



Automated and Electric Vehicles Act 2018

2018 CHAPTER 18

PART 2

ELECTRIC VEHICLES: CHARGING

Introductory

9 Definitions

(1) For the purposes of this Part—

- (a) “charge point” means a device intended for charging a vehicle that is capable of being propelled by electrical power derived from a storage battery (or for discharging electricity stored in such a vehicle);
- (b) “hydrogen refuelling point” means a device intended for refuelling a vehicle that is capable of being propelled by electrical power derived from hydrogen;
- (c) a charge point or a hydrogen refuelling point is a “public charging or refuelling point” if it is provided for use by members of the general public.

(2) In this Part—

“operator”, in relation to a public charging or refuelling point, has the meaning given by regulations;

“prescribed” means prescribed by regulations;

“vehicle” means a vehicle that is intended or adapted for use on roads.

Requirements and prohibitions

10 Public charging or refuelling points: access, standards and connection

(1) Regulations may impose requirements on operators of public charging or refuelling points in connection with—

- (a) the method of payment or other way by which access to the use of public charging or refuelling points may be obtained;

- (b) performance, maintenance and availability of public charging or refuelling points;
 - (c) the components of public charging or refuelling points that provide the means by which vehicles connect to such points (“connecting components”).
- (2) Regulations under subsection (1)(a) may require operators—
- (a) to provide a prescribed method of payment or verification for obtaining access to the use of public charging or refuelling points;
 - (b) to co-operate with each other for the purposes of a requirement imposed by the regulations (for example, by sharing facilities or information);
 - (c) to take prescribed steps for the purposes of such a requirement (for example, to provide information to a prescribed person).
- (3) Regulations under subsection (1)(b) may, for example, require the operator of a public charging or refuelling point to ensure that the point complies with prescribed requirements (which may include technical specifications).
- (4) Regulations under subsection (1)(c) may, for example, require the operator of a public charging or refuelling point to ensure that its connecting components comply with prescribed requirements (which may include technical specifications for connecting components or any related equipment).

11 Large fuel retailers etc: provision of public charging or refuelling points

- (1) Regulations may impose requirements on—
- (a) large fuel retailers falling within a prescribed description, or
 - (b) service area operators falling within a prescribed description,
- in connection with the provision on their premises of public charging or refuelling points.
- (2) Regulations under subsection (1) may, for example—
- (a) require large fuel retailers or service area operators to provide public charging or refuelling points;
 - (b) require public charging or refuelling points to be available for use at prescribed times;
 - (c) require services or facilities prescribed by the regulations to be provided in connection with public charging or refuelling points.
- (3) In this section “large fuel retailer” and “service area operator” have the meaning given by regulations.

12 Duty to consider making regulations under section 11(1)(a) on request by elected mayor

- (1) The Secretary of State must consider making section 11(1)(a) regulations in relation to the whole or part of a relevant area if—
- (a) the mayor for the relevant area makes a request for such regulations to be made,
 - (b) conditions 1 to 3 are met, and
 - (c) the Secretary of State considers that the mayor has complied with any prescribed requirements before making the request.

- (2) “Section 11(1)(a) regulations” means regulations under section 11(1) that impose requirements on large fuel retailers within section 11(1)(a).
- (3) Condition 1 is that the Secretary of State is satisfied that, before making the request, the mayor—
 - (a) published proposals for section 11(1)(a) regulations to be made in relation to the whole or part of the relevant area, and
 - (b) consulted—
 - (i) each local authority any part of whose area falls within the relevant area or, if the request relates to part of the relevant area, within that part,
 - (ii) persons who would be likely to be subject to requirements under the regulations (if made), and
 - (iii) such other persons as the mayor considers appropriate,in relation to the published proposals.
- (4) Condition 2 is that the mayor has given the Secretary of State a summary of the responses to the consultation referred to in subsection (3)(b).
- (5) Condition 3 is that regulations have been made under section 11(3) in relation to the meaning of “large fuel retailer”.
- (6) If the Secretary of State decides not to make section 11(1)(a) regulations in response to the mayor’s request, the Secretary of State must notify the mayor of the decision and the reasons for it.
- (7) For the purposes of this section—
 - (a) “relevant area” means the area of a combined authority or Greater London;
 - (b) the mayor for a relevant area is—
 - (i) in the case of the area of a combined authority, the mayor for the area elected in accordance with section 107A(2) of the 2009 Act;
 - (ii) in the case of Greater London, the Mayor of London.
- (8) In this section—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“combined authority” means a combined authority established under section 103(1) of the 2009 Act;

“large fuel retailer” has the same meaning as in section 11;

“local authority” means—

 - (a) a district council,
 - (b) a county council, or
 - (c) a London borough council.

13 Information for users of public charging or refuelling points

- (1) Regulations may require operators of public charging or refuelling points to make available prescribed information relating to such points.
- (2) The information that may be prescribed under subsection (1) in relation to a public charging or refuelling point is such information as the Secretary of State considers

likely to be useful to users or potential users of the point, for example information about—

- (a) the location of the point and its operating hours,
 - (b) available charging or refuelling options,
 - (c) the cost of obtaining access to the use of the point,
 - (d) the method of payment or other way by which access to the use of the point may be obtained,
 - (e) means of connection to the point,
 - (f) whether the point is in working order, and
 - (g) whether the point is in use.
- (3) The regulations may make provision—
- (a) about when, how, to whom and in what form the information is to be made available;
 - (b) for the information to be made available without restrictions on its use and disclosure.
- (4) The regulations may be made so as to have effect for a prescribed period.

14 Transmission of data relating to charge points

- (1) Regulations may make provision for the purpose of ensuring the ongoing transmission of charge point data to a prescribed person or to persons of a prescribed description.
- (2) “Charge point data” means prescribed information relating to a charge point (which may include information about energy consumption and geographical information).
- (3) Regulations under subsection (1) may impose requirements—
 - (a) on operators of charge points that are provided for use by members of the general public, and
 - (b) in relation to charge points that are not provided as mentioned in paragraph (a), on prescribed persons or persons of a prescribed description (subject to subsection (4)).
- (4) Regulations under subsection (1) may not impose requirements on owners or occupiers of domestic premises.
- (5) Regulations under subsection (1) may make provision about when, how and in what form charge point data is to be transmitted.

15 Smart charge points

- (1) Regulations may provide that a person must not sell or install a charge point unless it complies with prescribed requirements.
- (2) The requirements that may be imposed under subsection (1) include requirements relating to the technical specifications for a charge point, including for example the ability of a charge point—
 - (a) to receive and process information provided by a prescribed person,
 - (b) to react to information of a kind mentioned in paragraph (a) (for example, by adjusting the rate of charging or discharging),

- (c) to transmit information (including geographical information) to a prescribed person,
 - (d) to monitor and record energy consumption,
 - (e) to comply with requirements relating to security,
 - (f) to achieve energy efficiency, and
 - (g) to be accessed remotely.
- (3) Regulations under subsection (1) may also prescribe requirements to be met in relation to the sale or installation of a charge point.
- (4) In this section—
- (a) “sell” includes let on hire, lend or give;
 - (b) references to a prescribed person include references to—
 - (i) a person of a prescribed description, and
 - (ii) a device operated by one or more prescribed persons.

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.