

TRANSPORT ACT 2000

Newcastle and Gateshead Clean Air Zone Charging Order 2022

Made

Coming into force

In accordance with articles 1 and 2

ARRANGEMENT OF INSTRUMENT

THE ORDER

1. Citation and commencement
2. The Scheme

SCHEDULE TO THE ORDER

NEWCASTLE AND GATESHEAD CLEAN AIR ZONE CHARGING SCHEME

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ANNEXES

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Part 2 – the Council of the City of Newcastle upon Tyne’s and the Borough Council of Gateshead’s detailed programme for applying their shares of the proceeds of this Scheme during the opening five year period

Whereas—

- (1) It appears to the Council of the City of Newcastle upon Tyne and the Borough Council of Gateshead desirable, for the purposes of facilitating the achievement of local transport policies of the Council of the City of Newcastle upon Tyne, the Borough Council of Gateshead, the North East Combined Authority and the North of Tyne Combined Authority contained in the North East Transport Plan, that they should make the following Order:
- (2) Appropriate persons have been consulted in accordance with section 170 of the Transport Act 2000:

Now, therefore, the Council of the City of Newcastle upon Tyne and the Borough Council of Gateshead, in exercise of the powers conferred on them by Part III and Schedule 12 of the Transport Act 2000, Parts 2 and 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013, and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation and commencement

1. This Order is made on the _____ day of _____ 2022 and comes into force on the same day and may be cited as the “Newcastle and Gateshead Clean Air Zone Charging Order 2022”.

The Scheme

2.—(1) The Scheme in the Schedule to this Order (“the Scheme”) has effect in accordance with paragraphs (2) and (3).

(2) The Scheme, other than article 7 of the Scheme, comes into force on the day following the day on which this Order is made.

(3) Article 7 of the Scheme shall come into force on such date, not being earlier than 14th July 2022, as may be appointed by the Council of the City of Newcastle upon Tyne in accordance with paragraph (4).

(4) The Council of the City of Newcastle upon Tyne and the Borough Council of Gateshead acting jointly shall cause to be published in one or more newspapers circulating in the Newcastle and Gateshead areas notice of the appointment of a date under paragraph (3), and the date so appointed by the Council of the City of Newcastle upon Tyne shall not be earlier than the expiration of 28 days after the publication of the said notice.

(5) The notice referred to in paragraph (4) shall include the following particulars:

- (a) the date appointed under paragraph (3);
- (b) the general effect of article 7 of the Scheme coming into force on that date; and
- (c) details of where this Order may be inspected and the times when it may be inspected.

**THE COMMON SEAL of
THE COUNCIL OF THE CITY OF
NEWCASTLE
UPON TYNE**

was hereunto affixed in
the presence of:

**THE COMMON SEAL of
THE BOROUGH COUNCIL OF
GATESHEAD**

was hereunto affixed in
the presence of:

SCHEDULE TO THE ORDER

Article 2

NEWCASTLE AND GATESHEAD CLEAN AIR ZONE CHARGING SCHEME

Interpretation

1.—(1) In this Scheme—

- (a) “1994 Act” means the Vehicle Excise and Registration Act 1994;
- (b) “alternative fuel vehicle” means a positive ignition vehicle constructed or retrofitted so as to be capable of being powered by liquid petroleum gas, compressed natural gas or bio-ethanol;
- (c) “approved retrofit scheme” means the Clean Vehicle Retrofit Accreditation Scheme and such other accreditation scheme or schemes as may from time to time be specified by the Council in accordance with the requirements of the Central Clean Air Zone Service;
- (d) “business” includes a trade, profession or employment and includes an activity carried on by a body of persons, whether corporate or unincorporated;
- (e) “business premises” means premises that the Council is satisfied, by the production of such evidence as it may reasonably require, are permanently occupied for the purposes of carrying on a business;
- (f) “category” in relation to a vehicle shall be construed in accordance with the vehicle categories set out in Part A of Annex II to Council Directive 2007/46/EC;
- (g) “Central Clean Air Zone Service” means the national body through which road user charges pursuant to clean air zone charging schemes may be paid;
- (h) “charge” means a charge imposed by article 7 except to the extent that this Scheme otherwise provides or that context otherwise requires;
- (i) “charging day” means the period of twenty four hours from midnight to midnight;
- (j) “Class L” vehicles are those falling within class L(a) and class L(b) as specified in Schedule 1 of the Vehicle Classes Regulations;
- (k) “Class M₁” vehicles are those falling within class M_{1(a)} and class M_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (l) “Class M₂” vehicles are those falling within class M_{2(a)} and class M_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (m) “Class M₃” vehicles are those falling within class M_{3(a)} and class M_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (n) “Class N₁” vehicles are those falling within class N_{1(a)} and class N_{1(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (o) “Class N₂” vehicles are those falling within class N_{2(a)} and class N_{2(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (p) “Class N₃” vehicles are those falling within class N_{3(a)} and class N_{3(b)} as specified in Schedule 1 of the Vehicle Classes Regulations;
- (q) “Clean Air Zone” means the area shown edged dark blue and shaded light blue on the Clean Air Zone Plan the boundaries of which are defined on the Clean Air Zone Boundary Plans;
- (r) “Clean Air Zone Boundary Plan” means a deposited plan specified in Part 2 of Annex 1 defining part of the boundary of the Clean Air Zone by showing the boundary in dark blue and areas within the Clean Air Zone shaded light blue;
- (s) “Clean Air Zone Key Plan” means the plan corresponding with sheet B of Part 1 of Annex 1;
- (t) “Clean Air Zone Plan” means the plan corresponding with sheet A of Part 1 of Annex 1;
- (u) “commencement date” means the date appointed under article 2(3) of this Order;

- (v) “compliant vehicle” has the meaning given by article 4;
- (w) “compression ignition engine” means an internal combustion engine in which combustion is initiated by heat produced from compression of the air in the cylinder or combustion space;
- (x) “compression ignition vehicle” means a vehicle powered wholly by a compression ignition engine;
- (y) “Council” means the Council of the City of Newcastle upon Tyne;
- (z) “deposited plans” means the portfolio of plans comprising the Clean Air Zone Plan, the Clean Air Zone Key Plan and the Clean Air Zone Boundary Plans—
 - (i) deposited at the offices of the Council at Civic Centre, Newcastle upon Tyne, NE1 8QH; and
 - (ii) consisting of the plans bearing the sheet numbers and dates specified in Annex 1 to the Scheme;
- (aa) “designated road” means one of the designated roads specified in article 2(2);
- (bb) “electric vehicle” means a vehicle—
 - (i) which is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 20G (electrically propelled vehicles) of Schedule 2 to that Act; or
 - (ii) which the Central Clean Air Zone Service is satisfied operates wholly by means of an electrically powered propulsion system that draws its motive power from either a hydrogen fuel cell or from a battery that can be fully recharged from an external source of electricity and has tailpipe CO₂ emissions of 0 grams per kilometre;
- (cc) “Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;
- (dd) “ESC test” means a test as described in section 2.12 of Annex I to Council Directive 88/77/EEC and carried out using the procedure described in Appendix 1, Annex III of that Directive;
- (ee) “ETC test” means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive or a test carried out by means of a chassis dynamometer using a test cycle that the Central Clean Air Zone Service is satisfied replicates so far as practicable the standard ETC test cycle;
- (ff) “Euro 4” means the emissions limit values set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;
- (gg) “Euro 6” means the emissions limit values set out in Table 2 of Annex I to Commission Regulation 715/2007 of 20 June 2007;
- (hh) “Euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (ii) “Euro VI” means the emissions limit values set out in the table in Annex I to Commission Regulation 595/2009 of 18 June 2009;
- (jj) “hybrid vehicle” means 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;
- (kk) “licence” means a licence purchased under article 9;
- (ll) “local private hire vehicle” means a private hire vehicle granted a licence under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 by the Council, the Borough Council of Gateshead or North Tyneside Council;
- (mm) “local register” means the register of non-chargeable vehicles to be maintained by the Council under article 10;
- (nn) “local road” means any road in respect of which Council or the Borough Council of Gateshead is the local traffic authority;
- (oo) “local taxi” means a taxi granted a licence under the Town Police Clauses Act 1847 as amended, by the Council, the Borough Council of Gateshead or North Tyneside Council;
- (pp) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;

- (qq) “national register” means the register of compliant and non-chargeable vehicles to be maintained by the Central Clean Air Zone Service under article 10;
 - (rr) “NEDC” means the drive cycle defined in Annex 4a of Regulation No. 83 of the Economic Commission for Europe of the United Nations;
 - (ss) “non-chargeable vehicle” is to be construed in accordance with articles 5 and 16 and Annexes 2 and 4;
 - (tt) “NO_x” means oxides of nitrogen;
 - (uu) “penalty charge” and “penalty charge notice” have the meaning given in Regulation 2(1) of the Enforcement Regulations;
 - (vv) “positive ignition engine” means an internal combustion engine in which combustion is initiated by a localised high temperature in the combustion chamber produced by energy supplied from a source external to the engine;
 - (ww) “positive ignition vehicle” means a vehicle powered wholly by a positive ignition engine;
 - (xx) “private hire vehicle” has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (yy) “reference mass” in relation to a vehicle means the mass of the vehicle with bodywork and, in the case of a towing vehicle, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids and tools, and spare wheel if fitted, and with the fuel tank filled to 90% and the other liquid containing systems, except those for used water, to 100% of the capacity specified by the manufacturer), increased by a uniform mass of 100 kilograms;
 - (zz) “registered keeper” means—
 - (i) in relation to a vehicle registered in the United Kingdom, the person in whose name the vehicle is registered under the 1994 Act; or
 - (ii) in relation to any other vehicle, the person by whom the vehicle is kept;
 - (aaa) “relevant vehicle” has the meaning given by article 3;
 - (bbb) “retrofitted” means adapted so as to meet the emissions standards required of a compliant vehicle in accordance with an approved retrofit scheme;
 - (ccc) “sole trader” means an individual who is self-employed and registered for self-assessment within the meaning of section 9 of the Taxes Management Act 1970;
 - (ddd) “taxi” means a vehicle licensed as a hackney carriage under the Town Police Clauses Act 1847 as amended;
 - (eee) “type-approved” is to be construed in accordance with article 3 of Council Directive 2007/46/EC;
 - (fff) “Type I test” means a test carried out in accordance with Annex III of Council Directive 692/2008 applying the NEDC or the appropriate WLTC test cycle;
 - (ggg) “Vehicle Classes Regulations” means the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001;
 - (hhh) “WHSC” means the World Harmonised Steady state Driving Cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations;
 - (iii) “WHTC” means the World Transient Steady state Driving cycle as defined in Regulation No. 49 of the Economic Commission for Europe of the United Nations; and
 - (jjj) “WLTC” means the Worldwide Light-Duty Test Cycles as defined in Annex 1 of Global Technical Regulation No. 15 of the Economic Commission for Europe of the United Nations.
- (2) In this Scheme—
- (a) a reference in any provision to an instrument of the European Community is to that instrument—
 - (i) as amended at the commencement date, if the instrument concerned is in force at that date; or
 - (ii) as amended at the date of its repeal, if that instrument has been repealed before the commencement date;

- (b) a reference in any provision to an authorised person is to a person authorised by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
- (c) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council is taken to include a reference to that person.

Designation of roads in respect of which charges are imposed

- 2.—(1) Charges are imposed by this Scheme in respect of the designated roads.
- (2) The designated roads are all local roads within the Clean Air Zone.

Relevant vehicles

- 3.—(1) A relevant vehicle is a vehicle of a Class and type specified in paragraph (2) that is not—
- (a) a compliant vehicle; or
 - (b) a non-chargeable vehicle.
- (2) The vehicles specified for the purpose of paragraph (1) are—
- (a) taxis and private hire vehicles of Class M₁; and
 - (b) all vehicles of Class L, Class M₂, Class M₃, Class N₁, Class N₂ and Class N₃.

Compliant vehicles

4. A vehicle is a compliant vehicle if—
- (a) the vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme; and
 - (b) particulars of the vehicle are for the time being entered in the national register.

Non-chargeable vehicles

5. Annex 2 to this Scheme, which specifies categories of non-chargeable vehicles, has effect.

Emissions standards required of compliant vehicles

6. A vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme if the Central Clean Air Zone Service is satisfied that the vehicle is—
- (a) an electric vehicle;
 - (b) a hybrid vehicle;
 - (c) an alternative fuel vehicle;
 - (d) a positive ignition vehicle that meets the standards specified for that vehicle in Table 1 of Annex 3 (Euro 4/IV Standards For Positive Ignition Vehicles); or
 - (e) a compression ignition vehicle that meets the standards specified for that vehicle in Table 2 of Annex 3 (Euro 6/VI Standards For Compression Ignition Vehicles).

Imposition of charges

- 7.—(1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(1) is imposed in respect of any relevant vehicle of Class M₃, Class N₂ or Class N₃, for each charging day on which it is at any time used on one or more designated roads.
- (2) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8(2) is imposed in respect of any relevant vehicle of Class L, Class M₁, Class M₂ or Class N₁ for each charging day on which it is at any time used on one or more designated roads.

Amount of charge payable by purchase of a licence

- 8.—(1) The amount of a charge imposed by article 7(1) is £50 per charging day.
- (2) The amount of a charge imposed by article 7(2) is—
- (a) £12.50 per charging day; or
 - (b) in the case of a licence for a period of 7 consecutive charging days in respect of a local taxi or local private hire vehicle, £50.

Payment of charges

- 9.—(1) A charge imposed by article 7 must be paid by the purchase of a licence in accordance with the provisions of this article.
- (2) A licence must be issued in respect of a particular vehicle.
- (3) A licence may be purchased for one of the following periods—
- (a) a single charging day;
 - (b) in the case of a licence in respect of a local taxi or local private hire vehicle, a period of 7 consecutive charging days.
- (4) A vehicle referred to in paragraph (2) must be identified by its registration mark, and—
- (a) the purchaser of a licence must specify the registration mark of the vehicle in respect of which that charge is paid;
 - (b) a licence will not be valid in respect of any vehicle having a registration mark different from the mark so specified.
- (5) A licence for a single charging day may only be purchased—
- (a) on the charging day concerned;
 - (b) on any of the first six charging days immediately following that charging day; or
 - (c) on a day falling within a period of six charging days immediately preceding that charging day.
- (6) A licence for a period of 7 consecutive charging days may only be purchased—
- (a) on the first charging day of the period concerned;
 - (b) on the charging day immediately following that charging day; or
 - (c) on a day falling within a period of six charging days immediately preceding that charging day.
- (7) Charges imposed by this Scheme must be paid by such means as the Council may, in accordance with the requirements of the Central Clean Air Zone Service, specify on its website as being acceptable.

Registers of compliant and non-chargeable vehicles

- 10.—(1) The Council will maintain the local register which will identify non-chargeable vehicles for the purposes of Part 2 of Annex 2 and Annex 4.
- (2) The Central Clean Air Zone Service will maintain the national register which will identify compliant vehicles and non-chargeable vehicles for the purposes of article 4 and Part 1 of Annex 2.
- (3) An application to enter particulars of a vehicle in the local or national register—
- (a) must include all such information as the Council or the Central Clean Air Zone Service respectively may reasonably require; and
 - (b) must be made by such means as the Council or the Central Clean Air Zone Service respectively may accept.
- (4) If the Council or the Central Clean Air Zone Service respectively is satisfied that a vehicle—
- (a) complies with the standards required of a compliant vehicle; or
 - (b) falls within a class of non-chargeable vehicle,
- it will enter particulars of the vehicle in the relevant register.

(5) If the Council or the Central Clean Air Zone Service respectively is satisfied that a vehicle, particulars of which are entered in the relevant register, no longer—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it may remove the particulars of the vehicle from the relevant register.

(6) Where the registered keeper of a vehicle, particulars of which are entered in the local or national register, is aware that the vehicle has ceased or will cease to—

- (a) comply with the standards required of a compliant vehicle; or
- (b) fall within a class of non-chargeable vehicle,

the registered keeper must notify the Council or the Central Clean Air Zone Service respectively of the fact and the Council or the Central Clean Air Zone Service respectively may remove the particulars of the vehicle from the relevant register forthwith, or from the date notified to the Council or the Central Clean Air Zone Service respectively as the date on which it will cease to be such a vehicle.

(7) Nothing in this article prevents the making of a new application under paragraph (2) for particulars of a vehicle to be entered in the relevant register after they have been removed from it in accordance with any provision of this article.

Refunds

11.—(1) The purchaser of a licence in respect of a charge imposed under article 7 may surrender the licence and, subject to any requirements of the Central Clean Air Zone Service, obtain a refund in accordance with the following provisions of this article.

(2) An application for a refund must be made before the charging day to which the licence relates and in such manner as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website.

(3) An application for a refund must be accompanied by such information as the Council may, in accordance with any requirements of the Central Clean Air Zone Service, specify on its website.

(4) The amount of a refund for a charge imposed under article 7 will be the charge paid for the licence, less £2.50.

Penalty charge for non-payment of charge

12.—(1) A penalty charge will be payable, in addition to the charge imposed under article 7, for each charging day on which—

- (a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 7; and
- (b) that 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 9.

(2) A penalty charge payable by virtue of paragraph (1) must be paid within the period (“the payment period”) of 28 days beginning with the date on which a penalty charge notice is served under regulation 7 of the Enforcement Regulations and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) is £120 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount will be reduced by one half to £60.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Enforcement Regulations, the amount of the penalty charge to which it relates will be increased by one half to £180.

Immobilisation of vehicles

13.—(1) Provided that—

- (a) none of the circumstances in paragraph (2) of Regulation 25 of the Enforcement Regulations apply; and

- (b) the conditions in paragraph (3) of that Regulation apply, an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that Regulation.

(2) A vehicle to which an immobilisation device has been fixed 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 (a), will be released—
 - (i) if all outstanding charges under article 7 are paid;
 - (ii) if all outstanding penalty charges are paid; and
 - (iii) if a penalty charge of £70 for the release of the vehicle from the immobilisation device is so paid.

Removal, storage and disposal of vehicles

14.—(1) Provided Regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in, and subject to the provisions of, Regulation 28 of the Enforcement Regulations.

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (1) the Council or the custodian may (whether or not any claim is made under Regulation 30 or 31 of the Enforcement Regulations) recover from the person who was the keeper of the vehicle when the vehicle was removed—

- (a) all outstanding charges under article 7;
- (b) all penalty charges that are outstanding in relation to the vehicle;
- (c) a penalty charge of £200 for its removal;
- (d) a penalty charge of £40 for each complete day or part of a day on which it has been held by the Council or a custodian; and
- (e) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Duration of scheme

15. This Scheme will remain in force indefinitely.

Transitional provisions – temporary non-chargeable vehicles

16. Annex 4 to this Scheme which contains transitional provisions specifying classes of temporary non-chargeable vehicles has effect.

Ten and five year plans for net proceeds

17.—(1) Part 1 of Annex 5 to this Scheme constitutes the general plan, under paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000, for the application of the Council's and the Borough Council of Gateshead's share of the net proceeds of this Scheme during the opening ten year period.

(2) Part 2 of Annex 5 to this Scheme constitutes the detailed programme, under paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000, for the application of the Council's and the Borough Council of Gateshead's share of the net proceeds of this Scheme during the opening five year period.

ANNEX 1 TO THE SCHEME
DEPOSITED PLANS

Article 1(1)

PART 1 – CLEAN AIR ZONE PLAN AND KEY PLAN

<i>(1)</i> <i>Sheet</i>	<i>(2)</i> <i>Plan title</i>	<i>(3)</i> <i>Date</i>
A	Clean Air Zone Plan	04/02/2022
B	Clean Air Zone Key Plan	04/02/2022

PART 2 – CLEAN AIR ZONE BOUNDARY PLANS

<i>(1)</i> <i>Title & Sheet No.</i>	<i>(2)</i> <i>Date</i>
Clean Air Zone Boundary Plan, Sheet 1	04/02/2022
Clean Air Zone Boundary Plan, Sheet 2	04/02/2022
Clean Air Zone Boundary Plan, Sheet 3	04/02/2022
Clean Air Zone Boundary Plan, Sheet 4	04/02/2022
Clean Air Zone Boundary Plan, Sheet 5	04/02/2022
Clean Air Zone Boundary Plan, Sheet 6	04/02/2022
Clean Air Zone Boundary Plan, Sheet 7	04/02/2022
Clean Air Zone Boundary Plan, Sheet 8	04/02/2022
Clean Air Zone Boundary Plan, Sheet 9	04/02/2022
Clean Air Zone Boundary Plan, Sheet 10	04/02/2022
Clean Air Zone Boundary Plan, Sheet 11	04/02/2022
Clean Air Zone Boundary Plan, Sheet 12	04/02/2022
Clean Air Zone Boundary Plan, Sheet 13	04/02/2022

ANNEX 2 TO THE SCHEME

Article 5

NON-CHARGEABLE VEHICLES

PART 1 – VEHICLES ENTERED IN THE NATIONAL REGISTER

Historic vehicles

1. A vehicle is a non-chargeable vehicle if it is an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 1A(1) of Schedule 2 to that Act and particulars of the vehicle are for the time being entered in the national register.

Military vehicles

2. A vehicle is a non-chargeable vehicle if it belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces and particulars of the vehicle are for the time being entered in the national register.

Vehicles for disabled people

3. A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within paragraphs 19 or 20 (vehicles for disabled people) of Schedule 2 to that Act is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the national register.

PART 2 – VEHICLES ENTERED IN THE LOCAL REGISTER

Emergency service vehicles

4.—(1) A qualifying emergency service vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying emergency service vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) it is an exempt vehicle for the purposes of the 1994 Act by virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act—
 - (i) paragraph 3A (police vehicles);
 - (ii) paragraphs 4 and 5 (fire engines etc.);
 - (iii) paragraphs 6 and 7 (ambulances and health service vehicles);
 - (iv) paragraph 10 (mine rescue vehicles);
 - (v) paragraph 11 (lifeboat vehicles); or
- (b) in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, the Council is satisfied that, had it been registered under the 1994 Act, it would have fallen within sub-paragraph (a).

Diverted vehicles

5. Where the Council is satisfied, by the production of such evidence as it may reasonably require, that a vehicle has been used on one or more designated roads solely as a result of a traffic diversion, that vehicle will be treated as if it were a non-chargeable vehicle.

Agricultural and similar vehicles

6.—(1) A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is an exempt vehicle for the purposes of the 1994 Act by

virtue of it falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 2 to that Act provided particulars of the vehicle are for the time being entered in the local register—

- (a) paragraph 20A (vehicles used between different parts of land);
- (b) paragraphs 20B, 20C and 20D (tractors and certain agricultural vehicles);
- (c) paragraphs 20E (mowing machines);
- (d) paragraph 20F (steam powered vehicles);
- (e) paragraph 20H (snow ploughs); and
- (f) paragraph 20J (gritters).

(2) A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that it is a special vehicle falling within any of the definitions of exempt vehicles in the following paragraphs of Schedule 1 to the 1994 Act provided particulars of the vehicle are for the time being entered in the local register—

- (a) Paragraph 2(ee) (road roller)
- (b) paragraph 4(4) (digging machine);
- (c) paragraph 4(5) (mobile crane);
- (d) paragraphs 4(5A) and 4(5B) (mobile pumping vehicle); and
- (e) paragraphs 4(6) (works trucks).

(3) If the Council is satisfied, in respect of a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom, that had the vehicle been registered under the 1994 Act it would have fallen within sub-paragraphs (1) or (2), that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

Showman's vehicles

7.—(1) A showman's vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph "showman's vehicle" means any vehicle that the Council is satisfied, by the production of such evidence as it may reasonably require—

- (a) falls within the definition of, and is registered under the 1994 Act as, a "showman's vehicle" or "showman's goods vehicle" within the meaning of section 62 of the 1994 Act ; or
- (b) falls within the definition of a "showman's vehicle" or "showman's goods vehicle" within the meaning of section 62 of the 1994 Act and is registered in a country other than the United Kingdom, in accordance with that country's rules governing the registration of such vehicles, in the name of a person following the business of a travelling showman and used solely by that person for the purposes of his business and no other purpose.

Vintage buses

8.—(1) A vintage bus is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) In this paragraph—

- (a) "vintage bus" means a vehicle of Class M₃ that at any time during a given financial year was constructed more than 20 years and less than 40 years before 1 January in that financial year; and
- (b) "financial year" means a period of 12 months beginning with 1 April.

(3) An application to enter particulars of a vintage bus on the local register must—

- (a) include such information relating to the age, construction and use of the vehicle as the Council may specify on its website, and all such other information as the Council may reasonably require; and
- (b) be made by such means as the Council may accept.

Motor caravans

9. A vehicle is a non-chargeable vehicle if the Council is satisfied, by the production of such evidence as it may reasonably require, that the vehicle is a Class L vehicle and particulars of the vehicle are for the time being entered in the local register.

Non-UK registered disabled vehicles

10. If the Council is satisfied, by the production of such evidence as it may reasonably require, that a vehicle registered under legislation relating to the registration of vehicles in a country other than the United Kingdom would, had the vehicle been registered under the 1994 Act, have fallen within paragraph 3 of this Annex, that vehicle is a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

1.—(1) A vehicle meets the standards set out in Tables 1 and 2 if—

- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table;
- (b) the vehicle has been retrofitted so that the limit values for the emission of NO_x specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table; or
- (c) in respect of all other vehicles, the Central Clean Air Zone Service is satisfied that the limit values for the emission of NO_x specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.

(2) A reference to a vehicle of Class L in any row of Table 1 or 2 is to be construed, for the purpose of assessing its emissions, as a reference to a vehicle that has been type-approved as the relevant M or N category specified in that row of the Table concerned.

Table 1 — EURO 4/IV STANDARDS FOR POSITIVE IGNITION VEHICLES

(a) Row No.	(b) Vehicle Class	(c) Maximum mass of vehicle, where relevant (kg)	(d) Reference mass of vehicle, where relevant (kg)	(e) EC emissions standard	(f) Limit values for NO _x	(g) Appropriate test
(1)	L, M ₁	not exceeding 2,500		Euro 4	0.08g/km	Type I
(2)	L, M ₁	exceeding 2,500	not exceeding 1,305	Euro 4	0.08g/km	Type I
(3)	L, M ₁	exceeding 2,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(4)	L, M ₁	exceeding 2,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(5)	L, M ₂	not exceeding 2,500		Euro 4	0.08g/km	Type I
(6)	L, M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(7)	L, M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 4	0.11g/km	Type I
(8a)	L, M ₂	exceeding 3,500	not exceeding 2,840	Euro 4	0.11g/km	Type I
(8b)	L, M ₂	exceeding 3,500	not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(9)	L, M ₂	exceeding 3,500	exceeding 2,840	Euro IV	3.5g/kWh	ETC

(10)	L, N ₁ sub-class (i)		not exceeding 1,305	Euro 4	0.08g/km	Type I
(11)	L, N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 4	0.10g/km	Type I
(12)	L, N ₁ sub-class (iii)		exceeding 1,760	Euro 4	0.11g/km	Type I
(13a)	L, N ₂		not exceeding 2,840	Euro 4	0.11g/km	Type I
(13b)	L, N ₂		not exceeding 2,840	Euro IV	3.5g/kWh	ETC
(14)	L, N ₂		exceeding 2,840	Euro IV	3.5g/kWh	ETC
(15)	L, M ₃			Euro IV	3.5g/kWh	ETC
(16)	L, N ₃			Euro IV	3.5g/kWh	ETC

Table 2 — EURO 6/VI STANDARDS FOR COMPRESSION IGNITION VEHICLES

<i>(a) Row No.</i>	<i>(b) Vehicle Class</i>	<i>(c) Maximum mass of vehicle, where relevant(kg)</i>	<i>(d) Reference mass of vehicle, where relevant (kg)</i>	<i>(e) EC emissions standard</i>	<i>(f) Limit values for NO_x</i>	<i>(g) Appropriate tests</i>
(1)	L, M ₁		not exceeding 2610	Euro 6	0.08g/km	Type I
(2)	L, M ₁		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(3)	L, M ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(4)	L, M ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(5)	L, M ₃			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC
(6)	L, N ₁		not exceeding 1,305	Euro 6	0.08g/km	Type I
(7)	L, N ₁ sub-class (ii)		exceeding 1,305 and not exceeding 1,760	Euro 6	0.105g/km	Type I
(8)	L, N ₁ sub-class (iii)		exceeding 1,760	Euro 6	0.125g/km	Type I
(9)	L, N ₂		not exceeding 2610	Euro 6	0.125g/km	Type I
(10)	L, N ₂		exceeding 2610	Euro VI	0.4 g/kWh (WHSC) and	WHSC and WHTC

					0.46 g/kWh (WHTC)	
(11)	L, N ₃			Euro VI	0.4 g/kWh (WHSC) and 0.46 g/kWh (WHTC)	WHSC and WHTC

ANNEX 4 TO THE SCHEME

Article 16

TRANSITIONAL PROVISIONS – TEMPORARY NON-CHARGEABLE VEHICLES

Commercial CAZ vehicles

1.—(1) During the commercial CAZ vehicles transitional period the Council will treat a qualifying commercial CAZ vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a commercial CAZ vehicle for the purposes of this paragraph and paragraph 2 of this Annex if the Council is satisfied by the production of evidence as it may reasonably require the vehicle is a commercial vehicle that—

- (a) is owned by a qualified business;
- (b) was owned by that qualified business on 31st December 2021; and
- (c) is kept at or operating out of qualifying business premises for the use of the qualified business.

(3) A vehicle is a qualifying commercial CAZ vehicle if it is one of one of the qualified business's two cleanest non-compliant commercial CAZ vehicles.

(4) For the purposes of sub-paragraph (3) a vehicle will considered cleaner than another vehicle if its date of first registration is more recent than the other vehicle.

(5) In this Annex—

- (a) “commercial CAZ vehicles transitional period” means the period of two years beginning with the commencement date;
- (b) “qualified business” means a company or sole trader that the Council is satisfied, by the production of such evidence as it may reasonably require, occupies qualifying business premises; and
- (c) “qualifying business premises” means business premises situated within the Clean Air Zone.

Commercial vehicles, private hire vehicles and taxis subject to finance agreements

2.—(1) During the financing transitional period the Council will treat any vehicle—

- (a) that meets the conditions specified in sub-paragraph (2); and
- (b) particulars of which are for the time being entered in the local register, as if it were a non-chargeable vehicle.

(2) The conditions referred to in sub-paragraph (1)(a) are that the Council is satisfied, by the production of such evidence as it may reasonably require, that—

- (a) the owner of the vehicle had on or before 31st December 2021 entered into a contractual arrangement for financing the purchase or leasing of the vehicle concerned; and
- (b) one or more payments pursuant to that contractual arrangement are due on or after the commencement date; and
- (c) the vehicle is—
 - (i) a commercial CAZ vehicle; or
 - (ii) a local taxi or local private hire vehicle.

(3) In this paragraph—

- (a) “financing transitional period” means the period beginning with the commencement date and ending on the earlier of—
 - (i) the date on which the payment for the purchase of the vehicle concerned is completed and the contractual arrangement referred to in sub-paragraph (2) ceases to apply; and
 - (ii) the date falling two years after the commencement date;

- (b) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website.

Community transport vehicles

3.—(1) During the community transport vehicles transitional period the Council will treat any vehicle that is a qualifying community transport vehicle and that does not fall within Annex 2 as if it were a non-chargeable vehicle.

(2) A vehicle is a qualifying community transport vehicle on any charging day if—

- (a) it has been specified by the Council pursuant to an application under sub-paragraph (3);
- (b) it is being used pursuant to a community transport permit; and
- (c) particulars of the vehicle are entered in the local register on the charging day concerned or the following charging day.

(3) A holder of a community transport permit may apply to the Council to specify a vehicle in relation to such a permit held for any charging day or days and, subject to sub-paragraph (4), to specify a different vehicle in place of a specified vehicle.

(4) Unless a vehicle has been specified pursuant to an application under sub-paragraph (3) 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.

(5) An application under sub-paragraph (3) shall be made by such means as the Council may accept and be accompanied by such information as the Council may reasonably require.

(6) In this paragraph—

- (a) “community transport permit” means a permit granted under section 19(3), 19(4), 19(5) or 22(2) of the Transport Act 1985; and
- (b) “community transport vehicles transitional period” means the period of one year beginning with the commencement date.

Wheelchair-accessible taxis and private hire vehicles

4.—(1) During the wheelchair-accessible vehicles transitional period the Council will treat any qualifying wheelchair-accessible taxi or private hire vehicle as if it were a non-chargeable vehicle provided particulars of the vehicle are for the time being entered in the local register.

(2) A vehicle is a qualifying wheelchair-accessible taxi or private hire vehicle if it appears on a list of vehicles maintained under section 167(1) of the Equality Act 2010.

(3) In this paragraph “wheelchair-accessible vehicles transitional period” means the period of two years beginning with the commencement date.

Retrofitting and upgrading of vehicles

5.—(1) During the retrofitting and upgrading transitional period the Council will treat any vehicle—

- (a) that meets the condition specified in sub-paragraph (2); and
- (b) particulars of which are for the time being entered in the local register,
as if it were a non-chargeable vehicle.

(2) The condition referred to in sub-paragraph (1)(a) is that the Council is satisfied, by the production of such evidence as it may reasonably require, that the owner of the vehicle has placed an order for—

- (a) retrofitting the vehicle concerned that would result in the vehicle becoming a compliant vehicle;
or
- (b) a compliant vehicle to replace that vehicle.

(3) In this paragraph—

- (a) “retrofitting and upgrading transitional period” means the period beginning with the date on which the order referred to in sub-paragraph (2) was placed (“the order date”) and ending on the earlier of—
 - (i) the date on which, the Council being satisfied that the retrofitting referred to in sub-paragraph (2) has been completed or the replacement vehicle has been made available for use, particulars of the retrofitted or replacement vehicle are entered in the national register as a compliant vehicle, or
 - (ii) the date falling one year after the order date;
- (b) “owner” includes a lessee of a vehicle, a person using a vehicle pursuant to a hire purchase agreement, and such other forms of use or ownership as the Council may specify on its website.

PART 1 –
THE COUNCIL OF THE CITY OF NEWCASTLE UPON TYNE’S AND THE BOROUGH COUNCIL
OF GATESHEAD’S GENERAL PLAN FOR APPLYING THEIR SHARES OF THE PROCEEDS OF
THIS SCHEME DURING THE OPENING TEN YEAR PERIOD

It is proposed that the Scheme would commence no earlier than 14th July 2022. This plan covers the ten-year period from the commencement date.

The objective of the Scheme is to take steps towards meeting required limit values for nitrogen dioxide (NO₂) in the shortest possible time, and by so doing reduce the exposure of people to excessive levels of NO₂. This would be done by applying a substantial daily charge so that operators would make an economic decision whether or not to take their vehicles into the clean air zone. The charge is set at such a level as to encourage operators to modify or replace their vehicles or change modes, and so maximise the air quality and health benefits of the zone.

The revenue generated by the Scheme would in the first place be used to cover the cost of operation of the Scheme, including the maintenance of cameras, operational staff, etc. It is not anticipated that the proposed Scheme would generate substantial net revenues. Indeed, the more vehicles that are compliant with the Scheme’s standards the less revenue will be generated.

However, in the event that net revenues are generated from the proposed Scheme over the opening ten year period, these proceeds would be applied in such proportions as may be decided by a Joint Committee, formed of councillors from both the Council of the City of Newcastle upon Tyne and the Borough Council of Gateshead (**the Councils**), to directly or indirectly facilitate the achievement of the transport policies set out in the North East Transport Plan.

PART 2 –
THE COUNCIL OF THE CITY OF NEWCASTLE UPON TYNE’S AND THE BOROUGH COUNCIL
OF GATESHEAD’S DETAILED PROGRAMME FOR APPLYING THEIR SHARES OF THE
PROCEEDS OF THIS SCHEME DURING THE OPENING FIVE YEAR PERIOD

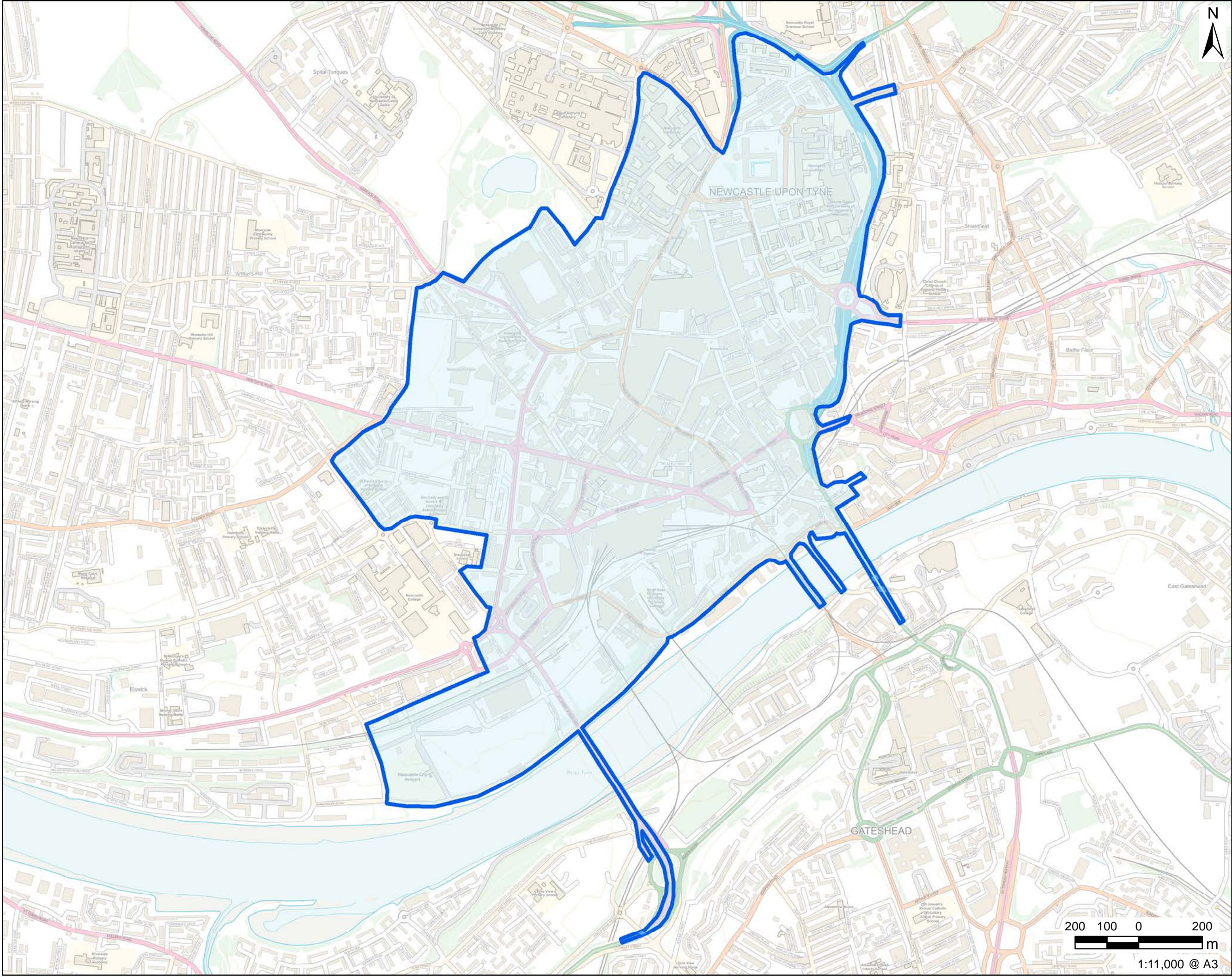
It is proposed that the Scheme would commence no earlier than 14th July 2022. This plan covers the five-year period from the commencement date.

As set out in Part 1 of this Annex, it is not anticipated that the proposed Scheme would generate substantial net revenues. The Councils’ detailed plan for applying any net proceeds during this period would therefore depend to a large extent on:

- the level of net proceeds generated;
- the progress made towards meeting the required limit values for NO₂;
- to what extent the Scheme has impacted on the affected groups identified in the Equalities Impact Assessment for the Scheme;
- to what extent the proposed improvements have already been implemented by other means.

Given these uncertainties the Councils intend that the Joint Committee of councillors from both authorities will review and prioritise the proposed improvements and approve the use of any net proceeds for such improvements. Improvements could include elements of the following, as identified in the North East Transport Plan:


- Improvements to traffic management in residential areas designed to minimize exposure to air pollution
- Changes to provision of infrastructure for pedestrians and cyclists
- The provision of measures to improve the attractiveness of public transport
- Managing the network to provide for the safe and efficient flow of travel by all modes
- Helping people to reach key services, such as healthcare, employment and education, easily and safely.



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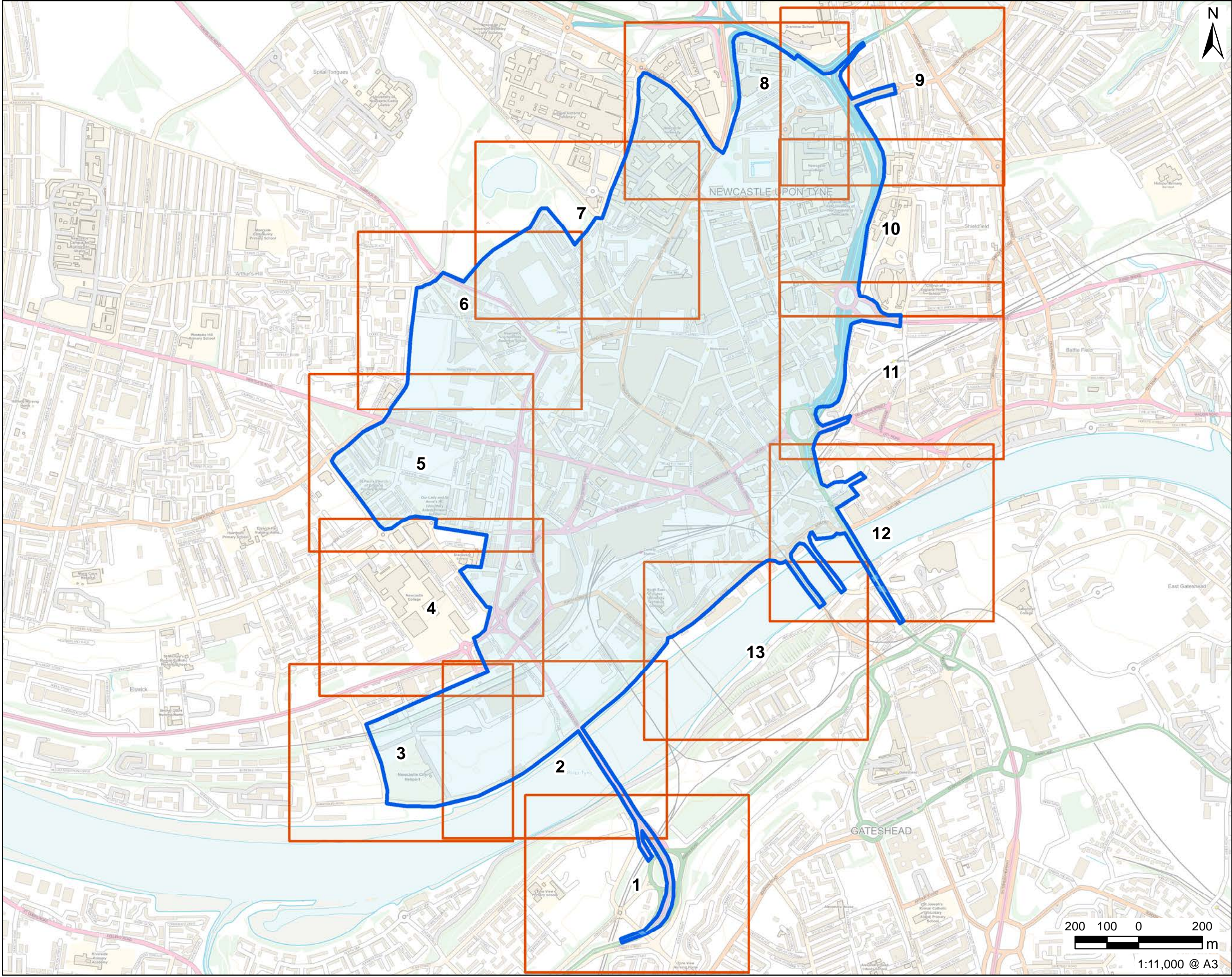
SHEET TITLE

CLEAN AIR ZONE PLAN

SHEET NUMBER

Sheet A

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- LEGEND**
- Clean Air Zone
 - Boundary Plan Extent

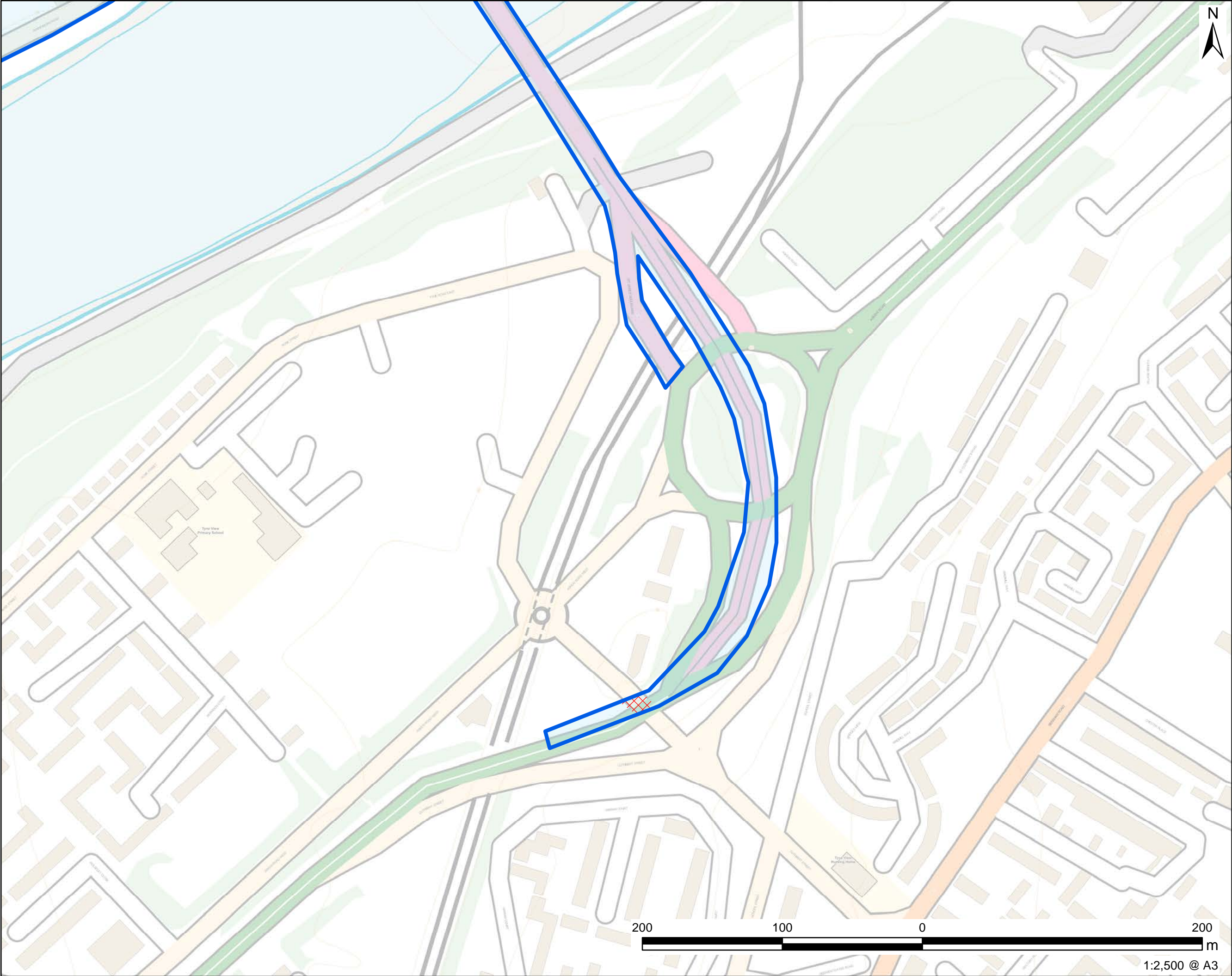
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
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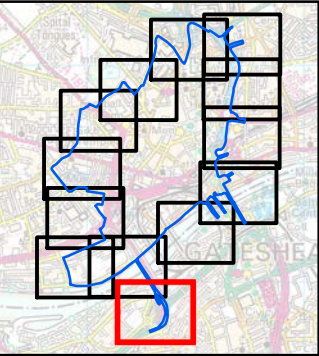
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 Area of Cuthbert
Street excluded from
the Clean Air Zone



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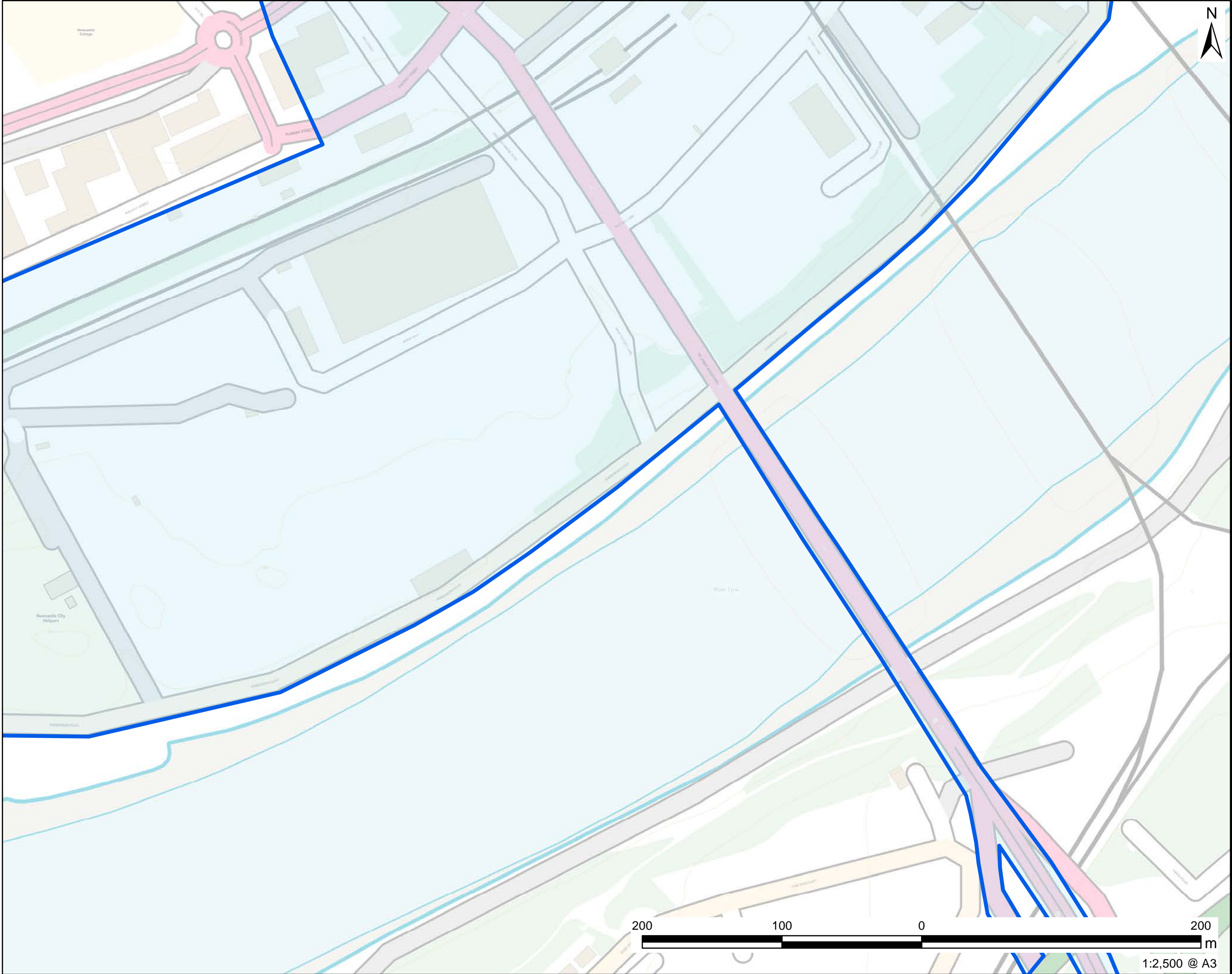
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CLEAN AIR ZONE
BOUNDARY PLAN

SHEET NUMBER

Sheet 1




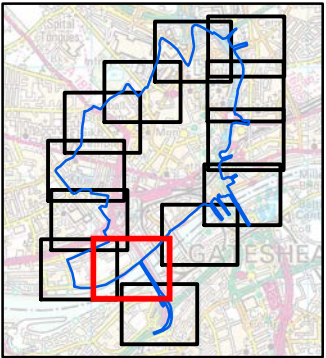


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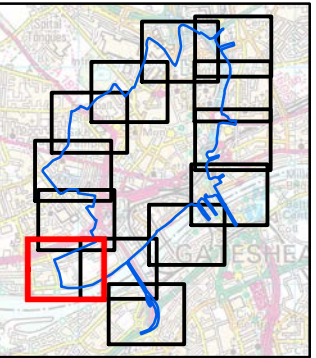
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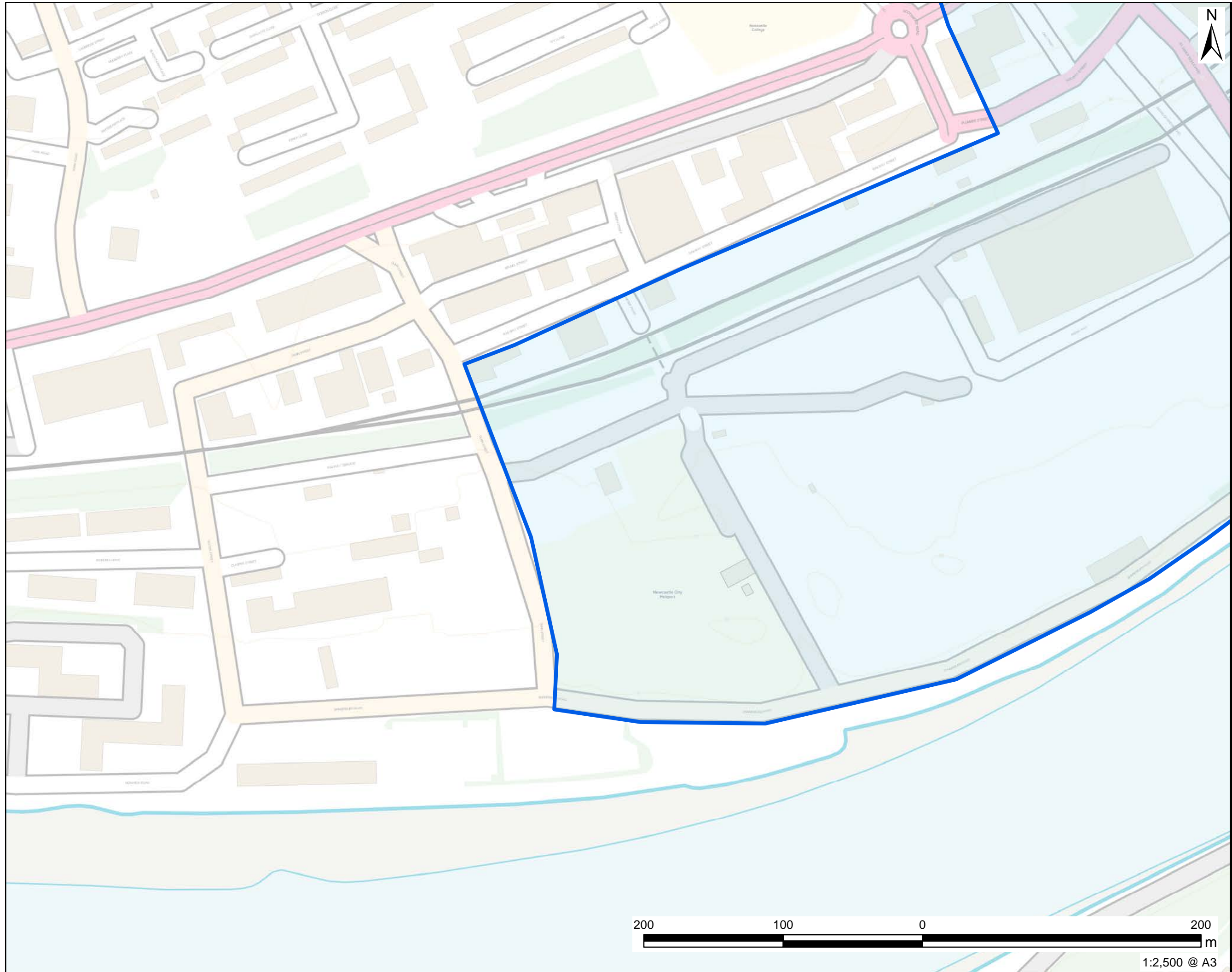
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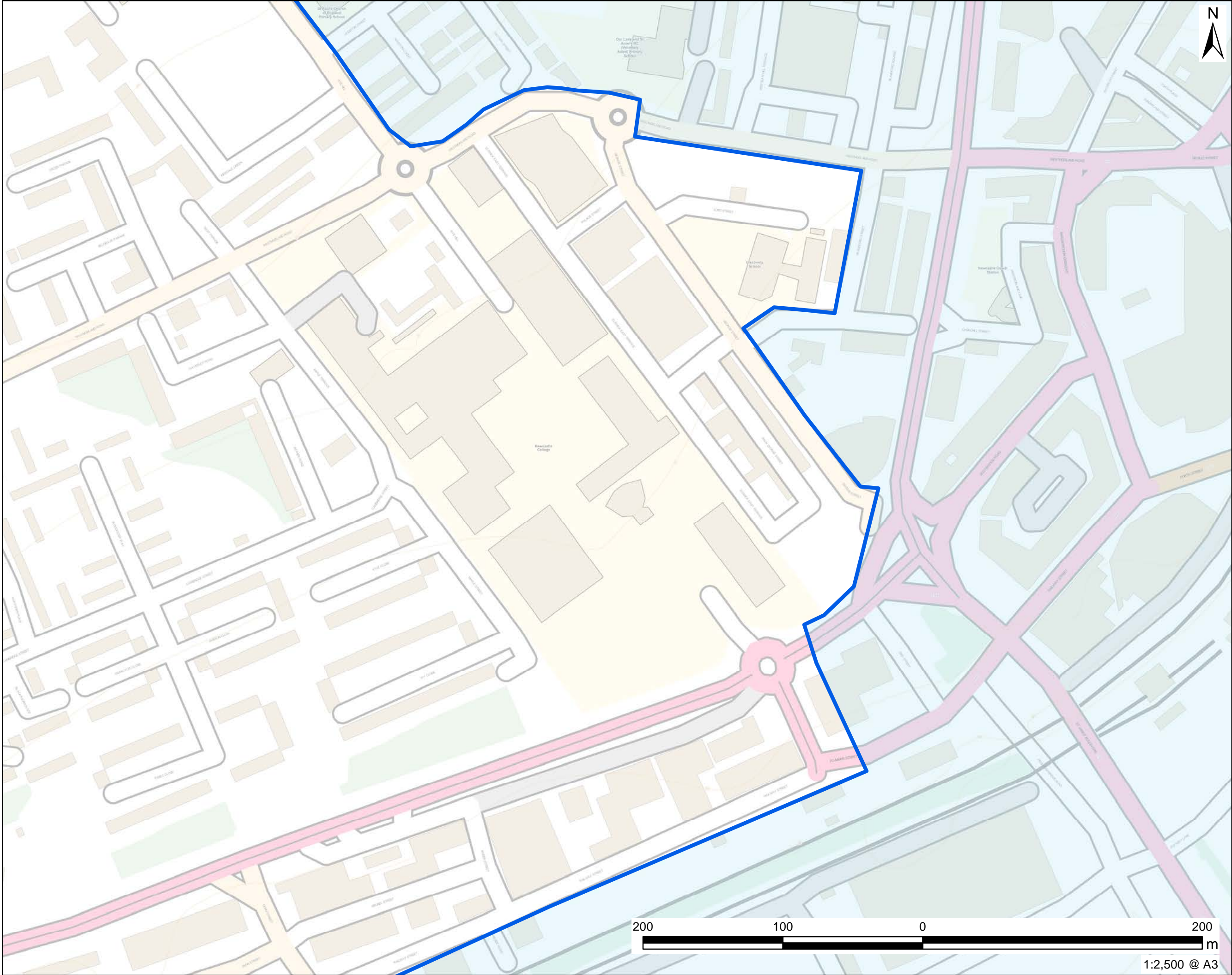
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Sheet 3




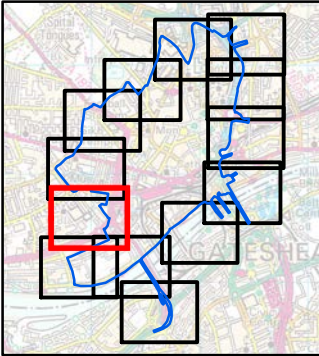


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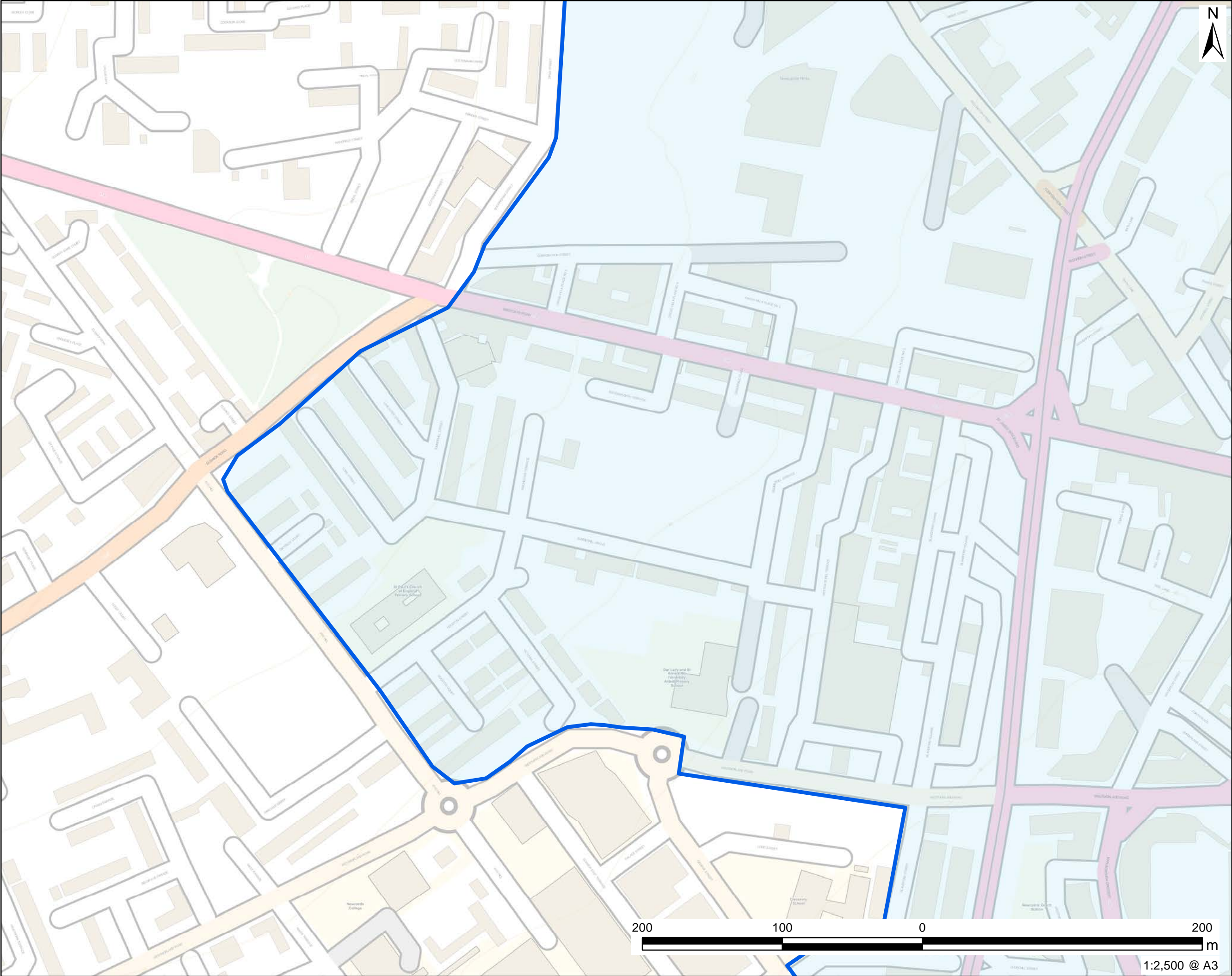
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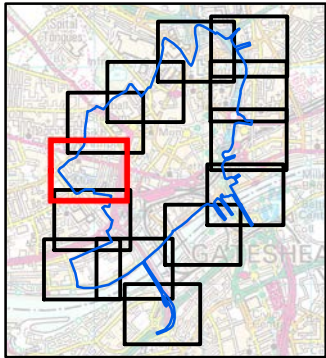


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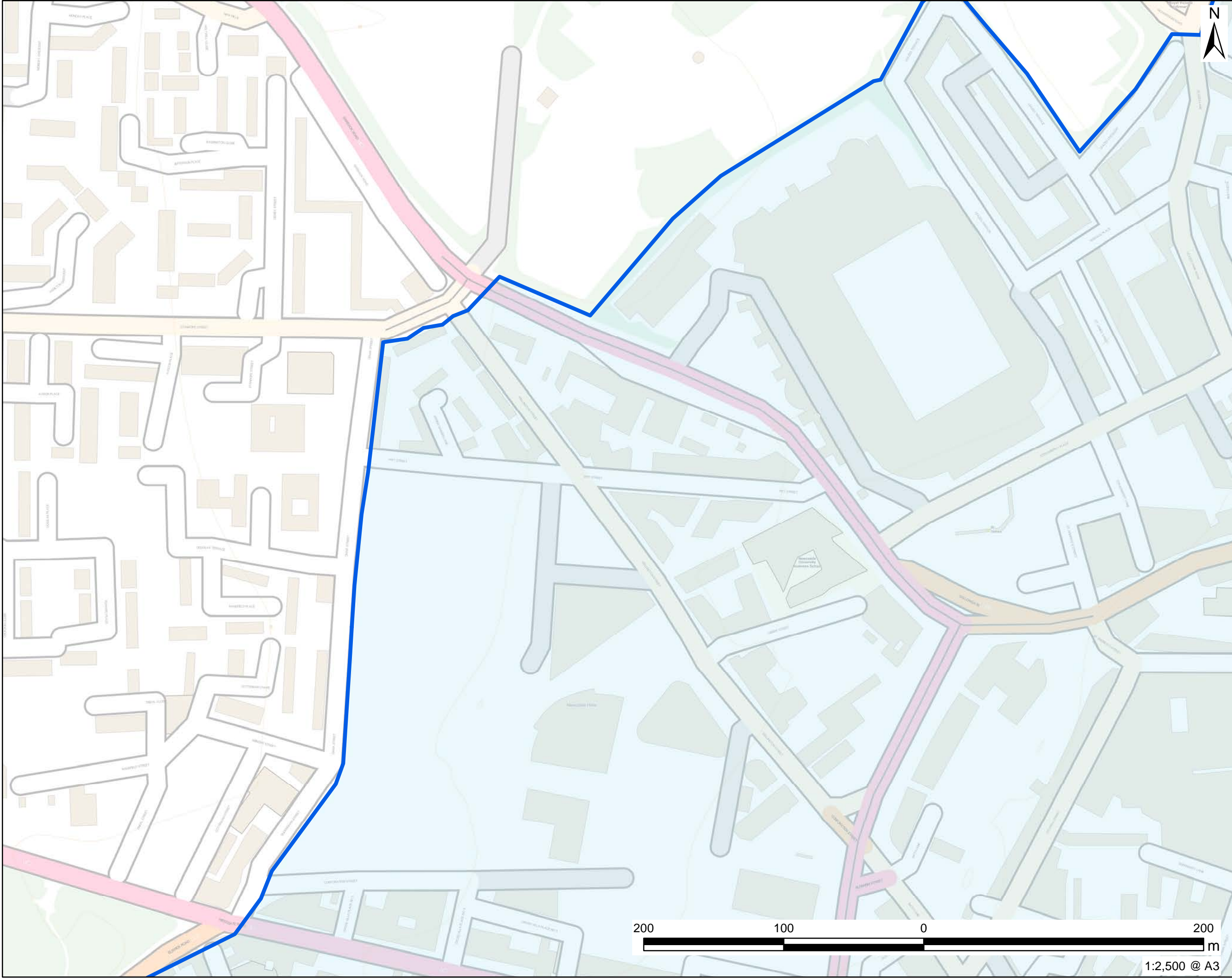
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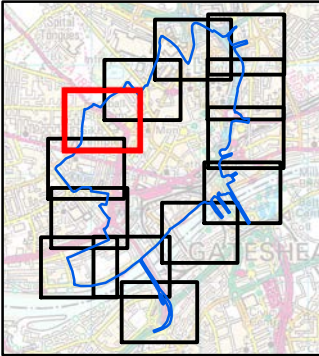


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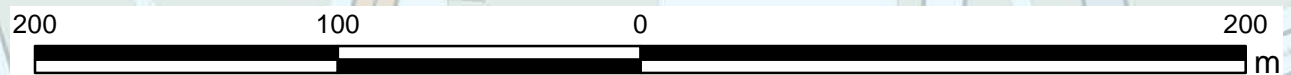
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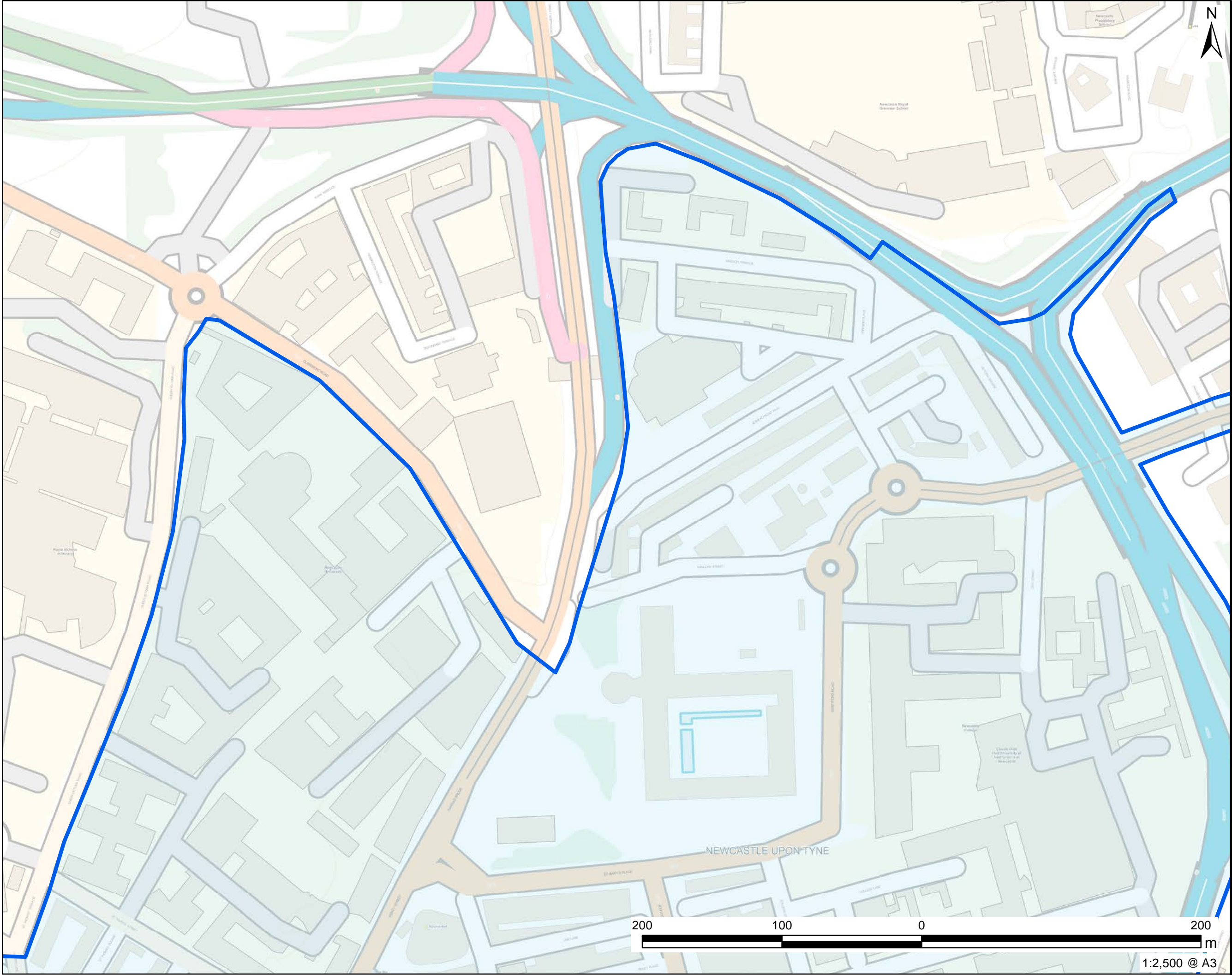
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Sheet 7




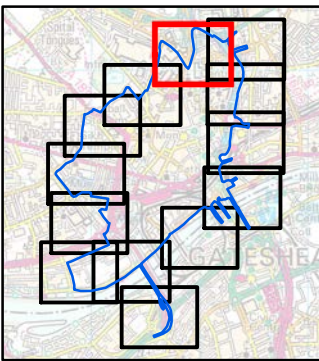


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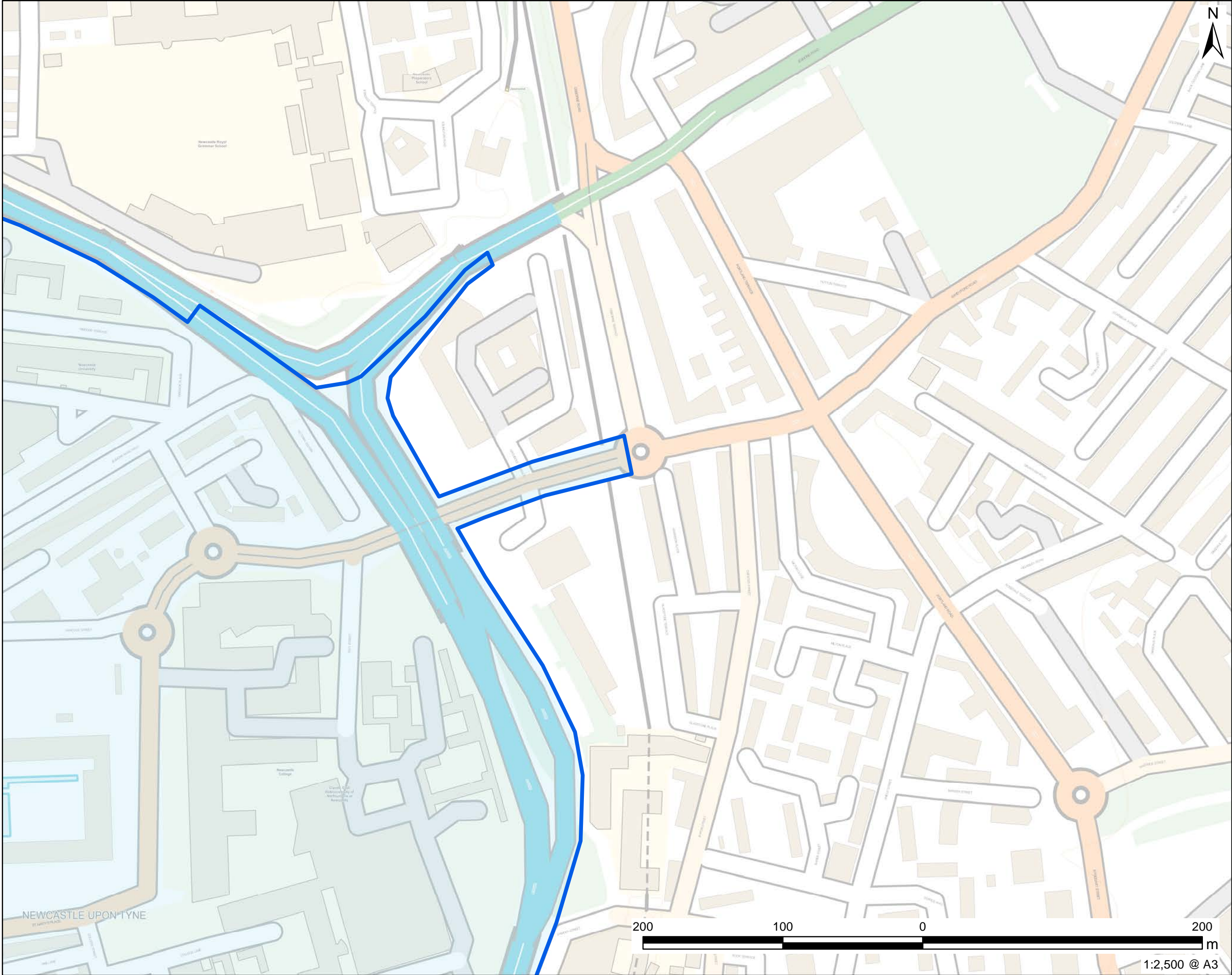
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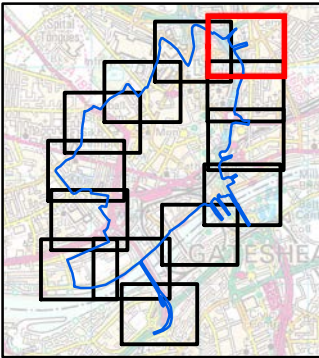


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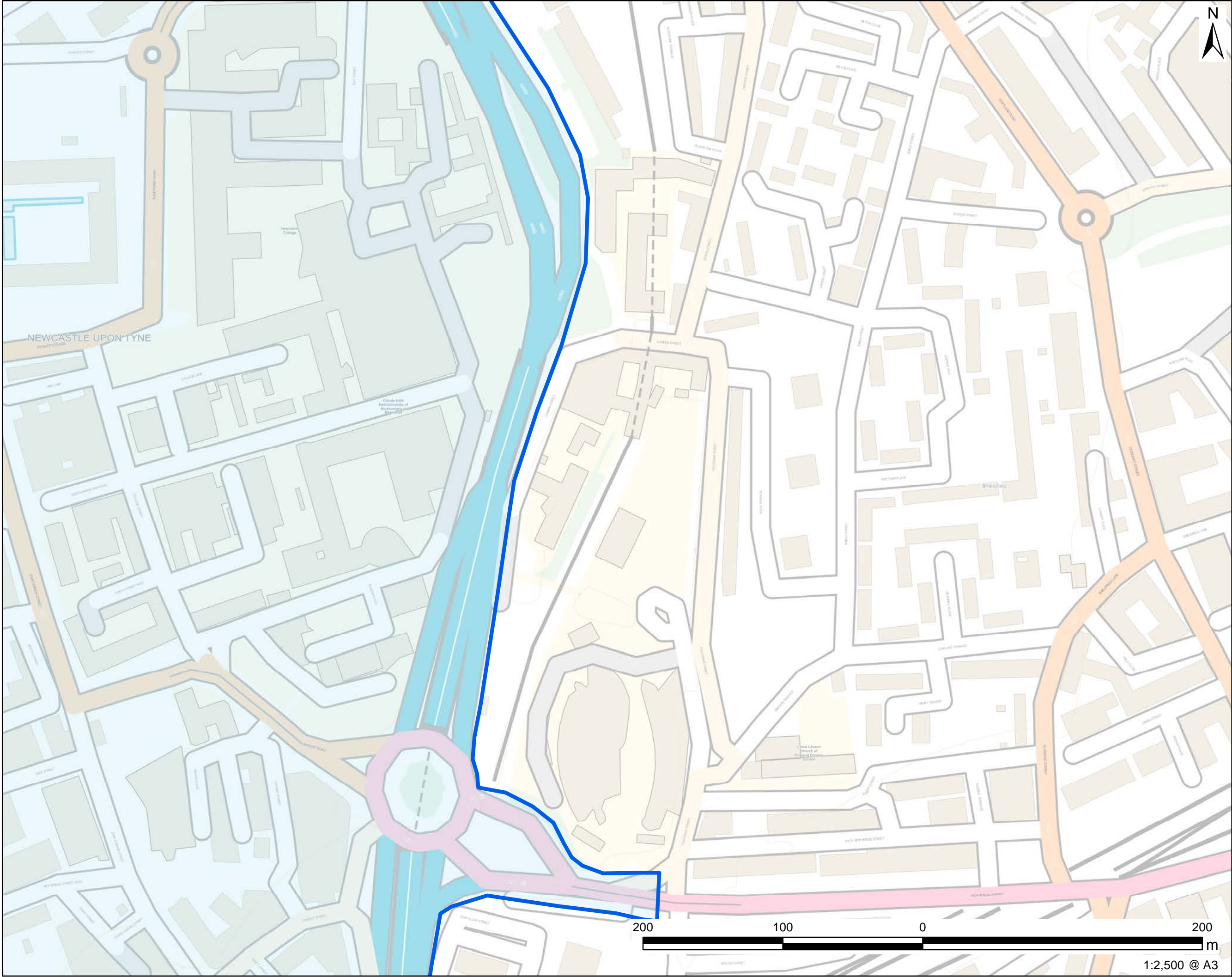
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SHEET NUMBER

Sheet 9


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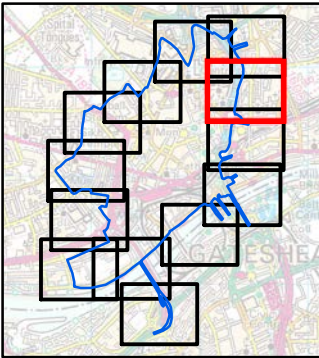


Transport Act 2000
Newcastle and Gateshead
Clean Air Zone Charging
Order 2022

Deposited Plans as defined
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Schedule to the Order

LEGEND

 Clean Air Zone



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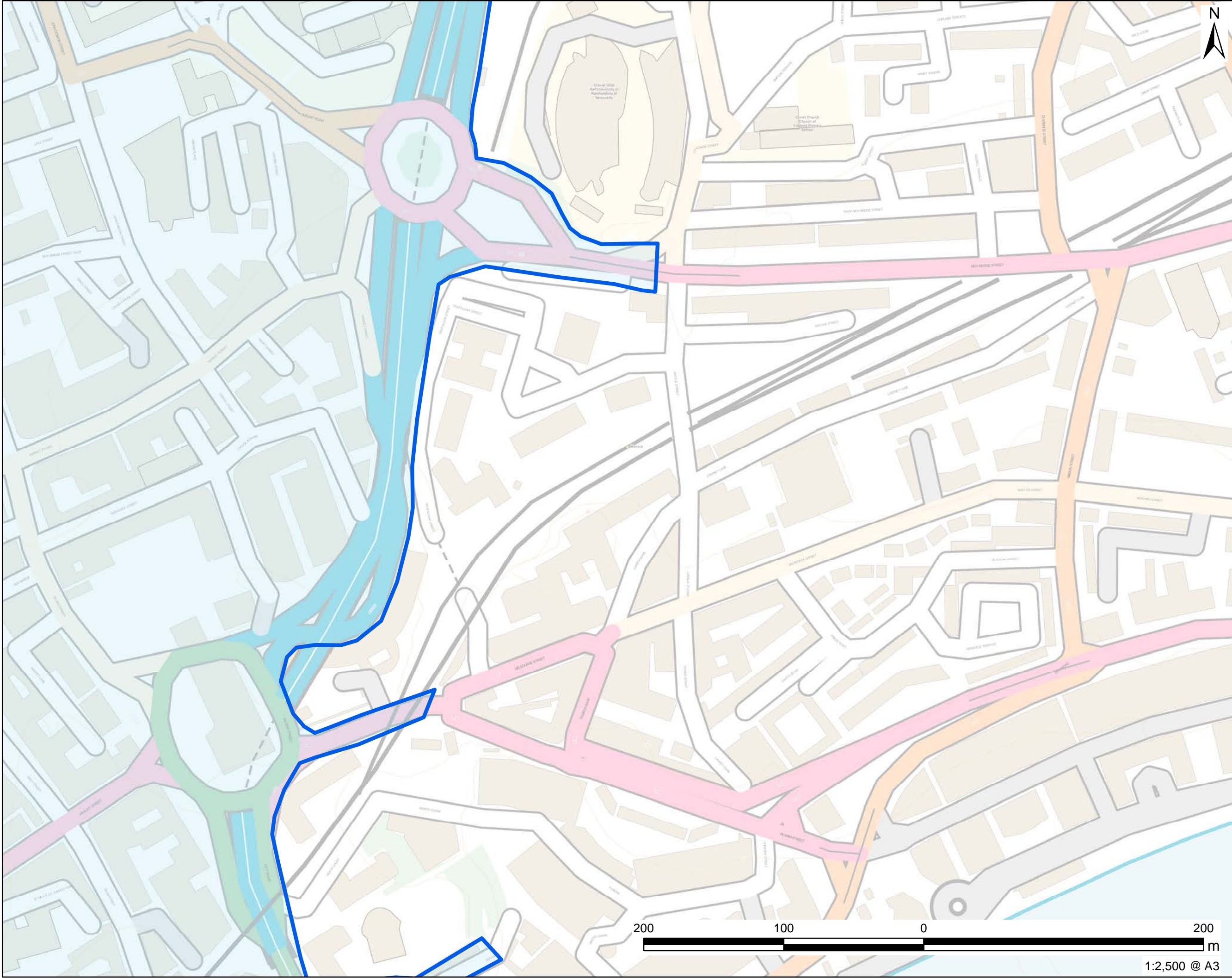
SHEET TITLE

CLEAN AIR ZONE
BOUNDARY PLAN

SHEET NUMBER

Sheet 10


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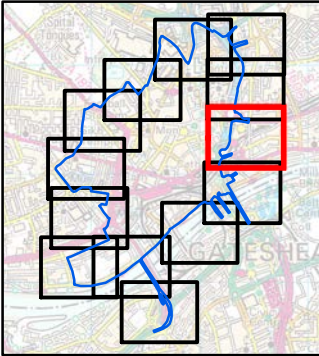


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LEGEND

 Clean Air Zone



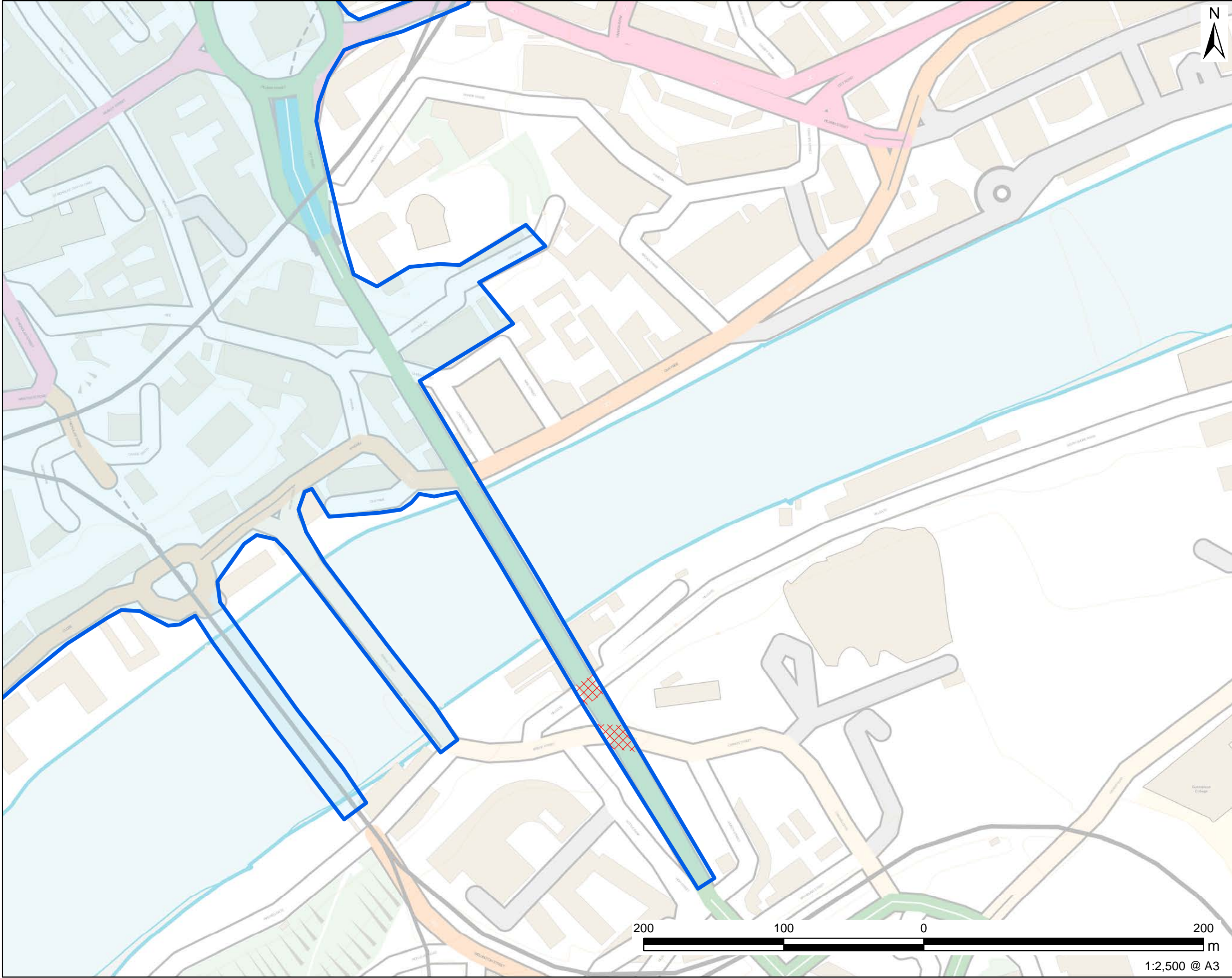
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SHEET TITLE
CLEAN AIR ZONE
BOUNDARY PLAN

SHEET NUMBER
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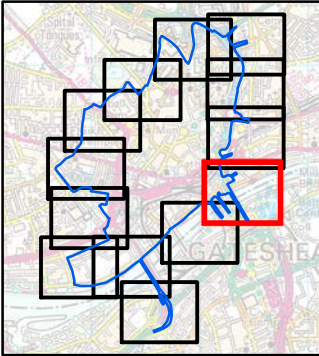
Transport Act 2000
Newcastle and Gateshead
Clean Air Zone Charging
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LEGEND

 Clean Air Zone

 Area of Hillgate and Church Street excluded from the Clean Air Zone



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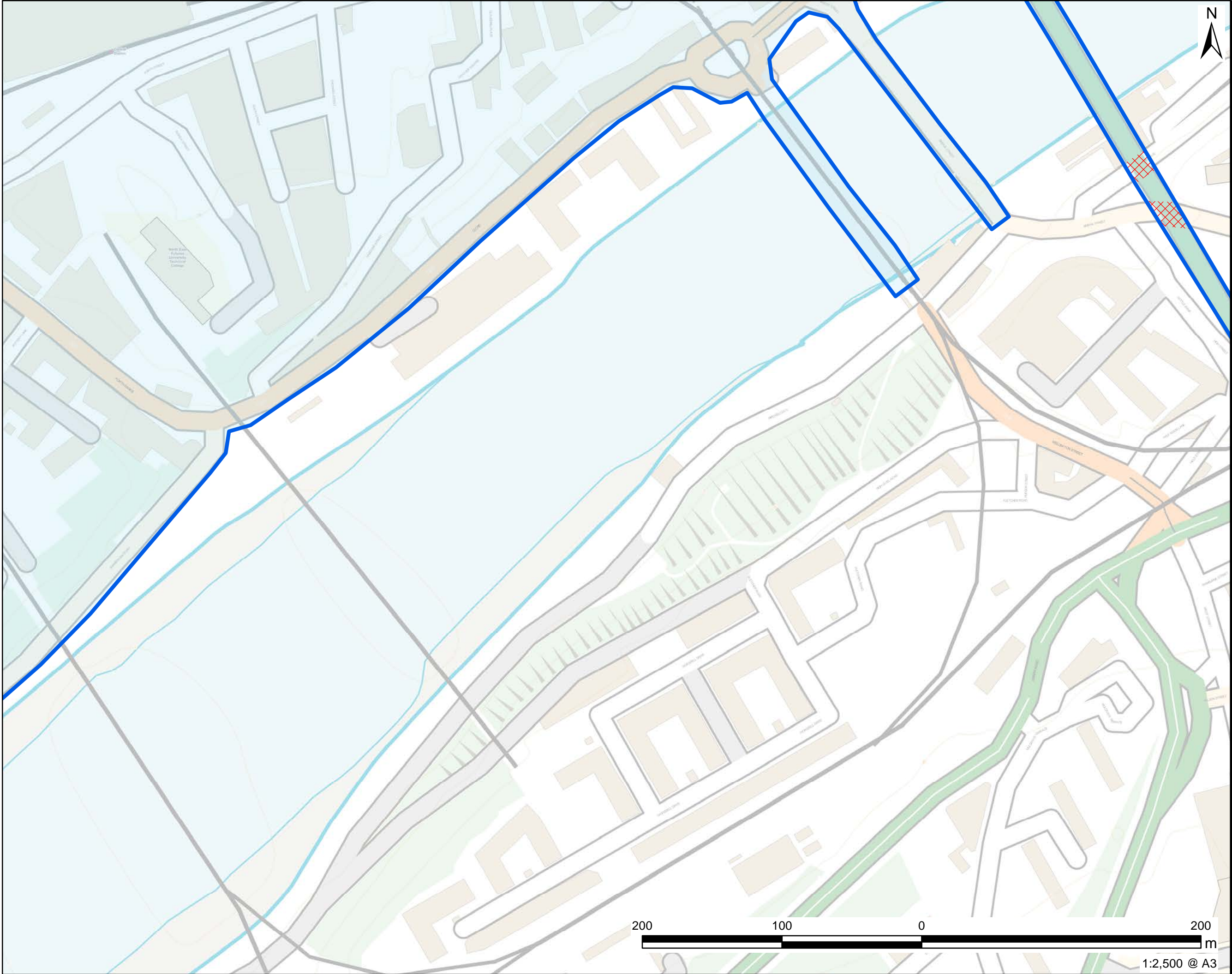
SHEET TITLE

CLEAN AIR ZONE
BOUNDARY PLAN

SHEET NUMBER

Sheet 12

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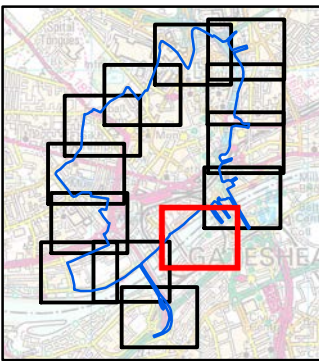
Transport Act 2000
Newcastle and Gateshead
Clean Air Zone Charging
Order 2022

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Schedule to the Order

LEGEND

Clean Air Zone

Area of Hillgate and Church Street excluded from the Clean Air Zone



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SHEET TITLE

CLEAN AIR ZONE
BOUNDARY PLAN

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