

## **MAYORAL DELEGATION & DIRECTION**

### **London Cleaner Vehicle Support and Scrappage Delegation & Direction**

#### **Background**

The Ultra Low Emission Zone (ULEZ) came into effect on 8 April 2019 in the central London area of the Congestion Charging Zone (CCZ) and is to be expanded in October 2021 to Inner London, and sets minimum emission standards for all vehicle types except taxis. The London Low Emission Zone (LEZ) sets minimum emission standards for heavy vehicles across Greater London, and its emission standards are due to be strengthened to a minimum of Euro VI.

A Mayoral Decision (MD2417) in February 2019 delegated to TfL the legal powers to deliver a pilot vehicle scrappage scheme (marketed as “the scrappage scheme for vans and minibuses”). This delegation was structured to provide financial assistance towards the replacement of polluting vans and minibuses with ULEZ compliant ones to third sector organisations and microbusinesses based in London or those extensively operating in central London. The GLA provided TfL with £23 million funding support. The scheme was launched in February 2019. The range of eligible businesses was subsequently broadened in January 2020 to include small businesses (MD2563 refers).

In July 2019 a further Mayoral Decision (MD2489) authorised TfL to deliver a support scheme for those on low incomes and in receipt of disability benefits to scrap and purchase ULEZ compliant motorcycles (including mopeds and licenced scooters) and cars (marketed as “the ULEZ car and motorcycle scrappage scheme”). The GLA provided TfL with £25 million support for that scheme which was launched in October 2019.

The above delegations were required to enable TfL to design and administer the schemes, including determining their eligibility and payment criteria, and were combined with a direction to TfL under section 155 of the Greater London Authority Act 1999 (as amended) to prepare, finance and implement each scheme.

It is intended that this Mayoral Delegation & Direction provides TfL with the flexibility to operate and develop the schemes and make future changes as necessary, following consultation with the GLA. The direction to prepare, finance and implement is maintained.

#### **Mayoral Delegation**

In accordance with section 38 of the Greater London Authority Act 1999 (as amended) the Mayor hereby authorises Transport for London (TfL) to exercise the functions of the Greater London Authority under sections 30 (1) and (2) and 34 of that Act for the following purposes.

## Scope

1. To establish, administer and operate one or more schemes for all or any of the following purposes:
  - a. to encourage or facilitate the use of vehicles compliant with relevant ULEZ or LEZ emissions standards (as applicable from time to time) or higher; and/or
  - b. to fund:
    - the adaption or retrofit of non-compliant vehicles to such standards;
    - the removal (scrappage) of non-compliant vehicles from use/ operation;
    - the purchase or replacement of ULEZ or LEZ standards compliant vehicles; and/ or
    - the purchase or replacement of vehicles performing higher than applicable ULEZ or LEZ standards, including (without limitation) ultra-low and zero-emission capable vehicles and electric vehicles etc.;as is within the scope of this delegation and in accordance with such eligibility and administrative rules as TfL may determine from time to time.
2. The schemes shall be open to persons or organisations within any one or more of the following potential groups ("applicants") as TfL determines to be eligible:
  - a. Individuals living in Greater London who are in receipt of disability benefits and/ or who are on a low income;
  - b. Third sector organisations (including charities) located in or travelling into any part of Greater London;
  - c. Businesses (including but not limited to Microbusinesses, Small or Medium Enterprises) located in or travelling into any part of Greater London; and
  - d. Such other persons, businesses or organisations as TfL considers appropriate following consultation with the GLA.

## Administration and eligibility rules

3. Within the scope set out paragraphs 1 and 2 above TfL may do anything it considers necessary or expedient for the purposes of the establishment, administration, operation and implementation of the schemes (including making changes from time to time), including (without limitation):
  - a. The establishment of scheme rules including (without limitation) determining its scope and design, including the range of vehicles and applicants to be eligible, evidence requirements, payment levels and terms, the use of payments by applicants and related grant agreement terms and conditions (including for scrappage and/ or replacement), the approval of eligible adaptation or retrofit solutions and approval of installers, the enforceability of those agreements, recovery of payments and anti-fraud measures;
  - b. The making of payments to successful applicants for the removal of non-compliant vehicles from operation in London or elsewhere in the UK and/or their replacement with compliant or better vehicles and/ or for approved adaptation or retrofit solutions;

- c. The making of payments to provide the means to utilise flexible travel opportunities within London without incurring ULEZ or LEZ non-compliance charges;
  - d. To enter into agreements with successful applicants subject to terms and conditions about the use of payments for the scrappage or retrofit of vehicles (including timescales) or purchase of replacement vehicles;
  - e. To enter into agreements with persons/ organisations for the disposal of scrapped vehicles or for itself to do so;
  - f. To enter into agreements with persons/ organisations in relation to any breach of agreements with successful applicants and the recovery of payments where appropriate or for itself to do so;
  - g. To support lease, hire-purchase and vehicle hire schemes that encourage the use of vehicles compliant with ULEZ or LEZ emissions standards or higher where TfL considers it appropriate to do so.
4. TfL shall consult the GLA before TfL determines the major features of the schemes or any sub-scheme and rules (including scope, eligibility, payment levels and terms).
  5. TfL may within the schemes establish and operate one or more sub-schemes targeted and marketed at different component categories of vehicle(s) and/or applicants that are subject to different rules between them (including as to payment amounts and other terms).
  6. TfL may promote and market the schemes and any sub-schemes under such name(s) and branding as it considers appropriate following consultation with the GLA.

#### Scheme funding

7. TfL may use, merge, earmark and apply any funding provided by the GLA for use towards the schemes towards any one or more of the matters described in paragraphs 1 and 2 above.

#### Replacement of current delegations


8. The Mayoral Delegations to TfL approved by the Mayor under:
  - MD2417 (vans and minibuses scrappage scheme for microbusinesses and third sector organisations, later extended under MD2563); and
  - MD2489 (motorcycles and cars support scheme for those on low incomes and in receipt of disability benefits);
 are hereby revoked and superseded by this Mayoral Delegation, but that shall not affect or invalidate anything done by TfL in connection with the above scrappage and support schemes in pursuance of those Mayoral Delegations including TfL's approval of administrative, eligibility or payment rules etc.

Other conditions

9. The powers conferred by this Mayoral Delegation are without prejudice to any power or functions TfL otherwise has at common law or under any relevant legislation and the functions delegated by the Mayor shall be exercisable by TfL in accordance with section 38(7) of the Greater London Authority Act 1999.
10. The activities carried out by or on behalf of TfL in implementing the delegation will be the subject of regular reports and advice to the Mayor and relevant GLA officers on progress and development.
11. In implementing this Mayoral Delegation TfL will comply with any instructions or guidance issued by the Mayor or by GLA officers.
12. Unless otherwise authorised by the Mayor no costs incurred in the implementation of this delegation shall be borne by the GLA; and
13. TfL shall at all times afford the person who is the GLA's Monitoring Officer for the time-being all reasonable co-operation and access to documents and facilities as may be required from time to time in respect of that person's duties as Monitoring Officer to investigate and prepare reports under section 5(2) of the Local Government and Housing Act 1989 (as applied by section 73(6) of the Greater London Authority Act 1999).

**Mayoral Direction**

14. In accordance with section 155(1)(c) of the Greater London Authority Act 1999 the Mayor hereby directs Transport for London to prepare, finance and implement the schemes developed and operated by it in accordance with the above Mayoral Delegation including (without limitation) the preparation, financing and implementation of a scrappage or retrofit scheme in respect of heavy vehicles (which includes lorries, coaches and buses).

  
.....  
**Sadiq Khan**  
Mayor of London

Dated ..... 10/7/20 .....