

2020 No. 1444

ENVIRONMENTAL PROTECTION, ENGLAND

FEES, ENGLAND

**The Clean Air Zones Central Services (Fees) (England)
Regulations 2020**

<i>Made</i> - - - -	<i>4th December 2020</i>
<i>Laid before Parliament</i>	<i>7th December 2020</i>
<i>Coming into force</i> - -	<i>31st December 2020</i>

The Secretary of State, with the consent of the Treasury and in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a), makes the following Regulations.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Clean Air Zones Central Services (Fees) (England) Regulations 2020.

(2) They come into force on 31st December 2020.

(3) They extend to England and Wales, but apply in England only.

Interpretation

2.—(1) In these Regulations—

“charging scheme” has the meaning given in section 163(1) of the Transport Act 2000(b);

“charging authority” has the meaning given in section 163(5)(a) of the Transport Act 2000;

“charging authorities” has the meaning given in section 163(5)(b) of the Transport Act 2000;

“the clean air zones central services” means the services known as the clean air zones central services provided by or on behalf of the Secretary of State and which may provide in relation to a charging scheme one or more of the following services—

- (a) the provision of a website which allows persons to check whether they need to pay a charge in relation to a charging scheme and, if so, pay the charge via the website;
- (b) customer support to persons who may be subject to charges under a charging scheme;
- (c) support to a charging authority or charging authorities in relation to the introduction of a charging scheme;

(a) 1973 c. 51. Section 56(1) was amended by S.I. 2011/1043 and will be amended by section 23(5), and Schedule 8, paragraph 17, of the European Union (Withdrawal) Act 2018 (c. 16).

(b) 2000 c. 38. Section 163 was amended by section 103 of, and paragraphs 1 and 2 of Schedule 5 to, the Local Transport Act 2008 (c. 26) and paragraphs 95 and 102 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

“relevant charging authority” means a charging authority in respect of which each of the following conditions is satisfied—

- (a) Condition 1 is that the charging authority has been directed to make a charging scheme by the Secretary of State under section 85(5) of the Environment Act 1995^(a) (“the direction”);
- (b) Condition 2 is that the purpose or one of the purposes stated when the direction was given was to reduce levels of nitrogen dioxide to the second limit value specified in Schedule 2 to the Air Quality Standards Regulations 2010^(b) (averaging period of calendar years) in the geographical area for which the charging authority is responsible;
- (c) Condition 3 is that the charging authority has made a charging scheme;
- (d) Condition 4 is that the direction has not been revoked;

“relevant charging authorities” means charging authorities in respect of which each of the following conditions is satisfied—

- (a) Condition 1 is that the charging authorities have been directed to make a charging scheme by the Secretary of State under section 85(5) of the Environment Act 1995 (“the direction”);
- (b) Condition 2 is that the purpose or one of the purposes stated when the direction was given was to reduce levels of nitrogen dioxide to the second limit value specified in Schedule 2 to the Air Quality Standards Regulations 2010 (averaging period of calendar years) in the geographical area for which the charging authorities are responsible;
- (c) Condition 3 is that the charging authorities have made a charging scheme;
- (d) Condition 4 is that the direction has not been revoked.

(2) In the definitions of “relevant charging authority” and “relevant charging authorities” in paragraph (1), it does not matter whether—

- (a) in respect of Condition 1, the direction was given before or after these Regulations come into force;
- (b) in respect of Condition 3, the charging scheme was made before or after these Regulations come into force.

Fees—use of clean air zones central services

3.—(1) A relevant charging authority is, or relevant charging authorities are, liable to pay to the Secretary of State a fee—

- (a) in the circumstances set out in paragraph (2), and
- (b) of the amount specified in paragraph (3).

(2) The circumstances are when—

- (a) a person pays one or more charges in relation to the charging scheme made by the relevant charging authority or relevant charging authorities (as the case may be) by a payment processed by the clean air zones central services (a “processed payment”);
- (b) the processed payment is made in the period starting on 1st January 2021 and ending at the end of 31st March 2027.

(3) The amount is, in relation to a processed payment, £2 per charge covered by the processed payment.

(4) Liabilities under paragraph (1)—

- (a) are payable on invoice by the Secretary of State,
- (b) are recoverable as civil debts, and

^(a) 1995 c. 25. Section 85 was amended by section 367 of the Greater London Authority Act 1999 (c. 29) and S.I. 2001/3719 and 2011/1043. It will be amended by S.I. 2019/458.

^(b) S.I. 2010/1001.

(c) in respect of relevant charging authorities, are to be treated as joint and several liabilities.

Signed by authority of the Secretary of State for Transport

4th December 2020

Rachel Maclean
Parliamentary Under Secretary of State
Department for Transport

We consent

2nd December 2020

Maggie Throup
James Morris
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Secretary of State is under a duty to ensure that air quality standards are maintained, set out in regulation 17 of, and Schedule 2 to, the Air Quality Standards Regulations 2010 (S.I. 2010/1001) (“the 2010 Regulations”). For nitrogen dioxide one such limit is that levels of nitrogen dioxide must not exceed 40 micrograms per cubic metre, averaged over a calendar year. They implement the UK’s obligations under Directive 2008/50/EC on ambient air quality and cleaner air for Europe (amongst other things). They will continue to form part of UK law after the end of the implementation period on 31st December 2020 at 23:00.

Various local authorities (“charging authorities”) with responsibility for traffic have the power to make charging schemes under Chapter 1 of Part 3 of the Transport Act 2000 (c. 38). Charging schemes allow, for example, motorists to be charged for travelling in the area for which the charging authority is responsible.

The Secretary of State has the power to direct charging authorities to introduce charging schemes under section 85(5) of the Environment Act 1995 (c. 25); and may do so to discharge the regulation 17 duty under the 2010 Regulations.

These Regulations apply to the charging authorities defined in regulation 2(1). These are charging authorities which have made charging schemes under an extant direction of the Secretary of State given for the purpose of reducing nitrogen dioxide levels to the level required by the 2010 Regulations.

The Secretary of State will provide services known as the clean air zones central services which charging authorities may choose to use. These include a website which will allow motorists to check whether they need to pay a charge under a charging scheme and, if so, make the payments. Where charging authorities use the clean air zones central services, regulation 3 imposes a fee of £2 per charge paid for by a payment processed through the services and makes provision for its collection.

An impact assessment has not been produced for this instrument as it has no impact, or no significant impact, on the costs of business, charities or the voluntary sector.

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