

Automated Vehicles Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 28th November 2023, as follows –

Clauses 1 to 37	Schedule 4
Schedule 1	Clauses 67 to 81
Clauses 38 to 45	Schedule 5
Schedule 2	Clauses 82 to 84
Clauses 46 to 54	Schedule 6
Schedule 3	Clauses 85 to 100
Clauses 55 to 66	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

BARONESS BOWLES OF BERKHAMSTED

- 1** Clause 1, page 1, line 14, at end insert –
“(3A) Vehicle testing must include substantial real testing on roads in the United Kingdom in addition to simulation testing.”

Member's explanatory statement

This amendment would probe the intention with regard to real as well as simulation testing for UK road situations.

LORD LIDDLE

- 2** Clause 1, page 2, line 3, at end insert –
“(5A) For the purposes of subsection (5), an individual must be in the driving seat of the vehicle.”

Member's explanatory statement

This is to probe the meaning of individual in subsection (5).

LORD HAMPTON
LORD LIDDLE
BARONESS RANDERSON

- 3 Clause 1, page 2, line 6, leave out “an acceptably safe standard” and insert “a high standard of safety”

LORD LIDDLE

- 4 Clause 1, page 2, line 6, leave out “an acceptably” and insert “a very”

Member's explanatory statement

This is to probe the meaning of “acceptably”.

LORD HAMPTON
BARONESS RANDERSON

- 5 Clause 1, page 2, line 7, leave out “an acceptably” and insert “a very”

Clause 2

LORD LIDDLE
BARONESS RANDERSON

- 6 Clause 2, page 2, line 15, at end insert “and if so, the locations, types of location or circumstances in which those criteria are met.

(1A) The principles must set out how the Secretary of State will assess the potential safety impacts on different types of road user when assessing the locations, types of location or circumstances in which those criteria are met, having particular regard to the safety of those types of road user who might be most at risk.”

Member's explanatory statement

This is to probe how safety impacts on different road user types in different circumstances will be assessed.

BARONESS BOWLES OF BERKHAMSTED

- 7 Clause 2, page 2, line 16, after “road” insert “and road environs”

Member's explanatory statement

This amendment would probe the effect on wider environs including for example, delivery vehicles.

LORD HAMPTON
LORD LIDDLE
BARONESS RANDERSON

- 8 Clause 2, page 2, line 17, leave out “better” and insert “significantly better for all road users”

LORD TUNNICLIFFE

- 9 Clause 2, page 2, line 18 leave out from “than” to end and insert “if those vehicles were being driven by a careful and competent human driver.”

Member's explanatory statement

This means that the principles must be framed with a view to securing that road safety in Great Britain will be better as a result of the use of authorised automated vehicles on roads than if those vehicles were being driven by a careful and competent human driver.

BARONESS BOWLES OF BERKHAMSTED

- 10 Clause 2, page 2, line 18, at end insert –
“(2A) The principles must be framed with regard to the simultaneous presence of automated and non-automated vehicles on roads.”

LORD LIDDLE
BARONESS RANDERSON

- 11 Clause 2, page 2, line 19, leave out “such representative organisations as the Secretary of State thinks fit” and insert “representatives of road user groups and other groups whose safety or other interests may be affected by the application of the principles”

Member's explanatory statement

This is to probe consultation provisions.

LORD TUNNICLIFFE

- 12 Clause 2, page 2, line 22, leave out subsections (5) to (8) and insert –
“(5) The statement takes effect at the end of the period of 40 days beginning with the day on which it is laid, only if a draft of the statement has been laid before and approved by a resolution of each House of Parliament.
(6) For the purposes of subsection (5) –
(a) where a statement is laid before each House of Parliament on different days, the later day is to be taken to be the day on which it was laid before both Houses, and

- (b) in counting any period of 40 days, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (7) If either House does not approve as described in subsection (5), the duties in subsections (1) to (4) apply again.”

Member's explanatory statement

This aims to replace the negative procedure with the affirmative procedure.

Clause 3

LORD LIDDLE

- 13 Clause 3, page 3, line 13, at end insert “, or
(c) be limited to vehicles produced by a specified manufacturer.”

Member's explanatory statement

This is to probe whether the Secretary of State will only authorise vehicles by specified manufacturers.

Clause 5

LORD LUCAS

- 14 Clause 5, page 4, line 11, at end insert –
“(2A) Authorisation requirements must include an interactive electronic vehicle identification system which complies with the relevant British Standard.”

LORD LUCAS

- 15 Clause 5, page 4, line 11, at end insert –
“(2A) Authorisation requirements must include a passenger alarm system which alerts a remote operator to the alarm and complies with the relevant British Standard.”

LORD LUCAS

- 16 Clause 5, page 4, line 11, at end insert –
“(2A) Authorisation requirements must include a system to indicate vehicle positioning and availability which complies with the relevant British Standard.”

LORD LUCAS

17 Clause 5, page 4, line 11, at end insert –

“(2A) Authorisation requirements must include a system for alerting and reporting on the condition of vehicles which complies with the relevant British Standard.”

LORD LUCAS

18 Clause 5, page 4, line 11, at end insert –

“(2A) Authorisation requirements must include the ability to recognise waymarkers which comply with the relevant Government guidance.”

LORD LUCAS

19 Clause 5, page 4, line 11, at end insert –

“(2A) Authorisation requirements must include the ability to receive, authenticate and action communications from members of the emergency services.”

Clause 6

BARONESS BOWLES OF BERKHAMSTED

20 Clause 6, page 4, line 34, after “standing,” insert “which may include insurance and captive insurance cover,”

BARONESS BRINTON
BARONESS RANDESON

21★ Clause 6, page 4, line 39, at end insert –

“(6) A person may not be an authorised self-driving entity unless they meet the following requirements –

- (a) they have obtained a certificate of compliance with data protection legislation from the Information Commissioner’s Office for their policy in regard to the handling of personal data,
- (b) their policy in regard to the handling of personal data clearly outlines who has ownership of any personal data collected, including after the ownership of a vehicle has ended, and
- (c) they are a signatory to an industry code of conduct under the UK General Data Protection Regulation.”

Member's explanatory statement

This amendment seeks to probe a number of concerns around data protection and ownership and seeks to prevent authorisation of companies as self-driving entities unless robust personal data practices are in place.

BARONESS RANDERSON

22★ Clause 6, page 4, line 39, at end insert –

“(6) Authorisation requirements must include a scheme to approve vehicles of foreign origin before they may be used on roads in Great Britain.”

Member's explanatory statement

This amendment would require self-driving entities to put in place schemes to approve vehicles of foreign origin before they are authorised.

After Clause 6

BARONESS RANDERSON

23★ After Clause 6, insert the following new Clause –

“Commencement of sections 5 and 6: review of road infrastructure

- (1) Before making regulations commencing sections 5 and 6 of this Act, the Secretary of State must undertake a review to identify how widespread issues with the condition of the roads might impact the safe operation of automated vehicles.
- (2) The review must also outline a strategy for improving road infrastructure in locations where this would put the safe operation of automated vehicles at risk and must make a recommendation as to whether a body should be established to design the improvements required.”

Member's explanatory statement

This amendment would require the Government to review the impact of road infrastructure and the potential impact of poor road quality on automated vehicles, before commencing and making authorisations under sections 5 and 6.

BARONESS RANDERSON

24★ After Clause 6, insert the following new Clause –

“Commencement of sections 5 and 6: review of telecommunications network coverage

- (1) Before making regulations commencing sections 5 and 6 of this Act, the Secretary of State must undertake a review how gaps in network coverage might impact the safe operation of automated vehicles.
- (2) The review must also outline a strategy for improving network coverage in locations where this would put the safe operation of automated vehicles at risk.”

Member's explanatory statement

This amendment would require the Government to review the impact of gaps in telecommunications network coverage on automated vehicles, before commencing and making authorisations under sections 5 and 6.

BARONESS RANDERSON

25★ After Clause 6, insert the following new Clause—

“Commencement of sections 5 and 6: review of the MOT regime

- (1) Before making regulations commencing sections 5 and 6 of this Act, the Secretary of State must undertake a review of whether the MOT regime is fit for purpose in light of the changes to the regulation of automated vehicles introduced by this Act.
- (2) The review must in particular assess whether an MOT adequately covers the testing of both mechanical and software components of an automated vehicle.”

Member's explanatory statement

This amendment would require the Government to review the current MOT regime before commencing and making authorisations under sections 5 and 6.

Clause 10

LORD LIDDLE

26 Clause 10, page 7, line 11, at end insert—

“(1A) The register referred to in subsection (1) must be made available online.”

Member's explanatory statement

This would mean that the register of automated vehicle registrations is available online.

Clause 12

BARONESS BOWLES OF BERKHAMSTED

27 Clause 12, page 8, line 28, after “standing,” insert “which may include insurance and captive insurance cover,”

LORD LIDDLE

28 Clause 12, page 8, line 30, at end insert—

- “(c) that a licensed operator has sufficient safeguards in the case of a system fault to meet the equivalent level of safety which a careful and competent human driver would exhibit.”

Member's explanatory statement

This would ensure that if a No-user in charge autonomous vehicle were to suffer a fault, it has sufficient safeguards in place to ensure that safety is not compromised by not having a fit and competent human driver in a position to assume control of the vehicle.

Clause 14

BARONESS BOWLES OF BERKHAMSTED

29 Clause 14, page 9, line 25, at end insert –

“(5) Any information sharing under this section must respect rights of ownership and privacy, including with a view to compensation in respect of any commercial rights.”

Clause 17

LORD LIDDLE

30 Clause 17, page 11, line 20, at end insert –

“(6) The Secretary of State must lay before Parliament an annual estimate of the cost of controlling data obtained from powers in this section.”

Member's explanatory statement

This is to probe the cost of controlling data obtained from powers in this section.

Clause 22

BARONESS BOWLES OF BERKHAMSTED

31 Clause 22, page 13, line 39, at end insert “and must notify the provider of any such use”

Member's explanatory statement

This amendment is intended to probe how the Secretary of State will keep track of sources and uses of information given that the use to which it can be put can be changed, noting the narrower provisions in subsection (3), and to alert the provider of the information to any change of use.

Clause 38

LORD LIDDLE

32 Clause 38, page 25, line 35, at end insert –

“(3A) The report referred to in subsection (3) must include data on how many safety incidents have been reported to the Secretary of State in the reporting period, and analysis of whether the data indicates that authorised automated vehicles are safe.”

Member's explanatory statement

This aims to ensure that reports to assess and monitor automated vehicle performance includes safety data and analysis.

LORD LIDDLE

- 33 Clause 38, page 25, line 35, at end insert –
“(3A) The report referred to in subsection (3) must be laid before Parliament.”

Member's explanatory statement

This means that reports to assess and monitor automated vehicle performance is laid before both Houses of Parliament.

Clause 42

BARONESS BOWLES OF BERKHAMSTED

- 34 Clause 42, page 29, line 12, at end insert “and both fair and reasonable compensation and protection of personal data are provided”

BARONESS BRINTON
BARONESS RANDERSON

The above-named Lords give notice of their intention to oppose the Question that Clause 42 stand part of the bill.

After Clause 42

BARONESS BRINTON
BARONESS RANDERSON

- 35★ After Clause 42, insert the following new Clause –
- “Report on use of personal data in relation to automated vehicles**
- (1) Within one year of the day on which this Act is passed, and every year thereafter, the Secretary of State must lay before Parliament a report on the use of personal data collected from automated vehicles.
 - (2) The report in subsection (1) must cover but need not be limited to –
 - (a) levels of compliance with data protection legislation within the automated motor industry,
 - (b) instances where the Secretary of State has made regulations under section 42(3) of this Act (protection of information), and the impact of those regulations on personal data protection, and
 - (c) any significant trends in the collection of personal data and whether further action is needed to regulate the collection of personal data.”

Member's explanatory statement

This amendment would require the Secretary of State to report to Parliament on the collection of personal data from automated vehicles.

BARONESS BRINTON
BARONESS RANDERSON

36★ After Clause 42, insert the following new Clause –

“Consultation with the Information Commissioner’s Office in relation to personal data

Before making regulations under section 42 of this Act (Protection of information), or any other regulations or requirements in relation to the provision of personal data in automated vehicles, the Secretary of State must consult the Information Commissioner’s Office.”

Member's explanatory statement

This amendment would require the Secretary of State to consult the ICO before making regulations in relation to the provision of personal data relevant to automated vehicles.

Clause 43

LORD LIDDLE

37 Clause 43, page 29, line 17, at end insert “or to contribute to the adaptation of roads for use of automated vehicles”

Member's explanatory statement

This is to probe whether the government plans to adapt roads for automated vehicles and how this may be paid for.

Schedule 2

LORD LIDDLE

38 Schedule 2, page 80, leave out lines 17 to 19

Member's explanatory statement

This is a consequential amendment on Lord Liddle's other amendment to insert a new clause entitled 'Liability of insurers'.

After Clause 56

LORD LIDDLE
BARONESS RANDERSON

39 After Clause 56, insert the following new Clause –

“Accident liability

- (1) When a person on a road or other place in Britain suffers damage as a result of an accident involving an authorised automated vehicle and the person was not at the time the driver or rider of a motor vehicle, it shall be assumed for the purpose

of this section that the authorised automated vehicle caused the accident unless proved otherwise.

- (2) For the purpose of this section, a “motor vehicle” has the same meaning as in sections 185 (meaning of “motor vehicle”) and 189 (certain vehicles not to be treated as motor vehicles) of the Road Traffic Act 1988.”

Member's explanatory statement

This is to probe the possible removal of onus on injured pedestrians, cyclists and other non-motorised individuals.

Clause 61

LORD LIDDLE

- 40 Clause 61, page 44, line 6, at end insert “unless the investigation concludes that a failure in the technology of an automated vehicle is at fault.”

Member's explanatory statement

This is related to the amendment in the name of Lord Liddle to Clause 68, page 48, line 22.

Clause 68

LORD LIDDLE

- 41 Clause 68, page 48, line 22, at end insert “, who must lay this report before Parliament should the investigation find a technological failure of an automated vehicle to be the cause, or one of the causes, of an incident.”

Member's explanatory statement

This would ensure that parliament is kept informed of incidents in which an automated vehicle failure has resulted in a collision.

Clause 88

BARONESS BOWLES OF BERKHAMSTED

- 42 Clause 88, page 62, line 27, at end insert “and both fair and reasonable compensation and protection of personal data are provided”

Clause 91

BARONESS RANDESON

- 43★ Clause 91, page 64, line 23, at end insert –
- “(c) requirements designed to ensure compliance with type approval legislation in the event that a manufacturer or software developer ceases trading, for example relating to software updates.”

Member's explanatory statement

This amendment seeks to probe whether provision will be made for cases where a manufacturer or software developer ceases trading but automated vehicles may require software updates to remain safe for use on the roads.

After Clause 93

LORD LUCAS

44 After Clause 93, insert the following new Clause –

“Automated charging and refuelling

In section 10(1) of the Automated and Electric Vehicles Act 2018, after paragraph (c) insert –

“(d) providing facilities to enable automated vehicles to connect without human intervention.””

LORD LUCAS

45 After Clause 93, insert the following new Clause –

“Automated vehicles’ use of railway track

In section 17(2)(a) of the Railways Act 1993, after “trains” insert “, or automated vehicles within the meaning of the Automated Vehicles Act 2024,””

LORD LIDDLE

46 After Clause 93, insert the following new Clause –

“Consultation responsibilities

The Secretary of State has a responsibility to consult and seek advice regarding the implementation of this Act including from representatives of trade unions and relevant businesses.”

Member's explanatory statement

This places a responsibility on the Secretary of State to consult trade unions and businesses.

LORD LIDDLE

47 After Clause 93, insert the following new Clause –

“Impact on driving skills

Within 10 years, but no earlier than 9 years, of the day on which this Act is passed, a Minister of the Crown must lay before Parliament a report on the impact of this Act on driving skills.”

Member's explanatory statement

This is to probe how the government will maintain driving skills amongst the public if they mostly rely on automated vehicles.

LORD LIDDLE

48 After Clause 93, insert the following new Clause –

“Driving licences

In Regulation 4(1) of the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864), after “vehicles” insert “, including automated vehicles,””

Member's explanatory statement

This is to probe whether drivers of automated vehicles will be required to possess a driving licence.

LORD LIDDLE

49 After Clause 93, insert the following new Clause –

“Advisory Council

- (1) Within six months of the passing of this Act the Secretary of State must establish a council to advise on the implementation of this Act, with a focus on learning lessons from any accidents involving automated vehicles.
- (2) The Advisory Council must include representatives from –
 - (a) consumer groups;
 - (b) organisations representing drivers;
 - (c) road safety experts;
 - (d) relevant businesses such as automobile manufacturers, vehicle insurance providers and providers of delivery and public transport services;
 - (e) trade unions;
 - (f) the police and other emergency services;
 - (g) highway authorities.
- (3) The Secretary of State must designate a relevant officer of the Department to send reports to the Advisory Council on the roll out of self driving vehicles and any issues of public policy that arise.
- (4) The Advisory Council must report regularly to Parliament on the advice it has provided, and any related matters relevant to the roll out of self driving vehicles and associated public policy.”

LORD LIDDLE

50 After Clause 93, insert the following new Clause –

“Funding of Changes to Roads and Associated Infrastructure

Within six months of the passing of this Act, the Secretary of State must lay a statement before Parliament which includes details of any expected changes to road and associated infrastructure as a result of the implementation of this Act, and details of how these changes will be funded including through any extra burdens on highway authorities.”

Member's explanatory statement

This is to probe how changes to road and associated infrastructure will be funded.

LORD LIDDLE

51 After Clause 93, insert the following new Clause –

“Automated Public Transport

Within six months of the passing of this Act the Secretary of State must lay a statement before Parliament which includes a strategy for using automated vehicles as public transport and how its application might improve accessibility in rural and small town areas with limited conventional public transport.”

Member's explanatory statement

This is to probe the possibility of automated vehicles being used as public transport.

LORD LIDDLE

52 After Clause 93, insert the following new Clause –

“Liability of insurers

Section 2 of the Automated and Electric Vehicles Act 2018 (liability of insurers etc where accident caused by automated vehicle) is amended as follows –

- (a) in subsection (1)(a), omit “when driving itself”
- (b) in subsection (2)(a), omit “when driving itself”

Member's explanatory statement

This new clause would remove the need for people to have to prove that an automated vehicle was “driving itself” if they have been injured and make a legal claim for compensation under Section 2 of the Automated and Electric Vehicles Act 2018.

BARONESS BRINTON
BARONESS RANDERSON

53★ After Clause 93, insert the following new Clause –

“The Automated Vehicles Accessibility Standards Panel

- (1) An advisory panel called the Automated Vehicles Accessibility Standards Panel is established for the purpose of designing a national minimum standard for accessibility of self-driving passenger service vehicles.
- (2) The Secretary of State must make regulations setting out the composition and duties of the panel.
- (3) Regulations under subsection (2) must ensure the panel has sufficient representation from disabled people.
- (4) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

This amendment would establish a statutory advisory panel with the purpose of designing a national minimum standard for accessibility of self-driving passenger service vehicles.

BARONESS RANDERSON

54★ After Clause 93, insert the following new Clause –

“Review of the regulation of personal delivery devices

- (1) Within one year of the day on which this Act is passed the Secretary of State must lay before Parliament a review of the impact of this Act on personal delivery devices to which the Act applies.
- (2) The review in subsection (1) must make a recommendation as to whether further legislation is needed to ensure that personal delivery devices are effectively regulated.
- (3) In this section a “personal delivery device” means an automated self-driving delivery device that operates primarily on roads.”

Member's explanatory statement

This amendment would require the Government to review the impact of the bill on personal delivery devices, and make a recommendation as to whether further regulation is needed.

BARONESS RANDERSON

55★ After Clause 93, insert the following new Clause –

“New rules for driving tests

- (1) Within three years of the day on which this Act is passed, and every three years thereafter, the Secretary of State must review the rules for driving tests to ensure that the general public has –
 - (a) the skills needed to safely drive automated vehicles, and
 - (b) the skills needed to safely drive non-automated vehicles, where the use of automated vehicles is widespread.
- (2) The Secretary of State must consider any necessary changes to the driving test rules arising from the review.
- (3) The review under subsection (1) may also consider whether drivers should undertake periodic retraining courses, especially where subsection (1)(b) applies.”

Member's explanatory statement

This amendment would require the Secretary of State to periodically review the rules for driving tests to ensure the public can safely drive both automated and non-automated vehicles in places where there are many automated vehicles on the roads and would allow the Secretary of State to update rules for driving tests in light of the review.

Clause 94

LORD LIDDLE

56 Clause 94, page 68, line 16, at end insert “or a delivery robot vehicle”

Member's explanatory statement

This probes whether delivery robots are excluded from the Bill.

Clause 97

BARONESS BRINTON

57★ Clause 97, page 70, line 7, after “Cymru” insert “, or under section (*The Automated Vehicles Accessibility Standards Panel*),”

Clause 99

BARONESS RANDERSON

58★ Clause 99, page 70, line 30, at end insert “, subject to (*Commencement of sections 5 and 6: review of road infrastructure*).”

BARONESS RANDESON

- 59★ Clause 99, page 70, line 30, at end insert “, subject to (*Commencement of sections 5 and 6: review of the MOT regime*).”

BARONESS RANDESON

- 60★ Clause 99, page 70, line 30, at end insert “, subject to (*Commencement of sections 5 and 6: review of telecommunications network coverage*).”

LORD MOYLAN

- 61 Clause 99, page 71, line 1, at end insert –
“(7) Regulations under this section may not be made until the Secretary of State has published a draft strategy and launched a consultation on the strategy setting out the contribution automated vehicles could make to rural communities, particularly in regard to reducing isolation and improving connectivity.”

LORD MOYLAN

- 62 Clause 99, page 71, line 1, at end insert –
“(7) Regulations under this section may not be made until the Secretary of State has launched a public consultation for updating the Manual for Streets to take into account the consequences for streetscapes of the introduction of automated vehicles, particularly in urban areas.”

LORD MOYLAN

- 63 Clause 99, page 71, line 1, at end insert –
“(7) Regulations under this section may not be made until a statement has been made to each House of Parliament on the changes that the Secretary of State considers necessary to legislation governing the management of the highways as a result of the introduction of automated vehicles on roads in the United Kingdom.”

Automated Vehicles Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

8 January 2024

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS