

# Newcastle City Clean Air Zone Exemptions Terms and Conditions

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# 1 General

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## 1.1 The full agreement

1.1.11 These terms and conditions, paired with the declaration agreed to within the application form, make up the Exemptions Agreement. You agree to these terms and conditions by clicking the 'I accept' button when applying.

## 1.2 Excluding the rights of anyone else

1.2.11 The CAZ Exemptions application and the rights and responsibilities under these terms and conditions are for the benefit of the applicant and Newcastle City Council only and are not intended to benefit or be enforceable by anyone else. Both parties (Newcastle City Council and you) can enforce the rights under these terms and conditions without permission. No person other than the applicant or Newcastle City Council shall have rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any of these terms and conditions.

## 1.3 Changes to these terms and conditions

1.3.11 The terms and conditions may be subject to change; however, the applicant will be made aware of any significant changes beforehand. The applicant will not be contacted regarding other changes to the terms and conditions that are not deemed significant.

## 1.4 Failure to enforce a condition

1.4.11 If Newcastle City Council fail to enforce any rights under this agreement, it does not mean they do not have the right to enforce them in the future.

## 1.5 Confidentiality

1.5.11 Both parties (The applicant and the Newcastle City Council) agree that neither party will pass on any confidential information to any other parties unless given the right or are obliged to do so by law or if both parties are in agreement.

## 1.6 Vehicle Owners responsibilities

1.6.11 The applicant is responsible for:

- Providing the correct and accurate information requested in order to assess eligibility to be exempt from the CAZ and notifying of any changes to that information;
- Reading and acting on all emails, letters, text and mobile app messages sent to the applicant regarding your CAZ exemption;
- Making sure that you set your mailbox settings for emails, including spam filters, so that you can receive emails;
- Making sure that the applicant registers the correct contact details and that you inform the authorities promptly if those contact details change;
- The applicant agrees that Newcastle City Council are not responsible if you fail to read and act on any messages sent to you.

1.6.12 The applicant agrees to receive communications related to this agreement electronically.

1.6.13 The applicant agrees not to send any material that is illegal, offensive, abusive, defamatory, menacing, or which would breach copyright, trademark, confidence, privacy or any other right. This also includes material which may contain software viruses, political campaigning, advertising for business, chain letters, mass mailings or 'spam'.

## 1.7 Notices

1.7.11 Any notice given under this agreement may be sent to the contact details the applicant has provided and may include items sent via the post, by email, or any other electronic transmission.

1.7.12 A notice sent to the applicant will be deemed to be served in accordance with the following:

- Delivered by hand, at the time of delivery;
- Posted, the ordinary course of posting by first or second-class post;
- Sent by email, if the email or other electronic transmission is sent on a business day before 16:30, on that day; or in any other case, on the next business day after the day it was sent.

1.7.13 English will be the language for all communications between the Newcastle City Council and the applicant.

1.7.14 We have the right to end your entitlement to a CAZ exemption if any of the following occur:

- You no longer meet the exemption eligibility requirements e.g. if you no longer meet the eligibility requirements in the relevant exemption terms and conditions as set out below);
- We have reasonable grounds to believe that the applicant is no longer eligible for a CAZ exemption (i.e. the applicant is benefitting from an exemption to which you are no longer entitled as set out in the terms and conditions that the applicant has agreed to). In these circumstances, you will be written to with the reasons for the decision.

1.7.15 The applicant acknowledges that you cannot transfer your CAZ exemption to any other vehicle than the vehicle details used in your application document without informing the authorities.

1.7.16 If the applicant ceases to be eligible for the CAZ exemption or if you change your Newcastle City Council immediately.

## 2 Checking information

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2.1.11 At any time after receiving your application for a CAZ exemption (including after notification that your application is accepted) proof of eligibility may be requested for the exemption and/or any other information about your vehicle being registered.

2.1.12 You will receive correspondence requesting that information which you must provide by the date stated in that correspondence.

2.1.13 If as a result of checks of the information provided by you, we decide that your registered vehicle is not or has ceased to be eligible, then your application will be rejected, or your CAZ exemption will be removed, and you will be notified accordingly.

- 2.1.14 Applying for the CAZ exemption does not automatically mean your vehicle is exempt. Only once your exemption is confirmed via email/letter will your vehicle be exempt so you will be liable to pay CAZ charges until that point.

### **3 Data protection**

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- 3.1.11 In line with our General Data Protection Regulations (GDPR) policy we will only request information that is required in order to process your exemption application.
- 3.1.12 The information you provide will be stored for a period of up to 5 years and then deleted.
- 3.1.13 For more information on how we will process your data and your rights please visit the main BREATHE GDPR page <https://www.breathe-cleanair.com/>

### **4 Exemption application support**

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- 4.1.11 You may refer to the CAZ website for the most up to date list of eligibility for each category of CAZ exemptions. If you do not meet these eligibility criteria a CAZ exemption will not be granted, and you will be required to pay CAZ charges should you enter the zone in a non-compliant vehicle.
- 4.1.12 Application support and further information is available online at: [www.breathe-cleanair.com](http://www.breathe-cleanair.com). Vehicles that are nationally exempt will not require a local exemption and will be exempt based on the vehicle class. For local exemptions applicants will need to apply for and be approved for exemption to enter the CAZ area without incurring a charge. If a vehicle is exempt but it is not identified and is therefore charged, the driver must apply to rescind the charge notice.
- 4.1.13 The vehicles listed below are eligible for CAZ exemption. Please see the individual vehicle section for further details.

#### **Permanent**

- Military vehicles (National)
- Historic vehicles with a historic tax class (National)
- Vehicles for disabled people (National)
- Emergency service vehicles (Local)
- Hybrid Vehicles (Local)
- Agricultural and similar vehicles e.g. agricultural machines, digging machines and mobile cranes (Local)
- Showmen's vehicles (Local)
- Vintage buses (Local)
- Motor caravans (Local)
- Specialist Bus and HGV vehicles adapted specifically for driver training (Local)
- Non-UK registered disabled vehicles

#### **Temporary**

- Vehicles for which a retrofit or replacement vehicle has been ordered (Local)
- Wheelchair Accessible Taxis and PHV's
- Commercial Light / HGV Goods vehicles, private hire vehicles and taxis subject to finance agreements (Local)
- Vehicles with business address within the Clean Air Zone (Local)
- CAZ resident's Taxis and PHV's,
- Caz resident's LGV's (Local)

- Rail replacement vehicles
- LGV's (exempt from Tyneside – Newcastle and Gateshead CAZ until 17<sup>th</sup> July 2023)

## **5 Military Vehicles**

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5.1.11 Vehicles with military vehicle status as defined in the 1994 Transport Act will be permanently exempt from CAZ charges.

5.1.12 There will be no application process for this category of exemption as they will be identified by their DVLA vehicle status.

## **6 Emergency Service Vehicles**

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6.1.11 This category includes the following sub-categories:

- Police vehicles
- Fire engine vehicles
- Ambulance and health service vehicles
- Lifeboat vehicles

6.1.12 Non-compliant emergency vehicles will require an exemption. They will be entered to a local register (whitelist).

6.1.13 In order to be eligible for this exemption, you will need to be able to provide the following for proof if requested:

- Evidence demonstrating that your vehicle is exempt under schedule 2 of the 1994 Transport Act as it would be covered under
  - paragraph 3A (police vehicles);
  - paragraphs 4 and 5 (fire engines etc.);
  - paragraphs 6 and 7 (ambulances and health service vehicles);
  - paragraph 10 (mine rescue vehicles);
  - paragraph 11 (lifeboat vehicles);

6.1.14 No application will be required for this exemption, vehicle details will be provided by a nominated employee of the emergency services concerned and entered onto the local register (whitelist).

## **7 Historic vehicles**

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7.1.11 Vehicles with historic vehicle status as defined in the 1994 Transport Act will be permanently exempt from CAZ charges.

7.1.12 There will be no application process for this category of exemption as they will be identified by their DVLA vehicle status.

## **8 Agricultural and similar vehicles**

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8.1.11 This category includes the following sub-categories:

- Agricultural vehicles used between different parts of land;
- tractors and certain agricultural vehicles;
- mowing machines;
- steam powered vehicles;
- snow ploughs;
- gritters;
- road roller;
- digging machine;
- mobile crane;
- mobile pumping vehicle; and
- works trucks

8.1.12 Non compliant vehicles will be required to provide evidence that they are exempt in line with Schedule 2 of the Vehicle Excise and Registration Act 1994 Paragraphs 20A, B, C, D, E, F, H, J or Schedule 1 Paragraph 2(ee), 4(4), 4(5), 4(5a, 5b), 4(6) in order to be entered onto the local register.

## **9 Vehicles for disabled people (Wheelchair accessible vehicles WAV)**

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9.1.11 Vehicles with disabled person vehicle status as defined in Paragraphs 19 or 20 of the 1994 Transport Act will have a permanent exemption from CAZ charging.

9.1.12 There will be no application process for this category of exemption as they will be identified by the DVLA vehicle status.

9.1.13 It is important to note that possession of a 'Blue Badge' does not exempt the vehicle from CAZ charging. The vehicle must have disabled person vehicle status.

## **10 Non-UK registered disabled vehicles (Local Exemption)**

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10.1.11 Vehicles relating to the registration of non-UK registered disabled vehicles in a country other than the United Kingdom would, had the vehicle been registered under the 1994 Act with disabled person vehicle status as defined in Paragraphs 19 or 20 of the 1994 Act.

## **11 Hybrid vehicles (Local Exemption)**

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11.1.11 The terms and conditions apply to hybrid vehicles defined as a 'vehicle that operates partly by means of an electrically powered propulsion system that draws motive power from a battery and partly by means of an internal combustion engine'. It is possible that older hybrid vehicles may be low emission vehicles but not identified as compliant vehicles. In such circumstance the owner may apply for a local exemption.

11.1.12 In order to be eligible for this exemption the registered vehicle owner or authorised applicant must be able to prove they meet the following criteria:

- Applicant must have a UK address

11.1.13 In order to prove your eligibility for the CAZ Hybrid exemption, You will need to provide the following for proof:

- Vehicle log book (V5 form)

11.1.14 All documents must be clear enough to read easily. If documents are illegible, further proof may be requested. This will delay the application process.

## **12 Showman's Vehicles (Local Exemption)**

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12.1.11 These terms and conditions apply to the CAZ Showmen's Vehicles exemptions and should be read in conjunction with the General Terms and Conditions above. The decision of the authority will be final.

12.1.12 In order to be eligible for this exemption the registered vehicle owner or authorised applicant must be able to prove they meet the following criteria:

- Applicant must have a UK address

12.1.13 In order to prove your eligibility for the CAZ Showmen's Guild Vehicles exemption, the registered vehicle owner or authorised applicant will need to provide the following for proof:

- Vehicle log book (V5 form)
- Showmen's Guild membership number
- Photograph of vehicle

12.1.14 All documents must be clear enough to read easily. If documents are illegible, further proof may be requested. This will delay the application process.

## **13 Vintage Buses (Local Exemption)**

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13.1.11 These terms and conditions apply to the CAZ vintage buses exemptions and should be read in conjunction with the General Terms and Conditions above. The decision of the authority will be final.

13.1.12 In order to be eligible for the CAZ vintage buses exemption the registered vehicle owner or authorised applicant must be able to prove that you meet the following criteria:

- Applicant must have a UK address
- Vehicle must be a vintage bus which is between 20 and 39 years old.

13.1.13 In order to prove your eligibility for the CAZ vintage buses exemption, You will need to provide the following for proof:

- Vehicle log book (V5 form)
- Insurance certificate confirming private use
- Evidence confirming not for profit or charity status (if applicable)
- Photograph of vehicle

13.1.14 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

## **14 Vehicles awaiting retrofit or replacement (Local Exemption)**

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14.1.11 These terms and conditions apply to the Vehicles awaiting retrofit or replacement exemptions and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.



14.1.12 In order to be eligible for the Vehicles awaiting retrofit or replacement exemption, the registered vehicle owner must be able to prove you meet the following criteria:

- Applicant must have a UK address
- Applicant must own the vehicle that they are applying for the exemption for
- New vehicle or retrofit should:
  - Meet the emissions standards set out in the Tyneside- Newcastle and Gateshead CAZ Order.
  - Have not arrived by the time the Clean Air Zone comes into effect.
- This exemption will apply until the item or vehicle arrives / is fitted or until one year after the exemption has been approved whichever is earliest.

14.1.13 In order to prove your eligibility for the CAZ Vehicles awaiting retrofit or replacement vehicle exemption you will need to provide the following for proof:

- Vehicle log book (V5 form)
- Evidence that an order for a new vehicle or modification has been placed (Receipt of purchase)
- Date for the delivery of your replacement vehicle or modification technology installation

14.1.14 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

## **15 Motor Caravans (Local Exemption)**

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15.1.11 These terms and conditions apply to motor caravans and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

15.1.12 In order to be eligible for the motor caravan exemption, the registered vehicle owner or authorised applicant must be able to prove you meet the following criteria:

- Applicant must have a UK address

15.1.13 In order to prove your eligibility for the exemption You will need to provide the following for proof:

- Vehicle log book (V5 form) demonstrating that the vehicle is a Class L vehicle (classification taken from The Road User Charging And Workplace Parking Levy (Classes Of Motor Vehicles) (England) Regulations 2001) and is a Motorcaravan
- Photographs of vehicle (inside and outside)

## **16 Commercial vehicles, Private Hire Vehicles and Taxis subject to Finance Agreements (Local Exemption)**

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16.1.1 These terms and conditions apply to the Commercial CAZ, private hire vehicles and taxis subject to finance agreements exemptions and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

16.1.2 In order to be eligible Commercial;, private hire vehicles and taxis subject to finance agreements exemption the registered vehicle owner must be able to prove they meet the following criteria:

- Applicant must have a UK address
- For Taxis and PHV's applicants must have a taxi licence within the Tyneside Authorities area (Newcastle, Gateshead or North Tyneside Council's).
- For Commercial vehicles, applicants must have a business registered within the CAZ see section 17 for further details
- Finance agreement must have been entered into a contract on or before the 18<sup>th</sup> July 2022.

16.1.3 In order to prove your eligibility for this exemption you will need to provide the following for proof:

- For Taxi and PHV applicants; PHV or Hackney Carriage registration documents.
- For Taxi and PHV applicants; PHV or Hackney Carriage driver's licence documentation.
- For Commercial vehicle applicants; evidence the business is located within the CAZ
- All applicants, vehicle log book (V5 form)
- All applicants, evidence relating to the finance agreement to which the vehicle is subject, including dates on which any charge will be satisfied

16.1.4 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

16.1.5 The exemption will be in place for two years from the start of the CAZ or the date of the last finance payment whichever is earliest.

## **17 Wheelchair Accessible Taxis and PHV's (Local Exemption)**

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17.1.11 These terms and conditions apply to the Wheelchair Accessible TAXI's and PHV's and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

17.1.12 In order to be eligible Wheelchair Accessible TAXI's and PHV's exemption the registered vehicle owner must be able to prove they meet the following criteria:

- Applicant must have a UK address
- Have a taxi/PHV licence within the Tyneside Authorities area (Newcastle, Gateshead or North Tyneside Council's).
- The vehicle must be listed under section 167(1) of the Equality Act 2010

17.1.13 In order to prove your eligibility for this exemption you will need to provide the following for proof:

- PHV or Hackney Carriage registration documents.
- PHV or Hackney Carriage driver's licence documentation.
- Vehicle log book (V5 form)

17.1.14 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

17.1.15 The exemption will be in place for two years from the start of the CAZ or the date of the last finance payment whichever is earlier.

## **18 Commercial CAZ Vehicles (Local Exemption)**

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18.1.11 These terms and conditions apply to the Commercial CAZ vehicles exemption only and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

18.1.12 In order to be eligible for this exemption the registered vehicle owner or authorised applicant must be able to prove you meet the following criteria:

- Applicant must have a UK address
- The qualified business address must be located within the boundaries of the CAZ Applicant / company must own the vehicle that they are applying for the exemption for
- Vehicle must be necessary for work operations
- Businesses can only apply for up to 2 vehicle exemptions the vehicles must be the cleanest of non-compliant vehicles within the company fleet
- The vehicle must have been owned before 18<sup>th</sup> July 2022

18.1.13 In order to prove your eligibility for the CAZ Vehicles for Commercial CAZ vehicles exemption You will need to provide the following for proof:

- Vehicle log book (V5 form)
- Evidence of company being located with the boundaries of the CAZ (Business rates statement, business tenancy agreement, utility bill confirming address).

18.1.14 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

18.1.15 The exemption will be in place for two years from the start of the CAZ.

## **19 Driver Training Vehicles (Local Exemption)**

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19.1.11 These terms and conditions apply to specialist bus and HGV driver training vehicles and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final

19.1.12 In order to be eligible for the CAZ a specialist bus or HGV driver training vehicle exemption the registered vehicle owner or authorised applicant must be able to prove they meet the following criteria:

- Applicant must have a UK address
- Applicant/business must own the vehicle that they are applying for the exemption for
- The vehicle must be specially adapted and assigned for driver training purposes
- The vehicle must have been owned before 31<sup>st</sup> July 2022

19.1.13 In order to prove your eligibility for the CAZ exemption for specialist bus and HGV driver training vehicles, you will need to provide the following for proof:

- Vehicle log book (V5 form)
- Photographs of the vehicle

19.1.14 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

19.1.15 The exemption will be in place for the duration of the CAZ.

## **20 Community Transport Vehicles (Local Exemption)**

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20.1.11 These terms and conditions apply to community transport vehicles and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

20.1.12 A Community Transport Vehicle is a vehicle which is being used pursuant to a community transport permit (granted under s19(3), 19(4), 19(5) or s22(2) of the Transport Act 1985). An application would be required for each charging day it was used in the CAZ for such a purpose, an exemption does not constitute a blanket exemption.

20.1.13 "community transport permit" means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985; and

20.1.14 In order to be eligible for an exemption from the CAZ charge the registered vehicle owner of the Community Transport Vehicle or authorised applicant must be able to prove they meet the following criteria:

- Applicant must have a UK address
- The vehicle must have been owned before 18<sup>th</sup> July 2022

20.1.15 In order to prove your eligibility for the CAZ Community Transport Vehicle exemption, the applicant will need to provide the following for proof:

- Vehicle log book (V5 form)
- A copy of the Community Transport permit
- Photographs of vehicle

20.1.16 An exemption can be granted for a maximum of 1 year from the start of the CAZ.

20.1.17 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

## **21 CAZ Resident's Taxi's PHV's (Local Exemption)**

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21.1.11 These terms and conditions apply to the CAZ residents Taxi's, PHV's exemption only and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

21.1.12 In order to be eligible for this exemption the registered vehicle owner or authorised applicant must be able to prove you meet the following criteria:

- Applicant must have a UK address
- Resident address must be located within the boundaries of the CAZ
- The vehicle is a taxi or PHV
- Applicant must own the vehicle or have evidence to confirm that the vehicle is used for work purposes and kept at their residential property
- Applicants can only apply for up to 2 vehicle exemptions

21.1.13 In order to prove your eligibility for the CAZ Vehicles for CAZ Residents Taxis and PHV's vehicles exemption You will need to provide the following for proof:

- Vehicle Log book (V5)
- Proof of residency such as a current Council Tax Statement, current tenancy agreement, utility bill dated within 3 months, current mortgage statement which confirms address is located within the boundaries of the CAZ
- Taxi licencing document to confirm the vehicle is a licenced taxi
- Taxi registration document to confirm the resident is a licenced taxi driver

21.1.14 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

21.1.5 The exemption will be in place for 2 years from the start of the CAZ

## **22 CAZ Residents' business LGVs (Local Exemption)**

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22.1.11 These terms and conditions apply to the CAZ resident's business LGV's exemption only and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

22.1.12 In order to be eligible for this exemption the registered vehicle owner or authorised applicant must be able to prove you meet the following criteria:

- Applicant must have a UK address
- Resident address must be located within the boundaries of the CAZ
- Applicant must own the vehicle or have evidence to confirm that the vehicle is used for work purposes and kept at their residential property
- Applicants can only apply for up to 2 vehicle exemptions

22.1.13 In order to prove your eligibility for the CAZ Vehicles for CAZ business LGV's vehicles exemption You will need to provide the following for proof:

- Vehicle Log book (V5)
- Proof of residency such as a current Business Rates Statement, current tenancy agreement, utility bill dated within 3 months which confirms the business address is located within the boundaries of the CAZ
- If the vehicle is registered to a business at a business address different to that of the resident evidence that the resident is employed at the business would be required.

22.1.14 All documents must be clear enough to read easily. If documents are illegible further proof may be requested. This will delay the application process.

20.1.5 The exemption will be in place for 2 years from the start of the CAZ

## **23 Rail Replacement Vehicles (Local Exemption)**

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23.1.11 These terms and conditions apply to non-compliant rail replacement vehicles when used solely for the purpose of providing replacement road transport services required as a result of unplanned disruption to rail services.

23.1.12 In order to be eligible for this exemption a qualified officer from the rail service must inform Newcastle City Council of the replacement no later than the sixth day after the first day of entry into the CAZ

23.1.13 In order to prove your eligibility for the non-compliant rail replacement vehicles exemption You will need to provide the following

- Provide details of the unplanned disruption
- Provide the details of the replacement vehicle

23.1.14 no later than the sixth charging day following the charging day to which that application relates.

23.1.15 the CAZ resident's business LGV's exemption only and should be read in conjunction with the General Terms and Conditions above. The authority's decision will be final.

