



House of Commons

Tuesday 14 November 2017

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

AUTOMATED AND ELECTRIC VEHICLES BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [31 October 2017].

Alan Brown

11

Clause 4, page 3, line 13, at end insert—

“, provided that the vehicle manufacturer has made all reasonable efforts to—

- (i) notify the owner of a vehicle about the need for an update of the vehicle’s operating system
- (ii) provide the relevant update of the vehicle’s operating system to the owner or insured person, and
- (iii) arrange for the installation and update of the vehicle’s operating system.”

Member’s explanatory statement

This amendment would ensure the manufacturer has made every possible effort to inform the owner of the vehicle that a software update is needed before liability is passed to the owner.

Alan Brown

12

Clause 4, page 3, line 36, at end insert—

“(7) The Secretary of State must by regulations establish a system by which an automated vehicle may only be approved for driving itself on public roads if all application software is up to date.”

Member’s explanatory statement

This amendment would require the Government to introduce regulations to establish a system that

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requires automated vehicle software to be up to date in order for them to utilise automated functions on public roads.

Karl Turner
Vicky Foxcroft

14

Clause 7, page 5, line 15, at end insert—

- “(c) an automated vehicle may be listed, under section 1, as being capable of driving itself “safely” if the vehicle is designed and manufactured to be—
- (i) capable of driving itself in a manner unlikely to cause damage to the automated vehicle or another vehicle, or injury to a person, on the road or surrounding area, and
 - (ii) protected from hacking risks that the manufacturer knew, or ought reasonably to have known, are likely to cause damage to the automated vehicle or another vehicle, or injury to a person, on the road or surrounding area (see section (Cyber security and hacking of automated vehicles)).”

Member’s explanatory statement

This amendment would define what is meant by an automated vehicle being capable of driving itself “safely”.

Karl Turner
Vicky Foxcroft

3

Clause 9, page 6, line 22, at end insert—

- “(4) The Secretary of State must consult charge point operators and vehicle manufacturers on the prescribed requirements for connecting components (before regulations under subsection (1)(b) are made).”

Member’s explanatory statement

This amendment requires consultation with charge point operators and vehicle manufacturers on the requirements for connecting components for the charging of electric vehicles.

Karl Turner
Vicky Foxcroft

4

Clause 10, page 6, line 34, at end insert—

- “(2A) Regulations under subsection (1) must provide exemptions for retailers and operators in instances where adhering to such regulations would—
- (a) require an expansion of land, or
 - (b) result in any other disproportionate costs for retailers and operators.”

Member’s explanatory statement

This amendment ensures that there are exemptions for operators with limited forecourt space who are unable to accommodate public charging points without an expansion of land and that retailers and operators do not incur disproportionate costs for complying with regulations.

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Karl Turner
Vicky Foxcroft

5

Clause 10, page 6, line 36, at end insert—

“(4) The Secretary of State must publish, in draft, the criteria and definition of “large fuel retailers” and “service area operators” at least six months before regulations under subsection 10(3) are made.”

Member’s explanatory statement

This amendment would require the Secretary of State to consult on and publish criteria to be used for the definitions of “large fuel retailers” and “service area operators”. This will make clear to the industry which kinds of companies are covered by these regulations.

Karl Turner
Vicky Foxcroft

6

Clause 12, page 7, line 29, after “security” insert “and provide safeguards against hacking”

Member’s explanatory statement

This amendment clarifies that smart charge points must have measures in place to safeguard against the risk of being hacked.

Karl Turner
Vicky Foxcroft

7

Clause 15, page 8, line 32, leave out from “consult” to end and insert—

- “(a) the National Grid,
- (b) large fuel retailers and service area operators as defined under section 10, and
- (c) any other such persons as the Secretary of State considers appropriate.”

Member’s explanatory statement

This amendment would require the Secretary of State to consult specifically with the National Grid, large fuel retailers and service area operators before introducing regulations.

Alan Brown

13

Clause 15, page 9, line 33, at end insert—

“(3A) Before making regulations under this Part, the Secretary of State must consult the Scottish Government, the Welsh Government and the Northern Ireland Executive and have regard to their views.”

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NEW CLAUSES

Karl Turner
Vicky Foxcroft

NC5

To move the following Clause—

“Review of regulations in Part 2

- (1) Within 12 months, and once in each 12 month period thereafter, the Secretary of State must lay a report before Parliament on the regulations made using powers granted in Part 2 of this Act.
- (2) The report must consider—
 - (a) the effectiveness of the regulations,
 - (b) the impact the regulations are having on public charge point operators,
 - (c) the impact the regulations are having on fuel retailers,
 - (d) the impact the regulations are having on the National Grid, and
 - (e) how the regulations are impacting on the uptake of electric vehicles.”

Member’s explanatory statement

This new clause would require the Secretary of State to lay a report before Parliament each year assessing the effectiveness and impact of the regulations in Part 2.

Karl Turner
Vicky Foxcroft

NC9

To move the following Clause—

“Updates to software and operation of automated vehicles

The Secretary of State must bring forward regulations to require that automated vehicles cannot operate in automated mode on public roads unless the application software relating to the vehicle’s automated function is up to date.”

Member’s explanatory statement

This new clause would require the Government to introduce regulations that require automated vehicles to be up to date in order for them to utilise automated functions on public roads.

Karl Turner
Vicky Foxcroft

NC10

To move the following Clause—

“Review of Part 1

- (1) By September 2019, the Secretary of State must lay a report before Parliament assessing the effectiveness of the system for defining and insuring automated vehicles introduced by Part 1 of this Act.

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- (2) The report must consider—
- (a) the impact on the insurance industry,
 - (b) the impact on the cost of insurance premiums for automated vehicles,
 - (c) the impact on the uptake of automated vehicles, and
 - (d) the levels of disagreement between manufacturers and insurers on liability.”

Member’s explanatory statement

This new clause would require the Government to lay a report before Parliament assessing the effectiveness and impact of the system introduced in Part 1.

Clive Efford

NC11

To move the following Clause—

“Approval of automated vehicle software

- (1) The Secretary of State must set out in regulations a system for approving automated vehicle software.
- (2) These regulations must, in particular, make provision for—
 - (a) the criteria to be used in the approval process to determine whether automated vehicle software is safe for use on roads or other public places in Great Britain, including, but not limited to the way in which the vehicle is programmed to—
 - (i) deal with moral judgements, and
 - (ii) transition between driving itself and being driven by a person.
 - (b) the process by which manufacturers of automated vehicles may apply for software approval, including, but not limited to, any inspection and testing that the vehicle may be required to undergo, and
 - (c) the process by which manufacturers of automated vehicles may appeal if their software is not approved.
- (3) In this section, a “moral judgement” refers to any situation where an automated vehicle has, and makes, a choice of action during an accident while the vehicle is driving itself.
- (4) In this section and section 2, the definition of transition of an automated vehicle “between driving itself and being driven by a person” may be set out by the Secretary of State in regulations.
- (5) Where a statutory instrument contains the first regulations made under this section, the instrument 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 regulation under this section, that is not the first such regulation made under this section, is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member’s explanatory statement

This new clause would require the Government to establish a system for approving automated vehicle software. The approval process would include an opportunity for manufacturers to appeal against a failed approval process. Criteria for approval would include consideration of the way in which the vehicle was programmed to deal with moral judgements.

Automated and Electric Vehicles Bill, *continued*

Alan Brown

NC12

To move the following Clause—

“Review of impact of Part 2

- (1) The Secretary of State must, within 12 months of this Act receiving Royal Assent, lay a report before Parliament setting out the impact of regulations made under Part 2 on—
 - (a) the number and location of charge points in the United Kingdom,
 - (b) the resulting uptake of electric vehicles in the United Kingdom, and
 - (c) the manufacturing of electric vehicles in the United Kingdom.
- (2) Before exercising their duties under subsection (1), the Secretary of State must consult the Scottish Government, the Welsh Government and the Northern Ireland Executive and have regard to their views.”

Member’s explanatory statement

This new clause would require the Government to produce a report examining the uptake and manufacturing of electric vehicles in the United Kingdom.

Alan Brown

NC13

To move the following Clause—

“Report on electric charging points

- (1) The Secretary of State must, within 12 months of this Act receiving Royal Assent, lay a report before Parliament setting out a UK-wide electric charging point strategy that must include, but is not limited to, a strategy for establishing charging points for —
 - (a) domestic properties,
 - (b) urban and rural settlements, and
 - (c) the road network.
- (2) Before exercising their duties under subsection (1), the Secretary of State must consult the Scottish Government, the Welsh Government and the Northern Ireland Executive and have regard to their views.”

Member’s explanatory statement

This new clause would require the Government to consult with devolved administrations and produce a report setting out a UK-wide strategy for electric charging points.

Alan Brown

NC14

To move the following Clause—

“Report on impact of electric vehicle charging points on energy consumption

- (1) The Secretary of State must, within 12 months of this Act receiving Royal Assent, lay a report before Parliament on the impact of charging points on—
 - (a) energy consumption,

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- (b) grid management, and
- (c) grid storage capacity.
- (2) Before exercising their duties under subsection (1), the Secretary of State must consult the Scottish Government, the Welsh Government and the Northern Ireland Executive and have regard to their views.
- (3) As well as consulting those in subsection (2) the Secretary of State must consult with—
 - (a) the National Grid, and
 - (b) any other such persons as the Secretary of State considers appropriate.”

Member’s explanatory statement

This new clause would require the Government to consult with devolved administrations and produce a report on the impact of energy consumption as a result of increased number of electric vehicles in the UK

Clive Efford

NC15

To move the following Clause—

“Liability of insurers etc where accident is caused by automated vehicles in convoy

- (1) That the Secretary of State must set out in regulations liability for insurers and other parties where an accident is caused by automated vehicles driving themselves in convoy.
 - (2) These regulations must make provision for—
 - (a) a definition of automated vehicles driving themselves in convoy,
 - (b) determining liability of insurers and automated vehicle owners in cases where—
 - (i) the automated vehicles travelling in convoy are insured, including where the vehicles may be insured by different companies;
 - (ii) one or more of the automated vehicles driving in convoy are not insured.
 - (c) resolving liability disputes where automated vehicles are driving in convoy,
 - (d) ensuring any compensation received by the injured party in such accidents is not delayed by liability disputes.
 - (3) Where a statutory instrument contains the first regulations made under this section, the instrument may not be made unless a draft of it has been laid before Parliament and approved by resolution of the House.
 - (4) A statutory instrument containing regulation under this section that is not the first such regulation made under this section, is subject to an annulment in pursuance of a resolution of either House of Parliament.”
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Automated and Electric Vehicles Bill, *continued*

Karl Turner
Vicky Foxcroft

NC16

To move the following Clause—

“Sharing of data to resolve liability disputes

- (1) Where an accident occurs under sections 2, 3 or 4, the insurer and other interested parties have the right to acquire data from the automated vehicle for the purpose of determining the extent of liability.
- (2) The Secretary of State must set out in regulations a system for handling and sharing data generated in respect of accidents involving automated vehicles.
- (3) These regulations must make provision for—
 - (a) the format and content of the data recorded by automated vehicles,
 - (b) identifying who is responsible for data collection,
 - (c) identifying which interested parties have the right to acquire data from the automated vehicle,
 - (d) how such data may be acquired by the insurer and other interested parties, and
 - (e) any limitation that should be placed on how that data can be shared or used.
- (4) Prior to making regulations under this section, the Secretary of State must consult with such persons as the Secretary of State considers appropriate.
- (5) Where a statutory instrument contains the first regulations made under this section, the instrument 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 section, that is not the first such instrument made under this section, is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member’s explanatory statement

This new clause would ensure that insurers and other interested parties have access to automated vehicle data for the purpose of resolving disputes on the extent of liability where an accident has occurred. This clause would give the Secretary of State power to make regulations on how such data should be handled and shared.

Karl Turner
Vicky Foxcroft

NC17

To move the following Clause—

“Accident resulting from unauthorised inspection, repair or maintenance of automated vehicle

- (1) An insurance policy in respect of an automated vehicle may exclude or limit the insurer’s liability under section 2(1) for damage suffered by an insured person arising from an accident occurring as a direct result of unauthorised inspection, repair or maintenance of the automated vehicle, made by the insured person, or with the insured person’s knowledge, that are prohibited under the policy.
- (2) But as regards liability for damage suffered by an insured person who is not the holder of the policy, subsection (1) applies only in relation to unauthorised

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inspection, repair or maintenance of the automated vehicle which, at the time of the accident, the person knows are prohibited under the policy.

- (3) Subsection (4) applies where an amount is paid by an insurer under section 2(1) in respect of damage suffered, as a result of an accident, by someone who is not insured under the policy in question.
- (4) If the accident occurred as a direct result of unauthorised inspection, repair or maintenance of the automated vehicle, made by the insured person, or with the insured person's knowledge, that are prohibited under the policy, the amount paid by the insurer is recoverable from that person to the extent provided for by the policy.
- (5) But as regards recovery from an insured person who is not the holder of the policy, subsection (4) applies only in relation to unauthorised inspection, repair or maintenance of the automated vehicle which, at the time of the accident, the person knew were prohibited under the policy.
- (6) For the purposes of this section the Secretary of State must by regulations establish a scheme for authorised inspection, repair and maintenance of automated vehicles by licensed and accredited technicians.
- (7) The scheme must include details of—
 - (a) which professional body will operate the licensing and accreditation of technicians,
 - (b) how the licensing and accreditation scheme will operate,
 - (c) a minimum level of training for technicians working on listed automated vehicles, and
 - (d) how a list of accredited individuals will be prepared and kept up-to-date.
- (8) Prior to making regulations under this section, the Secretary of State must consult with such persons as the Secretary of State considers appropriate.
- (9) Where a statutory instrument contains the first regulations made under this section, the instrument may not be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (10) A statutory instrument containing regulations under this section, that is not the first such instrument made under this section, is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This new clause would ensure that insurers should not have to bear liability to the insured person for accidents caused by the vehicle being inspected, repaired or maintained by unauthorised technicians in breach of the insurance policy. This would apply subject to various conditions regarding the level of knowledge of the insured person or policyholder about the insurance policy requirements. This clause would give the Secretary of State power to make regulations on a scheme for authorised inspection, repair and maintenance of automated vehicles by licensed and accredited technicians.

Karl Turner
Vicky Foxcroft

NC18

To move the following Clause—

“Cyber Security and hacking of automated vehicles

The Secretary of State must, within 12 months of this Act receiving Royal Assent, consult with such persons as the Secretary of State considers appropriate on what

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steps will be required for the effective cyber security of automated vehicles listed under section 1 to protect those vehicles against accidents caused by hacking.”

Member’s explanatory statement

This new clause would require the Secretary of State to report within 12 months what steps would be required to protect automated vehicles from accidents caused by hacking.

Karl Turner
Vicky Foxcroft

NC19

To move the following Clause—

“Cyber Security and hacking of electric vehicle charge points

The Secretary of State must, within 12 months of this Act receiving Royal Assent, consult with such persons as the Secretary of State considers appropriate on what steps will be required for the effective cyber security of electric vehicle charge points to protect those charge points against hacking.”

Member’s explanatory statement

This new clause would require the Secretary of State to report within 12 months what steps would be required to protect electric vehicle charge points against hacking.

Karl Turner
Vicky Foxcroft

NC20

To move the following Clause—

“Consultation on the collection and use of data from electric vehicle charging points and smart charge points

The Secretary of State must consult with such persons as the Secretary of State considers appropriate on the collection and use of data from electric vehicle charging points and smart charge points. The consultation must address—

- (a) who is responsible for collecting the data from electric vehicles and from any associated charging or network infrastructure used by such vehicles,
- (b) how the data is shared between different parties, and
- (c) any limitations on the use of such data.”

Member’s explanatory statement

This new clause would require the Secretary of State to consult on the collection and use of data from electric vehicle charging points and smart charge points.

Automated and Electric Vehicles Bill, continued

ORDER OF THE HOUSE [23 OCTOBER 2017]

That the following provisions shall apply to the Automated and Electric Vehicles Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 16 November.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and on any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

ORDER OF THE COMMITTEE [31 OCTOBER 2017]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 31 October) meet—
 - (a) at 2.00 pm on Tuesday 31 October;
 - (b) at 11.30 am and 2.00 pm on Thursday 2 November;
 - (c) at 9.25 am and 2.00 pm on Tuesday 14 November;
 - (d) at 11.30 am and 2.00 pm on Thursday 16 November;
- (2) the Committee shall hear oral evidence on Tuesday 31 October in accordance with the following Table:

TABLE

<i>Time</i>	<i>Witness</i>
Until no later than 10.30 am	Automated Driving Insurers Group; TRL; Association of British Insurers
Until no later than 11.00 am	Unite; ITF
Until no later than 11.25 am	Robert Llewelyn, presenter, Fully Charged

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<i>Time</i>	<i>Witness</i>
Until no later than 3.00 pm	Society of Motor Manufacturers and Traders; RAC Foundation; Petrol Retailers Association; Institute of the Motor Industry
Until no later than 3.45 pm	Quentin Willson, Journalist and TV presenter
Until no later than 4.15 pm	National Grid; UK Electrical Vehicle Supply Equipment Association; UK Power Network
Until no later than 5 pm	TRL; FiveAI

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 16; Schedule; Clauses 17 to 19; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 16 November.

NOTICES WITHDRAWN

The following Notices were withdrawn on 9 November 2017:

NC1, NC2, NC3, NC4, NC6, NC7 and NC8.
