



London Local Authorities and Transport for London Act 2013

2013 CHAPTER v

PART 5

CHARGING POINTS FOR ELECTRIC VEHICLES

16 Charging points for electric vehicles

- (1) A London authority may provide and operate charging apparatus for electrically powered motor vehicles—
 - (a) in any public off-street car park under the management and control of the authority;
 - (b) on any highway for which they are responsible as highway authority.
- (2) A London authority may grant a person permission to provide or operate charging apparatus for electrically powered motor vehicles—
 - (a) in any public off-street car park under the management and control of the authority;
 - (b) on any highway for which they are responsible as highway authority.
- (3) For the purposes of this Part, a person to whom permission is granted under subsection (2) is referred to as an “authorised person”.
- (4) Section 115D of the 1980 Act (limit on powers to provide amenities on the highway) shall apply in relation to the exercise of the powers under this section by a London authority as it applies in relation to the exercise of powers under sections 115B and 115C of that Act by a council.
- (5) No charging apparatus may be provided on a local Act walkway unless walkway consent has been obtained first.
- (6) Subject to subsection (7), a London authority may grant a permission under subsection (2) upon such conditions as they think fit, including conditions requiring the payment to the authority of such reasonable charges as they may determine.

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(7) Nothing in this section—

- (a) is to be taken as authorising the creation of a nuisance or of a danger to users of a highway or a public off-street car park; or
- (b) (in relation to permissions granted under subsection (2)) is to be taken as imposing on a London authority by whom a permission has been granted any liability for injury, damage or loss resulting from the presence on a highway or public off-street car park of the charging apparatus to which the permission relates; or
- (c) is to be taken as imposing on a London authority any liability for injury, damage or loss resulting from the presence on a highway or public offstreet car park of a connecting cable; or
- (d) shall prejudice the right of a London authority to require an indemnity against any claim in respect of injury, damage or loss arising out of the grant of a permission granted under subsection (2),

but paragraph (d) is not to be taken as requiring any person to indemnify a London authority against any claim in respect of injury, damage or loss which is attributable to the negligence of the London authority.

(8) For the purposes of determining, in any proceedings in a court of civil jurisdiction, who is liable for injury, damage or loss resulting from the presence on a highway or public off-street car park of a connecting cable at or near charging apparatus provided under this section, it shall be presumed that the person in charge of the relevant vehicle at the relevant time had responsibility for and control of the cable.

(9) In subsection (8)—

“the relevant vehicle” means the vehicle in respect of which the connecting cable was about to be, was being or had been used for charging;

“the relevant time” means the time when the liability arose.

(10) This section is without prejudice to section 162 of the 1980 Act (penalty for placing rope, etc. across highway).

(11) In this section—

“charging apparatus” includes any fixed equipment but excludes any connecting cable or wire which is not provided by the authority;

“connecting cable” means any cable or wire, whether provided by the authority or otherwise, used to connect the charging apparatus to a vehicle and that is not permanently attached to the charging apparatus;

“local Act walkway” and “walkway consent” have the same meanings as in section 115A of the 1980 Act;

“operate” in relation to charging apparatus for electronically powered motor vehicles includes supply or sell electricity by means of such charging apparatus;

“public off-street carpark” means a place, whether above or below ground and whether or not consisting of or including buildings, where off-street parking accommodation is made available to the public, whether or not for payment.

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17 Notices to be given before exercise of powers under section 16

- (1) Subject to subsection (5), a London authority shall not exercise any power conferred by section 16(1) unless they have first published a notice under this section.
- (2) An authorised person shall not provide or operate charging apparatus in accordance with a permission given under section 16(2) unless the authorised person has first published a notice under this section.
- (3) A London authority or an authorised person, as the case may be, shall publish a notice under this section—
 - (a) by affixing it in a conspicuous position at or near the place to which the proposal relates; and
 - (b) by serving a copy of the notice on the owner and occupier of any premises appearing to the London authority or the authorised person to be likely to be materially affected.
- (4) A notice under this section—
 - (a) shall give details of the proposal; and
 - (b) shall specify a period (being not less than 28 days after the publication of the notice) during which representations regarding the proposal may be made to the London authority or authorised person.
- (5) Where a London authority have or an authorised person has published a notice under this section, they shall not exercise the power or grant the permission to which the notice relates until they have taken into consideration all representations made to them in connection with the proposal within the period specified in the notice.
- (6) In this section “the proposal” means the proposal to provide or operate charging apparatus.

18 Duties to consult or obtain consent of other authorities

- (1) A London authority shall not exercise any power conferred by section 16(1) unless they have consulted any authority other than themselves who are a local planning authority, as defined in the Town and Country Planning Act 1990 for the area in which they propose to exercise the power.
- (2) An authorised person shall not provide or operate charging apparatus in accordance with a permission given under section 16(2) unless the authorised person has consulted any authority (other than the London authority who gave the permission) who are a local planning authority for the area to which the proposed permission relates.
- (3) Consultation carried out by an authorised person before that person was given a permission under section 16(2) counts as consultation for the purposes of subsection (2).
- (4) Where a highway to which this Part of this Act applies is maintained by a relevant railway undertaker, a London authority shall not exercise any power conferred by section 16(1) or grant a permission in relation to it under section 16(2) except with the consent of the relevant railway undertaker.
- (5) In this section, “relevant railway undertaker” means—
 - (a) Network Rail Infrastructure Limited;
 - (b) London Underground Limited; or

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- (c) any of their subsidiaries (within the meaning given by section 1159 of the Companies Act 2006).

19 Offence of unlawful use of charging point

- (1) A person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale if he uses charging apparatus in contravention of a sign displayed on the apparatus which indicates that—
 - (a) the apparatus is not to be used for any purpose other than charging a vehicle; and
 - (b) it is an offence to so use the apparatus.
- (2) A person is not guilty of an offence under subsection (1) if—
 - (a) he had the permission of the person who operated the charging apparatus at the time to use the charging apparatus for the purpose in question; or
 - (b) he had reasonable cause to believe he had such permission; or
 - (c) at the time there was on the charging apparatus an indication given by the person who operated the charging apparatus that it could be used for the purpose for which it was used.