
STATUTORY INSTRUMENTS

2021 No. 1467

The Electric Vehicles (Smart Charge Points) Regulations 2021

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electric Vehicles (Smart Charge Points) Regulations 2021 and come into force on 30th June 2022.

(2) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

“civil sanction” means a compliance notice or a civil penalty imposed pursuant to Schedule 2;

“communications network” means an electronic communications network, being a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description;

“cyber-attack” means exploitation of a relevant charge point’s smart functionality or of a communications network to cause harm or disruption;

“demand side response services” means—

(a) increasing or decreasing the rate of electricity flowing through a charge point; or

(b) changing the time at which electricity flows through the charge point,

wholly or primarily for the benefit of the electricity system;

“DSR agreement” means an agreement pursuant to which the owner of a relevant charge point has agreed that the relevant charge point will provide demand side response services;

“electric vehicle” means a vehicle that is capable of being propelled by electrical power derived from a storage battery;

“enforcement authority” means the Secretary of State;

“owner” means—

(c) in the case of a workplace charge point, the person to whom a relevant charge point is sold⁽¹⁾ and who makes the relevant charge point available for use as a workplace charge point;

(d) in all other cases, the end-user to whom a relevant charge point is sold;

“personal data” has the meaning given in article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and

(1) The meaning of “sell” is set out in the Automated and Electrical Vehicles Act 2018 (c. 18), section 15.

repealing [Directive 95/46/EC](#) (General Data Protection Regulation)(2) as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018(3);

“relevant charge point” means a charge point to which these Regulations apply in accordance with regulation 3;

“relevant product” means a charge point or any charge point component or part;

“response DSR services” means demand side response services where the provision of such services is directly controlled by a person other than the owner, or another end-user, of the relevant charge point, and that control is effected by the person sending signals or other information to the charge point via a communications network;

“smart functionality” has the meaning given by regulation 5(2);

“statement of compliance” has the meaning given by regulation 13(2);

“workplace charge point” has the meaning given by regulation 3(3).

Application

3.—(1) Subject to paragraph (2), these Regulations apply to charge points(4) which are intended to be used for charging cars, vans or both of them, other than—

- (a) non-smart cables;
- (b) public charge points;
- (c) rapid charge points.

(2) These Regulations do not apply to—

- (a) the sale of a charge point before 30th June 2022;
- (b) the sale of a charge point which is to be exported outside of Great Britain and which is not intended for use within Great Britain at any time; or
- (c) the sale of a charge point by an individual acting for purposes that are outside that individual’s trade, business, craft or profession.

(3) In this regulation—

- (a) “car” means a vehicle in category M₁ as defined in Regulation (EU) 2018/858(5);
- (b) “non-smart cable” means an electrical cable which is a charge point but which is not able to send and receive information;
- (c) “public charge point” means a charge point, other than a workplace charge point, which is intended for use primarily by members of the general public including charge points situated in public car parks, whether or not those car parks are available only to consumers of specific goods or services;
- (d) “rapid charge point” means a charge point that allows for a transfer of electricity to an electric vehicle with a power of not less than 50 kilowatts;
- (e) “Regulation (EU) 2018/858” means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive [2007/46/EC](#)(6) as it forms part of the law of England

(2) OJ L 119 4.5.2016, p. 1.

(3) [2018 \(c. 16\)](#). Section 3 was amended by section 25(2) of the European Union (Withdrawal Agreement) Act [2020 \(c. 1\)](#).

(4) The meaning of “charge point” is set out in the Automated and Electrical Vehicles Act [2018 \(c. 18\)](#), section 9.

(5) See article 4(1)(a)(i).

(6) OJ L 151, 14.6.2018, p. 1–218.

and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018;

- (f) “van” means a vehicle in category N₁ as defined in Regulation (EU) 2018/858(7); and
- (g) “workplace charge point” means a charge point which is intended for use by persons engaged in specific occupations or by persons whilst at their place of employment (including visitors to the place of employment).

Sale of charge points

4.—(1) Subject to paragraph (2), a person must not sell, or offer or advertise for sale, a relevant charge point unless—

- (a) the relevant charge point complies with the requirements in regulations 5 to 11 of, and paragraphs 1 to 10 of Schedule 1 to, these Regulations; and
- (b) the requirements in relation to the sale of a relevant charge point in regulations 13 and 14 of, and paragraph 11 of Schedule 1 to, these Regulations are complied with.

(2) The requirements in Schedule 1 to these Regulations do not need to be complied with in respect of a relevant charge point which is sold before 30th December 2022.

(7) See article 4(1)(b)(i).