

Briefing Note

TO: CES Members that own Electric Vehicle chargers

FROM: CES

SUBJECT: The Public Charge Point Regulations 2023

DATE: 9th November 2023

Issue

The Public Charge Point Regulations 2023 come into force on the 24th November 2023 across the UK. This law sets out requirements for charge point operators. An owner of a charge point may be the charge point operator and so this regulation may apply to some CES members.

Current Situation

The key things to identify as a charge point owner to determine whether any of these regulations apply to you are:

1. Are any of the charge points you own public?

A public charge point can come in many forms. It doesn't have to be available all the time and so includes those that may only be accessed during specific hours. A public charge point might be situated in a public car park, whether or not that car park is available only to persons intending to purchase specific goods or services. It's almost easier to define a public charge point by what it isn't.

A public charge point does not include—

- a workplace charge point, a charge point which is intended solely for the use of—
 - employees and contractors at their workplace, or
 - visitors to that workplace, excluding persons intending to purchase goods or services.
- a charge point restricted for the exclusive use by—
 - a vehicle produced by a specific manufacturer;
 - a person engaged in a specific occupation; or
 - an occupier of, or visitor to, residential premises.

2. Are you the charge point operator?

A charge point operator is the owner of a charge point or any person operating a charge point on behalf of the owner. For example, if you are the owner of a charger but Charge Place Scotland operate it on your behalf, then Charge Place Scotland are the charge point operator.

3. Are you a micro business?

Micro businesses are defined as a business entity with under 10 employees, and (in 2023/24) a turnover of less than £632k or a balance sheet total of £316k - there are several exceptions to this definition and organisations should satisfy themselves as to their micro business status or take legal advice on the matter.

Summary of regulations

By 24th November 2023, all public charge point operators need to ensure the total price for charging an EV is clearly displayed in p/kWh on the charge point or through another means that does not require the user to enter into a contract.

If you are a charge point operator and are not a micro business then you also need to

- provide a staffed, free, 24 hour/day every day phone line for persons using or intending to use the charge point;
- display the phone number prominently on or near the charge point;
- keep a record of every call and submit quarterly reports on:
 - number of calls broken down by type of assistance sought; length of time to resolve; % of calls not resolved by date of report;
- by 31st December 2024, provide the first quarterly report covering July - September 2024;
- by 24th November 2025, ensure that a person can pay to charge an EV using a payment service provided by a third party roaming provider;
- notify the Secretary of State within 28 days of any change to which third party roaming providers are permitted to provide a payment service for their chargers;
- by 24th November 2024, hold accurate data on the location, charger status, and connector in accordance with the Open Charge Point Interface version 2.2.1 and provide this on request to the Secretary of State, Distribution Network Owner, Transmission Owner, or Electricity Systems Operator that supplies energy to its public charge points;
- update the status of the charger within 30 seconds of a change in status;
- reference data and availability data is made available to the public free of charge and in a machine readable format without any requirement to agree to terms and conditions regarding the use of that data.

If you are the charge point operator of charge points of more than 8kW and are not a micro business then you also need to:

- by 24th November 2024, have contactless payment on the charger which allows users to use a payment card that doesn't require a pre-existing contract with the charge point operator e.g. a bank card.

If you are the charge point operator of rapid charge points (50kW plus) and are not a micro business then you also need to:

- by 24th November 2024, rapid chargers must have a reliability of at least 99% in a calendar year and the information must be published on your website;
- by 14th January 2026, provide a report to the Secretary of State relating to the number of rapid charge points operated and reliability figures for calendar year 2025.

The regulations are available here: <https://www.legislation.gov.uk/ukxi/2023/1168/contents/made>

Recommendation/s

It is recommended that CES Members satisfy themselves as to whether they are required to make changes as a result of The Public Charge Point Regulations 2023.