



# Automated and Electric Vehicles Act 2018

## 2018 CHAPTER 18

### PART 2

#### ELECTRIC VEHICLES: CHARGING

##### *General and supplementary*

#### 16 Enforcement

- (1) Regulations under this Part may make provision for enforcement in connection with a contravention of a requirement or prohibition imposed by the regulations.
- (2) Regulations made by virtue of subsection (1) may, for example—
  - (a) contain provision for determining whether there has been a failure to comply with a requirement or prohibition;
  - (b) provide for the imposition of a financial penalty (and for the payment of such a penalty into the Consolidated Fund);
  - (c) set out the procedure to be followed in imposing a penalty;
  - (d) make provision about the amount of a penalty;
  - (e) make provision about the enforcement of a penalty;
  - (f) provide for a right of appeal against the imposition of a penalty;
  - (g) provide for a determination for the purposes of the regulations to be made by the Secretary of State or a prescribed person.
- (3) The provision referred to in subsection (2)(a) includes—
  - (a) provision authorising a prescribed person to enter any land in accordance with the regulations;
  - (b) provision for the inspection or testing of any thing by a prescribed person, which may for example include provision about—
    - (i) the production of documents or other things,
    - (ii) the provision of information,
    - (iii) the making of photographs or copies, and

- (iv) the removal of any thing for the purpose of inspection or testing and its retention for that purpose for a reasonable period.

## 17 Exceptions

- (1) Regulations under this Part may create exceptions from any requirement or prohibition imposed by the regulations.
- (2) An exception may be created in relation to a prescribed description of persons or devices.
- (3) The Secretary of State may determine that a requirement or prohibition imposed by regulations under this Part does not apply in relation to a person or device specified in the determination.
- (4) The Secretary of State must publish a determination made under subsection (3).

## 18 Regulations

- (1) Regulations under this Part—
  - (a) may make different provision for different purposes or different areas;
  - (b) may make supplemental, incidental, transitional or consequential provision.
- (2) A power to make regulations under this Part is exercisable by the Secretary of State by statutory instrument.
- (3) Before making regulations under this Part, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Subject to subsection (7), where—
  - (a) a statutory instrument contains regulations under this Part, and
  - (b) any of those regulations are the first regulations under a provision of this Part,the instrument may not be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (5) Where—
  - (a) a statutory instrument contains regulations under section 11 (large fuel retailers etc), and
  - (b) the regulations amend the definition of “large fuel retailer” or “service area operator”,the instrument containing the regulations may not be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (6) A statutory instrument containing regulations under this Part none of which are—
  - (a) the first regulations under a provision of this Part, or
  - (b) regulations to which subsection (5) applies,is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Where regulations contain only provision made by virtue of—
  - (a) section 10(3) or (4) (prescribed requirements for public charging or refuelling points or for connecting components), or
  - (b) section 15 (prescribed requirements for charge points),

the instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

- (8) If a draft of a statutory instrument containing relevant section 11(1)(a) regulations would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.
- (9) In subsection (8) “relevant section 11(1)(a) regulations” means regulations under section 11(1)(a) that are made pursuant to section 12 (duty to consider making regulations under section 11(1)(a) on request by elected mayor).

## **19 Report by Secretary of State on operation of this Part**

- (1) The Secretary of State must, in respect of each reporting period, prepare a report assessing—
  - (a) the impact and effectiveness of regulations made under this Part;
  - (b) the need for regulations to be made under this Part during subsequent reporting periods.
- (2) Each report must be laid before Parliament after the end of the reporting period to which it relates.
- (3) The first reporting period is the period of two years beginning with the day on which this Act is passed.
- (4) Each subsequent period of 12 months after the first reporting period is a reporting period.