

WRITTEN SUBMISSION TO HOUSE IN RESPECT OF AMENDMENTS

Automated and Electric Vehicles Bill - Analysis on the application of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business in respect of Government amendments made to the Bill during consideration in the House of Lords.

Amendments made in the House of Lords

The following is the Department's assessment of the Bill and Government amendments made in the House of Lords. This memorandum refers to the Bill as introduced in the House of Lords on 30 January 2018 (HL Bill 82).

Summary

The Government has made 32 amendments to the Bill in the House of Lords.

To Part 1, pertaining to automated vehicles, the following amendments were made to clauses 1, 2, 7 and a new clause after clause 6:

- Clarified the definition of an automated vehicle in clause 1 so that it is clear that a vehicle that is used on a public access road or other public place, but is not in any circumstances capable of lawfully being put in self-driving mode on those roads or places, would be out of scope of the Bill and only be within scope of the existing Road Traffic Act 1988 (RTA) compulsory insurance framework.
- Clarified that the definition of a 'road' within this Bill is the same as that of the RTA.
- Added a new clause requiring the Secretary of State to report on the operation of Part 1.

None of these amendments change the territorial extent of the Bill, with the clauses in Part 1 still applying to England, Wales and Scotland.

To Part 2, pertaining to electric vehicles, the following amendments were made to clauses 8, 9, 10, 11, 12 and 16, and new clauses after 10 and 16:

- Revised the term used to describe both battery electric charge points and hydrogen refuelling stations to make it more explicit that the infrastructure provisions within the Bill cover both charging technologies.
- Introduced a power to set standards for public charging and refuelling points to improve the performance and reliability of public charging and refuelling points.
- Added a new clause after clause 10 to give Secretary of State a duty to consider making regulations under section 10 on request by elected mayors

- Made it clear on the face of the Bill that domestic consumers will not be obligated by the requirements made under regulations in clause 12 (ongoing transmission of data from smart charge points).
- Amending clause 16 to require the affirmative procedure in certain instances for clause 10.
- A new clause to add a requirement for reporting on the effectiveness and impact of Regulations in Part 2 and on the need for subsequent regulations to be made.

The amendment to add a new clause (after clause 10) applies solely to England by virtue of the fact that the elected mayors to which the Clause applies are in England. The rest of Part 2 still applies to England, Wales, Scotland and Northern Ireland.

The above assessment is presented in tabular form below:

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and Applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?
Part 1							
Clause 1	Yes	Yes	Yes	No	N/A	N/A	N/A
Clause 2	Yes	Yes	Yes	No	N/A	N/A	N/A
NC after 6	Yes	Yes	Yes	No	N/A	N/A	N/A
Clause 7	Yes	Yes	Yes	No	N/A	N/A	N/A
Part 2							
Clause 9	Yes	Yes	Yes	Yes	N/A	N/A	N/A
Clause 10	Yes	Yes	Yes	Yes	N/A	N/A	N/A
NC after 10	Yes	No	No	No	No	No	Yes
Clause 11	Yes	Yes	Yes	Yes	N/A	N/A	N/A
Clause 12	Yes	Yes	Yes	Yes	N/A	N/A	N/A
Clause 16	Yes	Yes	Yes	Yes	N/A	N/A	N/A
NC after 16	Yes	Yes	Yes	Yes	N/A	N/A	N/A

Territorial application

1. The amendments made apply as follows:

All amendments to Part 1 extend and apply to England, Wales and Scotland. All amendments to Part 2 extend and apply to England, Wales, Scotland and Northern Ireland, except for the addition of the new clause after 10 which (for the reason described above) only applies to England.

2. Changes to territorial application as a result of amendments are as follows:

The new clause after clause 10, on the duty to consider making regulations under section 10 on request by an elected mayor, only applies (for the reason described above) to England. However, as the subject matter of the clause relates to the provision of electric vehicle infrastructure, as with the rest of Part 2, this is reserved for Scotland and Wales but within the legislative competence of Northern Ireland. Accordingly, corresponding provision could be made by Northern Ireland. . A legislative consent motion for Part 2 will be required from Northern Ireland in due course.

Minor or consequential effects²

3. The amendments to the Bill have no minor or consequential effects to territories outside of those the Bill already extend and apply to.

¹ References in this statement to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

² References in this statement to an effect of a provision being minor or consequential are to its being minor or consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.