

Public Charge Point Regulations 2023



Examples of charging infrastructure considered accessible to the public

Public charge points located in publicly owned car parks and residential car parks where parking bays are not designated to individual households or group of households.

Public charge points located in privately-owned car parks to which the public has access, such as supermarket and hotel car parks, and those at service areas.

Public charge points located on public roads for public use.

The regulations consider a charge point to be public when it is intended for use primarily by members of the general public and meets the requirements outlined in Regulation 3.

A public charge point includes situations in which a charge point:

- may only be accessed during restricted hours
- is situated in a public car park, whether or not that car park is available only to customers of specific goods or services e.g., a supermarket car park

A public charge point does not include:

- a workplace charge point that is not accessible to the general public at any time
- a charge point restricted for the exclusive use by:
 - vehicles produced by a specific manufacturer
 - people engaged in a specific occupation
 - occupiers of residential premises and their visitors

This legislation will apply to public charge points and not those which are exclusively workplace or domestic charge points.

These regulations, with the exception of the pricing requirements (Regulation 11), do not apply to charge point operators that are micro-businesses.

Examples where a charge point would not be considered public

Occupiers of residential premises and their visitors

- residential care homes
- multi-occupancy residential premises with shared parking area
- a car parking area restricted for the sole use of residents and/or visitors
- charge points on private driveways
- charge points sited on residential streets whose use is restricted only for local residents
- charge points located on a private driveway which are made available for peer-to-peer charging
- a gully running from a home to the pavement for a cable and connector carrying electricity supplied by a domestic tariff

People while at their place of work

- car parking areas reserved exclusively for a company's staff or fleet use

Exclusive use in respect of a vehicle produced by a specific car manufacturer

- car dealership forecourts for a specific manufacturer which allow only their customers to use their charge points
- proprietary networks whose charge points and use are restricted to one specific car manufacturer

People engaged in specific occupations

- charge points intended for sole use including but not limited to taxi drivers, ambulances or other emergency services

What is considered a public charger?

| User Types | Description | Accessibility | Usage |
|---------------------------|--|----------------|---|
| Employees and Technicians | <ul style="list-style-type: none"> ChargePoint's are available only to employees for work or personal usage, access is restricted either by permission or physically i.e. a barrier | Private | Paid for and free vend charging via: <ul style="list-style-type: none"> App QR Payter Fob |
| Your customers | <ul style="list-style-type: none"> ChargePoint's available in customer car parking bays Chargers are not broadcasted publicly Sufficient signage i.e. customer use only | Private | Paid for charging via; <ul style="list-style-type: none"> App QR code Payter terminal |
| Members of the public | <ul style="list-style-type: none"> Invited to the charge point ChargePoint's are in a public location Can be broadcast on to charging maps | Public | Paid for charging via; <ul style="list-style-type: none"> App QR code Payter terminal |
| Members of the public | <ul style="list-style-type: none"> Invited to the charge point ChargePoint's are in a public location Can be broadcast on to charging maps | Private | Free via; <ul style="list-style-type: none"> App QR code |

What are the public charge point regulations?

| Section | Obligation | Description of activity | Type of public charge point | Effective Date |
|---------------|--|---|---|---------------------------------------|
| Regulation 5 | Contactless Payment | <ul style="list-style-type: none"> Ensure that when public facing chargers are available, there is a contactless payment terminal per site | <ul style="list-style-type: none"> Any chargers 8kW above: <ul style="list-style-type: none"> New must have contactless payment Existing private chargers that are switching to public must be retrofitted for contactless payment 50kw and above new install and existing must be retrofitted for contactless payment | Nov-24 |
| Regulation 6 | Pay through at least one roaming provider | <ul style="list-style-type: none"> Have chargers connected to an OCPP platform that has roaming capability i.e. Monta, and ensure set to roaming | All | Nov-25 |
| Regulation 7 | 99% reliability (annual average across rapid charger network) | <ul style="list-style-type: none"> Ensure chargers are functioning at 99% reliability. If a charger goes down, ensure it is fixed or removed from network and public charging apps | 50kW and above | Nov-24 |
| Regulation 8 | Regular reporting | <ul style="list-style-type: none"> Send reports to regulatory body on annual basis Report content includes roaming, reliability, and helpline KPI's | 50kW and above | 2025 with 1st report by 14th Jan 2026 |
| Regulation 9 | Staffed, end user 24/7 telephone helpline | <ul style="list-style-type: none"> Provide a 24/7 helpline for public customers | All | Nov-24 |
| Regulation 10 | Open data (using Open Charge Point Interface (OCPI)) | <ul style="list-style-type: none"> Ensure charge point is always connected to OCPI platform | All | Nov-24 |
| Regulation 11 | Price display in p/kWh | <ul style="list-style-type: none"> Ensure all chargers have appropriate display | All | Nov-23 |

Who is responsible for the public charge point management?

| Obligation | Description of activity | PAYG Reactive support |
|---|--|-----------------------|
| Contactless Payment | <ul style="list-style-type: none"> Ensure that when public facing chargers are available, there is a contactless payment terminal per site | X |
| Pay through at least one roaming provider | <ul style="list-style-type: none"> Have chargers connected to an OCPP platform that has roaming capability i.e. Monta, and ensure set to roaming | X |
| 99% reliability (annual average across rapid charger network) | <ul style="list-style-type: none"> Ensure chargers are functioning at 99% reliability during available hours. If a charger goes down, ensure it is fixed or removed from network and public charging apps | X |
| Regular reporting | <ul style="list-style-type: none"> Send reports to regulatory body on annual basis Report content includes roaming, reliability, and helpline KPI's | X |
| Staffed, end user 24/7 telephone helpline | <ul style="list-style-type: none"> Provide a 24/7 helpline for public customers | X |
| Open data (using Open Charge Point Interface (OCPI)) | <ul style="list-style-type: none"> Ensure charge point is always connected to OCPI platform | X |
| Price display in p/kWh | <ul style="list-style-type: none"> Ensure all chargers have appropriate display | ✓ |

Recommended Migration plan

| Egg hardware management products | | |
|---|---|---|
| Business Essentials | Business Plus | Business Public <i>Coming soon</i> |
| ✓ | ✓ | ✓ |
| ✓ | ✓ | ✓ |
| X | X | ✓ |
| X | ✓ | ✓ |
| ✓ | ✓ | ✓ |
| ✓ | ✓ | ✓ |
| ✓ | ✓ | ✓ |
| Call outs chargeable £300 + £100ph Labour. Standard SLA | Includes unlimited fault visits with enhanced SLA | Unlimited fault visits and SLA to comply with regulations |

How to keep charge points private

If your charge points are in a public facing area but you would like them to remain private, there are some simple solutions to support this

Recommended

DO's

Put up clear signage e.g.
"For customer use only"
or
"For employee use only"

DON'TS

- Broadcast chargers on public charging apps e.g. Zapmap

Extra cautious

CAN DO's

- Deactivate Payter terminals
- Have fob or QR code on request

DON'TS

- Have different pricing structure for customers vs employee private usage (company usage would be FOC)

Currently we have a planned workshop with OPSS to discuss regulations and any exemptions that might apply e.g. prospective vs active customers

Financial regulations



What are the financial public charge point regulations?

| | Explanation | What does the CPO need to do? | Other notes |
|-------------------------|---|--|--|
| VAT for public charging | <ul style="list-style-type: none"> VAT rate should be charged at 20% for public charge points | <ul style="list-style-type: none"> Be clear to the end consumer what VAT rate is being charged Be clear when booking revenue what VAT rate was charged to the consumer | <ul style="list-style-type: none"> The EV charging industry is making considerable noise with HMRC on this topic and there will be a lead case challenging HMRC's view. Other CPOs are writing to HMRC for rulings which can then be appealed to stand behind this lead case (i.e. no direct litigation necessary). |
| Benefit in Kind | <ul style="list-style-type: none"> Currently no BiK is payable for providing free charging on company premises. If away from site charging is paid for and the vehicle is used for business and personal, BiK would be associated | <ul style="list-style-type: none"> Be clear on expense policy and make note of approved mileage allowance payments | <ul style="list-style-type: none"> As electricity is not classed as a wet fuel, BiK rules for fuel do not apply, this position is likely to change in due course |
| Metering | <ul style="list-style-type: none"> Where the CPO is charging the customer by kWh provided (i.e. the intelligent metering system is being used for billing purposes) | <ul style="list-style-type: none"> The metering component of the intelligent metering system is a 'regulated active electrical energy meter' as defined in the Measuring Instruments Regulations 2016 (MIR) and, as such, it needs to be MIR compliant. Most EVSE now come with MID approved energy meters that comply. CPOs provide information to the customer regarding the time of use, duration of use and charging performance information, at the point they are recharging | <ul style="list-style-type: none"> Information on performance (Energy consumption: maximum output of the recharging point in kW, and the amount of charge taken in kWh) and how this is being converted for billing purposes must be available to customers at the point when customers are recharging their vehicles |

Other regulations



Approved Document S – Building Regulations 2010

This approved document supports Part S of Schedule 1 to the Building Regulations 2010. This approved document took effect on 15 June 2022 for use in England. It does not apply to work subject to a building notice, full plans application or initial notice submitted before that date, provided the work was started on site before 15 June 2023.

| Location Type | Description | What is required |
|--|--|---|
| New buildings other than residential or mixed-use buildings (S4) | Where a new building which is not a residential building, or a mixed-use building has more than 10 parking spaces | <ul style="list-style-type: none"> one of those parking spaces must have access to one electric vehicle charge point; and cable routes for electric vehicle charge points must be installed in a minimum of one fifth of the total number of remaining parking spaces |
| Major renovations of buildings which are not residential or mixed-use buildings (S5) | Where a building undergoing major renovation, which is not a residential building or a mixed-use building, will have more than 10 parking spaces after the major renovation is completed | <ul style="list-style-type: none"> one of those parking spaces must have access to one electric vehicle charge point; and cable routes for electric vehicle charge points must be installed in a minimum of one fifth of the total number of remaining parking spaces. |
| Mixed-use buildings (S6) | <ul style="list-style-type: none"> Where a new building which has both residential and commercial building, or a mixed-use building has more than 10 parking spaces | <ul style="list-style-type: none"> The requirements of paragraph S4 apply in respect of the part of the new mixed-use building that contains one or more new premises that are not dwellings and the parking spaces that are assigned to those premises. The requirements of paragraph S5 apply in respect of the part of the mixed-use building that is undergoing major renovation that contains one or more premises that are not dwellings and the parking spaces that are assigned to those premises |

Smart Charge Points Regulations 2021

The regulations ensure charge points have smart functionality, allowing the charging of an electric vehicle when there is less demand on the grid, or when more renewable electricity is available. The regulations also ensure that charge points meet certain device-level requirements, enabling a minimum level of access, security and information for consumers here are the main guidelines to consider:

Smart functionality

Including the ability to send and receive information, the ability to respond to signals to increase the rate or time at which electricity flows through the charge point, demand side response services and a user interface

Electricity supplier interoperability

Allowing the charge point to retain smart functionality even if the owner switches electricity supplier. Continued charging even if the charge point ceases to be connected to a communications network

Safety

Provisions, preventing the user carrying out an operation which could risk the health or safety of a person

Randomised Delay

Allow for a randomised delay function that will start the charge session between 1 – 600 seconds

Measuring system

To measure or calculate the electricity imported or exported and the time the charging lasts, with visibility to the owner of this information

Cyber security

Security requirements consistent with the existing cyber security standard ETSI EN 303 645

Off Peak Default

Incorporate pre-set, off peak default charging hours and allow the owner to accept, remove or change these upon first use and subsequently

Penalties

Penalties apply for breach of regulations at point of sale and failure to document

These regulations are considered by EGG when we select hardware to ensure compliance

Documentation

A full outline of device-level requirements can be found in the regulations

Assurance that the charge point is compliant must be made available through provision of a statement of compliance and technical file

A record of all sales for 10 years from the date at which the legislation comes into force.