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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made using powers in the Automated and Electric Vehicles Act 2018 (c. 18). They impose certain requirements on charge point operators that operate public charge points.

Regulation 5 requires a charge point operator, within a specified period, to ensure that a person is able to pay to charge an electric vehicle by contactless payment without entering into a pre-existing contract with the operator. This requirement applies to new public charge points, rapid charge points and existing charge points that are made available to the general public after these Regulations come into force.

Regulation 6 requires that charge point operators ensure that, within two years of the date that these Regulations come into force, a person is able to pay to charge an electric vehicle using a payment service provided by a third party roaming provider.

Regulation 7 requires that charge point operators ensure that, within one year of the date that these Regulations come into force, their network of rapid charge points is, on average, 99% reliable. It also sets out how reliability is measured.

Regulation 8 requires charge point operators to provide an annual report to the Secretary of State in respect of the reliability of their network of rapid charge points.

Regulation 9 requires charge point operators to provide a staffed telephone helpline that is available 24 hours per day to provide assistance to those using their charge points. It also requires charge point operators to record every contact with helpline staff and to submit a quarterly report to the Secretary of State.

Regulation 10 requires charge point operators to hold certain specified data and ensure that the data is accurate, regularly updated and provided to the Secretary of State, Distribution Network Operators, Transmission Owners and Electricity Systems Operators.

Regulation 11 requires charge point operators to clearly display, at or near a charge point, the total price in pence per kilowatt hour for charging an electric vehicle and provides that the total price for charging an electric vehicle may not increase once charging has commenced.

Regulation 12 provides for the enforcement authority to enforce the Regulations.

The Schedule makes further provision about enforcement. Part 1 of the Schedule provides the enforcement authority with various investigatory powers. These include powers to require the provision of information, powers of entry and powers to inspect certain items and information. Part 2 of the Schedule specifies the civil sanctions that can be imposed if there is a breach of the relevant regulations. These consist of compliance notices, which require a person who has breached the relevant regulations to take certain steps, and civil penalties. A civil penalty can also be imposed in certain circumstances if a person obstructs the enforcement authority when it is carrying out its duties. Part 3 of the Schedule allows the enforcement authority to accept undertakings from a person it suspects has breached the relevant regulations. Part 4 of the Schedule requires the enforcement authority to publish information about action it has taken.

Regulation 13 provides for the Secretary of State to undertake a review of the regulatory provision contained in these Regulations on a five-yearly basis.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Transport, 33 Horseferry

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Public Charge Point Regulations 2023 No. 1168

Road, London, SW1P 4DR and is published with an Explanatory Memorandum alongside this instrument on <https://www.legislation.gov.uk>.