
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Public Charge Point Regulations 2023

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Charge Point Regulations 2023 and come into force on the 22nd day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

“charge point” has the meaning given by section 9 of the Automated and Electric Vehicles Act 2018;

“charge point operator” means the owner of a charge point or any person operating a charge point on behalf of the owner;

“data requirement” means version 2.2.1 of the Open Charge Point Interface protocol⁽¹⁾;

“electric vehicle” means a vehicle that is capable of being propelled by electric power derived from a storage battery;

“enforcement authority” means the Secretary of State;

“EVSE” means Electric Vehicle Supply Equipment and is the independently operated and managed part of a charge point that can deliver energy to one electric vehicle at a time;

“EVSE object status” means the data type which represents the operational status of an EVSE as set out in paragraph 8.4.22 of the data requirement;

“network of rapid charge points” means all the rapid charge points owned or operated by a single charge point operator;

“payment card” has the meaning given in article 2 of Regulation (EU) 2015/751⁽²⁾;

“public charge point” means a charge point which is intended for use primarily by members of the general public, and includes a charge point described in regulation 3(1), but excludes a charge point described in regulation 3(2);

“rapid charge point” means a public charge point with a power of 50 kilowatts or above.

Public charge points

3.—(1) A public charge point includes a charge point that—

(1) <https://evroaming.org/app/uploads/2021/11/OCPI-2.2.1.pdf>

(2) EUR 2015/751, amended by S.I. 2019/284.

- (a) may only be accessed during specific hours; or
 - (b) is situated in a public car park, whether or not that car park is available only to persons intending to purchase specific goods or services.
- (2) A public charge point does not include—
- (a) a workplace charge point;
 - (b) a charge point restricted for the exclusive use by—
 - (i) a vehicle produced by a specific manufacturer;
 - (ii) a person engaged in a specific occupation; or
 - (iii) an occupier of, or visitor to, residential premises.
- (3) In this regulation, “workplace charge point” means a charge point which is intended solely for the use of—
- (a) employees and contractors at their workplace, or
 - (b) visitors to that workplace, excluding persons intending to purchase goods or services.

Application

- 4.—(1) Regulations 5 to 10 apply to a charge point operator that is not a micro business.
- (2) Regulation 11 applies to all charge point operators.
- (3) In this regulation, “micro business” has the meaning given in section 33 of the Small Business, Enterprise and Employment Act 2015(3).

PART 2

Payment requirements

Contactless payment

- 5.—(1) For a new public charge point with a power of 8 kilowatts or above, a charge point operator must, within one year from the date on which these Regulations come into force, ensure that a person using that charge point is able to pay by contactless payment to charge an electric vehicle.
- (2) For a rapid charge point in operation before the date on which these Regulations come into force, a charge point operator must, within one year from the date on which these Regulations come into force, ensure that a person using that charge point is able to pay by contactless payment to charge an electric vehicle.
- (3) Where an existing charge point becomes a public charge point after the coming into force of these Regulations, a charge point operator must, within one year from the date on which the charge point becomes a public charge point, ensure that a person using that charge point is able to pay by contactless payment to charge an electric vehicle.
- (4) In this regulation—
- (a) “contactless payment” means a payment made at a contactless payment terminal using the contactless payment facility of a payment card that does not require the payer to have entered into a pre-existing contract with the charge point operator;
 - (b) “existing charge point” means a charge point with a power of 8 kilowatts or above in operation before these Regulations come into force;

- (c) “new public charge point” means a public charge point installed after the coming into force of these Regulations.

Payment roaming

6.—(1) A charge point operator must, within two years from the date on which these Regulations come into force, ensure that a person using any of its charge points is able to pay to charge an electric vehicle using a payment service provided by a third party roaming provider.

(2) Where, on the date on which these Regulations come into force, a charge point operator permits a person using its charge points to pay to charge an electric vehicle using a payment service provided by a third party roaming provider, the charge point operator must, within 28 days from the date on which these Regulations come into force, submit a report to the Secretary of State which lists each third party roaming provider permitted to provide such a service.

- (3) A charge point operator must notify the Secretary of State of—
- (a) any third party roaming provider permitted to provide a payment service for its charge points and such notification must be given within 28 days from the date on which permission to provide that service is granted; and
 - (b) any third party roaming provider which is no longer permitted to provide a payment service for its charge points and such notification must be given within 28 days from the date on which permission to provide that service is withdrawn.
- (4) In this regulation—
- (a) “application” means a software programme that runs through a web browser or offline on a mobile telephone or other device and enables a person to charge an electric vehicle, and which does not serve solely as a method of payment;
 - (b) “network of public charge points” means all the public charge points owned or operated by a single charge point operator;
 - (c) “payment service” means a service that enables a person to pay, using an application or an RFID card, for charging an electric vehicle at public charge points operated by different charge point operators;
 - (d) “RFID card” means a card with Radio Frequency Identification functionality which allows a person to charge an electric vehicle but which is not a payment card;
 - (e) “third party roaming provider” means a person who provides a payment service in respect of different networks of public charge points.

PART 3

Performance requirements

Reliability

7.—(1) A charge point operator must, one year from the date on which these Regulations come into force, ensure that its network of rapid charge points complies with the reliability requirement set out in paragraph (2).

(2) The reliability requirement is that the network of rapid charge points is, on average, reliable for 99% of the time during each calendar year.

(3) A rapid charge point is considered to be reliable for the purposes of calculating compliance with the reliability requirement where it is either—

- (a) working, indicated by an EVSE object status of—

- (i) available;
- (ii) charging; or
- (iii) reserved; or
- (b) ineligible for measurement, indicated by an EVSE object status of—
 - (i) unknown; or
 - (ii) blocked.
- (4) A rapid charge point is not considered to be reliable for the purposes of calculating compliance with the reliability requirement where it is not working, indicated by an EVSE object status of—
 - (a) inoperative; or
 - (b) out of order.
- (5) Where a rapid charge point can be accessed only during specific hours, reliability is to be assessed only by reference to those hours.
- (6) The charge point operator must publish information on its compliance with the reliability requirement on its website.

Regular reporting

- 8.—**(1) A charge point operator must submit a report to the Secretary of State for its network of rapid charge points for each calendar year.
- (2) The report must state—
 - (a) the total number of charge points operated during the calendar year;
 - (b) the reliability of the charge point operator’s network of rapid charge points during the calendar year expressed as a percentage; and
 - (c) the reliability of each charge point during the calendar year, which must include the location and the time spent in each EVSE object status over the year.
 - (3) The first report for the calendar year 2025 must be submitted by 14th January 2026 and each report thereafter must be submitted by the 14th day in January in the year following the calendar year to which it relates.
 - (4) For the purposes of this regulation, reliability is measured in accordance with regulation 7(3), (4) and (5) of these Regulations.

Helpline

- 9.—**(1) A charge point operator must provide a staffed telephone helpline available free of charge for 24 hours per day for each day of the year to allow persons using or intending to use one of its charge points to seek assistance regarding the functionality of the charge point.
- (2) The telephone number for the helpline must be prominently displayed on or near the charge point.
 - (3) The charge point operator must keep a record of every call to the telephone helpline and submit a quarterly report containing the information in paragraph (5) to the Secretary of State.
 - (4) The first report under paragraph (3) must be submitted by the last business day of the thirteenth month after the month in which these Regulations come into force and must cover the last quarter year ending before that thirteenth month.
 - (5) Each subsequent report must be submitted by the last business day of the month following the end of each quarter year.
 - (6) The report must contain—

- (a) the total number of calls received during the relevant quarter year;
 - (b) a breakdown of the calls under sub-paragraph (a) categorised by type of assistance sought;
 - (c) a breakdown of the calls under sub-paragraph (a) categorised by the length of time, expressed in 10 minute intervals, it took to resolve those calls; and
 - (d) the percentage of calls under sub-paragraph (a) which are not resolved by the date on which a report must be submitted under paragraph (3), and a list of the reasons those calls are not resolved.
- (7) The report must not contain any personal data of the caller.
- (8) In this regulation—
- (a) “business day” means any day other than a Saturday, a Sunday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁴⁾.
 - (b) “resolved”, in relation to a request for assistance made using a helpline provided in accordance with paragraph (1), means that there remains no outstanding action to be taken by the charge point operator;
 - (c) “personal data” has the meaning given in Article 4 of Regulation (EU) 2016/679⁽⁵⁾;
 - (d) “quarter year” means the first, second, third and fourth three months of the calendar year.

PART 4

Open public charge point data

Data

10.—(1) A charge point operator must, within one year from the date on which these Regulations come into force, hold the data set out in paragraphs 8.3.1, 8.3.2 and 8.3.3 of the data requirement for each of its public charge points.

(2) A charge point operator must ensure that data held in accordance with paragraph (1) is—

- (a) accurate; and
- (b) provided on request in electronic format to the Secretary of State and to any Distribution Network Operator, Transmission Owner or Electricity Systems Operator that supplies energy to its public charge points.

(3) A charge point operator must ensure that the location data set out in paragraph 8.3.1 of the data requirement is recorded for each public charge point before the date on which the charge point is used by a member of the public for the first time.

(4) A charge point operator must ensure that EVSE object status data held in accordance with paragraph (1) is updated within 30 seconds of a change from one EVSE object status to another EVSE object status.

(5) A charge point operator must ensure that reference data and availability data is made available to the public free of charge and in a machine readable format without any requirement to agree to terms and conditions regarding the use of that data.

(6) In this regulation—

- (a) “availability data” means information about whether a charge point is working and, for these purposes, “working” means that the charge point has an EVSE object status of available, charging or reserved;

(4) 1971 c. 80.

(5) EUR 2016/679 as amended by S.I. 2019/419.

- (b) “Distribution Network Operator”—
- (i) in Great Britain, means the holder of a distribution licence as defined in section 6(1)(c) of the Electricity Act 1989⁽⁶⁾; and
 - (ii) in Northern Ireland, means a person who is authorised to distribute electricity under article 10 of the Electricity (Northern Ireland) Order 1992⁽⁷⁾;
- (c) “Electricity Systems Operator” means a person that co-ordinates and directs the flow of electricity into and over transmission systems by means of which the transmission of electricity takes place;
- (d) “reference data” means information that does not change frequently about a charge point including but not limited to—
- (i) the location of the charge point;
 - (ii) the type of connector available to charge an electric vehicle at the charge point;
 - (iii) the methods by which a person is able to pay to charge an electric vehicle at the charge point;
 - (iv) the price in pence per kilowatt hour to charge an electric vehicle at the charge point; and
 - (v) the hours of the day during which the charge point is unavailable to charge an electric vehicle;
- (e) “Transmission Owner” means a person who is authorised to transmit electricity by an electricity transmission licence in accordance with section 6(1)(b) of the Electricity Act 1989⁽⁸⁾.

PART 5

Pricing Transparency

Displaying unit of measurement used for pricing

11.—(1) A charge point operator must ensure that the total price for charging an electric vehicle through a public charge point is clearly displayed in pence per kilowatt hour either on the charge point or through a separate device which does not require a person to have entered into a pre-existing contract with the charge point operator.

(2) A charge point operator must ensure that the total price for charging an electric vehicle displayed in accordance with paragraph (1) does not increase once the charging of the electric vehicle has commenced.

PART 6

General

Enforcement

12.—(1) These Regulations must be enforced by the Secretary of State.

⁽⁶⁾ 1989 c. 29.

⁽⁷⁾ S.R. & O. (N. I.) No. 1992 No. 231.

⁽⁸⁾ 1989 c. 29.

(2) The Schedule has effect.

Review

13.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The report, in accordance with section 30(4) of the Small Business, Enterprise and Employment Act 2015(9), must in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved, and
- (c) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(3) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(4) Subsequent reports must be published at intervals not exceeding five years.

(5) In this regulation, “regulatory provision” has the same meaning as in section 32(4) of the Small Business, Enterprise and Employment Act 2015.

Signed by authority of the Secretary of State for Transport

Date

Name
Minister of State
Department for Transport