Whereas—

- (1) the Greater London Low Emission Zone Charging Order 2006 (“the LEZ Scheme Order”) imposes charges for the use of specified classes of motor vehicles on designated roads within a specified area of Greater London;
- (2) Transport for London has made a number of orders varying the provisions of the LEZ Scheme Order, including the Greater London Low Emission Zone Charging (Variation and Transitional Provisions) Order 2018 (“the 2018 Variation Order”) which, amongst other things, made provision for the introduction of the Ultra Low Emission Zone and related transitional provisions;
- (3) it appears to Transport for London expedient, for the purposes of facilitating the achievement of policies and proposals in the Mayor of London’s Transport Strategy published pursuant to section 142 of the Greater London Authority Act 1999<sup>(a)</sup> that it should make a further Order for the purposes of varying the LEZ Scheme Order and certain transitional provisions in the 2018 Variation Order having regard to the transport challenges created by the COVID-19 pandemic:

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

#### **Citation and commencement**

**1.**—(1) This Order may be cited as the Greater London Low Emission Zone Charging (Exceptional Variation and Transitional Provisions) Order 2020.

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

(3) In this Order—

- (a) “the LEZ Scheme” means the Scheme contained in the Schedule to the LEZ Scheme Order as varied and in force immediately before the coming into force of this Order; and
- (b) “the 2018 Variation Scheme” means the Scheme contained in the Schedule to the 2018 Variation Order.

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<sup>(a)</sup> 1999 c.29; Schedule 23 as amended by the Transport Act 2000 (c.38), Schedule 13

## **Variation of the LEZ Scheme and the 2018 Variation Scheme**

2.—(1) The Scheme set out in the Schedule to this Order (“the 2020 Variation Scheme”), which varies the LEZ Scheme and supersedes certain transitional provisions of the 2018 Variation Scheme, shall have effect.

(2) The 2020 Variation Scheme shall come into force immediately on the day following the day on which the Mayor confirms this Order.

Signed by authority of Transport for London

Dated 22 September 2020

Andy Byford, Commissioner, Transport for London

## SCHEDULE TO THE ORDER

Article 2

### SCHEME VARYING THE LEZ SCHEME

#### **Interpretation**

- 1.—(1) Article 1 of the LEZ Scheme is amended as follows.
- (2) In paragraph (e) after “midnight to midnight” insert “except on a free day”.
- (3) In paragraph (l) for “26 October 2020” substitute “1 March 2021”.
- (4) After paragraph (l) insert the following new paragraph—
  - “(la) “free day” means, in respect a charge imposed under article 7(2) only, Christmas Day;”.
- (5) In paragraph (ee)(v) for “;” substitute “,”.
- (6) Omit paragraph (ee)(vi).

#### **Postponement of stricter emissions standards**

2. In Articles 6, 8, 9 and 14 of the LEZ Scheme and in the headings of the Tables in Annex 2 to the LEZ Scheme—
  - (a) for “25 October 2020”, wherever it appears, substitute “28 February 2021”; and
  - (b) for “26 October 2020”, wherever it appears, substitute “1 March 2021”.

#### **Payment of charges**

- 3.—(1) In Article 8(5)(c) for “next working” substitute “third consecutive charging”.
- (2) After Article 8(5) insert the following new paragraph—
  - “(5A) For the purposes of this Scheme the charging days in a period are consecutive if the only days falling between them are free days.”.

#### **Transitional provisions - community minibuses**

4. The Annex to this 2020 Variation Scheme has effect in relation to certain community minibuses and supersedes the provisions of paragraph 4 of the Annex to the 2018 Variation Scheme.

# ANNEX TO THE 2020 VARIATION SCHEME

## TRANSITIONAL PROVISIONS

### **Certain community minibuses liability for ULEZ charge**

1.—(1) During the community minibuses transitional period Transport for London shall treat any vehicle that is—

- (a) liable to pay a charge imposed by article 7(2) of the LEZ Scheme; and
- (b) a community minibus, particulars of which are for the time being entered in the register,

as if it were a non-chargeable vehicle for the purposes of the LEZ Scheme in respect of charges imposed by article 7(2) of the LEZ Scheme.

(2) In this paragraph—

- (a) “community minibus” means a vehicle that—
  - (i) is constructed or adapted to carry more than eight but not more than sixteen passengers;
  - (ii) is owned by an eligible organisation and has been owned by that same eligible organisation continuously since on or before 8 June 2018; and
  - (iii) Transport for London is satisfied, by the production of such evidence as it may reasonably require, is predominantly used by that eligible organisation for the purposes of community transport;
- (b) “community minibuses transitional period” means the period beginning with 25 October 2021 and ending on 29 October 2023;
- (c) “community transport” means the carriage of passengers on a non-commercial basis for purposes concerned with—
  - (iv) education;
  - (v) religion;
  - (vi) social welfare; or
  - (vii) other activities of benefit to the community;
- (d) “eligible organisation” means—
  - (i) a charity, other than a private school or higher education provider, within the meaning of section 1(1) of the Charities Act 2011;
  - (ii) a school, other than a private school, within the meaning of section 4 of the Education Act 1996;
  - (iii) a further education institution that is for the time being in receipt of funding from the Education and Skills Funding Agency;
  - (iv) a 16-19 Academy within the meaning of section 1B of the Academies Act 2010;
  - (v) a local authority within the meaning of section 270 of the Local Government Act 1972; or
  - (vi) a not for profit body;
- (e) “further education institution” means an institution within the further education sector construed in accordance with section 91(3) of the Further and Higher Education Act 1992 other

than an institution that Transport for London is satisfied is predominantly a provider of higher education courses;

- (f) “higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;
- (g) “higher education provider” has the meaning given by section 83(1) of the Higher Education and Research Act 2017;
- (h) “not for profit body” means a body, other than a private school or higher education provider, which, by virtue of its constitution or any enactment—
  - (i) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or publicly beneficial purposes, and
  - (ii) is prohibited from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or publicly beneficial purposes);
- (i) “owned” in sub-paragraph (2)(a)(ii) includes leased, used pursuant to a hire purchase agreement, and such other forms of use or ownership as Transport for London may specify on its website; and
- (j) “private school” means an independent school within the meaning of section 463 of the Education Act 1996 that is supported by the payment of school fees.