

Automated Vehicles Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD BERKELEY

1★ Clause 1, page 2, line 5, leave out subsection (7) and insert –

- “(7) For the purposes of this Part, a vehicle that travels autonomously does so “safely and legally” if a human driver, who drove in the same manner while undertaking a practical test of driving skills and behaviour in accordance with the Motor Vehicles (Driving Licences) Regulations 1999, would pass that test with no faults recorded by the examiner.
- (7A) The Secretary of State may by statutory instrument replace the definition of “safely and legally” in subsection (7) with a quantified measure of the risk per mile travelled of relevant incidents as defined in section 39, taking account of data gathered through the performance of the duties mentioned in sections 38 (general monitoring duty) and 39 (duty with respect to incidents with potential regulatory consequences).”

Member's explanatory statement

This amendment replaces the definition of “safely and legally” for the purpose of the self-driving test with a requirement that an autonomous vehicle should drive to a standard such that a human would pass the test with no faults recorded. It also allows for this definition to be replaced once suitable data becomes available as a result of sections 38 and 39.

Clause 2

LORD BERKELEY

2★ 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 ensures firstly that the safety principles reflect the possibility that a vehicle may be able to travel autonomously in some but not all circumstances, and secondly that the Secretary of State will consider how a vehicle might have different safety impacts on different types of road user in different circumstances, having particular regard to those road user types who might be most at risk.

LORD DAVIES OF GOWER

3 Clause 2, page 2, line 16, after “that” insert “–

- (a) authorised automated vehicles will achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers, and
- (b)”

Member's explanatory statement

This amendment embodies the standard of a careful and competent driver in the statement of safety principles that will guide the operation of the automated vehicle authorisation scheme.

LORD BERKELEY

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

Member's explanatory statement

To require that the safety principles are framed with a view to securing that the uptake of authorised automated vehicles results in a significant improvement in road safety rather than a marginal one, and that this is not merely a ‘net’ benefit which is gained only by some road users, while others (e.g. pedestrians, cycle users, children, older people and/or disabled people) suffer a disbenefit.

LORD BERKELEY

5★ 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 would require the Secretary of State, when preparing a statement of safety principles, to consult representatives of road user groups and other groups whose safety or other interests may be affected by the application of those principles.

LORD DAVIES OF GOWER

6 Clause 2, page 2, line 20, at end insert –

“(3A) Those organisations must include organisations appearing to the Secretary of State to represent –

- (a) the interests of businesses involved, or likely to be involved, in the manufacture or operation of mechanically propelled road vehicles designed to travel autonomously,
- (b) the interests of road users, and
- (c) the cause of road safety.”

Member's explanatory statement

This amendment provides details of the types of organisation that will have to be consulted on the statement of safety principles.

LORD DAVIES OF GOWER

7 Clause 2, page 2, line 22, leave out subsections (5) to (8) and insert –

- “(5) The statement takes effect if both Houses of Parliament resolve that it should.
- (6) The Secretary of State may revise or replace the statement that has effect under this section; and subsections (2) to (4) apply to a revision or replacement.
- (7) A revision or replacement takes effect at the end of the period of 40 days beginning with the day on which it is laid, unless either House resolves before then that it should not.
- (8) For the purposes of subsection (7) –
 - (a) where a revision or replacement is laid before each House 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.”

Member's explanatory statement

This amendment imposes a positive requirement for both Houses to approve the proposed statement of safety principles, instead of the current power to prevent it from taking effect (which will however still apply to any subsequent revision or replacement).

After Clause 2

LORD HOLMES OF RICHMOND
BARONESS BRINTON

8 After Clause 2, insert the following new Clause –

“Statement of accessibility principles

- (1) The Secretary of State must prepare a statement of the principles that they propose to apply in assessing, for the purposes of this Part, whether an automated vehicle meets the required level of accessibility.
- (2) The principles must make provision for the accessibility of –
 - (a) physical features and structures of the automated vehicle,
 - (b) computer and software systems used in the automated vehicle, and
 - (c) where relevant, booking platforms and other interactive digital services and systems used prior to, during and after using an automated vehicle, including through underpinning such services and systems with mechanisms to allow human intervention if required.
- (3) In preparing the statement under subsection (1), the Secretary of State must consult such persons they consider appropriate, in particular disabled people.
- (4) The statement under subsection (1) should include consideration of the accessibility of infrastructure with which automated vehicles must interact, such as pavements, kerbs, drop off and parking points.”

Clause 3

LORD LIDDLE
BARONESS RANDERSON

9★ Clause 3, page 3, line 9, at end insert –

- “(1A) An automated vehicle may be authorised for use in non-road public locations under subsection (1), as long as the Secretary of State is satisfied that the authorisation will not impact the accessibility of the other locations to existing users including pedestrians.”

Member's explanatory statement

This amendment extends the Secretary of State's authorisation power, so that they may authorise automated vehicles for use in public places other than roads. This may allow automated mobility scooters and delivery robots to be used on pavements, for example. The amendment requires the SoS to consider the impact on accessibility of authorising vehicles for use in other public places.

After Clause 40

LORD BERKELEY
BARONESS RANDESON

10 After Clause 40, insert the following new Clause –

“Conferring functions on the Office of Rail and Road

- (1) The Secretary of State may by regulations confer powers and functions in relation to the operator licensing scheme under this Act onto the Office of Rail and Road.
- (2) Regulations under subsection (1) may make provision for the Office of Rail and Road to charge a licence fee or payment of a levy from authorised self-driving entities in the carrying out of the operator licensing scheme functions.
- (3) In relation to the exercise of any power by the Office of Rail and Road further to regulations under this section, references in this Act to the Secretary of State are to be read as including the Office of Rail and Road.
- (4) In making regulations under this section, the Secretary of State may issue guidance to the Office of Rail and Road regarding how operator licensing scheme functions should be exercised.
- (5) If guidance is issued under subsection (4), the Office of Rail and Road must exercise its functions under this section with regard to that guidance.
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 42

LORD DAVIES OF GOWER

11 Clause 42, page 29, line 3, leave out from “liable” to end of line 4 and insert “–

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
- (c) on conviction on indictment, to a fine.”

Member's explanatory statement

This amendment clarifies that a fine for an offence under clause 42(4) imposed in summary proceedings in Scotland may not exceed the maximum fine generally available in such proceedings.

Clause 60

LORD BERKELEY

- 12★ Clause 60, page 43, line 25, leave out “automated vehicle incidents” and insert “incidents involving vehicles with automation features”

Member's explanatory statement

This amendment, along with others in the name of Lord Berkeley, seeks to extend the proposed role of the inspector or inspectors, to cover incidents involving vehicles with all kinds of ‘automation features’, including advanced driving assistance systems (ADAS) as well as features which enable a vehicle to be authorised as being capable of self-driving.

Clause 62

LORD BERKELEY

- 13★ Clause 62, page 44, line 16, after “presence” insert “on that road”

Member's explanatory statement

This amendment, along with others in the name of Lord Berkeley, seeks to extend the proposed role of the inspector or inspectors, to cover incidents involving vehicles with all kinds of ‘automation features’, including advanced driving assistance systems (ADAS) as well as features which enable a vehicle to be authorised as being capable of self-driving.

LORD BERKELEY

- 14★ Clause 62, page 44, line 16, leave out “on that road” and insert “or a vehicle with automation features”

Member's explanatory statement

This amendment, along with others in the name of Lord Berkeley, seeks to extend the proposed role of the inspector or inspectors, to cover incidents involving vehicles with all kinds of ‘automation features’, including advanced driving assistance systems (ADAS) as well as features which enable a vehicle to be authorised as being capable of self-driving.

LORD BERKELEY

- 15★ Clause 62, page 44, line 23, leave out “authorised”

Member's explanatory statement

This amendment, along with others in the name of Lord Berkeley, seeks to extend the proposed role of the inspector or inspectors, to cover incidents involving vehicles with all kinds of ‘automation features’, including advanced driving assistance systems (ADAS) as well as features which enable a vehicle to be authorised as being capable of self-driving.

LORD BERKELEY

- 16★ Clause 62, page 44, line 23, after “vehicle” insert “or a vehicle with automation features”

Member's explanatory statement

This amendment, along with others in the name of Lord Berkeley, seeks to extend the proposed role of the inspector or inspectors, to cover incidents involving vehicles with all kinds of ‘automation features’, including advanced driving assistance systems (ADAS) as well as features which enable a vehicle to be authorised as being capable of self-driving.

Clause 77

LORD BERKELEY

- 17★ Clause 77, page 53, line 18, at end insert –

““automation feature” includes any feature of a vehicle, being a combination of mechanical or electronic operations, which automates control of the vehicle’s steering, speed or both, whether or not it is an authorised automation feature.”

Member's explanatory statement

This amendment, along with others in the name of Lord Berkeley, seeks to extend the proposed role of the inspector or inspectors, to cover incidents involving vehicles with all kinds of ‘automation features’, including advanced driving assistance systems (ADAS) as well as features which enable a vehicle to be authorised as being capable of self-driving.

Clause 82LORD HOLMES OF RICHMOND
BARONESS BRINTON

- 18 Clause 82, page 58, line 6, at end insert –

“(4A) A permit may not be issued unless the vehicles in which services may be provided are accessible to disabled people.”

Clause 83LORD HOLMES OF RICHMOND
BARONESS BRINTON

- 19 Clause 83, page 58, line 28, at end insert –

“except insofar as vehicle accessibility obligations are applied by those Acts.”

Clause 86

LORD HOLMES OF RICHMOND
BARONESS BRINTON

20 Clause 86, page 60, line 8, at end insert –

“(2A) The appropriate national authority may not grant the permit without evidence that the vehicles to which it would apply are accessible to disabled people.”

Clause 87

LORD HOLMES OF RICHMOND
BARONESS BRINTON

21 Clause 87, page 61, line 9, leave out “and emergency services” and insert “, emergency services, and relevant groups of and representatives of disabled people”

LORD HOLMES OF RICHMOND
BARONESS BRINTON

22 Clause 87, page 61, line 14, leave out from “authority” to “lead” in line 16 and insert “may not grant the permit unless doing so will”

LORD HOLMES OF RICHMOND
BARONESS BRINTON

23 Clause 87, page 61, line 24, at end insert –

“(c) to assure the accessibility of its vehicles.”

LORD HOLMES OF RICHMOND
BARONESS BRINTON

24 Clause 87, page 61, line 24, at end insert –

“(5) The first of the reports under subsection (4) must be published prior to the commencement of any services under the permit.”

Clause 88

LORD DAVIES OF GOWER

25 Clause 88, page 62, line 1, leave out “Secretary of State” and insert “appropriate national authority”

Member's explanatory statement

This amendment corrects a drafting mistake, enabling the devolved administrations to make regulations about information-sharing in relation to passenger services within their competence.

LORD DAVIES OF GOWER

- 26 Clause 88, page 62, line 19, leave out from “liable” to end of line 20 and insert “ –
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to a fine.”

Member's explanatory statement

This amendment clarifies that a fine for an offence under clause 88(6) imposed in summary proceedings in Scotland may not exceed the maximum fine generally available in such proceedings.

After Clause 93

LORD HOLMES OF RICHMOND
BARONESS BRINTON

- 27 After Clause 93, insert the following new Clause –
- “Research on automated vehicle accessibility**
- The Secretary of State must annually commission and pay due regard to such research as they deem necessary for the completion of their duties under this Act into –
- (a) physical features and structures of automated vehicles,
 - (b) computer and software systems used in automated vehicles, and
 - (c) booking platforms and other interactive digital services and systems used prior to, during and after using automated vehicles,
- to ensure road vehicles authorised for use as an automated vehicle are accessible to disabled people.”

LORD LIDDLE

- 28★ 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, and the roll out of self-driving vehicles.
 - (2) The Advisory Council must include organisations appearing to the Secretary of State to represent –

- (a) the interests of road users, including drivers, pedestrians and cyclists;
 - (b) the cause of road safety;
 - (c) the cause of accessibility, and the impact of the roll out of self-driving vehicles on disabled road users;
 - (e) trade unions and the interests of relevant employees including delivery providers and public transport workers;
 - (f) the interests of businesses involved, or likely to be involved in, the manufacture, operation and insurance of mechanically propelled road vehicles designed to travel autonomously;
 - (g) the police and other emergency services;
 - (h) 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.”

Clause 95

BARONESS BOWLES OF BERKHAMSTED
BARONESS RANDERSON

29 Clause 95, page 68, line 33, leave out “does” and insert “must”

Member's explanatory statement

This amendment seeks to change a presumption that a provision relating to information disclosure does not contravene data protection legislation into an active requirement that it should not.

BARONESS BOWLES OF BERKHAMSTED
BARONESS RANDERSON

30 Clause 95, page 68, line 37, at end insert –

“(c) contravenes intellectual property rights.”

Member's explanatory statement

This amendment seeks to ensure that use of information disclosures under this Bill do not contravene intellectual property rights.

BARONESS BOWLES OF BERKHAMSTED
BARONESS RANDERSON

31 Clause 95, page 69, line 1, leave out subsection (3)

Member's explanatory statement

This amendment seeks to strengthen protections around information disclosure in the bill.

Clause 96

BARONESS BOWLES OF BERKHAMSTED
BARONESS RANDERSON

32 Clause 96, page 69, line 24, at end insert –

“(d) section 95.”

Member's explanatory statement

This amendment seeks to probe why section 95 on information disclosures is not included in this section.

Clause 97

LORD DAVIES OF GOWER

33 Clause 97, page 70, line 6, leave out subsections (5) to (8) and insert –

- “(5) The following regulations are subject to the affirmative procedure –
- (a) regulations under section 36(9),
 - (b) regulations under section 50 that amend an Act, an Act of the Scottish Parliament or an Act of Senedd Cymru, and
 - (c) regulations under paragraph 2(7) of Schedule 6;
- and all other regulations are subject to the negative procedure.
- (6) The effect of regulations being subject to the affirmative procedure is –
- (a) in the case of regulations made by the Secretary of State, that the statutory instrument containing the regulations may not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament;
 - (b) in the case of regulations made by the Welsh Ministers, that the statutory instrument containing the regulations may not be made unless a draft of it has been laid before, and approved by a resolution of, Senedd Cymru;
 - (c) in the case of regulations made by the Scottish Ministers, the effect provided by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (7) The effect of regulations being subject to the negative procedure is –
- (a) in the case of regulations made by the Secretary of State, that the statutory instrument containing the regulations is (unless it also contains regulations subject to the affirmative procedure) subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) in the case of regulations made by the Welsh Ministers, that the statutory instrument containing the regulations is (unless it also contains regulations

- subject to the affirmative procedure) subject to annulment in pursuance of a resolution of Senedd Cymru;
- (c) in the case of regulations made by the Scottish Ministers, the effect provided by section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010.”

Member's explanatory statement

This amendment means that regulations setting the maximum monetary penalties under the automated vehicle authorisation scheme and the passenger service permitting scheme will be subject to the affirmative procedure.

Schedule 2

LORD BERKELEY

34★ Schedule 2, page 80, line 4, at end insert—

“(c) after subsection (7), insert—

- “(8) When a person on a road or other place in Great Britain suffers damage as a result of an accident involving an authorised automated vehicle and the person was not at the time an occupant of that vehicle, it will be assumed for the purpose of this section that the authorised automated vehicle caused the accident unless proved otherwise.””

Member's explanatory statement

This amendment provides that, where a person other than the occupant of an authorised automated vehicle suffers damages as a result of a collision with that vehicle, the vehicle can be assumed to have “caused” that collision for the purpose of determining liability (in accordance with section 2 of the Automated and Electric Vehicles Act 2018), unless proved otherwise.

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2 February 2024

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS