

Automated and Electric Vehicles Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

After Clause 5

LORD TUNNICLIFFE

Insert the following new 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 is 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 inspection, repair or maintenance of the automated vehicle which, at the time of the accident, the person knows is 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 is 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 knows is 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—

After Clause 5 - continued

- (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 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.”

Clause 9

BARONESS WORTHINGTON

Page 6, line 5, leave out “may” and insert “must”

After Clause 9

BARONESS WORTHINGTON

Insert the following new Clause –

“Permitted development and charging infrastructure rights

- (1) Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596) is amended as follows –
- (a) in Part 2, Minor operations, Class D – electrical outlet for recharging vehicles –
 - (i) at end of Permitted development D, insert “and its associated infrastructure and maintenance”,
 - (ii) leave out paragraph (b) (“face onto and be within 2 metres of a highway”) of Development not permitted D.1;
 - (b) in Part 2, Minor operations, Class E – electrical upstand for recharging vehicles –
 - (i) at end of Permitted development E, insert “and its associated infrastructure and maintenance”,
 - (ii) leave out paragraph (a) (“exceed 1.6 metres in height from the level of the surface used for the parking of vehicles”) of Development not permitted E.1,
 - (iii) leave out paragraph (b) (“be within 2 metres of a highway”) of Development not permitted E.1.

After Clause 9 - continued

- (2) “Associated infrastructure” includes an adequate supply of electricity and works required in connection with the operation of any service administered by a charge point operator in accordance with regulations made under the Automated and Electric Vehicles Act 2018.
- (3) Transport for London is to be treated as a local authority for the purposes of Part 12 of Schedule 2 (permitted development rights) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596) but only in respect of electric vehicle charging points and any associated infrastructure.
- (4) Section 16 of the London Local Authorities and Transport for London Act 2013 is amended as follows—
 - (a) in subsections (1)(a) and (2)(a) after “authority” insert “or in the case of Transport for London, in any public off-street car park in Greater London under the management and control of an authority”,
 - (b) in subsections (1)(b) and (2)(b) after “authority” insert “or in the case of Transport for London, on any highway in Greater London except for a highway for which Highways England is responsible as highway authority”.
- (5) Section 18 of the London Local Authorities and Transport for London Act 2013 is amended as follows—
 - (a) in subsection (1)—
 - (i) after “section 16(1)” leave out “unless they have consulted” and insert “except with the consent of”; and
 - (ii) at end insert “and such consent must not be unreasonably withheld or delayed”;
 - (b) in subsection (2)—
 - (i) after “section 16(2)” leave out “unless the authorised person has consulted” and insert “except with the consent of”; and
 - (ii) at end insert “and such consent must not be unreasonably withheld or delayed”;
 - (c) leave out subsection (3).
- (6) Notwithstanding that it is not the relevant local authority, highway authority or traffic authority, Transport for London may make an order under section 6, 35 or 45 of the Road Traffic Regulation Act 1984 in respect of—
 - (a) any parking place in Greater London provided by a local authority pursuant to sections 32 and 33 of that Act; or
 - (b) any highway in Greater London except for a highway for which Highways England is responsible as highway authority.
- (7) Transport for London may exercise the power in subsection (6) only if the parking place to which the order relates is associated with an electric vehicle charging point.
- (8) The power in subsection (6) includes the power to amend an existing order made under section 6, 35 or 45 of the Road Traffic Regulation Act 1984 by any local authority.

After Clause 9 - continued

- (9) The requirement in section 45(1) of the Road Traffic Regulation Act 1984 for Transport for London to obtain the consent of the traffic authority in relation to a highway or road for which Transport for London is not the traffic authority does not apply to an order made under this section.
- (10) Section 45(1A) of the Road Traffic Regulation Act 1984 does not apply to an order made under this section.
- (11) The Secretary of State must by regulations make provision for charging infrastructure rights.
- (12) For the purposes of this Part a “charging infrastructure right”, in relation to a charge point operator and any land, is a right exercised for the purposes of providing the operator’s charge point or associated infrastructure.
- (13) Regulations under subsection (11) may make provision about—
 - (a) the conferral of charging infrastructure rights,
 - (b) the persons who confer and who are subject to charging infrastructure rights,
 - (c) the exercise of charging infrastructure rights,
 - (d) the assignment of charging infrastructure rights, and
 - (e) the circumstances in which the court is to impose an agreement conferring charging infrastructure rights.
- (14) Regulations under subsection (11) may confer rights including (but not limited to) rights to—
 - (a) install and keep charge points and associated infrastructure including ducting and pre-cabling on, under or over the land,
 - (b) inspect, maintain, adjust, alter, repair, upgrade or operate charge points and associated infrastructure that are on, under or over the land,
 - (c) carry out any works on the land for or in connection with the installation, maintenance, adjustment, alteration, repair, upgrading or operation of charge points and associated infrastructure,
 - (d) enter the land to inspect, maintain, adjust, alter, repair, upgrade or operate any charge points and associated infrastructure that are on, under or over the land or elsewhere,
 - (e) connect to a power supply, and
 - (f) access land.”

Clause 10

BARONESS WORTHINGTON

Page 6, line 24, leave out “may” and insert “must”

Page 6, line 34, at end insert—

“() require public charge points to be of a minimum rated power (in kW) and of a specific current type (DC or AC).”

After Clause 10

BARONESS WORTHINGTON

Insert the following new Clause –

“Designated premises

- (1) The Mayor of London may designate premises in Greater London and an elected mayor of a combined authority may designate premises in the area of the combined authority where the relevant mayor considers regulations which may be made under section 10 should apply.
- (2) Prior to designating premises under subsection (1), the relevant mayor must consult the occupier of the designated premises and any other relevant person.
- (3) If a mayor designates premises under subsection (1), the relevant mayor must –
 - (a) publish the designation;
 - (b) notify the Secretary of State of the designation; and
 - (c) provide the Secretary of State with any consultation responses received in respect of the consultation undertaken under subsection (2).
- (4) If the Secretary of State receives notification of a designation under subsection (3), the Secretary of State must either make regulations under section 10 in respect of the designated premises or notify the relevant mayor of his or her decision not to make regulations under section 10 and give reasons for the decision.
- (5) In this section, an “elected mayor of a combined authority” is a mayor elected by local government electors pursuant to an order made under section 107A of the Local Democracy, Economic Development and Construction Act 2009.”

Insert the following new Clause –

“Provision of charging points and ducting in residential and non-residential buildings

- (1) Regulations must impose requirements for non-residential and residential buildings with a minimum defined number of parking spaces in connection with the provision of charging points.
- (2) For the purposes of subsection (1), regulations must define the minimum number of parking spaces.
- (3) Regulations must provide that from 1 January 2020 in all new non-residential buildings, and in all existing non-residential buildings undergoing major renovation, with more than a defined minimum number of parking spaces inside or adjacent to the building, either suitable pre-cabling or ducting is installed to enable the construction of charge points or charge points are constructed.
- (4) Regulations must provide that from 1 January 2020 new residential buildings and existing residential buildings undergoing major renovations including the electric infrastructure or the car park, with more than a minimum defined number of parking spaces inside or adjacent to the building, must include the appropriate pre-cabling or pre-ducting to enable the installation of charge points in line with best available technology for every parking space.

After Clause 10 - continued

- (5) For the purposes of subsections (3) and (4) regulations must specify the number of charge points to be constructed and the number of parking spaces to be furnished with pre-cabbling or ducting.”

Clause 11

BARONESS WORTHINGTON

Page 6, line 38, leave out “may” and insert “must”

Page 6, line 40, leave out “may” and insert “must”

Page 7, line 11, leave out “may” and insert “must”

Clause 12

BARONESS WORTHINGTON

Page 7, line 18, leave out “may” and insert “must”

Page 7, line 24, leave out “may” and insert “must”

Page 7, line 28, leave out “may” and insert “must”

Clause 13

BARONESS WORTHINGTON

Page 7, line 31, leave out “may” and insert “must”

Page 7, line 32, at end insert –

- “() Regulations under subsection (1) must prescribe a requirement, if technically feasible and if not prohibited by financial constraints that are reasonable, to make use of smart charging systems.
- () Regulations under subsection (1) must prescribe a requirement, if technically feasible and if not prohibited by financial constraints that are reasonable, to make use of intelligent metering systems.
- () For the purposes of this Part “intelligent metering systems” means an electronic system that can measure energy consumption, can provide more information than a conventional meter and can transmit and receive data using a form of electronic communication.”

Page 7, line 33, leave out “may” and insert “must”

Page 7, line 33, after “(1)” insert “may”

Page 8, line 1, leave out “may” and insert “must”

Clause 14

BARONESS WORTHINGTON

Page 8, line 10, leave out “may” and insert “must”

Clause 16

BARONESS WORTHINGTON

Page 9, line 9, at end insert –

“() The Secretary of State must within 12 months of the passing of this Act lay before Parliament drafts of all regulations required under this Part.”

Clause 18

BARONESS WORTHINGTON

Leave out Clause 18 and insert the following new Clause –

“Commencement

This Act comes into force on the day on which it is passed.”

Clause 20

BARONESS WORTHINGTON

Leave out Clause 20 and insert the following new Clause –

“Short title

This Act may be cited as the Insurance Provisions for Automated Vehicles and Charging Infrastructure for Electric Vehicles Act 2018.”

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3 May 2018
