

THE SILVERTOWN TUNNEL ORDER 2018

CHARGING POLICIES AND PROCEDURES

The Blackwall and Silvertown Tunnels Statement of Charges

Whereas—

- (1) Transport for London is empowered by article 54 of The Silvertown Tunnel Order 2018 to levy charges in accordance with Part 5 of that Order in respect of motor vehicles using the Silvertown Tunnel or the Blackwall Tunnel;
- (2) Under article 53 of the Silvertown Tunnel Order 2018 Transport for London must exercise its functions under Part 5 of that Order in accordance with the charging policy set out in Schedule 14 of that Order (the Charging Policy) and certified by the Secretary of State, or any revision of that document approved by the Mayor of London;
- (3) The Charging Policy sets out a procedure for setting the initial charges for the use of the tunnels which includes consultation with the members of the Silvertown Tunnel Implementation Group;
- (4) Not later than 56 days before the charges are intended to take effect Transport for London is required to publish a statement of charges setting out, amongst other things, the charges imposed and the times at which charges will be payable, classification of motor vehicles for the purposes of determining the charges payable, discounts and exemptions from charges, payment methods and a summary of enforcement provisions;
- (5) Transport for London has completed the process for setting the initial charges in accordance with the Charging Policy and intends to impose charges for the use of the Silvertown Tunnel and Blackwall Tunnel from the date when the Silvertown Tunnel is first opened for public use.

Now, therefore, Transport for London, in exercise of the powers conferred on it by article 54(1) to (3) of the Silvertown Tunnel Order 2018 and in compliance with the duties imposed on it by article 53 and 54(5) and (6) of that Order, and of all other powers enabling it in that behalf, hereby makes the following Statement of Charges which shall have effect on the later of the expiration of 56 days from the publication of this Statement of Charges or the date when the Silvertown Tunnel is first opened for public use.

STATEMENT OF CHARGES

Interpretation

1.—(1) In this Statement of Charges—

- (a) “1994 Act” means the Vehicle Excise and Registration Act 1994;
- (b) “ambulances” has the meaning given in Annex II.A of Council Directive 70/156/EEC;
- (c) “bank holiday” means Christmas Day, Good Friday, New Year’s Day and any day which is a bank holiday in England and Wales specified by or appointed in accordance with section 1 of the Banking and Financial Dealings Act 1971;
- (d) “the Blackwall Tunnel” has the meaning given by article 2 of the Order;
- (e) “CC Auto Pay Account” has the meaning given by article 6A of the Scheme contained in the Schedule to the Greater London (Central Zone) Congestion Charging Order 2004 as amended;
- (f) “charge” means a charge imposed by article 6 except to the extent that this Statement of Charges otherwise provides or that context otherwise requires;
- (g) “chargeable vehicle” has the meaning given by article 3;
- (h) “charging hours” means the off-peak hours and the peak hours on any charging day;
- (i) “charging day” means the period of twenty four hours from midnight to midnight on any day except Christmas Day, and “charging day concerned” means the charging day on which a vehicle is used within the tunnels during charging hours;
- (j) “Class” in relation to any vehicle shall be construed in accordance with sub-paragraphs (k) to (s) below;
- (k) “Class L” comprises vehicles falling within categories L1e, L2e, L3e, L4e L5e, L6e and L7e as defined in Article 1 of Council Directive 2002/24/EC;
- (l) “Class M₁” comprises vehicles designed and constructed to have not more than eight seats in addition to the drivers seat and intended for the carriage of passengers;
- (m) “Class M₂” comprises vehicles designed and constructed to have more than eight seats in addition to the drivers seat and intended for the carriage of passengers, and having a maximum mass not exceeding 5,000 kilograms;
- (n) “Class M₃” comprises vehicles designed and constructed to have more than eight seats in addition to the drivers seat and intended for the carriage of passengers, and having a maximum mass exceeding 5,000 kilograms;
- (o) “Class N₁ sub-class (i)” comprises:
 - (i) ambulances and hearses having a maximum mass exceeding 2,500 kilograms and which, applying item 2 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as Class N₁ sub-class (ii) vehicles for emissions purposes;
 - (ii) motor caravans having a maximum mass exceeding 2,500 kilograms; and
 - (iii) vehicles designed and constructed for the carriage of goods,in each case having a reference mass not exceeding 1,305 and a maximum mass not exceeding 3,500 kilograms;
- (p) “Class N₁ sub-class (ii)” comprises:
 - (i) ambulances and hearses having a maximum mass exceeding 2,500 kilograms and which, applying item 2 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as Class N₁ sub-class (ii) vehicles for emissions purposes;
 - (ii) motor caravans having a maximum mass exceeding 2,500 kilograms; and
 - (iii) vehicles designed and constructed for the carriage of goods,in each case having a reference mass exceeding 1,305 kilograms but not exceeding 1,760 kilograms and a maximum mass not exceeding 3,500 kilograms;

- (q) “Class N₁ sub-class (iii)” comprises:
- (i) ambulances and hearses having a maximum mass exceeding 2,500 kilograms and which, applying item 2 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as Class N₁ sub-class (iii) vehicles for emissions purposes;
 - (ii) motor caravans having a maximum mass exceeding 2,500 kilograms; and
 - (iii) vehicles designed and constructed for the carriage of goods,
- in each case having a reference mass exceeding 1,760 kilograms and a maximum mass not exceeding 3,500 kilograms;
- (r) “Class N₂” comprises:
- (i) ambulances and hearses which, applying item 2 or item 41 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as Class N₂ vehicles for emissions purposes;
 - (ii) motor caravans; and
 - (iii) vehicles designed and constructed for the carriage of goods,
- in each case having a maximum mass exceeding 3,500 kilograms but not exceeding 12,000 kilograms;
- (s) “Class N₃” comprises:
- (i) ambulances and hearses which, applying item 41 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as Class N₃ vehicles for emissions purposes;
 - (ii) motor caravans; and
 - (iii) vehicles designed and constructed for the carriage of goods,
- in each case having a maximum mass exceeding 12,000 kilograms;
- (t) “disabled person’s badge” means any badge issued, or having effect as if issued, to an individual or to an institution under regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970 or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 and references to the holder of such a badge are to the individual to whom or, as the case may be, the institution to which the badge is issued;
- (u) “discounted vehicle” means:
- (i) a 100% discounted vehicle;
 - (ii) a qualifying local resident’s vehicle within the meaning of paragraph 11 of Annex 1;
 - (iii) a qualifying small business vehicle within the meaning of paragraph 15 of Annex 1;
 - (iv) a qualifying charity vehicle within the meaning of paragraph 15 of Annex 1;
- (v) “EEA State” means a state which is a contracting Party to the EEA Agreement;
- (w) “electric van” means an electric vehicle of Class N₁ sub-class (ii) or Class N₂;
- (x) “electric vehicle” means a vehicle that Transport for London is satisfied—
- (i) operates wholly by means of an electrically powered propulsion system that draws its motive power from either a hydrogen fuel cell or from a battery that can be fully recharged from an external source of electricity and has tailpipe CO₂ emissions of 0 grams per kilometre; and
 - (ii) is registered in the GB or NI records or, in the case of a vehicle registered in a country other than the United Kingdom in the appropriate records of that country, as an electrically propelled vehicle;
- (y) “hearses” has the meaning given in Annex II.A of Council Directive 70/156/EEC;

- (z) “LEZ Auto Pay Account” means an “Auto Pay Account” as defined in article 10 of the Scheme contained in the Schedule to the Greater London Low Emission Zone Charging Order 2006 as amended;
- (aa) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (bb) “northbound” means, in relation to a vehicle using the tunnels, entering the tunnels on the south side of the River Thames or exiting the tunnels on the north side of the River Thames;
- (cc) “off-peak hours” means the hours on any charging day falling outside peak hours;
- (dd) “the Order” means The Silvertown Tunnel Order 2018;
- (ee) “outstanding” in relation to a penalty charge shall be construed in accordance with regulation 11(2) of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001;
- (ff) “peak hours” means—
 - (i) in respect of a vehicle travelling northbound, the hours between 06.00 am and 10.00 am on a charging day other than a Saturday, Sunday or bank holiday;
 - (ii) in respect of a vehicle travelling southbound, the hours between 04.00 pm and 07.00 pm on a charging day other than a Saturday, Sunday or bank holiday;
- (gg) “penalty charge” has the meaning given in regulation 2(1) of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001;
- (hh) “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;
- (ii) “register” means the register of exempt and discounted vehicles to be maintained by Transport for London under article 10;
- (jj) “registered in the GB or NI records” in relation to a vehicle means that the vehicle is registered under section 21 of the 1994 Act in the register which is maintained on behalf of the Secretary of State by the Driver and Vehicle Licensing Agency;
- (kk) “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;
- (ll) “relevant district” means one of the following local authority areas—
 - (i) the Royal Borough of Greenwich;
 - (ii) the London Boroughs of Barking and Dagenham, Bexley, Bromley, Hackney, Havering, Lewisham, Newham, Redbridge, Southwark, Tower Hamlets or Waltham Forest;
 - (iii) the City of London;
- (mm) “the Silvertown Tunnel” has the meaning given by article 2 of the Order;
- (nn) “southbound” means, in relation to a vehicle using the tunnels, entering the tunnels on the north side of the River Thames or exiting the tunnels on the south side of the River Thames;
- (oo) “taxi” means a vehicle licensed as a hackney carriage under section 6 of the Metropolitan Public Carriage Act 1869;
- (pp) “tunnels” means—
 - (i) the Silvertown Tunnel or any part of it; and
 - (ii) the Blackwall Tunnel or any part of it.

(2) In this Statement of Charges—

- (a) a reference in any provision to an instrument of the European Community is to that instrument as amended at the date on which this Statement of Charges comes into effect;
- (b) a reference in any provision to an authorised person is to a person authorised by Transport for London 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 Transport for London in relation to any matter a reference to Transport for London shall be taken to include a reference to that person.

(3) For the purposes of this Statement of Charges—

- (a) a sum of money shall be taken to have been paid on the date on which payment is received by Transport for London; and
- (b) the number of seats of a vehicle shall be 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.

Tunnels subject to charge

2. The Silvertown Tunnel and the Blackwall Tunnel (the tunnels) are hereby designated as the area in respect of which charges apply.

Classes of vehicles subject to charge

3.—(1) A chargeable vehicle is a motor vehicle falling within a specified class that is not an exempt vehicle.

(2) The classes specified for the purposes of paragraph (1) are—

- (a) Class L;
- (b) Class M₁;
- (c) Class M₂;
- (d) Class M₃;
- (e) Class N₁ sub-class (i);
- (f) Class N₁ sub-class (ii);
- (g) Class N₁ sub-class (iii);
- (h) Class N₂; and
- (i) Class N₃.

Exempt vehicles

4. A vehicle is an exempt vehicle for the purposes of use within the tunnels if—

- (a) the vehicle falls within one of the classes of vehicles specified in Part 1 of Annex 1; and
- (b) particulars of the vehicle are for the time being entered in the register.

Discounts

5. A vehicle is a discounted vehicle for the purposes of use within the tunnels if—

- (a) the vehicle falls within one of the classes of vehicles identified in Part 2 of Annex 1; and
- (b) particulars of the vehicle are for the time being entered in the register.

Imposition of charges

6.—(1) A charge in accordance with paragraph (2) is imposed each time a chargeable vehicle is used within the tunnels or any part of them during charging hours.

(2) Subject to the following provisions of this Statement of Charges—

- (a) a charge of an amount specified in article 7(1)(a) is imposed in respect of any chargeable vehicle of Class L;
- (b) a charge of an amount specified in article 7(1)(b) is imposed in respect of any chargeable vehicle of Class M₁, Class N₁ sub-class (i), or any electric van of Class N₁ sub-class (ii);
- (c) a charge of an amount specified in article 7(1)(c) is imposed in respect of—
 - (i) any chargeable vehicle of Class N₁ sub-class (ii) except for an electric van;
 - (ii) any chargeable vehicle of Class N₁ sub-class (iii); or
 - (iii) any electric van of Class N₂ having a maximum mass not exceeding 4,250 kilograms;
- (d) a charge of an amount specified in article 7(1)(d) is imposed in respect of any chargeable vehicle of Class N₂ or Class N₃;
- (e) a charge of an amount specified in article 7(1)(e) is imposed in respect of any chargeable vehicle of Class M₂ or Class M₃.

Amount of charges

7.—(1) Subject to paragraphs (2) to (5)—

- (a) the amount of the charge imposed by article 6(2)(a) shall be—
 - (i) when paid by Auto Pay, £2.50 during peak hours or £1.50 during off-peak hours;
 - (ii) when paid otherwise than by Auto Pay, £2.50;
- (b) the amount of the charge imposed by article 6(2)(b) shall be—
 - (i) when paid by Auto Pay, £4.00 during peak hours or £1.50 during off-peak hours;
 - (ii) when paid otherwise than by Auto Pay, £4.00;
- (c) the amount of the charge imposed by article 6(2)(c) shall be—
 - (i) when paid by Auto Pay, £6.50 during peak hours or £2.50 during off-peak hours;
 - (ii) when paid otherwise than by Auto Pay, £6.50;
- (d) the amount of the charge imposed by article 6(2)(d) shall be—
 - (i) when paid by Auto Pay, £10.00 during peak hours or £5.00 during off-peak hours;
 - (ii) when paid otherwise than by Auto Pay, £10.00;
- (e) the amount of the charge imposed by article 6(2)(e) shall be—
 - (i) when paid by Auto Pay, £4.00 during peak hours or £1.50 during off-peak hours
 - (ii) when paid otherwise than by Auto Pay, £4.00.

(2) Subject to paragraph (3) no charge shall be imposed in respect of any chargeable vehicle that is a 100% discounted vehicle provided particulars of the vehicle appear in the register.

(3) In the case of a vehicle falling within paragraphs 7, 8, 9, 10 or sub-paragraphs 6(5) and 6(6) of Annex 1, any charge imposed by article 6 shall be refunded in accordance with those paragraphs or sub-paragraphs.

(4) The amount of charge applicable in respect of a qualifying local resident's vehicle shall be 50% of the charge imposed by paragraph (1).

(5) The amount of charge applicable in respect of a qualifying small business vehicle or a qualifying charity vehicle during off-peak hours when paid by Auto Pay shall be £1 less than the charge imposed by paragraph (1).

Payment of charges

8.—(1) A charge imposed by article 6 shall be paid in accordance with the provisions of this article.

(2) Except in a case where paragraph (8) applies a charge shall be paid in respect of a particular vehicle.

(3) A vehicle referred to in paragraph (2) shall be identified by its registration mark; and—

(a) the payer of a charge shall specify to Transport for London the registration mark of the vehicle in respect of which that charge is paid;

(b) a charge shall not be applicable to any vehicle having a registration mark different from the mark so specified.

(4) A charge payable other than by Auto Pay or in accordance with an agreement under paragraph (8) may only be paid—

(a) on a day falling within the period of 64 consecutive charging days immediately preceding the charging day concerned;

(b) on that charging day;

(c) on or before the third day after that charging day.

(5) Charges imposed by this Statement of Charges shall be paid as set out in paragraphs (a) and (b) below, by such means as Transport for London shall from time to time specify on its web-site, or by such other means as Transport for London may in the particular circumstances of the case accept:

(a) charges payable by fleet operators in accordance with an agreement under paragraph (8), by direct debit;

(b) other charges—

(i) by call centre;

(ii) by App;

(iii) on-line;

(iv) by Auto Pay.

(6) For the purposes of this paragraph and paragraphs (5) and (7)—

(a) a charge is paid by call centre if it is paid by such payment method as Transport for London may accept through the call centre provided for the purpose by Transport for London;

(b) a charge is paid by App if it is paid by such payment method as Transport for London may accept through a software application, for use on an electronic device, provided for that purpose by Transport for London;

(c) a charge is paid on-line if it is paid by such payment method as Transport for London may accept through the web-site provided for the purpose by Transport for London;

(d) a charge is paid by Auto Pay if it is paid in accordance with the provisions of article 9;

(e) “credit or debit card” means—

(i) “Visa”, “MasterCard”, “Delta”, “Maestro”; or

(ii) any other credit or debit card the name of which is for the time being published by Transport for London on its web-site as being acceptable to it;

(f) Transport for London will accept a payment if it is made by a method which is for the time being specified by Transport for London on its web-site as being acceptable to it.

(7) Where a charge is paid otherwise than by cash and payment is not received by Transport for London (whether because a direct debit, credit card or debit card payment or other payment method is declined, or otherwise), the charge shall be treated as not paid.

(8) Notwithstanding paragraph (2), a fleet operator which has entered into an agreement with Transport for London may pay charges imposed by article 6 which, to the extent provided for in that agreement, cover the use of any chargeable vehicle specified in the agreement on any charging day within a period so specified.

(9) An agreement under paragraph (8) shall be on such terms as Transport for London may in each case determine but a vehicle shall not be specified as mentioned in paragraph (8)—

(a) unless it is a chargeable vehicle controlled and managed by the fleet operator for the purposes of a business which is carried on by the operator or by a person to whom the operator is a contractor and the minimum number of motor vehicles is so specified in relation to that business; or

(b) if the vehicle is a specified vehicle under article 9.

(10) In this article—

(a) "fleet operator" means a person who—

(i) controls and manages the minimum number of motor vehicles used for the purposes of a business carried on by that person, whether or not those vehicles are owned or driven by that person; or

(ii) is a contractor employed by another person to control and manage the minimum number of motor vehicles for the purposes of a business carried on by that person, whether or not the vehicles are owned or driven by that other person; and

(b) "the minimum number" is 6 or more.

Auto Pay

9.—(1) A charge is paid by Auto Pay where the conditions set out in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are—

(a) that the charge concerned relates to an Auto Pay Account that has been registered with Transport for London;

(b) that the Auto Pay Account concerned has not been suspended or cancelled under paragraph (8);

(c) that the chargeable vehicle concerned was on the charging day concerned a specified vehicle in relation to the Auto Pay Account concerned; and

(d) that on the billing day payment in relation to the Auto Pay Account concerned is made to Transport for London in accordance with paragraph (7).

(3) An application for registration for an Auto Pay Account—

(a) may only be made by a person of 18 years of age or over at the date of that application;

(b) shall include details of—

(i) the credit or debit card from which Transport for London may take payment for charges under paragraphs (7) and (8); or

(ii) the bank account from which Transport for London may take payment by direct debit for charges under paragraphs (7) and (8);

(iii) any CC Auto Pay Account or LEZ Auto Pay Account held by the applicant;

(c) shall be made by such means as Transport for London may accept;

(d) shall include all such other information as Transport for London may reasonably require, and Transport for London may refuse such an application where the applicant has previously registered for an Auto Pay Account, a CC Auto Pay Account or a LEZ Auto Pay Account that has subsequently been suspended or cancelled under paragraph (8), article 6A(8) of Scheme contained in the Schedule to The Greater London (Central Zone) Congestion Charging Order 2004 as amended or article 10(8) of the Scheme contained in the Schedule to the Greater London Low Emission Zone Charging Order 2006 as amended, or in such other circumstances as Transport for London may determine.

(4) A vehicle is a specified vehicle under paragraph (2)(c) if particulars of the vehicle are entered on the register of specified Auto Pay vehicles.

(5) An application to enter particulars of a vehicle or vehicles on the register of specified Auto Pay vehicles—

- (a) shall identify the Auto Pay Account in relation to which the vehicle or vehicles are to be registered;
- (b) shall include all such other information as Transport for London may reasonably require; and
- (c) shall be made by such means as Transport for London may accept,

provided that the maximum number of specified vehicles registered in relation to any Auto Pay Account shall be five, or such other number as Transport for London may determine and publish on its web-site.

- (6) No vehicle may be a specified vehicle in relation to more than one Auto Pay Account.
- (7) Transport for London shall on the billing day take the automatic payment from—
 - (a) the credit or debit card specified under paragraph (3)(b) or such other credit or debit card as Transport for London may in the particular circumstances of the case accept; or
 - (b) by way of direct debit from the bank account specified under paragraph (3)(b) or such other bank account as Transport for London may in the particular circumstances of the case accept.
- (8) Where payment under paragraph (7) is declined for any reason—
 - (a) Transport for London may accept payment by any other means it considers suitable in the particular circumstances of the case; and
 - (b) where all outstanding charges under paragraph (7) are not paid within such period as Transport for London may specify Transport for London may suspend or cancel the Auto Pay Account to which those charges relate.
- (9) In this article—
 - (a) the “automatic payment” means in respect of each Auto Pay Account a payment comprising the costs of each charge imposed under article 6 in respect of each specified vehicle that is a chargeable vehicle registered to that Auto Pay Account that have been incurred and that Transport for London has identified as being payable during the billing period immediately preceding the billing period within which the billing day concerned falls;
 - (b) “billing day” in respect of any billing period means a day falling no earlier than 5 working days after the last day of that billing period or such other day as Transport for London may in the particular circumstances of the case determine on which Transport for London shall take the automatic payment under paragraph (7);
 - (c) “Auto Pay Account” means an agreement (which may be the same agreement as any CC Auto Pay Account or LEZ Auto Pay Account held by the applicant) entered into with Transport for London for the purposes of paying charges imposed under article 6 in arrears by recurring credit or debit card payment;
 - (d) “billing period” in relation to an Auto Pay Account means a period of one month or such other period as Transport for London may determine and specify on its web-site in each case beginning with the day on which Transport for London accepts an application for the registration of an Auto Pay Account or such other day as Transport for London may in the particular circumstances of the case accept;
 - (e) “credit or debit card” means any credit or debit card the name of which is for the time being published by Transport for London on its web-site as being acceptable to it for the purpose of payment by Auto Pay; and
 - (f) “register of specified Auto Pay vehicles” means a register maintained by Transport for London of those vehicles in respect of which a successful application for registration has been made under paragraph (5).

(10) An Auto Pay Account shall be subject to such terms as Transport for London shall determine, provided that it does not conflict with the provisions of this article.

Register of exempt and discounted vehicles

10.—(1) Transport for London shall maintain a register of exempt and discounted vehicles (“the register”) for the purposes of articles 4 and 5 and Annex 1 to this Statement of Charges which require particulars of such vehicles to be entered in the register.

(2) Particulars of a vehicle shall be removed from the register—

- (a) in the case of a vehicle registered under paragraph 5 of Annex 1 in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for the purposes of that paragraph;
- (b) in the case of any other vehicle, immediately following the last day of the registration period, unless Transport for London renews the registration for a further period on application to it;
- (c) in the case of any vehicle other than a qualifying local resident's vehicle or a vehicle registered under paragraph 5 of Annex 1 in relation to the holder of a disabled person's badge, at the end of the period of 7 working days beginning with the day on which a change in the keeper of the vehicle occurred, unless Transport for London renews the registration for a further period on application to it.

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

- (a) shall include all such information as Transport for London may reasonably require;
- (b) shall be made by such means as Transport for London may accept;
- (c) if received later than the fifty-fifth working day of the application period shall be treated as an application to register the vehicle for a registration period beginning—
 - (i) with the first day of the registration period applied for; or
 - (ii) a subsequent day determined by Transport for London being not later than the tenth working day falling after the day on which the application was received; and
- (d) if received earlier than the first day of the application period shall not be valid unless Transport for London decides to treat the application as made on that day.

(4) Where the registered keeper of a vehicle or a qualified resident in relation to whom particulars of a vehicle are entered in the register is aware that the vehicle has ceased or will cease to fall within a class of discounted or exempt vehicles the registered keeper or, as the case may be, the qualified resident, shall notify Transport for London of the fact and Transport for London may remove the particulars of the vehicle from the register forthwith, or from the date notified to Transport for London as the date on which it will cease to be such a vehicle.

(5) If Transport for London is no longer satisfied that a vehicle is a discounted or exempt vehicle, it shall—

(a) notify—

- (i) in the case of a qualifying local resident's vehicle, the qualified resident in relation to whom the vehicle was registered;
- (ii) in the case of a vehicle which has been specified under paragraph 5 of Annex 1 in relation to an eligible person, that eligible person; or
- (iii) in any other case, the registered keeper

of its intention to remove the particulars of the vehicle from the register; and

(b) thereafter remove the particulars of the vehicle from the register.

(6) In this article—

(a) "application period" means, subject to paragraph (7), the period of 65 working days ending—

- (i) in the case of an application to renew a registration, with the charging day following the last day of the registration period; or

(ii) in the case of any other application with the first day of the registration period applied for;

(b) "registration period" means, subject to paragraph (7), the period of 12 months (or such longer period not exceeding 15 months as Transport for London may in any class of case determine for the purpose of staggering the renewal of registrations) beginning with the day on which particulars of a vehicle are entered in the register or, as the case may be, the registration is renewed.

(7) Where particulars of a qualifying local resident's vehicle are entered in the register in relation to a qualified resident who is the holder of a certificate of eligibility issued under paragraph 14 of Annex 1, the registration period shall be the period beginning with the day on which particulars of the vehicle are entered in the register and ending with the day on which the certificate of eligibility ceases to have effect in accordance with paragraph 14(3) of Annex 1.

(8) The first day of a registration period shall be a charging day.

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

Penalty charge for non-payment of charge

11.—(1) A penalty charge shall be payable for each charging day as respects which—

(a) a chargeable vehicle has been used within the tunnels in circumstances in which a charge is imposed by article 6; and

(b) any charge imposed by article 6 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 8.

(2) A penalty charge payable by virtue of paragraph (1) shall 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 12 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 in respect of the penalty charge and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) shall £180 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount shall be reduced by one half to £90.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, the amount of the penalty charge to which it relates shall be increased by one half to £270.

Removal of vehicles

12.—(1) This article applies where an authorised person has reason to believe that there are at least 3 penalty charges outstanding in relation to a chargeable vehicle which is stationary within the tunnels.

(2) Where this article applies, the authorised person or a person acting under the authorised person's direction, may remove the vehicle and deliver it to Transport for London or to a person authorised by Transport for London to keep vehicles so removed (a "custodian").

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (2), Transport for London or the custodian may (whether or not any claim is made under regulation 15 or 16 of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001) recover from the person who was the owner of the vehicle when the vehicle was removed—

(a) all penalty charges that are outstanding in relation to the vehicle;

(b) a penalty charge of £200 for its removal;

(c) a penalty charge of £40 for each complete day or part of a day on which it has been held by Transport for London or a custodian; and

(d) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Commencement and duration of charges

13. This Statement of Charges has effect from the later of the expiration of 56 days from the publication of this Statement of Charges or the date when the Silvertown Tunnel is first opened for public use, and shall remain in force indefinitely.

ANNEX 1 TO THE STATEMENT OF CHARGES Article 4

PART 1 – EXEMPT VEHICLES

- 1.—(1) The following classes of vehicle are specified for the purposes of article 4—
- (a) any vehicle which belongs to any of Her Majesty’s forces or is in use for the purposes of any of those forces;
 - (b) any vehicle that Transport for London is satisfied is used for naval, military or air force purposes and not registered under the 1994 Act, while it is being used within the tunnels by a member of a visiting force or a member of a headquarters or organisation;
 - (c) a vehicle registered in the GB or NI records which is an exempt vehicle for the purposes of the 1994 Act by virtue of its falling within any of the following paragraphs of Schedule 2 to that Act and for which a nil licence is in force—
 - (i) paragraph 3A (police vehicles);
 - (ii) paragraphs 4 and 5 (fire engines etc.);
 - (iii) paragraphs 6, 7 and 8 (ambulances and health service vehicles);
 - (iv) paragraph 11 (lifeboat vehicles);
 - (v) paragraphs 18, 19 and 20 (certain vehicles used by or for the carriage of disabled persons);
 - (d) a vehicle registered under legislation relating to the registration of vehicles in a member State that Transport for London is satisfied, had the vehicle been registered under the 1994 Act, would have been an exempt vehicle under paragraph 6 (ambulances), 18 (invalid vehicles) or 20 (vehicles used for the carriage of disabled people by a recognised body).
- (2) In this paragraph “member of a visiting force” and “member of a headquarters or organisation” have the meaning given in paragraph 1(2) of Schedule 5 to the Road Vehicles (Registration and Licensing) Regulations 2002.

PART 2 - DISCOUNTED VEHICLES Article 5

Recovery and breakdown vehicles

- 2.—(1) A recovery or breakdown vehicle is a 100% discounted vehicle provided particulars of the vehicle are entered in the register.
- (2) In this paragraph—
- (a) “breakdown vehicle” means a vehicle which is—
 - (i) constructed, adapted or equipped to provide roadside assistance or recovery services and in use to provide such services; and
 - (ii) operated by an accredited recovery organisation;
 - (b) “accredited recovery organisation” means an organisation accredited—
 - (i) by a certified accreditation body as operating to ISO 9001:2008 in accordance with the Specification for the application of ISO 9001:2008 to quality management systems in the Roadside Assistance and Recovery Industry published by the British Standards Institution or any British Standard or Specification for the time being replacing or amending the same; or
 - (ii) by a certified accreditation body in an EEA State to an equivalent specification published by a national standards body in an EEA State;

- (c) “certified accreditation body” means a body that is certified by the UK Accreditation Service to undertake audits in accordance with ISO 9001:2008 or an equivalent body in an EEA State; and
- (d) “recovery vehicle” means—
 - (i) a vehicle licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act; or
 - (ii) a vehicle registered under legislation relating to the registration of vehicles in an EEA State as respects which Transport for London 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.

Buses, coaches and minibuses

3.—(1) A bus, coach or minibus is a 100% discounted vehicle provided particulars of the vehicle are entered in the register.

(2) In this paragraph “bus, coach or minibus” means any vehicle of Class M₂ or Class M₃.

Taxis and private hire vehicles

4.—(1) A taxi is a 100% discounted vehicle provided particulars of the vehicle are entered in the register.

(2) A qualifying private hire vehicle is a 100% discounted vehicle provided particulars of the vehicle are entered in the register on the application of the operator and the conditions specified in sub-paragraph (5) are met.

(3) A vehicle is a qualifying private hire vehicle if it is—

- (a) a designated wheelchair-accessible private hire vehicle; or
- (b) a zero-emission capable private hire vehicle.

(4) A private hire vehicle is zero-emission capable if it meets the requirements in sub-paragraphs (a) or (b) below:

(a) it is a private hire vehicle that is capable of being operated with zero exhaust emissions for a minimum range of 10 miles and is either—

- (i) registered in the GB or NI records on the basis of a UK registration document or a UK approval certificate or, in the case of a vehicle registered in a country other than the United Kingdom, in the appropriate records of that country on the basis of an equivalent registration document or EC certificate of conformity or equivalent certificate issued by the appropriate national authority, that specifies a CO₂ emissions figure for that vehicle of 50 grams per kilometre or less; or
- (ii) certified by the appropriate national approval authority as emitting 50 grams or less of CO₂ per kilometre when tested according to the procedure described in Annex 8 of United Nations Economic Commission for Europe (UNECE) Regulation 101;

(b) it is a private hire vehicle that is capable of being operated with zero exhaust emissions for a minimum range of 20 miles and is either—

- (i) registered in the GB or NI records on the basis of a UK registration document or a UK approval certificate or, in the case of a vehicle registered in a country other than the United Kingdom, in the appropriate records of that country on the basis of an equivalent registration document or EC certificate of conformity or equivalent certificate issued by the appropriate national authority, that specifies a CO₂ emissions figure for that vehicle of 75 grams per kilometre or less; or
- (ii) certified by the appropriate national approval authority as emitting 75 grams or less of CO₂ per kilometre when tested according to the procedure described in

Annex 8 of United Nations Economic Commission for Europe (UNECE)
Regulation 101;

- (5) The conditions referred to in sub-paragraph (2) are that—
- (a) the vehicle has been hired to carry one or more passengers and is being lawfully used as a private hire vehicle for the purpose of carrying out that hiring;
 - (b) the booking for the hiring was accepted by an operator holding a London PHV operator's licence at an operating centre specified in that licence;
 - (c) the vehicle is shown in the record kept by the operator pursuant to regulation 12 of the Operators' Licences Regulations as a vehicle available to the operator for the carrying out of bookings accepted by the operator at that centre;
 - (d) the driver is shown in the record kept by the operator pursuant to regulation 13 of the Operators' Licences Regulations as a driver so available; and
 - (e) particulars of the booking have been entered pursuant to regulation 11 of the Operators' Licences Regulations in the record kept by the operator pursuant to regulation 10 of those Regulations.
- (6) In this paragraph—
- (a) “designated wheelchair-accessible private hire vehicle” means a vehicle that appears on a list of vehicles maintained by Transport for London under section 167(1) of the Equality Act 2010;
 - (b) "London PHV operator's licence" has the meaning given by section 36 of the Private Hire Vehicles (London) Act 1998;
 - (c) "the Operators' Licences Regulations" means the Private Hire Vehicles (London) (Operators' Licences) Regulations 2000;
 - (d) references to a vehicle being used as a private hire vehicle and to the operator of a vehicle shall be construed in accordance with section 1 of the Private Hire Vehicles (London) Act 1998.

Disabled persons' vehicles

- 5.—(1) In this paragraph—
- (a) “eligibility certificate” means a certificate issued under sub-paragraph (6) below;
 - (b) “eligible individual” means an individual who is the holder of an eligibility certificate;
 - (c) “eligible institution” means an institution which is the holder of an eligibility certificate;
 - (d) "eligible person" means an eligible individual or an eligible institution;
 - (e) "specified vehicle" means a vehicle which is specified under this paragraph by an eligible person.
- (2) A vehicle being used within the tunnels is a 100% discounted vehicle if it falls within Case A, Case B or Case C.
- (3) A vehicle falls within Case A if—
- (a) it is being driven by, or carrying, an eligible individual and that individual's eligibility certificate is being displayed on it; and
 - (b) it is a specified vehicle in relation to that certificate for the time it is used within the tunnels.
- (4) A vehicle falls within Case B if—
- (a) it is being driven within the tunnels for the purpose of collecting an eligible individual from a place on the other side of the tunnel concerned from the vehicle's origin; or
 - (b) it is being driven within the tunnels having been used to take such an individual to a place on the other side of the tunnel concerned from the vehicle's origin,
- and in each case it is a specified vehicle in relation to that individual's eligibility certificate for the time it is used within the tunnels.

- (5) A vehicle falls within Case C if—
- (a) a disabled person's badge is being displayed on it in compliance with regulation 15 or 16 (display of an institutional badge when a vehicle is being driven or parked) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - (b) the holder of the badge is an eligible institution; and
 - (c) it is a specified vehicle in relation to that institution's eligibility certificate for the time it is used within the tunnels.
- (6) Transport for London may issue an eligibility certificate to an individual or an institution—
- (a) on payment of a charge of £10; and
 - (b) on its being satisfied that the individual or institution is the holder of a disabled person's badge issued, on the ground of the individual's reduced mobility, by a member State in accordance with Council Recommendation 98/376/EC.
- (7) Not more than one eligibility certificate may be held by any individual at any time and not more than one eligibility certificate may be held by an institution for each disabled badge held by it at any time.
- (8) In the following provisions of this paragraph "the relevant badge" in relation to an eligibility certificate means the disabled person's badge, or parking card, by virtue of which the certificate was issued.
- (9) An eligibility certificate issued within the period of 21 days beginning with the date on which the relevant badge was issued shall cease to have effect on the expiration of the period of 12 months beginning with that date.
- (10) In any other case an eligibility certificate shall cease to have effect on whichever is the earlier of—
- (a) the anniversary date of the issue of the relevant badge which falls within a period of not less than 12 months nor more than 24 months beginning with the date on which the eligibility certificate was issued; or
 - (b) the last day of the period of 21 days beginning with the day on which the relevant badge ceases to have effect.
- (11) Where an eligibility certificate ceases to have effect in accordance with sub-paragraph (9) or (10) a new certificate may be issued to the holder in accordance with sub-paragraph (6).
- (12) No charge shall be payable under sub-paragraph (6)(a) for the issue of a new eligibility certificate under sub-paragraph (11) if the application for the certificate is received by Transport for London within the period of 90 days beginning with the date on which the expiring certificate ceased to have effect.
- (13) Where purported payment of a charge under sub-paragraph (6) is made otherwise than in cash and payment is not received by Transport for London (whether because a direct debit, credit card or debit card payment is declined, or otherwise), the charge shall be treated as not paid and any eligibility certificate issued in relation to the charge shall be void and of no effect.
- (14) An eligible person may—
- (a) specify up to 2 vehicles in relation to the eligibility certificate held by that person; and
 - (b) subject to sub-paragraph (16) specify a different vehicle in place of a specified vehicle.
- (15) Unless a vehicle has been specified for a particular time it remains specified until a different vehicle has been specified in place of it.
- (16) Not more than 2 vehicles may be treated as 100% discounted vehicles for the purposes of this paragraph in relation to any eligible person at any time.
- (17) A vehicle shall not be treated as specified in relation to an eligibility certificate unless particulars of it—
- (a) appeared in the register at the time at which it was used; or
 - (b) were entered in the register by the end of that day.

Vehicles used in the provision of particular public services

6.—(1) A vehicle which falls within one of the descriptions specified in sub-paragraph (2) and is in use for the purposes specified in that description is a 100% discounted vehicle if both the conditions specified in sub-paragraph (3) are met.

(2) The descriptions are—

- (a) a vehicle used for fire, police, national health service, ambulance or national security purposes and not falling within sub-paragraph 1(1)(c) of this Annex;
- (b) a vehicle used for the purposes of an operational function of any of the following councils where it is necessary, for the purpose of discharging the function, that the vehicle should be used within the tunnels—
 - (i) the Council of the Royal Borough of Greenwich;
 - (ii) the Council of the London borough of Newham; or
 - (iii) the Council of the London borough of Tower Hamlets;
- (c) a vehicle used for the purposes of waste collection or waste disposal by or on behalf of any of the following councils where it is necessary for those purposes that the vehicle should be used within the tunnels—
 - (i) the London Boroughs of Barking and Dagenham, Bexley, Bromley, Hackney, Havering, Lewisham, Redbridge, Southwark or Waltham Forest;
 - (ii) the City of London,provided that no charge is imposed on the persons for whose benefit the function is performed;
- (d) a vehicle used for the purposes of an operational function of the Royal Parks Agency in relation to any Royal Park (as defined by section 132AA of the Road Traffic Regulation Act 1984);
- (e) a vehicle used for the purposes of lifeboat haulage or HM Coastguard and not falling within paragraph 1(1)(c) of this Annex;
- (f) operational vehicles of the Port of London Authority used to attend an emergency on the River Thames;
- (g) an emergency response unit of—
 - (i) Transport for London; or
 - (ii) any London borough council,used for the purpose of responding to an emergency.

(3) The conditions referred to in sub-paragraph (1) are that—

- (a) Transport for London is satisfied on an application by the body for the purposes of which the vehicle is used that the vehicle falls within a description specified in sub-paragraph (2); and
- (b) particulars of the vehicle are for the time being entered in the register.

(4) For the purposes of sub-paragraph (2)(b) and (d) a vehicle is in use for an operational function if and only if it is in use for one or more of the following purposes—

- (a) street cleaning;
- (b) road maintenance;
- (c) waste collection;
- (d) waste disposal;
- (e) the management or maintenance of parks and open spaces;
- (f) mobile libraries;
- (g) dog wardens;
- (h) pest control;

- (i) meals on wheels;
- (j) parking enforcement;
- (k) schools transport, and

except where the vehicle is in use for the purpose specified in sub-paragraph (f) or (i) of this sub-paragraph, no charge is imposed on the persons for whose benefit the function is performed.

(5) A relevant vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used within the tunnels shall, subject to the provisions of this paragraph, be treated as having been a 100% discounted vehicle on that occasion if—

- (a) a charge imposed by article 6 in respect of the use of the vehicle on that occasion was duly paid;
- (b) the vehicle was used on that occasion within the tunnels by a firefighter employed by the London Fire and Emergency Planning Authority ("the LFEPA") who, whilst on duty was required for operational reasons to proceed to another fire station; and
- (c) the LFEPA subsequently issues a certificate to Transport for London that conditions (a) and (b) were both met.

(6) Where Transport for London, on receiving such a certificate, is satisfied that a vehicle falls to be treated as having been a 100% discounted vehicle in accordance with this paragraph it shall refund the charge incurred to the LFEPA.

Vehicles used for transporting certain NHS patients

7.—(1) A chargeable vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used within the tunnels to transport a relevant patient shall be treated as having been a 100% discounted vehicle on that occasion if—

- (a) the charge imposed by article 6 in respect of the use of the vehicle on that occasion was duly paid;
- (b) the vehicle was used for the purpose of transporting the patient to attend an appointment relating to establishing a diagnosis or to treatment provided by or on behalf of a health authority, National Health Service Trust or other National Health Service organisation ("the relevant NHS body");
- (c) the charge was reimbursed to the patient by the relevant NHS body; and
- (d) the relevant NHS body subsequently issued a certificate to Transport for London that conditions (b) and (c) were both met.

(2) Where Transport for London, on receiving such a certificate is satisfied that a vehicle falls to be treated as a 100% discounted vehicle in accordance with this paragraph, it shall refund the charge incurred to the relevant NHS body.

(3) In this paragraph "relevant patient" means—

- (a) a patient who—
 - (i) has a compromised immune system or requires regular therapy, assessment or recurrent surgical intervention; and
 - (ii) is clinically assessed as too ill, weak or disabled to travel to an appointment on public transport; or
- (b) a patient who, during an epidemic or pandemic prevalent in Greater London, is clinically assessed as being too vulnerable to infection to travel to an appointment on public transport.

Vehicles used by certain NHS employees

8.—(1) A relevant vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used within the tunnels by an NHS employee shall be treated as having been a 100% discounted vehicle on that occasion if—

- (a) the charge imposed by article 6 of this Scheme in respect of the use of the vehicle on that occasion was duly paid by Auto Pay and the relevant NHS employer subsequently issued a certificate to Transport for London that the condition referred to in sub-paragraph (4) was met; or
 - (b) the charge imposed by article 6 in respect of the use of the vehicle on that occasion was duly paid otherwise than by Auto Pay; and
 - (i) the charge was reimbursed to the employee by the relevant NHS employer;
 - (ii) the condition referred to in sub-paragraph (4) was met; and
 - (iii) the relevant NHS employer subsequently issued a certificate to Transport for London that the conditions in this sub-paragraph (b) were met.
- (2) Where sub-paragraph (1)(a) applies and Transport for London is satisfied that a vehicle falls to be treated as having been a 100% discounted vehicle in accordance with this paragraph, it shall refund the charge concerned by means of a credit to the relevant Auto Pay account.
- (3) Where Transport for London, on receiving a certificate under sub-paragraph (1)(b)(iii), is satisfied that a vehicle falls to be treated as having been a 100% discounted vehicle in accordance with this paragraph, it shall refund the charge incurred to the relevant NHS employer.
- (4) The condition referred to in sub-paragraph (1)(a) and (1)(b)(ii) is met on an occasion if the vehicle was used on that occasion within the tunnels either—
- (a) by an NHS employee for the purpose of transporting in the course of employment—
 - (i) bulky, heavy or fragile equipment or supplies;
 - (ii) patients' notes or other clinically confidential material;
 - (iii) controlled drugs;
 - (iv) clinical waste, radioactive materials, contaminated sharps or non-medicinal poisons;
 - (v) prescription only medicines or waste medicinal products; or
 - (vi) clinical specimens, body fluids, tissues or organs; or
 - (b) by an NHS employee for the purpose of enabling that employee to provide services required in consequence of an emergency or other extraordinary circumstances.
- (5) In this paragraph—
- (a) "controlled drugs" has the meaning for the time being given by the Misuse of Drugs Act 1971;
 - (b) "medicinal product" has the meaning for the time being given by the Medicines Act 1968;
 - (c) "NHS employee" means—
 - (i) an individual employed by or providing services on behalf of or seconded to a relevant NHS employer; or
 - (ii) an individual performing primary medical services as, or on behalf of, a primary care contractor;
 - (d) "primary care contractor" means—
 - (i) a contractor who is a party to a general medical services contract within the meaning of regulation 3 of the National Health Service (General Medical Services Contracts) Regulations 2015 as amended;
 - (ii) a contractor within the meaning of regulation 3 of the National Health Service (Personal Medical Services Agreements) Regulations 2015 as amended;
 - (iii) an APMS contractor within the meaning of direction 1 of the Alternative Provider Medical Services Directions 2022 as amended; or
 - (iv) a NHS Trust who provides primary medical services pursuant to section 92 of the National Health Service Act 2006; and

- (e) the "relevant NHS employer" in relation to an NHS employee means the NHS Commissioning Board, Clinical Commissioning Group, National Health Service Trust, NHS Foundation Trust, primary care contractor or other National Health Service organisation by which the employee is employed, on behalf of which the employee is providing services, or to which the employee has been seconded.

Vehicles used by certain care home employees

9.—(1) A chargeable vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used within the tunnels by a relevant care home employee shall be treated as having been a 100% discounted vehicle on that occasion if—

- (a) the charge imposed by article 6 in respect of the use of the vehicle on that occasion was duly paid by Auto Pay and the relevant care home employer subsequently issued a certificate to Transport for London that the condition referred to in sub-paragraph (4) was met; or
- (b) the charge imposed by article 6 in respect of the use of the vehicle on that occasion was duly paid otherwise than by Auto Pay; and
 - (i) the charge was reimbursed to the relevant care home employee by their relevant care home employer in relation to that occasion;
 - (ii) the condition referred to in sub-paragraph (4) was met; and
 - (iii) the relevant care home employer subsequently issued a certificate to Transport for London that the conditions in this sub-paragraph (b) were met.

(2) Where sub-paragraph (1)(a) applies and Transport for London is satisfied that a vehicle falls to be treated as having been a 100% discounted vehicle in accordance with this paragraph, it shall refund the charge concerned by means of a credit to the relevant Auto Pay account.

(3) Where Transport for London, on receiving a certificate under sub-paragraph (1)(b)(iii), is satisfied that a vehicle falls to be treated as having been a 100% discounted vehicle in accordance with this paragraph, it shall refund the charge incurred to the relevant care home employer.

(4) The condition referred to in sub-paragraph (1)(a) and (1)(b)(ii) is met on an occasion if the vehicle was used on that occasion within the tunnels by a relevant care home employee for the purpose of providing services on behalf of a relevant care home during an epidemic or pandemic prevalent at that time in Greater London.

(5) In this paragraph—

- (a) "relevant care home employee" means an individual employed by or providing services on behalf of or seconded to a relevant care home employer;
- (b) "relevant care home employer" means a registered service provider in respect of a relevant care home by which a relevant care home employee is employed or on behalf of which that employee is providing services or to which that employee has been seconded;
- (c) "registered service provider" means a person or organisation registered with the Care Quality Commission in accordance with section 10 of the Health and Social Care Act 2008 to provide accommodation together with nursing or personal care at a relevant care home; and
- (d) "relevant care home" means a care home within the meaning of section 3 of the Care Standards Act 2000 that is located within the Royal Borough of Greenwich, the London Borough of Newham or the London Borough of Tower Hamlets.

Vehicles used by certain local authority and charity employees

10.—(1) A chargeable vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used by an eligible employee within the tunnels shall be treated as having been a 100% discounted vehicle on that occasion if—

- (a) the charge imposed by article 6 in respect of the use of the vehicle on that occasion was duly paid;

- (b) the charge was reimbursed to the eligible employee by their eligible organisation in relation to that occasion;
- (c) the conditions referred to in sub-paragraph (3) were met; and
- (d) the eligible organisation subsequently issued a certificate to Transport for London that conditions (a), (b) and (c) above were met.

(2) Where Transport for London, on receiving such a certificate, is satisfied that a vehicle falls to be treated as having been a 100% discounted vehicle in accordance with this paragraph, it shall refund the charge incurred to the eligible organisation.

(3) The conditions referred to in sub-paragraph (1)(c) are met on an occasion if Transport for London is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) the vehicle was used on that occasion for the purpose of providing eligible services by or on behalf of an eligible organisation; and
- (b) the use of the vehicle on that occasion constituted an eligible journey.

(4) In this paragraph—

(a) “eligible services” means—

- (i) the provision of food, medicine, medical equipment, personal protective equipment (PPE), cleaning or hygiene supplies;
- (ii) the provision of domiciliary care by a domiciliary care agency or an individual in each case directly or indirectly contracted by or funded wholly or partly by an eligible local authority;
- (iii) the provision of services at accommodation provided specifically for rough sleepers who are also vulnerable people, including driving a vulnerable person to such accommodation;
- (iv) the movement of a victim of domestic abuse to a place of safety or to or from a police or legal appointment or a child visitation,

in each case when the services are provided during an epidemic or pandemic prevalent at that time in Greater London;

(b) “eligible organisation” means—

- (i) an eligible local authority; or
- (ii) an eligible charity;

(c) “eligible local authority” means any one of the following—

- (i) the Council of the Royal Borough of Greenwich
- (ii) the Council of the London borough of Newham;
- (iii) the Council of the London borough of Tower Hamlets; or
- (iv) the Greater London Authority;

(d) “eligible charity” means a charity that Transport for London is satisfied, by the production of such evidence as it may reasonably require—

- (i) falls within the meaning of section 1(1) of the Charities Act 2011; and
- (ii) provides eligible services;

(e) “eligible employee” means—

- (i) an individual employed by, providing services on behalf of, or seconded to an eligible organisation;
- (ii) an individual contracted by or funded wholly or partly by an eligible local authority, either through a domiciliary care agency or otherwise, to provide domiciliary care; or
- (iii) an individual providing services on a voluntary basis on behalf of an eligible charity;

(f) “eligible journey” means a journey that—

- (i) requires a vehicle travelling to a place on the other side of the tunnel concerned from the vehicle's origin; and
- (ii) Transport for London is satisfied could not reasonably have been undertaken in any other way than by the use of a relevant vehicle;
- (g) "domiciliary care" means personal care provided in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance;
- (h) "domiciliary care agency" has the meaning given by section 4(3) the Care Standards Act 2000; and
- (i) "vulnerable person" means a person who is at high or moderate risk from an epidemic or pandemic prevalent in Greater London and references to "vulnerable people" shall be construed accordingly.

East London Low Income Resident's Discount – Eligibility

11.—(1) The charge imposed under article 6 in respect of a qualifying local resident's vehicle shall be 50% of the charge specified in article 7(1).

(2) A vehicle is a qualifying local resident's vehicle if Transport for London is satisfied—

- (a) the vehicle meets the requirements of sub-paragraph (6) and (7); and
- (b) particulars of the vehicle are entered in the register.

(3) In this paragraph "qualified resident" means an individual as respects whom Transport for London is for the time being satisfied, by the production of such evidence as it may reasonably require, that—

- (a) the individual has attained the age of 17 years;
- (b) the individual's only or main residence is at premises primarily used for residential purposes situated in a relevant district;
- (c) subject to sub-paragraph (4), the name of the individual is shown in the register of parliamentary electors or the register of local government electors prepared and published under section 9 of the Representation of the People Act 1983 for the constituency or local government area in which those premises are situated and those premises are shown as the individual's qualifying address;
- (d) the individual is normally present at those premises during at least 4 nights a week; and
- (e) the individual—
 - (i) has satisfied (b) and (d) above in relation to those premises for a period of at least 13 weeks; or
 - (ii) intends to continue to satisfy (b) and (d) above in relation to those premises for a period which, taken with any period during which the individual has already done so, will amount to a period of at least 13 weeks; and
- (f) the individual is an eligible low income resident.

(4) Sub-paragraph (3)(c) does not apply where the individual is, for reasons not connected with his place of residence, not eligible to be an elector at parliamentary or local government elections or there has been insufficient time for the individual's name to be included in the register.

(5) Where a qualified resident ceases to reside at the premises in relation to which Transport for London was satisfied that the requirements in sub-paragraph (3)(b) to (e) were met but resides at other premises within a relevant district, that person shall cease to be a qualified resident unless that person has notified the change of residence to Transport for London and Transport for London is satisfied that those requirements are met in relation to those other premises.

(6) For the purposes of this paragraph a vehicle is a "qualifying local resident's vehicle" and an individual is a qualified resident in relation to that vehicle if —

- (a) the qualified resident or any person living in the same household is the registered keeper of the vehicle;

- (b) the registered keeper is that individual's employer or the employer of any person living in the same household; or
- (c) the vehicle is hired by or leased to that individual or any person living in the same household, or the employer of any such person; and
- (d) the vehicle meets the requirements specified in sub-paragraph (7).

(7) The requirements are that—

- (a) in the case of a vehicle registered under the 1994 Act in the name of, or hired by or leased to, the employer of a qualified resident or any person living in the same household, Transport for London is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the resident and members of the resident's household residing at the same address as the resident;
- (b) in the case of a vehicle of which a qualified resident or any person living in the same household is the registered keeper, the address of the registered keeper shown on the vehicle registration document must be the same as that of the premises referred to in paragraph 1(3)(b);
- (c) the vehicle is either—
 - (i) a vehicle constructed or adapted for the carriage of persons and their luggage and effects; or
 - (ii) a vehicle constructed or adapted for the carriage of goods or burden of any description and having a height not exceeding 2.44 metres.

(8) For the purposes of this paragraph an individual is an eligible low income resident if Transport for London is satisfied the individual is for the time being in receipt of one of the following benefits—

- (a) carer's allowance;
- (b) child tax credit;
- (c) housing benefit;
- (d) income-based jobseekers allowance;
- (e) income-related employment and support allowance;
- (f) income support;
- (g) state pension credit;
- (h) universal credit;
- (i) working tax credit,

or is a person that Transport for London is satisfied would be eligible for one of the above benefits but for the fact that they are only temporarily resident in the United Kingdom.

(9) At no time may particulars of more than one qualifying local resident's vehicle be entered in the register in relation to any one individual who is a qualified resident.

(10) In this paragraph—

- (a) "carer's allowance" means an allowance under section 70 of the Social Security Contributions and Benefits Act 1992;
- (b) "child tax credit" means a child tax credit under the Tax Credits Act 2002;
- (c) "housing benefit" means the benefit under section 130 of the Social Security Contributions and Benefits Act 1992;
- (d) "income-based jobseeker's allowance" has the same meaning as in the Jobseekers Act 1995;
- (e) "income-related employment and support allowance" means an "income-related allowance" under Part 1 of the Welfare Reform Act 2007;
- (f) "income support" means income support under section 124 of the Social Security Contributions and Benefits Act 1992;
- (g) "state pension credit" means state pension credit under the State Pension Credit Act 2002;

- (h) “universal credit” means the benefit under Part 1 of the Welfare Reform Act 2012;
- (i) “working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002.

East London Low Income Resident’s Discount – temporary substitute vehicles

12.—(1) This paragraph applies where—

- (a) a qualified resident—
 - (i) notifies Transport for London that the qualifying local resident’s vehicle registered in relation to that qualified resident (“the original vehicle”) has become, or is about to become, temporarily unavailable for use by that qualified resident owing to its undergoing or being about to undergo repair or servicing by a vehicle repairer;
 - (ii) notifies Transport for London that another vehicle (“the substitute vehicle”), being a vehicle hired by the qualified resident or made available by the repairer or insurer of the original vehicle, is from a specified date to be temporarily used by the qualified resident in place of the original vehicle;
 - (iii) notifies Transport for London that the last day of such temporary use is to be a specified date (which may from time to time be varied in advance) falling within the period of 30 days beginning with the date notified under sub-paragraph (ii); and
 - (iv) incurs expenditure on the payment of charges under article 6 for the substitute vehicle covering the period beginning with the date specified under sub-paragraph (ii) and ending with the date specified under sub-paragraph (iii); and
- (b) Transport for London satisfies itself that the requirements of paragraph (a) are met and that the substitute vehicle meets requirements (a) and (c) of paragraph 11(7).

(2) Where this paragraph applies—

- (a) any charges paid in respect of the original vehicle at the discounted rate set out in paragraph 11(1) for charging days falling within the period of substitution shall be of no effect during that period; and
- (b) if Transport for London receives a claim from the qualified resident not later than the last day of the period of 30 days beginning with the date specified under sub-paragraph (1)(a)(iii), the qualified resident shall be entitled to a refund of the amount specified in sub-paragraph (3).

(3) The amount is a sum equal to the total expenditure incurred as mentioned in sub-paragraph (1)(a)(iv) less the expenditure which the qualified resident would have had to incur in accordance with paragraph 11(1) covering the use of a vehicle within the tunnels within the period of substitution for which the qualified resident pays charges for the substitute vehicle.

East London Low Income Resident’s Discount – new residents

13.—(1) This paragraph applies where—

- (a) an individual (“the new resident”) having begun to reside or, in the case of an individual who has ceased to be a qualified resident under paragraph 11(5), to reside at other premises in a relevant district applies to be treated as a qualified resident and for particulars of a vehicle (“the relevant vehicle”) to be entered on the register as a qualifying local resident’s vehicle in relation to that individual;
- (b) within the period of 90 days beginning with the day on which that application is received by Transport for London (“the initial period”), the new resident incurs expenditure of amounts specified in article 7(1) on the payment of charges for the relevant vehicle on charging days falling within the initial period; and
- (c) Transport for London subsequently, on the basis of evidence furnished to it within the initial period,—

- (i) satisfies itself that the new resident became a qualified resident on or before the first day of the initial period; and
 - (ii) enters particulars of the vehicle in the register as a qualifying local resident's vehicle in relation to the new resident and notifies the new resident accordingly.
- (2) Where this paragraph applies, the new resident shall be entitled to a refund of an amount equal to the difference between—
 - (a) the total expenditure incurred as mentioned in sub-paragraph (1)(b); and
 - (b) the expenditure which the new resident would have had to incur in accordance with article 7(4) on the payment of charges covering the use of a vehicle on each occasion falling within the initial period for which the new resident has paid a charge under article 8.

Certificates of eligibility

14.—(1) Where Transport for London is satisfied that the requirements in sub-paragraph (2) are met in relation to an individual it may issue a certificate of eligibility to that individual.

- (2) The requirements are that—
 - (a) the requirements in paragraph 11(3) and (8) are met in relation to the individual; and
 - (b) particulars of a qualifying local resident's vehicle are not entered in the register in relation to the individual.
- (3) A certificate of eligibility shall cease to have effect on whichever of the following falls first—
 - (a) the expiration of the period of 12 months beginning with the day on which the certificate is issued;
 - (b) day on which Transport for London notifies the holder that it is no longer satisfied that the requirements in paragraph 1(2) are met in relation to the holder.
- (4) This sub-paragraph applies where—
 - (a) the holder of a certificate of eligibility hires a vehicle for a period not exceeding 30 charging days and incurs expenditure of amounts specified in article 7(1) on the payment of charges for the vehicle on charging days falling within the period of the hiring;
 - (b) before the hiring began, the holder had notified Transport for London that the hiring was to take place and given particulars of the first and last days of the period of the hiring; and
 - (c) within the period of 30 days beginning with the last day of the hiring the holder submitted a claim, giving any particulars reasonably required by Transport for London for the purpose of verifying the claim, to Transport for London for a refund in accordance with sub-paragraph (5).
- (5) Where Transport for London is satisfied that sub-paragraph (4) applies, the holder shall be entitled to a refund of an amount equal to the difference between—
 - (a) the total expenditure incurred as mentioned in sub-paragraph (4)(a); and
 - (b) the expenditure which the holder would have had to incur in accordance with article 7(4) on the payment of charges covering the use of a vehicle during the hiring period for which the hirer has paid a charge under article 7(1), other than charging days on which particulars of a qualifying local resident's vehicle were entered in the register in relation to the holder.

Small business and charities discount

15.—(1) A charge imposed by article 6 in respect of a qualifying small business vehicle or a qualifying charity vehicle during off-peak hours and paid by Auto Pay shall be £1 less than the relevant charge specified in article 7(1).

- (2) A qualifying small business vehicle is a vehicle meeting the conditions set out in sub-paragraph (6) that Transport for London is satisfied, on the basis of such information as it may reasonably require, is used by a qualifying small business for the purposes of that business.

(3) A qualifying charity vehicle is a vehicle meeting the conditions set out in sub-paragraph (6) that Transport for London is satisfied, on the basis of such information as it may reasonably require, is used by a qualifying charity for the purposes of that charity.

(4) A qualifying small business for the purposes of sub-paragraph (2) is a business that Transport for London is satisfied, on the basis of such information as it may reasonably require—

- (a) has under 50 employees;
- (b) had during the tax year in which the charge referred to in paragraph (1) was incurred, and in the previous tax year, a turnover of no more than £10.2 million or a balance sheet total of no more than £5.1 million; and
- (c) is a company that is active, or is registered for VAT, at an address located within the London Boroughs of Newham or Tower Hamlets or the Royal Borough of Greenwich, or
- (d) is a sole trader who owns and operates a business within the London Boroughs of Newham or Tower Hamlets or the Royal Borough of Greenwich;

(5) A qualifying charity for the purposes of sub-paragraph (3) is a registered charity that Transport for London is satisfied, on the basis of such information as it may reasonably require, is registered as active with the London Boroughs of Newham or Tower Hamlets or the Royal Borough of Greenwich.

(6) The conditions referred to in sub-paragraph (6) are that—

- (a) particulars of the vehicle are entered in the register, provided that no more than three vehicles eligible for a discount under this paragraph may appear in the register in relation to any qualifying small business or qualifying charity;
- (b) the vehicle is a specified vehicle for the purposes of article 9 in relation to an Auto Pay account in the name of the relevant qualifying small business or qualifying charity.

(7) In this paragraph—

- (a) "registered charity" means a charity within the meaning of section 1(1) of the Charities Act 2011 that is registered in accordance with section 30 of that Act, and references to a qualifying charity being registered shall be so construed;
- (b) "sole trader" means an individual who is self-employed and registered for self-assessment within the meaning of section 9 of the Taxes Management Act 1970.

ANNEX 2 TO THE STATEMENT OF CHARGES

SUMMARY OF ENFORCEMENT PROVISIONS

Legal basis for enforcement

Article 56 of The Silvertown Tunnel Order 2018 applies a number of regulations in force in respect of Transport for London's road user charging powers under Schedule 23 to the Greater London Authority Act 1999 to charges imposed in respect of use of the tunnels. In particular it provides that the statement of charges is to be treated as a 'charging scheme' for the purposes of those regulations, with the tunnels being treated as the 'charging area'. This is to ensure a relative level of consistency of enforcement powers, so the enforcement powers in force in respect of congestion charging and other road user charging also apply to the user charging at the tunnels. The applied legislation deals with penalty charges, the installation of equipment on roads, offences, the examination of motor vehicles and the removal or immobilisation of motor vehicles, and relevant matters related to those specific provisions are set out in the Statement of Charges.

Article 56 of The Silvertown Tunnel Order 2018 also applies various provisions of the Transport for London Act 2008 dealing with:

- (1) the ability for a charging scheme to create offences (with Secretary of State consent) where a 'specified requirement' of a charging scheme is contravened (but such an offence cannot apply to the failure to pay a charge or penalty charge or where a penalty charge would be payable under certain regulations);
- (2) the ability for a charging scheme to authorise the examination and immobilisation of vehicles and extending the scope of relevant regulations to vehicles in off street parking spaces; and
- (3) where a charging scheme makes provision for reduced charge rates or exemptions in the case of a class of vehicle or description of persons and it also requires the registered keeper to notify any change of circumstances, an offence being committed if such notification is not given.

Summary of enforcement procedures

The following summary is provided for information only. It is not intended to be a comprehensive guide to the legal processes involved.

If Transport for London records and capture an image of a vehicle anywhere in the tunnels and its records show a customer has not paid the required charge by midnight on the third day after the charging day concerned, a penalty charge notice (PCN) will be issued to the registered keeper of the vehicle.

Within 28 days from the date of service of a PCN the registered keeper concerned must pay the penalty or may challenge the PCN by making a representation online or in writing.

If the registered keeper concerned pays within 14 days of the date of service they will receive a 50% discount, the amount that must be paid being the discounted amount for the contravention date. Under the Interpretation Act 1978 s.7, unless the contrary is proved, service is deemed to have been effected at the time when the PCN would be delivered in the ordinary course of post.

If the registered keeper concerned wishes to make a representation against a PCN they are entitled to do so for the reasons listed below, which are as specified in the relevant regulations. Transport for London will also consider representations made on other grounds:

- Ground one: I was not the keeper at the time of the contravention, e.g. I have never been the keeper, I ceased to be the keeper, I became the keeper after the date of the contravention.
- Ground two: I had paid the charge due for the vehicle used on that date, in the time and manner required by the charging scheme.
- Ground three: no penalty charge is payable under the charging scheme, e.g. I was not within the charging area during charging hours.
- Ground four: the vehicle was used or kept without my consent, e.g. stolen.
- Ground five: the penalty charge exceeds the amount payable in the circumstances of the case, e.g. I have been requested to pay a penalty charge amount above that detailed in the regulations.
- Ground six: we are a vehicle hire firm and the vehicle was hired under an agreement at the time and the person liable signed a statement of liability for any resulting penalty charges.

If a penalty charge is not fully paid within 28 days of the date of service, then the penalty charge increases by 50% of the full penalty charge. A Charge Certificate is then sent to the registered keeper of the vehicle. The registered keeper then has 14 days from the date of service in which to pay this increased amount. Under the Interpretation Act 1978 s.7, unless the contrary is proved, service is deemed to have been effected at the time when the Charge Certificate would be delivered in the ordinary course of post.

Once a Charge Certificate is issued the registered keeper concerned can no longer make a representation. If they did not receive the original PCN, or if they have received no reply to a representation or an appeal, they can make a Statutory Declaration.

If the penalty charge is not paid within 14 days of a Charge Certificate being served then Transport for London may apply to register it as an unpaid debt at the Traffic Enforcement Centre which incurs a debt registration fee for each PCN.

The registered keeper will then be sent an Order for Recovery. This is not a County Court Judgment and will not affect their credit rating. At this point the penalty charge due increases by the debt registration fee. They have 21 days from the date of service in which to pay this. Under the Interpretation Act 1978 s.7, unless the contrary is proved, service is deemed to have been effected at the time when the Order for Recovery would be delivered in the ordinary course of post.

If the penalty charge has not been paid within 21 days of the Order for Recovery being served, Transport for London will ask for a Warrant of Control which will be passed to an enforcement agent to recover the outstanding debt. The registered keeper concerned will not be sent a copy of the Warrant, however, they may request a copy directly from the enforcement agent or their office.

Once a case has been passed to an enforcement agent, they will start enforcement activity. At this point the registered keeper concerned will receive an Enforcement Notice which details the name and address on the warrant and how much money they owe. If the registered keeper concerned ignores this initial notice, an enforcement agent may visit their property to collect the outstanding debt, plus any enforcement fees.