

THE DRAFT EDINBURGH CONGESTION CHARGING ORDER

INTRODUCTORY NOTE

This draft of The Edinburgh Congestion Charging Order has been produced for consultation purposes and may be subject to change.

In particular it should be noted that it has been prepared on the basis of certain assumptions as to the contents of Regulations yet to be made under the Transport (Scotland) Act 2001. In the event of any inconsistency with the requirements of these Regulations, amendments may become necessary.

Additionally, it should be noted that the precise location of designated roads under the Scheme may vary following consultation and in light of on-going technical analysis.

The Draft Edinburgh Congestion Charging Order

Amendment to Part 1 of Annex 2 to the Scheme

Amend paragraph 1 of Part 1 of Annex 2 to read as follows:

- “1. (1) When-
- (a) a charging event occurs under article 5(1) of this Scheme; and
 - (b) the vehicle is a qualifying resident’s vehicle on a designated road specified in Part 2 of Annex 1,
- that vehicle shall be treated as being within a class of non-chargeable vehicles.”

18 February 2004

TRANSPORT (SCOTLAND) ACT 2001

The Edinburgh Congestion Charging Order 200[]

Made 200[]

Confirmed 200[]

Coming into force *In accordance with article 1*

Whereas The City of Edinburgh Council ("the Council") approved the adoption in January 2004 of a Local Transport Strategy prepared pursuant to guidance issued by the Scottish Ministers entitled "Guidance on Local Transport Strategies and Road Traffic Reduction Reports - February 2000" under section 79 of the Transport (Scotland) Act 2001^(a):

That Local Transport Strategy includes a proposal on page 76 (Policy DM 1) to develop a congestion charging scheme in Edinburgh and it appears to the Council desirable to make an order for the purposes of facilitating the achievement of that policy and of other policies and proposals in the Local Transport Strategy:

Now, therefore, the Council, in exercise of the powers conferred on it by Part 3 of the Transport (Scotland) Act 2001 and by The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2004^(b), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Edinburgh Congestion Charging Order 200[] and shall come into force on the day immediately following the day on which the Scottish Ministers confirm it.

Scheme

2.—(1) The Scheme in the Schedule to this Order shall have effect.

(2) The Scheme shall come into force on such day as the Council may appoint and different days may be appointed for different provisions.

Signed by authority of
The City of Edinburgh Council

[Name:]
The Council Solicitor

Dated 200[]

^(a) 2001 asp.2.

^(b) S.S.I. 2004 [].

THE SCHEDULE

Article 2(1)

SCHEME FOR CONGESTION CHARGING IN EDINBURGH

Interpretation

1.—(1) In this Scheme:

"the 1985 Act" means the Transport Act 1985^(a);

"the 1994 Act" means the Vehicle Excise and Registration Act 1994^(b);

"central point" means the location of Princes Street, Edinburgh as at the date of making of this Order;

"the charging area" means the area designated by article 3;

"charging day" shall be construed in accordance with article 2(2) and (3);

"charging event" shall be construed in accordance with article 5(1);

"charging hours" shall be construed in accordance with article 5(2);

"City of Edinburgh" means the local government area within the meaning of the Local Government etc. (Scotland) Act 1994^(c) of the Council;

"consecutive charging days" shall be construed in accordance with article 7(4);

"the Council" means The City of Edinburgh Council;

"the deposited plans" means the portfolio of plans signed on behalf of the Council by [*name*], which has been deposited at the offices of the Council at 1 Cockburn Street, Edinburgh, EH1 1BJ;

"designated road" means one of the designated roads specified by Annex 1 or such other road as may be specified by the Council under article 4 as a designated road for the purposes of this Scheme;

"disabled person's badge" means any badge issued, or having effect as if issued, to an individual under regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970^(d) or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland)

^(a) 1985 c.67.

^(b) 1994 c. 22.

^(c) 1994 c.39.

^(d) 1970 c. 44.

Act 1978^(a) 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;

"eligibility certificate" has the meaning given by Annex 2;

"free day" has the meaning given by article 2(3);

"goods vehicle" has the same meaning as in The Corporation of Edinburgh (Traffic Regulations; Restrictions on Waiting, Loading and Unloading, and Parking Places) Order 1973;

"licence" means a licence purchased under article 7(1);

"local traffic authority" has the same meaning as in section 121A of the Road Traffic Regulation Act 1984^(b);

"motorbicycle" means a vehicle which is a motorbicycle for the purposes of paragraph 2 of Schedule 1 to the 1994 Act;

"non-chargeable vehicle" means a vehicle which is a non-chargeable vehicle by virtue of article 6 and Annex 2;

"passenger vehicle" has the same meaning as in The Corporation of Edinburgh (Traffic Regulations; Restrictions on Waiting, Loading and Unloading, and Parking Places) Order 1973;

"outstanding" in relation to a penalty charge shall be construed in accordance with The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2004;

"the register" means the register of non-chargeable vehicles to be maintained by the Council under article 9;

"registered keeper" in relation to a vehicle means the person in whose name the vehicle is registered under the 1994 Act;

"registration mark" has the same meaning as in the 1994 Act;

"registration period" means the period of 12 months beginning with the day on which particulars of a vehicle are entered in the register or, as the case may be, the registration of a vehicle is renewed, under article 9;

"relevant class" in relation to a vehicle means any class of motor vehicle described in the Schedule to the Road User Charging (Classes of Motor Vehicles) (Scotland) Regulations 2003^(c) save for classes 19 to 24 and 31 to 36 inclusive;

^(a) 1978 c.53.

^(b) 1984 c.57.

^(c) S.S.I. 2003 No. 282.

"relevant direction" in relation to a designated road has the meaning given by Annex 1;

"relevant vehicle" means a motor vehicle of a relevant class which is not a non-chargeable vehicle;

"retail prices index" has the same meaning as in the Transport (Scotland) Act 2001; and

"road" has the same meaning as in section 151 of the Roads (Scotland) Act 1984^(a).

(2) In any provision of this Scheme—

(a) a reference to an authorised person is to a person authorised in writing by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions;

(b) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council shall be taken to include a reference to that person; and

(c) a reference to a statute, statutory provision or subordinate legislation includes such legislation as amended and in force from time to time and to any legislation which modifies, consolidates, re-enacts or supersedes it.

(3) For the purposes of this Scheme—

(a) a sum of money shall be taken to have been paid on the date on which payment is received by the Council; and

(b) the seating capacity of a vehicle shall be determined in accordance with regulations for the time being in force, and made or having effect as if made, under paragraph 3(5) of Schedule 1 to the 1994 Act.

(4) Except to the extent otherwise defined in this Scheme, words and expressions used in this Scheme shall have the same meaning as in the Transport (Scotland) Act 2001.

Imposition of charges

2. —(1) Subject to the following provisions of this Scheme, a charge of the amount set out in article 8 or of such higher amount as may be calculated under article 15 is imposed by this Scheme in respect of each charging day on which a relevant vehicle is used on one or more designated roads such that one or more charging events occurs.

(2) A charging day is any day of the year except a free day.

^(a) 1984 c.54.

- (3) Each of the following is a free day:
- (a) a Saturday;
 - (b) a Sunday;
 - (c) New Year's Day;
 - (d) Easter Monday;
 - (e) Christmas Day; and
 - (f) any other day specified by the Council as a free day for the purposes of this Scheme.

(4) If the Council believes that a vehicle has been compulsorily diverted and that, as a direct consequence of such diversion a charging event has occurred which would not otherwise have occurred, the Council may at its discretion determine that no charge shall be payable in respect of that charging event.

The charging area

3. The Council hereby designates all roads in respect of which it is the local traffic authority as the charging area for the purposes of this Scheme.

Designation of roads in the charging area in respect of which charges are imposed

4.—(1) Subject to paragraph (2) the roads in respect of which charges are imposed by this Scheme are those designated roads specified in Annex 1.

(2) The Council may from time to time specify such additional or alternative designated roads as it considers necessary to ensure that it is not possible for a vehicle of a relevant class to be lawfully conveyed from outwith the City of Edinburgh to the central point without travelling on at least two designated roads.

Charging event

5.—(1) A charging event occurs when a relevant vehicle is present, during charging hours on a charging day, on any designated road moving in the relevant direction.

- (2) Charging hours means:
- (a) in respect of a designated road specified in Part 1 of Annex 1, the hours between 7.00am and 6.30pm; and
 - (b) in respect of a designated road specified in Part 2 of Annex 1, the hours between 7.00am and 10.00am.

Non-chargeable vehicles

6. Annex 2 to this Scheme, which sets out classes of non-chargeable vehicles for the purposes of The Road User Charging (Exemption from Charges) Regulations 2004^(a) and provides for vehicles to be treated as having been within a non-chargeable class of vehicle in certain circumstances, shall have effect.

Payment of charges

7.—(1) Subject to the provisions of this article, a charge imposed by this Scheme shall be paid by the purchase from the Council of a licence for a specified period beginning with a specified date.

(2) Paragraph (1) does not apply to a charge payable:

- (a) under article 11 for the amendment of a licence;
- (b) under Annex 2 for particulars of a vehicle to be entered in the register of non-chargeable vehicles;
- (c) under articles 12 to 14 (penalty charges).

(3) A licence may be purchased for one of the following periods:

- (a) a charging day;
- (b) a period of 5 consecutive charging days;
- (c) a period of 20 consecutive charging days;
- (d) a period of 258 consecutive charging days.

(4) For the purposes of paragraph (3) the charging days in a period are consecutive if the only other days in the period are free days.

(5) A licence may be purchased only for a specified single vehicle having a registration mark.

(6) A licence for one charging day may be purchased only on that day or within such a period of days (if any) ending with that day as may be specified by the Council from time to time.

(7) A licence for a period specified in paragraph (3)(b), (c) or (d) may be purchased only before the first charging day of the period in respect of which it is granted and on a day falling within the period of 65 days ending with that day.

(8) A charge imposed by this Scheme in respect of each period of licence specified in column (1) of the table shall be paid by a means specified in column (2)

^(a) S.S.I. 2004 [].

of the table or such other means as the Council may at its discretion accept in any particular case.

Table

<i>(1)</i> <i>Period of licence</i>	<i>(2)</i> <i>Method of Payment</i>
One day	Telephone, on-line, retail outlet, self-service machine or text message
Period of 5 consecutive charging days	Telephone, online or retail outlet
Period of 20 consecutive charging days	Telephone, online or retail outlet
Period of 258 consecutive charging days	Post, telephone, online or retail outlet

(9) For the purposes of this paragraph and paragraph (8):

- (a) a charge is paid by post if the form provided by the Council for payment of the particular charge is sent, duly completed and accompanied by a cheque, or completed to enable payment to be made by credit or debit card, by pre-paid post to the address given on the form;
- (b) a charge is paid by telephone if it is paid by credit or debit card through the system provided for the purpose by the Council;
- (c) a charge is paid online if it is paid by credit or debit card through the website provided for the purpose by the Council;
- (d) a charge is paid by retail outlet if it is paid in cash or (if accepted at the particular outlet) by cheque or credit or debit card, at a shop, petrol station or other outlet authorised to accept payment by the Council;
- (e) a charge is paid by self-service machine if it is paid by cash, credit or debit card at a properly operating machine provided or authorised for that purpose by the Council;
- (f) a charge is paid by text message if it is paid by sending a message by telephone, using the facility provided for the purpose, by credit or debit card by a person who has previously arranged with the Council to pay by this method;
- (g) "cheque" means a cheque, or postal order, crossed "account payee" and drawn in favour of "City of Edinburgh Council";

(h) "credit or debit card" means "Visa", "MasterCard", "Delta" or "Switch" or such other credit or debit card or facility as the Council may at their discretion accept in any particular case.

(10) Where a licence is purchased and payment is not received by the Council (whether because a cheque is subsequently dishonoured or otherwise), the charge to which the licence relates shall be treated as not paid and the licence shall be void.

Amount of charge payable by the purchase of a licence

8. The charge for a period specified in column (1) in the table below shall be the amount specified in column (2) of the table or such higher amount as may be calculated under article 15.

Table

<i>(1)</i> <i>Period</i>	<i>(2)</i> <i>Amount of charge £</i>
One day	2
Period of 5 consecutive charging days	9.80
Period of 20 consecutive charging days	39
Period of 258 consecutive charging days	480

Register of non-chargeable vehicles

9.—(1) The Council shall maintain a register of non-chargeable vehicles ("the register").

(2) Particulars of a vehicle shall be removed from the register immediately following the last day of the registration period unless the Council renews the registration for a further period on application to it.

(3) An application for the purposes of paragraph (2) shall be made during the period of 42 days ending with the last day of the registration period.

(4) Paragraph (3) shall not prevent the making of a fresh application after particulars of a vehicle have been removed from the register under paragraph (2).

(5) Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a non-chargeable vehicle, the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the register forthwith or from the date notified to the Council as the date on which it will cease to be such a vehicle.

(6) The Council shall remove the particulars of a vehicle from the register if it is no longer satisfied that the vehicle is a non-chargeable vehicle.

Refunds of charges

10.—(1) The purchaser of a licence for a period of 20 or 258 charging days may surrender the licence and obtain a refund in accordance with the following provisions of this article.

(2) An application for a refund shall be made by post to the Council at the address specified for that purpose by the Council.

(3) The application shall be accompanied by:

- (a) such evidence as the Council may reasonably require to show that the applicant is the holder of the licence;
- (b) a statement of the date from which the applicant wishes the licence to be surrendered; and
- (c) if different from the address previously notified to the Council, the address to which the refund is to be sent with evidence satisfactory to the Council to show that it is the current address of the purchaser of the licence.

(4) The amount of the refund shall be the product of £2 multiplied by the number of unexpired charging days less £10 in respect of a licence for a period of 20 days and less £50 in respect of a licence for a period of 258 days.

(5) For the purposes of paragraph (4) the number of unexpired charging days shall be the number of whole charging days in the period of the licence still to run from and including the refund date.

(6) In paragraph (5) "the refund date" means whichever is the later of the following:

- (a) the date stated by the applicant under paragraph (3)(b);
- (b) the last day of the period of 7 charging days beginning with the day on which the application is received.

Changes to licences

11.—(1) Subject to the provisions of this article, on an application by the holder of a licence (other than a licence for one day) and on payment of a charge of £5, the Council may amend the licence so as to substitute:

- (a) a later day as the first day of the period for which the licence is to run;
- (b) a different registration mark.

(2) The latest day that may be substituted under paragraph (1)(a) shall be the last day of the period of 56 days beginning with the day on which the application is received.

(3) An application under paragraph (1)(a) shall not have effect unless it is received on or before the first day of the period of 7 charging days ending with the first day of the period for which the licence was originally purchased.

(4) An application under paragraph (1)(b) shall take effect:

(a) on the last day of the period of 7 charging days beginning with the day on which the application is received; or

(b) on such later date as the applicant specifies.

(5) An application under paragraph (1) may be made by post or by telephone and, in either case, the applicant must provide such evidence as the Council may reasonably require to show that the applicant is the holder of the licence.

Penalty charge for non-payment of charge

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

(a) one or more charging events have occurred in respect of a relevant vehicle; and

(b) the charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 7.

(2) A penalty charge payable by virtue of paragraph (1) shall be paid within the period of 28 days beginning with the date of a penalty charge notice given under The Road User Charging (Enforcement and Adjudication) (Scotland) Regulations 2004^(a) in respect of the penalty charge.

(3) In respect of any penalty charge referred to in articles 12 to 14 of this Scheme:

(a) the Council shall set the level of penalty charges under this Scheme;

(b) payment shall be made to the Council by cash or cheque or such other means as the Council may at its discretion accept in any particular case, and in the case of payment by cheque a penalty charge shall be treated as having been paid on the date of receipt by the Council of the cheque unless that cheque is subsequently dishonoured in which case the penalty charge shall be treated as not paid;

(c) the levels of penalty charges set by the Council shall accord with guidance given by the Scottish Ministers whether such guidance is given specifically to the Council or to charging authorities generally; and

^(a) S.S.I. 2004 [].

- (d) the Council shall publish, in such manner as the Scottish Ministers may determine, the levels of penalty charges under this Scheme.

Immobilisation of vehicles

13.—(1) This article applies where an authorised person has reason to believe, in respect of a vehicle which is stationary on a road in the charging area, that there are no fewer than three penalty charges outstanding in relation to the vehicle.

(2) Where this article applies, the authorised person or a person acting under the direction of an authorised person may:

- (a) fit an immobilisation device to the vehicle while it remains in the place where it is stationary; or
- (b) move it, or require it to be moved, to another place on that road or another road and fit an immobilisation device to the vehicle in that other place.

(3) Where an immobilisation device is fitted to a vehicle in accordance with paragraph (2), the person fitting the device shall also fix to the vehicle an immobilisation notice:

- (a) indicating that the device has been fitted to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device;
- (b) stating that the vehicle may only be released from the device by or under the direction of an authorised person;
- (c) stating that the notice must not be removed or interfered with except by or on the authority of an authorised person; and
- (d) indicating that the vehicle shall be released if all outstanding penalty charges in respect of that vehicle are paid to the Council including the penalty charge payable under paragraph (4) and specifying the person to whom and the means by which that charge may be paid.

(4) A vehicle to which an immobilisation device has been fitted in accordance with the provisions of this Scheme:

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (4)(a), shall be released:
 - (i) if and when all outstanding penalty charges in respect of that vehicle have been paid to the Council; and

- (ii) when a penalty charge for the release of the vehicle from the immobilisation device has been paid to the Council.

Removal of vehicles

14.—(1) This article applies where an authorised person has reason to believe that in respect of a vehicle which is stationary on a road in the charging area there are no fewer than 3 penalty charges outstanding in relation to the vehicle.

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

(3) Where a vehicle has been removed and delivered into the custody of the Council or a custodian in accordance with paragraph (2), the Council or the custodian may (whether or not any representations have been made under The Road User Charging (Enforcement and Adjudication) (Scotland) Regulations 2004):

- (a) dispose of the vehicle by selling it or dealing with it as scrap, in accordance with The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2004; and
- (b) recover from the person who was the owner (within the meaning of The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2004) of the vehicle when the vehicle was removed:
 - (i) all penalty charges that are outstanding in relation to the vehicle (not being penalty charges under sub-paragraphs (ii), (iii) and (iv) below);
 - (ii) a penalty charge for its removal;
 - (iii) a penalty charge for storage and release from storage of the vehicle for each complete day or part of a day on which it has been held by the Council or a custodian; and
 - (iv) if the vehicle has been sold or destroyed, a penalty charge for its sale or destruction.

(4) A person ("the claimant") may, during reasonable business hours to be specified by the Council, take possession of a vehicle (with its contents) which has been removed and delivered to the Council or a custodian and has not been disposed of in accordance with paragraph (3)(a) if the conditions specified in paragraph (5) are satisfied.

(5) The conditions are that:

- (a) the claimant satisfies the custodian that the claimant is the owner of the vehicle or is authorised by the owner to take possession of the vehicle; and

- (b) all outstanding penalty charges in respect of the vehicle, including those charges imposed by article 14(3), have been paid to the Council.

Increasing level of charges

15.—(1) In this article:

- (a) "the base month" means [*November 2006*];
- (b) "relevant charges and refunds" means:
 - (i) all amounts payable to the Council under this Scheme save for those imposed under articles 12 to 14 (penalty charges); and
 - (ii) all refunds made under article 10;
- (c) "the relevant review date" means the first day of April.

(2) Unless the Council determines otherwise, the amount of any or all relevant charges and refunds for the time being payable under this Scheme shall on the relevant review date in 2007 and every year thereafter be altered in accordance with paragraphs (3) and (4) below.

(3) Subject to paragraph (4), the amount of a relevant charge or refund shall be an amount arrived at by increasing the amount specified in the Scheme by the same percentage as the percentage increase between the retail prices index for the base month and the retail prices index for the month of [*November*] immediately preceding relevant review date.

(4) An amount which falls in accordance with paragraph (3) to be determined under this article:

- (a) if it is neither a multiple of ten pence nor an amount which on division produces a remainder of five pence shall be rounded to the nearest ten pence; and
- (b) if it is an amount which produces a remainder of five pence, shall be increased by five pence.

Duration of scheme

16. This Scheme shall remain in force for 20 years from the date on which all articles of the Scheme have come into force.

ANNEX 1 TO THE SCHEME

Article 4

DESIGNATED ROADS

1.—(1) In this Scheme "designated road" means an area comprising the full width of a road specified in column (2) of the tables in Part 1 and Part 2 of this Annex between the outer line and the inner line and shown for the purposes of illustration only on relevant plan.

(2) In this Scheme in relation to a designated road:

- (a) "outer line" means an imaginary line crossing the full width of the road specified in column (2) from the point described in column (3) in a direction of 90 degrees to the centre line of that road, except in the case of the designated road numbered 4 (Cornwallis Place) in Part 1 of this Annex in which case the outer line is defined in column (3) of Part 1 of this Annex;
- (b) "inner line" means an imaginary line parallel to the outer line and a distance of 10 metres from the outer line in the direction specified in column (4);
- (c) "relevant plan" means the plan specified in column (5);
- (d) "relevant direction" means any direction such that a vehicle travelling in that direction within a designated road would move further away from the outer line;
- (e) references in columns (2) and (3) to roads and physical features are references to those roads and features as at the date of making of this Order.

PART 1

INNER CORDON DESIGNATED ROADS

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
1	<i>Saint Bernard's Row</i>	<i>The south-west corner of the boundary wall to 13 St Bernard's Row</i>	<i>North</i>	<i>CUEADP/900/CO/1/1- 01(Rev.A)</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
2	<i>Brandon Terrace</i>	<i>11.5 metres south-west of the extended south-west kerbline of Howard Street (part of Inverleith Row)</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-02 (Rev.A)</i>
3	<i>Eyre Place</i>	<i>from 2 metres south-west of the extended south-west kerbline of Rodney Street,</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-04(Rev.A)</i>
4	<i>Cornwallis Place</i>	<i>An imaginary line crossing the full width of the road specified in column (2) which lies 5 metres to the north east and parallel to another imaginary line which runs diagonally across the carriageway between the intersection of the north side of Cornwallis Place and the west side of Summer Bank to the intersection of the south side of Cornwallis Place and the east side of Summer Bank.</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-05(Rev.B)</i>
5	<i>Mansfield Place</i>	<i>14 metres south-east of the extended south-east kerbline of Bellevue Place</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-06(Rev.A)</i>
6	<i>East London Street</i>	<i>11 metres south-west of the extended south-west kerbline of Annandale Street (north-west arm of roundabout)</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-07(Rev.A)</i>
7	<i>Baxter's Place (part of Leith Walk)</i>	<i>10.5 metres south-west of the extended south kerbline of London Road</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-08</i>
8	<i>Regent</i>	<i>359 metres south-west</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
	<i>Terrace</i>	<i>of the extended south-west kerbline of Calton Terrace Lane</i>		<i>10a</i>
9	<i>Regent Road</i>	<i>10.5 metres south-west of the north-east kerbline of Carlton Terrace Brae</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-11</i>
10	<i>Calton Road</i>	<i>3 metres west of the extended west kerbline of Abbeyhill Crescent</i>	<i>West</i>	<i>CUEADP/900/CO/I-12 – I-13(Rev.A)</i>
11	<i>Canongate</i>	<i>21 metres south-west of the extended south-west kerbline of Horse Wynd</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-13(Rev.A)</i>
12	<i>Holyrood Road</i>	<i>42 metres south-west of the extended south-west kerbline of Holyrood Gait</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-14(Rev.B)</i>
13	<i>St Leonard's Street</i>	<i>1 metre north-west of the extended north-west kerbline of Bernard Terrace</i>	<i>North-west</i>	<i>CUEADP/900/CO/I-15(Rev.A)</i>
14	<i>Clerk Street</i>	<i>10.5 metres north-west of the extended north-west kerbline of Hope Park Terrace</i>	<i>North-west</i>	<i>CUEADP/900/CO/I-16(Rev.A)</i>
15	<i>Hope Park Crescent</i>	<i>7 metres north-west of the extended kerbline of Hope Park Terrace</i>	<i>North</i>	<i>CUEADP/900/CO/I-17(Rev.A)</i>
16	<i>Melville Drive</i>	<i>4 metres west of the extended west kerbline of Marchmont Road</i>	<i>West</i>	<i>CUEADP/900/CO/I-18(Rev.A)</i>
17	<i>Home Street</i>	<i>12 metres north of the extended north kerbline of Gilmore Place</i>	<i>North</i>	<i>CUEADP/900/CO/I-21</i>
18	<i>Dundee Street</i>	<i>5.5 metres north-east of the extended north-east</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-22(Rev.A)</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
19	<i>West Approach Road (Dundee Street)</i>	<i>kerbline of Viewforth 1.5 metres north-east of the extended kerbline of Dundee Street</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-23a(Rev.A)</i>
20	<i>West Approach Road (Westfield Road Access)</i>	<i>13 metres north-east of the extended east kerbline of Roseburn Street</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-23b(Rev.A)</i>
21	<i>Dalry Road</i>	<i>13 metres north-east of the extended kerbline of Cathcart Place</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-24(Rev.A)</i>
22	<i>Roseburn Terrace</i>	<i>22 metres east of the extended north-west kerbline of Roseburn Street</i>	<i>East</i>	<i>CUEADP/900/CO/I-25(Rev.A)</i>
23	<i>Belford Road</i>	<i>27.5 metres south-east of the extended south-east kerbline of Ravelston Park</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-26(Rev.A)</i>
24	<i>Dean Path</i>	<i>46 metres south-east of the extended south-east kerbline of Ravelston Terrace</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-27(Rev.A)</i>
25	<i>Queensferry Road</i>	<i>5.5 metres south-east of the extended south-east kerbline of Belgrave Crescent</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-28(Rev.A)</i>
26	<i>Deanhaugh Street</i>	<i>4.5 metres south-east of the extended south-east kerbline of Leslie Place</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-30(Rev.A)</i>

PART 2

OUTER CORDON DESIGNATED ROADS

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
1	A199 Edinburgh Road	12 metres south-east of the extended south-east kerbline of Eastfield Place	North-west	CUEADP/900/CO/O- 01(Rev.A)
2	A1 Musselburgh By-Pass	335 metres south-east of the extended south- east kerbline of The Jewel	North-west	CUEADP/900/CO/O- 02(Rev.A).
3	A6095 Newcraighall Road	140 metres north-east of the extended north- east kerbline of Whitehall Road	South-west	CUEADP/900/CO/O- 03(Rev.A)
4	Whitehill Road	10 metres south of the south channel line of the junction of Whitehill Road (new development) with Whitehill Road (original road)	North	CUEADP/900/CO/O- 04(Rev.A)
5	A6106 The Wisp	83 metres south of the extended south kerbline of Wisp Green	North	CUEADP/900/CO/O- 05(Rev.A).
6	A7 Old Dalkeith Road	35 metres south-west of the extended east kerbline of A6106 The Wisp	North-east	CUEADP/900/CO/O- 06(Rev.A)
7	A772 Drum Street	51 metres south-east of the extended north-west kerbline of Candlemaker's Park	North-west	CUEADP/900/CO/O- 07(Rev.A)
8	Lasswade Road	17 metres north-west of the extended north-west kerbline of Lang Loan	North-west	CUEADP/900/CO/O- 08(Rev.A)

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
9	<i>Burdiehouse Road</i>	<i>140 metres north of the extended south kerbline of Southhouse Broadway</i>	<i>North</i>	<i>CUEADP/900/CO/O-09a(Rev.A)</i>
10	<i>Southhouse Broadway</i>	<i>26.5 metres south-east of the extended east kerbline of Burdiehouse Road</i>	<i>East</i>	<i>CUEADP/900/CO/O-09b(Rev.A)</i>
11	<i>A702 Biggar Road</i>	<i>35.5 metres south of the extended south-west kerbline of Swanston Drive and extended westwards to include the 'Buses Only' lane</i>	<i>North</i>	<i>CUEADP/900/CO/O-10(Rev.A)</i>
12	<i>Dreghorn Link</i>	<i>23 metres north of the extended north kerbline of the eastbound off-slip road from The City of Edinburgh By-Pass</i>	<i>North</i>	<i>CUEADP/900/CO/O-11(Rev.A)</i>
13	<i>Lanark Road</i>	<i>54 metres north-east of the extended north-east kerbline of Baberton Crescent</i>	<i>North-east</i>	<i>CUEADP/900/CO/O-12(Rev.A)</i>
14	<i>Baberton Junction</i>	<i>10 metres the south-east channel line of Baberton Mains View at its junction with the northbound off-slip road from The City of Edinburgh By-Pass</i>	<i>North-west</i>	<i>CUEADP/900/CO/O-13(Rev.A)</i>
15	<i>Calder Junction</i>	<i>33.5 metres eastwards from the north-east kerbline of the south-east bound off-slip road of The City of Edinburgh By-Pass</i>	<i>East</i>	<i>CUEADP/900/CO/O-14(Rev.A)</i>
16	<i>Edinburgh Park South Access</i>	<i>16 metres north-west of the extended north-west kerbline of Hermiston</i>	<i>West</i>	<i>CUEADP/900/CO/O-14a</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
17	<i>(Hermiston Gait) South Gyle Broadway</i>	<i>Gait Link to M8/City of Edinburgh By-Pass 29 metres south-east from the extended south-east kerbline of A8 Glasgow Road</i>	<i>South-east</i>	<i>CUEADP/900/CO/O- 15(Rev.A)</i>
18	<i>A8 Glasgow Road</i>	<i>108 metres south-west of the extended south- west kerbline at Turnhouse Road</i>	<i>North-east</i>	<i>CUEADP/900/CO/O- 16</i>
19	<i>A90 Queensferry Road</i>	<i>38 metres north-west of the extended north-west kerbline of Cramond Brig Toll</i>	<i>South-east</i>	<i>CUEADP/900/CO/O- 17</i>

ANNEX 2 TO THE SCHEME

Article 6

NON-CHARGEABLE VEHICLES

PART 1

QUALIFYING RESIDENTS' VEHICLES

1. A qualifying resident's vehicle is a non-chargeable vehicle.

Meaning of qualifying resident's vehicle

- 2.—(1) In this Scheme "qualifying resident's vehicle" means a relevant vehicle:
 - (a) of which the registered keeper is a qualified resident or the employer of such a resident or which is hired by, or leased to, a qualified resident or the employer of such a resident; and
 - (b) which meets the requirements specified in sub-paragraph (2).
- (2) 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, the Council 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) the vehicle is either:
 - (i) a passenger vehicle; or
 - (ii) a goods vehicle the overall height of which does not exceed seven feet six inches; and
 - (c) particulars of the vehicle are for the time being entered in the register.

Meaning of qualified resident

- 3.—(1) In this Scheme "qualified resident" means a person as respects whom the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that the requirement specified in sub-paragraph (2) is met.
- (2) The requirement is that the person is solely or mainly resident at premises the postal address of which is a qualifying address.

Meaning of qualifying address

4. In this Scheme "qualifying address" means a postal address located within the City of Edinburgh such that the lawful conveyance of vehicle of a relevant class from that address to the central point would necessitate travelling on a designated road specified in Part 2 of Annex 1 in the relevant direction.

Registration of qualifying resident's vehicles

5.—(1) Upon application by a qualified resident the Council shall enter in the register the particulars of a qualifying resident's vehicle:

- (a) on payment of £10; and
- (b) on its being satisfied that the vehicle falls within the descriptions in paragraph 2(2).

(2) The Council may at any time require an applicant under this paragraph to produce such evidence as it may reasonably require to verify any particulars of information given to the Council or to verify that the particulars of any vehicle entered in the register are correct.

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

PART 2

OTHER NON-CHARGEABLE VEHICLES

Motorbicycles, public transport and public service vehicles

6.—(1) A vehicle which falls within any of the following descriptions is a non-chargeable vehicle if the condition specified in sub-paragraph (2) is met:

- (a) a motorbicycle;
- (b) a vehicle registered and licensed as a bus under Part III of Schedule 1 to the 1994 Act;
- (c) a vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of its falling within paragraph 2 of Schedule 2 to the 1994 Act (trams);
- (d) a vehicle 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, providing a nil licence is in force for the vehicle and is displayed on the vehicle in accordance with section 33 of that Act:
 - (i) paragraph 3A (police vehicles);

- (ii) paragraphs 4 and 5 (fire engines, etc.);
- (iii) paragraphs 6, 7 and 8 (ambulances and health);
- (iv) paragraph 11 (lifeboat vehicles).

(2) The condition referred at sub-paragraph (1) is that, if the Council so requires, the particulars of the vehicle appear in the register at the time at which it was used.

(3) "Nil licence" in this paragraph has the same meaning as in section 62(1) of the 1994 Act.

Taxis, local services and other non-chargeable vehicles

7.—(1) A vehicle which falls within one of the descriptions in sub-paragraph (2) below is a non-chargeable vehicle if the condition specified in sub-paragraph (3) is met.

(2) The descriptions are:

- (a) a taxi within the meaning of section 23 of the Civic Government (Scotland) Act 1982 and licensed as a taxi under that Act^(a);
- (b) a vehicle not falling within paragraph 6(1)(b) of Part 2 of Annex 2 but operating a local service within the meaning of the 1985 Act, the prescribed particulars of which have been registered with the Traffic Commissioner for Scotland by the operator of the service under Section 6 of the 1985 Act;
- (c) a recovery vehicle or breakdown vehicle;
- (d) a vehicle which is:
 - (i) provided by an organisation which the Council is satisfied has been established for the purpose of offering pay-as-you-drive car availability and to which on-street parking spaces have been allocated by the Council; and
 - (ii) is being used for that purpose and displaying a recognised parking badge or permit provided to authorise such on-street parking.

(3) The condition referred to at sub-paragraph (1) is that particulars of the vehicle appear in the register at the time at which it was used.

(4) Upon application by an owner or registered keeper of a vehicle the Council shall enter in the register the particulars of a vehicle:

^(a) 1982 c.45.

- (a) on payment of £10; and
- (b) on its being satisfied that the vehicle falls within the descriptions in sub-paragraph (2).

(5) The Council may at any time require an applicant under this paragraph to produce such evidence as it may reasonably require to verify any particulars of information given to the Council or to verify that the particulars of any vehicle entered in the register are correct.

(6) 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 a body with such accreditation in respect of its roadside assistance or recovery services as may be specified by the Council from time to time; and
- (c) "recovery vehicle" means:
 - (i) a vehicle licensed as a recovery vehicle under Part V of Schedule I to the 1994 Act; or
 - (ii) a vehicle registered under legislation relating to the registration of vehicles in an EEA state in respects which the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen to be licensed as a recovery vehicle under Part V of Schedule 1 to the 1994 Act.

Disabled persons' vehicles

8.—(1) In this paragraph:

- (a) "eligibility certificate" means a certificate issued under sub-paragraph (5) 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 in relation to a charging day.
- (2) A vehicle is a non-chargeable vehicle if it falls within Case A or Case B.
- (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 charging day on which it is being used on a designated road.
- (4) A vehicle falls within Case B 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) (Scotland) Regulations 2000^(a);
 - (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 day on which it is being used on a designated road.
- (5) The Council may issue an eligibility certificate to an individual or an institution on its being satisfied that the individual or institution is the holder of a disabled person's badge or in the case of an individual that the individual is the holder of a badge, permit, card, certificate or any other instrument issued by a member state of the European Union for purposes corresponding to the purposes for which badges are issued under section 21 of the Chronically Sick and Disabled Persons Act 1970.
- (6) 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.
- (7) An eligibility certificate shall cease to have effect on whichever is the earlier of:
- (a) the expiration of the period of 12 months (or such longer period not exceeding 15 months as the Council may in any class of case determine for the purpose of staggering the renewal of registrations) beginning with the date on which it was issued or renewed; or
 - (b) the day on which the disabled person's badge held by the eligible person at the time the certificate was issued or renewed ceases to have effect.

^(a) S.S.I. 2000 No. 59.

- (8) An eligible person may:
- (a) specify up to 2 vehicles for any charging day in relation to the eligibility certificate held by that person; and
 - (b) subject to sub-paragraph (10) specify a different vehicle in place of a specified vehicle.

(9) Unless a vehicle has been specified for a particular charging day or days it remains specified for all charging days until a different vehicle has been specified in place of it.

(10) Not more than 2 vehicles may be treated as non-chargeable vehicles for the purposes of this paragraph in relation to any eligible person in respect of any charging day.

(11) A vehicle shall not be treated as specified in relation to an eligibility certificate on any particular day 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 to be treated as non-chargeable

9.—(1) A relevant vehicle not falling within any other paragraph of this Annex which was on any day used on a designated road such that a charging event occurred shall, subject to the provisions of this sub-paragraph, be treated as having been within a class of a non-chargeable vehicle on that occasion if:

- (a) a charge imposed by article 2 of this Scheme in respect of the vehicle was duly paid;
- (b) the vehicle was used on that occasion:
 - (i) by a fire authority in the discharge of the functions of such authority under the Fire Services Acts 1947 to 1959^(a);
 - (ii) by a police officer acting in the execution of his duty;
 - (iii) as a means of transport provided under section 45 of the National Health Service (Scotland) Act 1978^(b);
 - (iv) as an emergency vehicle in the exercise of Her Majesty's Coastguard primary role; or

^(a) 1947 c.41, 1951 c.27, 1959 c.44.

^(b) 1978 c.28.

(v) by any other organisation referred to and in any other manner described in the Schedule to the Road User Charging (Exemption from Charges) Regulations 2004^(a); and

(c) the relevant fire authority, police force, health authority or health board, Her Majesty's Coastguard or other organisation referred to in the Schedule to the Road User Charging (Exemption from Charges) Regulations 2004 subsequently issues a certificate to the Council that conditions (a) and (b) are met.

(2) Where the Council, on receiving a certificate described in subparagraph (1)(c) is satisfied that a vehicle falls to be treated as having been a non-chargeable vehicle in accordance with this paragraph it shall refund the charges incurred by the relevant authority.

^(a) S.S.I. 2004 [].