

Lithium-ion Battery Safety Bill [HL]

[AS INTRODUCED]

CONTENTS

- 1 Purposes
- 2 Lithium-ion batteries: BESS
- 3 Safety of lithium-ion batteries sold online
- 4 Safety of electric-powered micromobility vehicles containing lithium-ion batteries
- 5 Conversion to use of, and charging of, lithium-ion batteries in micromobility vehicles
- 6 Disposal of lithium-ion batteries
- 7 Consultation
- 8 Interpretation
- 9 Regulations
- 10 Extent, Commencement, and Short Title

[AS INTRODUCED]

A

BILL

TO

Make provision regarding the safe storage, use and disposal of lithium-ion batteries; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Purposes

- (1) The first purpose of this Act is to better protect—
 - (a) householders, and
 - (b) communitiesfrom the dangers of lithium-ion batteries. 5
- (2) The second purpose of this Act is to increase public confidence in, and acceptance of, Battery Energy Storage Systems (BESS).
- (3) Any person discharging any function under this Act must have regard to those purposes.

2 Lithium-ion batteries: BESS 10

- (1) Before approving a planning application for stand-alone Battery Energy Storage Systems (BESS) that consist partly or wholly of lithium-ion batteries, a planning authority must consult—
 - (a) the Environment Agency,
 - (b) the Health and Safety Executive, and 15
 - (c) the local fire and rescue service for the relevant area.
- (2) The Secretary of State may within 12 months of the passing of this Act, by regulation, make provision regarding the granting of environmental permits for stand-alone BESS facilities that consist partly or wholly of lithium-ion batteries. 20

3 Safety of lithium-ion batteries sold online

- (1) The Secretary of State must, within one year of the passing of this Act, make regulations requiring the operator of any online marketplace to take reasonable steps to ensure that—
- (a) all goods containing lithium-ion batteries offered for sale in their online marketplace comply with—
 - (i) the General Product Safety Regulations 2005 (S.I. 2005/1803) (“the 2005 Regulations”),
 - (ii) such other safety requirements as the Secretary of State may by regulations specify, and
 - (b) no goods containing lithium-ion batteries offered for sale in the online marketplace have been the subject of a notification—
 - (i) to an enforcement authority under Regulation 9 of the 2005 Regulations, or
 - (ii) served by an enforcement authority under Regulations 15 or 39 of the 2005 Regulations, or
 - (iii) under Article 19 of Regulation No 765/2008 of the European Parliament and of the Council on Accreditation and Market Surveillance.
- (2) Regulations under subsection (1) may make different provision in respect of different types of goods containing lithium-ion batteries.
- (3) Regulations under subsection (1) may include provision—
- (a) creating criminal offences punishable with a fine in respect of failures to comply with the regulations,
 - (b) about such offences, and
 - (c) for, about, or connected with, the imposition of civil sanctions.

4 Safety of electric-powered micromobility vehicles containing lithium-ion batteries

- (1) A person must not, after three months of the day on which the Secretary of State has published a list under subsection (2), place on the UK market any electric-powered micromobility vehicle powered by a lithium-ion battery or a lithium-ion battery used to power electric-powered micromobility vehicles unless—
- (a) conformity assessment procedures have been carried out by a conformity assessment body (“CAB”) authorised by the Secretary of State to carry out such assessments,
 - (b) the manufacturer has drawn up the technical documentation and declaration of conformity, and
 - (c) the electric-powered micromobility vehicle powered by a lithium-ion battery and the battery used to power such vehicles bear the CE or UKCA mark to demonstrate conformity with designated or harmonised standards.

- (2) The Secretary of State must, within six months of the passing of this Act, publish a list of CABs that can carry out conformity assessment procedures under subsection (1).
- (3) Where, in the opinion of a CAB, a product covered by this Act has met the essential safety requirements of applicable regulations, the CAB must issue a certificate of conformity to the manufacturer. 5
- (4) Where a certificate of conformity has been issued under subsection (3), a manufacturer must display a CE or a UKCA mark on any relevant product before it is placed on the UK market.
- (5) A person must not display a CE or a UKCA mark on any product covered by this Act unless a certificate of conformity has been issued for the product given in accordance with this Act. 10
- (6) The Secretary of State may, by regulations, make provision—
 - (a) creating criminal offences punishable with a fine in respect of failures to comply with the obligations in this section, 15
 - (b) about such offences, and
 - (c) for, about, or connected with, the imposition of civil sanctions.

5 Conversion to use of, and charging of, lithium-ion batteries in micromobility vehicles

- (1) The Secretary of State must, within 12 months of the passing of this Act, make regulations regarding safety standards for—
 - (a) the conversion kits of micromobility-vehicles that run on lithium-ion batteries, and
 - (b) the use of proprietary or non-proprietary charging systems of micromobility vehicles powered by lithium-ion batteries. 25
- (2) The Secretary of State must, within six months of the passing of this Act, consult such persons as they consider appropriate about whether to implement a measure prohibiting the sale of universal chargers for electric-powered micromobility vehicles until regulations under subsection (1)(a) or (b) have come into force. 30

6 Disposal of lithium-ion batteries

- (1) The Secretary of State must, within six months of the passing of this Act, by regulations make provision regarding the disposal of lithium-ion batteries.
- (2) Regulations under subsection (1) must include a requirement for sellers of such batteries to—
 - (a) display a prominent warning about the dangers of improper disposal of such batteries not in accordance with those regulations, and
 - (b) attach as part of the sale—
 - (i) information regarding the cell chemistry of lithium-ion batteries, and
 - (ii) information regarding the safe disposal of such batteries. 40

- (3) Regulations under subsection (1) may not include any provision that would impose additional financial burdens on local authorities.

7 Consultation

Before making regulations under this Act the Secretary of State must consult representatives of such persons that they consider to have an interest in this matter. 5

8 Interpretation

In this Act, the following terms have the following meanings –

“conversion kit” is the electrical drive train, battery and charging system, that is fitted to a pedal bicycle to convert it to an electric bike; 10

“electric micromobility vehicle” means electric scooters or electric bicycles powered by secondary lithium-ion batteries;

“lithium-ion battery” means a secondary (rechargeable) battery with an organic solvent electrolyte and positive and negative electrodes which utilize an intercalation compound in which lithium is stored; 15

“proprietary charging system” comprises of a manufacturer specified plug and socket system designed only to operate in combination with each other;

“non-proprietary charging system” comprises of a non-manufacturer-specified plug and socket system consisting of a standardised plug and socket and a communications protocol; 20

“communications protocol” is a formal description of digital message formats and rules for communicating between devices;

“stand-alone Battery Energy Storage System (BESS)” is a grid scale energy storage system, consisting wholly or partly of lithium-ion batteries to store energy. 25

9 Regulations

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 30

10 Extent, Commencement, and Short Title

- (1) This Act extends to the whole of the UK, but does not apply in Scotland, Wales or Northern Ireland until a resolution agreeing to the provisions of this Act is passed by – 35
- (a) in the case of Scotland, The Scottish Parliament;
 - (b) in the case of Wales, Senedd Cymru;
 - (c) in the case of Northern Ireland, The Northern Ireland Assembly.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Lithium-ion Battery Safety Act 2024.

Lithium-ion Battery Safety Bill [HL]

[AS INTRODUCED]

A

B I L L

TO

Make provision regarding the safe storage, use and disposal of lithium-ion batteries;
and for connected purposes.

Lord Redesdale

Ordered to be Printed, 29th July 2024.

© Parliamentary copyright House of Lords 2024

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright*

PUBLISHED BY THE AUTHORITY OF THE HOUSE OF LORDS