

# **AUTOMATED AND ELECTRIC VEHICLES BILL**

## **EXPLANATORY NOTES ON LORDS AMENDMENTS**

### **What these notes do**

- 1 These Explanatory Notes relate to the Lords Amendments to the Automated and Electric Vehicles Bill as brought from the House of Lords on Wednesday 13 June 2018.
- 2 These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL 82, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendments 1 to 32 were tabled in the name of the Minister.
- 6 In the following Commentary, an asterisk(\*) appears in the heading of any paragraph that deals with a non-Government amendment.

### **Commentary on Lords amendments**

#### **Lords Amendments to Part 1: Automated Vehicles: Liability of insurers etc**

##### **Lords Amendments 1 to 4**

- 7 Lords Amendments 1 and 2 would clarify within clause 1 that the measures in Part 1 of the Bill apply only to vehicles which are designed or adapted to be capable, in at least some circumstances or situations, of safely driving themselves, and may be lawfully used in this way on roads or other public places in Great Britain.
- 8 Lords Amendments 3 and 4 would support Lords Amendments 1 and 2 by aligning clause 2 with the amended definition of an 'automated vehicle'. This clarifies that accidents caused by automated vehicles in self driving mode trigger the insurer's compulsory insurance liability as established by this Bill only where they take place on a road or public place in Great Britain.

##### **Lords Amendment 5**

- 9 Lords Amendment 5 would insert a new clause after clause 6 to require the Secretary of State to lay a report, two years after the list of automated vehicles is first published, detailing the

These Explanatory Notes relate to the Lords Amendments to the Automated and Electric Vehicles Bill as brought from the House of Lords on 13 June 2018 [Bill 227]

impact and effectiveness of Part 1. This report must also include an assessment of the extent to which the provisions of Part 1 ensure that appropriate insurance or other arrangements (as detailed in sub-section 2(2)(c)) are made in respect of vehicles that are capable of safely driving themselves.

### Lords Amendment 6

- 10 Lords Amendment 6 would clarify that 'road' for the purposes of this Bill is defined in the same way as in the Road Traffic Act 1988.

## Lords Amendments to Part 2: Electric Vehicles: Charging

### Lords Amendments 7 to 10, 12, 13, 15, 16 to 19, 21 and 22

- 11 Lords Amendments 7 to 10, 12, 13, 15, 16 to 19, 21 and 22 would add 'refuelling' where 'charging points' are mentioned in the Bill text. These changes would make it clearer within the Bill text that both battery electric vehicles and hydrogen fuel cell electric vehicles are covered by the measures in clauses 9 to 12.

### Lords Amendments 11, 14, and 30

- 12 Lords Amendments 11 and 14 would add a power in clause 9 for the Secretary of State to make regulations to set availability, maintenance and performance standards for public charging infrastructure. This would help to increase the number and reliability of charging or refueling points available for use by the public at any given time.
- 13 Lords Amendment 30 would ensure that regulations that only prescribe technical standards or protocols to achieve the prescribed level of performance are subject to negative procedure.

### Lords Amendments 20 and 31

- 14 Lords Amendment 20 would create a new clause after clause 10 to provide elected mayors (the Mayor of London and Mayors of combined authorities) with the power to designate locations defined in clause 10 at which they would wish charging infrastructure to be installed. The power would be limited to large fuel retailers in the area within their authority. Mayors would be required to consult on such proposals, and notify the Secretary of State of the intent for regulations to be made, who must then consider whether to make such regulations. If the Secretary of State decided not to make such regulations, they would be required to notify the mayor of the reasons for this. The Secretary of State would not be obliged to consider a request to make regulations unless 'large fuel retailer' had already been defined in regulations.
- 15 Lords Amendment 31 would provide for the hybrid instrument protocol not to apply where the first regulations made under clause 10(1) of the Bill are made following a request from a Mayor.

### Lords Amendments 23 to 26

- 16 Clause 12 provides the Secretary of State with a power to make regulations to ensure the ongoing transmission of data from charge points to specified persons (who could include the National Grid and electricity distribution network operators). Regulations may also specify the type of data which is subject to the obligation, as well as the form in which it is to be transmitted.
- 17 Lords Amendments 23 to 26 would clarify that those persons obligated by clause 12 do not include owners or occupiers of domestic premises. If a prescribed person (who could include a company such as a charge point operator) also owned a domestic property, then the

These Explanatory Notes relate to the Lords Amendments to the Automated and Electric Vehicles Bill as brought from the House of Lords on 13 June 2018 [Bill 227]

intention is that requirements would still apply to them in their capacity as a prescribed person.

### **Lords Amendments 27 to 29**

- 18 Lords Amendments 27 to 29 would provide that for each time the terms 'large fuel retailer' or 'service area operator' are defined in regulations, the affirmative procedure would apply.

### **Lords Amendment 32**

- 19 Lords Amendment 32 would provide a new clause after clause 16 that places an obligation on the Secretary of State to lay a report before Parliament annually, commencing two years after the day on which this Act is passed, assessing the impact and effectiveness of regulations made under this Part and the need for other regulations to be made under this Part during subsequent reporting periods.

### **Territorial extent of Lords amendments**

- 20 The Lords Amendments do not change the territorial extent of the provisions in the Bill, save Amendment 20 which would only apply to England.

# **AUTOMATED AND ELECTRIC VEHICLES BILL**

## **EXPLANATORY NOTES ON LORDS AMENDMENTS**

These Explanatory Notes relate to the Lords Amendments to the Automated and Electric Vehicles Bill as brought from the House of Lords on 13 June 2018.

---

Ordered by the House of Commons to be printed, 13 June 2018

---

© Parliamentary copyright 2018

This publication may be reproduced under the terms of the Open Parliament Licence which is published at [www.parliament.uk/site-information/copyright](http://www.parliament.uk/site-information/copyright)

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS

These Explanatory Notes relate to the Lords Amendments to the Automated and Electric Vehicles Bill as brought from the House of Lords on 13 June 2018 [Bill 227]