

Why compliant cars are still being fined under ULEZ glitch

When the ultra-low emission zone (ULEZ) was expanded across Greater London last week the guidelines seemed clear: the penalties generally applied to petrol cars made before 2005 and diesel cars made before 2015.

Some older cars are still compliant, however, because they were made to cleaner standards before these became mandatory — but their owners may have no idea that they are exempt and could still be fined.

The camera system that checks vehicles driving in the ULEZ and issues them with daily charges of £12.50 or fines of £180 has failed to spot older cars that meet its emission standards. The problem is affecting drivers of models from manufacturers including BMW, Land Rover, Mercedes and Toyota.

Senior officials at the Department for Transport called in Trevor Wood, chairman of the British Independent Motor Trade Association on Thursday for talks about the scale of the problem. Wood said that it may affect 100,000 petrol cars registered between 1999 and 2005. Wood added: **“They should put the whole scheme on hold and no fines should be issued until this has been sorted out.”** He also pointed out that some compliant cars may have been scrapped unnecessarily, because their owners did not know they met the standards. Drivers are eligible for a £2,000 payment under a **£160 million scrappage scheme administered by Sadiq Khan**, the Mayor of London, and funded by the taxpayer. For most drivers, the only way to check is to obtain a certificate of conformity from the manufacturer, which contains full details of its level of nitrogen oxides (NOx) and particulate matter (PM) emissions. These are not routinely supplied when buying a car, although newer cars may have the details set out in their log books.

The problem has come to light because of the experience of motorists such as Dharinder Virdi, 43, who lives in Harmondsworth, west London, with his wife, Maria, and three children. He was fined for breaching emissions rules when he drove his BMW 320i in the central London section of the ULEZ zone - in force since 2019 - to drop his father at a medical appointment.

Virdi initially decided not to challenge the fine because his car was registered in October 2000, four years before the standard cut-off date cited by Transport for London (TfL) in its guidance. However, when a friend told him that his BMW, registered in 1996, was officially compliant, Virdi obtained a so-called **certificate of conformity** from BMW that confirmed that his car had NOx emissions within the ULEZ range. He asked TfL to check again. **TfL confirmed that his car was therefore exempt from charges. It has not, however, reimbursed his fine.**

Residents in Harmondsworth, a village which borders Heathrow Airport at the western extremity of the ULEZ zone, spoke to The Sunday Times about their anger at having to scrap and sell non-compliant vehicles to avoid the charges.

TfL points out in its guidance that ULEZ compliance is based on the declared emissions of the vehicle rather than its age, and states that “cars that meet the standards have been available since 2001”. **It does not explain what steps motorists can take to check if their vehicle has been correctly classified.**

Enforcement cameras for the scheme read number plates, which TfL says are “checked against our database”. It does not have access to the central government database used for other clean air zones in cities such as Birmingham and Bristol. A TfL spokesman said it used the “highest quality of data using similar information as other authorities” based on a range of sources and updated by the DVLA every four weeks.

Wood said that it was unfair to put the onus on motorists to prove technical details about their vehicles when manufacturers routinely ignored their legal duties to provide the certificate of conformity free. He said some of the problems that had emerged with ULEZ might have been averted if the Department of Transport and its agencies, including the Vehicle Certification Agency and the DVSA, had enforced the system properly.

Last week Nigel Farage, the GB News presenter former UKIP leader, urged viewers to pay for a certificate of conformity saying: “It is going to cost you £70, maybe £100 but if you want to try and save yourself what could be a cost of up to £4,500 every single year, think about getting in touch with your vehicle’s customer services.”

ULEZ enforcement system has also struggled to recognise vehicles with personal number plates

Edmund King, president of the AA, said members had also found it was slow to process changes made by the DVLA. He added: “This means that somebody with a zero emission electric vehicle who has fitted a personal registration plate that has been approved by DVLA could still get a ticket for entering the ULEZ ten days later.”

“There is a certain irony that the owner of a zero emission vehicle may get fined for being in an ultra-low emission zone when there are zero tailpipe emissions and indeed no tail pipe.”

The network of 2,700 enforcement cameras has come under attack, with more than 300 thought to have been vandalised between April and mid-August. Scotland Yard said it had logged 171 such crimes since August 17th.

The DfT said: “It is for the Mayor of London to ensure motorists are fully informed of how his expanded ULEZ charge impacts them.

Manufacturers have a responsibility to provide certificates of conformity.”

TfL said: “There may be a tiny number of individual cases of vehicles that [met] emission standards ahead of time and we continually update the vehicle checker with this information for individual vehicles when provided.

“The tiny number of vehicles affected should have been issued with a certificate with emissions information when they were purchased. They can apply for a new one from the manufacturer if they do not have one and TfL will ensure they are on the system and don’t have to pay the ULEZ charge.”

Acknowledgement: useful article from the Sunday Times