My Lords,

7 March 2018

Thank you for your contribution in the Second Reading debate on the Automated and Electric Vehicles Bill on 20 February. I thought it would be helpful before Committee Stage of the Bill to address some of the specific issues raised by Noble Lords that I did not have time to respond to fully during the debate.

Automated vehicles terminology

In setting out the vehicle insurance framework for automated vehicles, it is important that the terminology used is clear and transparent. Noble Lords questioned the terminology used when discussing the Bill, and specifically terms such as ‘handover’, ‘safely’, ‘must’, ‘safety-critical updates’ and ‘monitoring’. I would like to offer a meeting before Committee Stage to explore this further and to help clarify the use of these terms. My office will be in touch in due course with arrangements.

Definition of automated vehicles

Some concerns were raised about the way in which the Secretary of State will define those vehicles that would be included on the list required by the Bill. We are still considering the form and nature of the list, and are working with the DVLA to ensure that the systems are in place for both insurers and consumers. The list might, for example, simply cross refer to vehicles that are categorised as automated vehicles on the DVLA database. These vehicles would likely have been type approved against future standards for automated vehicles. We expect that the list of vehicles will draw on international or domestic standards but, as the technology is still in development, we are unable to regulate or to define those at the current time.
Vehicle licensing of automated vehicles

The Bill does not directly address the licensing of automated vehicles, but I thought it might be helpful to clarify this point following the debate. The UK’s approach for approving vehicles to go on sale and be used on our roads is vehicle type approval, rather than a licencing arrangement. Type approval ensures that cars sold in the UK comply with a number of regulations set globally by the UN Economic Commission for Europe (UNECE) World Forum for Harmonisation of Vehicle Standards. These United Nations regulations are constantly being developed to enhance safety and permit the introduction of new technology in a carefully controlled fashion.

Once a manufacturer successfully receives type approval for a new vehicle, they are free to sell it on the basis that it has been certified to have met the minimum safety and environmental criteria. The UK is actively engaged in the international debate regarding automated vehicles that will frame these requirements, and safety is at the heart of those discussions.

It is worth noting that necessary powers already exist to create new Motor Vehicle Construction and Use Regulations for automated vehicles through the Road Traffic Act 1988. It is for this reason that new regulation making powers are not necessary in the Bill. For example, we recently consulted on changes to such regulations, and the Highway Code, to enable the safe use of remote-control parking. Regulating for further standards now is likely to impede innovation but, as new technologies reach the point of market readiness, we will be able to set and define the standards both internationally and domestically.

Driver licensing in relation to automated vehicles

The requirements for driver training, testing, and licensing have always changed as vehicle technology has changed and will continue to do so as we see the introduction of automated vehicles. Whilst we do know that there will be different types of automated vehicles, with varying levels of sophistication, it is not possible at this stage to state what those changes will be. With this in mind it would not be appropriate to set definitive regulations in legislation at this time. This is why the Bill does not address this issue.
Data in automated vehicles

Data protection, privacy and ownership are significant considerations, and I noted in my concluding remarks that this is an issue which the Government takes very seriously. We will continue to engage with a wide range of stakeholders, including both the vehicle manufacturer and the insurance industries, to ensure that the right balance is struck between personal privacy and the public good.

Like most vehicle technologies, it is likely that these data recorders will be regulated on an international basis. There are many important regulatory conversations that are taking place regarding automated vehicles at an international level and it would be against UK interests to act unilaterally before decisions have been taken.

The Department is working within the UNECE to ensure that international vehicle standards support connected and autonomous vehicle technologies, including on data recording. We will continue to participate fully in these fora, equipped with the views from the UK manufacturing and insurance industry, evidence from UK trials taking place, and the first automated technologies that are coming to market.

We will continue to take these points into consideration as the technology for automated and connected vehicles moves forward. However, we do not believe that changes to the Bill are necessary given that these considerations go beyond what it is intended to achieve.

Hydrogen refuelling points

The Government fully supports the use of hydrogen fuel and the aim of Clause 8 of the Bill is to ensure that, where it refers to a ‘public charging point’, this encompasses both electric chargepoints and hydrogen refuelling points.

The order in which the terms appears follows usual practice in that terms are defined in the order necessary for each separate definition to be clearly understood by the reader in turn. Hydrogen refuelling points are not subsequently mentioned elsewhere in the Bill as they are included in the definition of ‘public charging point’, a term which is used throughout part 2 of the Bill.
Common standards and reliability across the chargepoint network

Though there has been a move towards harmonisation across the industry, it is the case that several different connectors do still exist. There are minimum EU standards on chargepoint connectors, and whilst slow and fast AC public chargepoints are now largely harmonised across the UK and EU, rapid public chargepoints typically offer multiple connector and charging standards. The Bill will prove valuable in this regard as it will enable standards for physical connection to chargepoints to be further defined, as necessary, in secondary legislation.

Lord Brooke of Alverthorpe also asked about the reliability of the UK’s 11,500 public charging points, and we must do all we can to ensure drivers of electric vehicles have confidence in the charging network. Data on reliability is not aggregated at a central level, as responsibility for repair and maintenance of public chargepoints lies with the asset owner or chargepoint operator. However, the Bill may again prove valuable in this area. Regulation could be introduced through Clause 11 to require chargepoint operators to make available, in an open source format, information that is likely to be useful to users or potential users of the chargepoint. That could include reliability information.

Thank you again for your contributions to the Second Reading debate and I look forward to considering these issues in more detail when the Bill enters Committee.

Copies of this letter will be placed in the libraries of both Houses.

BARONESS SUGG