

Automated and Electric Vehicles Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

BARONESS SUGG

1 Page 1, line 6, leave out paragraph (a)

BARONESS RANDEKSON

2 Page 1, line 8, leave out paragraph (b) and insert –
“(b) meet the conditions listed in levels 4 and 5 of SAE International’s levels of driving automation.”

BARONESS SUGG

3 Page 1, line 10, at end insert “, and
() may lawfully be used when driving themselves, in at least some circumstances or situations, on roads or other public places in Great Britain.”

LORD TUNNICLIFFE

4 Page 1, line 10, at end insert –
“(1A) The Secretary of State must consult on and publish the criteria that they will use to determine whether, in their opinion, a motor vehicle is designed or adapted to be capable, in at least some circumstances or situations, of safely driving itself without having to be monitored by an individual.
(1B) The Secretary of State may not change the criteria under subsection (1A) until they have consulted vehicle manufacturers, insurers and other such persons as the Secretary of State considers appropriate.”

Clause 2

BARONESS SUGG

5 Page 1, line 22, after “itself” insert “on a road or other public place in Great Britain”

6 Page 2, line 6, after “itself” insert “on a road or other public place in Great Britain”

After Clause 6

BARONESS SUGG

7 Insert the following new clause—

“Report by Secretary of State on operation of this Part

- (1) The Secretary of State must prepare a report assessing—
 - (a) the impact and effectiveness of section 1;
 - (b) the extent to which the provisions of this Part ensure that appropriate insurance or other arrangements are made in respect of vehicles that are capable of safely driving themselves.
- (2) The report must be laid before Parliament no later than two years after the first publication of the list under section 1.”

Clause 7

BARONESS SUGG

8 Page 5, line 22, at end insert—

““road” has the same meaning as in the Road Traffic Act 1988 (see section 192(1) of that Act).”

Clause 8

BARONESS SUGG

9 Page 5, line 39, after “charging” insert “or refuelling”

10 Page 5, line 42, after “charging” insert “or refuelling”

Clause 9

BARONESS SUGG

11 Page 6, line 5, after “charging” insert “or refuelling”

12 Page 6, line 8, after “charging” insert “or refuelling”

13 Page 6, line 8, at end insert—

“(aa) performance, maintenance and availability of public charging or refuelling points;”

14 Page 6, line 9, after “charging” insert “or refuelling”

Clause 9 - continued

15 Page 6, line 13, after “charging” insert “or refuelling”

16 Page 6, line 18, at end insert –

“(2A) Regulations under subsection (1)(aa) 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).”

17 Page 6, line 20, after “charging” insert “or refuelling”

BARONESS RANDERSON

18 Page 6, line 22, at end insert –

“(3A) Regulations may prohibit the removal of public charging or refuelling points unless appropriate permission is obtained from the relevant local authority.

(3B) Regulations under subsection (3A) may be limited to public charging or refuelling points whose installation was assisted by publicly funded grants.”

After Clause 9

BARONESS WORTHINGTON

19 Insert the following new Clause –

“Charging infrastructure rights

- (1) The Secretary of State must by regulations make provision for charging infrastructure rights.
- (2) 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.
- (3) Regulations under subsection (1) 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.
- (4) Regulations under subsection (1) 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,

After Clause 9 - continued

- (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.”

BARONESS RANDERSON

20 Insert the following new Clause –

“Requirement for charging or refuelling points in new developments

- (1) Regulations must introduce a requirement that all new residential, commercial and industrial developments include charging or refuelling points.
- (2) The requirement under subsection (1) applies only where it does not affect the overall viability of the development.
- (3) Regulations may specify the number of charging or refuelling points required depending on the size of the development.”

Clause 10

BARONESS WORTHINGTON

21 Page 6, line 26, at end insert “or

- () large car park operators which are privately owned and managed and fall within a prescribed description,”

BARONESS SUGG

22 Page 6, line 27, after “charging” insert “or refuelling”

BARONESS WORTHINGTON

23 Page 6, line 29, after “operators” insert “or large car park operators”

BARONESS SUGG

24 Page 6, line 30, after “charging” insert “or refuelling”

25 Page 6, line 31, after “charging” insert “or refuelling”

26 Page 6, line 34, after “charging” insert “or refuelling”

LORD TUNNICLIFFE

27 Page 6, line 34, at end insert –

- “() Regulations under subsection (1) must not require unreasonable or disproportionate expenditure, or acquisition of land, by retailers or operators.”

BARONESS WORTHINGTON

28 Page 6, line 35, after “operator” insert “and “large car park operator””

After Clause 10

BARONESS SUGG

29 Insert the following new Clause –

“Duty to consider making regulations under section 10 on request by elected mayor

- (1) The Secretary of State must consider making regulations under section 10 in relation to roads forming part of the key route network in a relevant area if –
 - (a) the mayor for the relevant area makes a request for such regulations to be made,
 - (b) conditions 1 and 2 are met, and
 - (c) the Secretary of State considers that the mayor has complied with any prescribed requirements before making the request.
- (2) Condition 1 is that the Secretary of State is satisfied that, before making the request, the mayor –
 - (a) published proposals for regulations to be made under section 10 in relation to roads forming part of the key route network in the area, and
 - (b) consulted –
 - (i) persons who would be likely to be subject to requirements under the regulations (if made), and
 - (ii) such other persons as the mayor considers appropriate, in relation to the published proposals.
- (3) Condition 2 is that the mayor has given the Secretary of State a summary of the responses to the consultation referred to in subsection (2)(b).
- (4) The Secretary of State may disregard a request to the extent that it relates to the definitions of “large fuel retailer” and “service area operator”.
- (5) For the purposes of this section –
 - (a) “relevant area” means the area of a combined authority or Greater London;
 - (b) a road forms part of the key route network in a relevant area if –
 - (i) in the case of the area of a combined authority, the road is one in relation to which functions are exercisable by the combined authority as a result of an order under section 105A(1) of the 2009 Act;
 - (ii) in the case of Greater London, the road is a GLA road (within the meaning of the Highways Act 1980);
 - (c) 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.
- (6) 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.”

30

[Withdrawn]

After Clause 10 - continued

BARONESS WORTHINGTON
As an amendment to Amendment 29

- 30A★** Leave out subsection (1) and insert—
- “(1) If the mayor for a relevant area makes a request for regulations under section 10 to be made in relation to the relevant area and conditions 1 and 2 are met, then the Secretary of State must either—
- (a) make the regulations, or
 - (b) notify the mayor of his or her decision not to make the regulations, and include reasons for that decision.”

As an amendment to Amendment 29

- 31** In subsection (2)(a), leave out from “section 10” to “and”

32 [*Withdrawn*]

As an amendment to Amendment 29

- 32A★** In subsection (2)(b), after “consulted—” insert—
- “() the relevant local authority,”

BARONESS RANDESON
As an amendment to Amendment 29

- 33** After subsection (4) insert—
- “(4A) The Secretary of State may by regulations extend the provisions in this section so that similar requests to make regulations under section 10 can be made by other local transport authorities.
- (4B) A statutory instrument containing regulations under subsection (4A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

BARONESS WORTHINGTON
As an amendment to Amendment 29

- 33A★** In subsection (5), leave out paragraph (b)

34 Insert the following new Clause—

“Charge points on leased premises

- (1) Any leaseholder who legitimately requires a charge point or points to be installed on leased premises may require the landlord to install them to the leaseholder’s specification at the leaseholder’s expense.
- (2) Any leaseholder who pays for a charge point to be installed as in subsection (1) retains ownership of the charge point and all the associated works that the leaseholder has paid for when the lease ends, but the landlord may acquire ownership of them by paying the leaseholder one sixtieth of their cost for each month that remains of the five years since they were installed.”

After Clause 10 - continued

35 Insert the following new Clause –

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

- (1) Regulations must impose requirements for non-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) For the purposes of subsection (3) regulations must specify the number of charge points to be constructed and the number of parking spaces to be furnished with pre-cabling or ducting.”

Clause 11

BARONESS SUGG

36 Page 6, line 38, after “charging” insert “or refuelling”

37 Page 6, line 41, after “charging” insert “or refuelling”

Clause 12

BARONESS SUGG

38 Page 7, line 25, leave out “public charging points” and insert “provided for use by members of the general public”

39 Page 7, line 26, leave out “public charging points” and insert “provided as mentioned in paragraph (a)”

40 Page 7, line 27, at end insert “(subject to subsection (3A)).”

41 Page 7, line 27, at end insert –

“(3A) Regulations under subsection (1) may not impose requirements on owners or occupiers of domestic premises.”

Clause 14

LORD TUNNICLIFFE

42 Page 8, line 12, at end insert—

“() The Secretary of State must give reasonable notice to operators of public charging points, large fuel retailers and service area operators of any requirements imposed by regulations under this Part, at least six months before the regulations come into force.”

Clause 16

LORD TUNNICLIFFE

43 Page 9, line 11, at end insert—

“() Consultation must last for a proportionate length of time, to be judged on the basis of legal advice and taking into account the nature and impact of the regulations.”

BARONESS SUGG

44 Page 9, line 17, at end insert—

“(4A) Where—

- (a) a statutory instrument contains regulations under section 10 (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.”

45 Page 9, line 19, leave out “are the” and insert “are—
(a) the”46 Page 9, line 19, leave out “Part, is” and insert “Part, or
(b) regulations to which subsection (4A) applies,
is”47 Page 9, line 22, leave out paragraph (a) and insert—
“() section 9(2A) or (3) (prescribed requirements for public charging or refuelling points or for connecting components), or”**After Clause 16**

BARONESS SUGG

48 Insert the following new Clause—

“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;

After Clause 16 - continued

- (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.”

Clause 20

BARONESS RANDESON

49 Leave out Clause 20 and insert the following new Clause –

“Short title

This Act may be cited as the Automated, Electric and Hydrogen Fuel Cell Vehicles Act 2018.”

In the Title

BARONESS RANDESON

50 Line 1, after “electric” insert “and hydrogen fuel cell”

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4 June 2018
