

# Automated Vehicles Bill [HL]

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[AS AMENDED ON REPORT]

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[AS AMENDED ON REPORT]

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# B I L L

TO

Regulate the use of automated vehicles on roads and in other public places; and to make other provision in relation to vehicle automation.

**B**E 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:—

## PART 1

### REGULATORY SCHEME FOR AUTOMATED VEHICLES

#### CHAPTER 1

##### AUTHORISATION OF ROAD VEHICLES FOR AUTOMATED USE

###### *Self-driving capability*

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### 1 Basic concepts

- (1) This section applies for the purposes of this Part.
- (2) A vehicle “satisfies the self-driving test” if—
  - (a) it is designed or adapted with the intention that a feature of the vehicle will allow it to travel autonomously, and 10
  - (b) it is capable of doing so, by means of that feature, safely and legally.
- (3) Whether a vehicle satisfies the test is to be assessed by reference to the location and circumstances of that intended travel (and may differ in respect of different locations and circumstances).
- (4) A “feature” of a vehicle is a combination of mechanical or electronic operations that equipment of the vehicle performs. 15
- (5) A vehicle travels “autonomously” if—
  - (a) it is being controlled not by an individual but by equipment of the vehicle, and

- (b) neither the vehicle nor its surroundings are being monitored by an individual with a view to immediate intervention in the driving of the vehicle.
- (6) References to “control” of a vehicle are to control of the motion of the vehicle.
- (7) A vehicle that travels autonomously does so— 5
  - (a) “safely” if it travels to an acceptably safe standard, and
  - (b) “legally” if it travels with an acceptably low risk of committing a traffic infraction.
- (8) In assessing whether a vehicle is capable of travelling autonomously and safely, the Secretary of State must have particular regard to the statement of safety principles. 10

## **2 Statement of safety principles**

- (1) The Secretary of State must prepare a statement of the principles that the Secretary of State proposes to apply in assessing, for the purposes of this Part, whether a vehicle is capable of travelling autonomously and safely. 15
- (2) The principles must be framed with a view to securing that—
  - (a) authorised automated vehicles will achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers, and
  - (b) road safety in Great Britain will be better as a result of the use of authorised automated vehicles on roads than it would otherwise be. 20
- (3) In preparing the statement, the Secretary of State must consult such representative organisations as the Secretary of State thinks fit.
- (4) 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, 25
  - (b) the interests of road users, and
  - (c) the cause of road safety.
- (5) The prepared statement must be laid before Parliament. 30
- (6) The statement takes effect if both Houses of Parliament resolve that it should.
- (7) The Secretary of State may revise or replace the statement that has effect under this section; and subsections (2) to (5) apply to a revision or replacement.
- (8) 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. 35
- (9) For the purposes of subsection (8) —



- (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. 5
- (10) The power in section 3 may not be exercised until a statement has effect under this section.

#### *Grant of authorisation*

### **3 Power to authorise** 10

- (1) The Secretary of State may authorise a road vehicle for use as an automated vehicle if—
  - (a) in the opinion of the Secretary of State, the vehicle satisfies the self-driving test by reference to intended travel on a road (in at least some circumstances), and 15
  - (b) any applicable initial authorisation requirements are met (see section 5).
- (2) An automated vehicle authorisation may—
  - (a) be limited to an individual vehicle, or individual vehicles, identified in the authorisation, or 20
  - (b) extend to all vehicles of a type described in the authorisation.
- (3) The description of a type under subsection (2)(b) must be formulated with a view to securing that the Secretary of State’s assessment for the purposes of subsection (1)(a), and the contents of the authorisation, will be equally applicable in relation to any vehicle of that type. 25

### **4 Authorised automation features**

- (1) An automated vehicle authorisation must identify the feature or features by virtue of which (in the opinion of the Secretary of State) the vehicle satisfies the self-driving test.
- (2) More than one feature may be identified if it appears to the Secretary of State that each can reasonably be characterised as amounting to a distinct capability of the vehicle. 30
- (3) In relation to each feature identified in the authorisation, the authorisation must specify—
  - (a) whether the mode of operation of the feature is “user-in-charge” or “no-user-in-charge”, 35
  - (b) how the feature is engaged and disengaged, and

- (c) the locations and circumstances by reference to which (in the opinion of the Secretary of State) the vehicle satisfies the self-driving test by virtue of the feature.
- (4) The locations specified or described in the authorisation may include places other than roads. 5
- (5) If more than one feature is identified in an authorisation, the Secretary of State must discharge the duty in subsection (3)(b) in a way that will make it possible to ascertain which feature (if any) is engaged at any given moment.

#### *Authorisation requirements*

### **5 Authorisation requirements and conditions** 10

- (1) The Secretary of State may, by regulations, impose requirements (“authorisation requirements”) that must be met—
  - (a) for a vehicle to be authorised under section 3 (“initial authorisation requirements”), or
  - (b) as a condition of a vehicle remaining authorised (“ongoing authorisation requirements”). 15
- (2) Ongoing authorisation requirements may include a requirement for compliance with any conditions that the Secretary of State attaches to an individual authorisation (“authorisation conditions”).
- (3) Authorisation conditions may relate to anything to which authorisation requirements may relate. 20
- (4) A duty in relation to the imposition of authorisation requirements may be met (in whole or in part) by means of an authorisation requirement of the sort described in subsection (2) in combination with authorisation conditions.

### **6 Authorised self-driving entities** 25

- (1) The Secretary of State must impose authorisation requirements designed to secure that, in respect of each automated vehicle authorisation, a person is designated as the “authorised self-driving entity” for the authorised vehicle at all times.
- (2) Authorisation requirements may include requirements that a person has to satisfy in order to be, or remain, an authorised self-driving entity. 30
- (3) The Secretary of State must impose authorisation requirements designed to secure, so far as the Secretary of State considers reasonably practicable, that the following objectives are met.
- (4) The objectives are— 35
  - (a) that an authorised self-driving entity should have general responsibility for ensuring that an authorised automated vehicle continues to satisfy

- the self-driving test by virtue of its authorised automation features,  
and
- (b) that an authorised self-driving entity should be –
    - (i) of good repute,
    - (ii) of good financial standing, and 5
    - (iii) capable of competently discharging any authorisation requirements imposed on it for the purposes of paragraph (a).
- (5) Authorisation requirements may include requirements as to the payment of fees by authorised self-driving entities for the grant or continuation of an automated vehicle authorisation. 10

## 7 Transition demands

- (1) Subsection (3) applies if authorisation requirements in relation to a vehicle with an authorised user-in-charge feature require the vehicle to be able to issue a transition demand while that feature is engaged.
- (2) A “transition demand” is a demand, communicated by equipment of a vehicle in which an authorised user-in-charge feature is engaged, that the user-in-charge assume control of the vehicle by the end of a period of time beginning with the communication of the demand (the “transition period”). 15
- (3) The Secretary of State must impose authorisation requirements designed to secure, so far as Secretary of State considers reasonably practicable, that – 20
  - (a) the transition demand will be capable of being perceived by anyone who might legally be a user-in-charge of the vehicle (having regard in particular to users-in-charge with disabilities),
  - (b) the transition period will be long enough for the user-in-charge to prepare to assume, and assume, control of the vehicle, 25
  - (c) the vehicle will continue to travel autonomously, safely and legally during the transition period,
  - (d) equipment of the vehicle will make a further communication at the end of the transition period to alert the user-in-charge to the ending of the period, and 30
  - (e) the vehicle will deal safely with a situation where the user-in-charge fails to assume control by the end of the transition period.

### *Variation, suspension and withdrawal of authorisation*

## 8 Power to vary, suspend or withdraw

- (1) The Secretary of State may vary, suspend or withdraw an automated vehicle authorisation with the agreement of the authorised self-driving entity for the authorised automated vehicle concerned. 35
- (2) The Secretary of State may vary, suspend or withdraw an automated vehicle authorisation without that agreement if the Secretary of State is satisfied that a unilateral ground has arisen in respect of the authorisation. 40

- (3) The Secretary of State may suspend or temporarily vary an automated vehicle authorisation without that agreement if the Secretary of State –
- (a) suspects that a unilateral ground has arisen in respect of the authorisation, and
  - (b) proposes to enquire into whether it has. 5
- (4) For the purposes of this section, a unilateral ground arises in respect of an authorisation if –
- (a) an authorisation requirement is not or has not been met in respect of the authorised vehicle,
  - (b) the authorised vehicle has committed a traffic infraction, or 10
  - (c) the authorised vehicle no longer satisfies the self-driving test by reference to all authorised locations and circumstances.
- (5) A suspension or variation under subsection (3) may not be kept in force after the process of enquiry has concluded, except for so long as may be necessary to allow action to be taken under subsection (2). 15
- (6) An authorisation may be suspended or varied under subsection (2) even if it is already suspended, or varied in the same way, under subsection (3) (in which case the new suspension or variation supersedes the existing one).
- (7) Part 1 of Schedule 1 –
- (a) makes provision about the procedure applicable in connection with variation, suspension or withdrawal under subsection (2) or (3) (including rights of appeal), and 20
  - (b) provides for a further case in which an authorisation may be varied, suspended or withdrawn without agreement.
- 9 Further provision about variation, suspension and withdrawal** 25
- (1) References in this Part to varying an automated vehicle authorisation include varying, adding to or omitting authorisation conditions attached to the authorisation.
- (2) The variation of an authorisation may be temporary or permanent.
- (3) An authorisation as varied must be such as the Secretary of State could grant anew. 30
- (4) The suspension or temporary variation of an authorisation –
- (a) may be for a fixed period or indefinite, and
  - (b) may be lifted or reversed by the Secretary of State at any time.
- (5) The suspension of an authorisation means that – 35
- (a) the authorised automated vehicle in question is no longer to be considered such for the purposes of sections 46, 78 and 79, and
  - (b) an authorised no-user-in-charge feature identified in the authorisation is no longer to be considered such for the purposes of section 34B(2) of the Road Traffic Act 1988, 40

but does not otherwise affect the authorisation.

- (6) A relevant authorisation measure takes effect—
- (a) when notice of it is issued to the authorised self-driving entity for the authorised automated vehicle concerned, or
  - (b) at such later time as is specified in the notice. 5
- (7) In subsection (6), “relevant authorisation measure” means—
- (a) the variation, suspension or withdrawal of an automated vehicle authorisation,
  - (b) the reversal of a variation,
  - (c) the lifting of a suspension, or 10
  - (d) the restoration of a withdrawn authorisation (further to a direction under paragraph 3(3) or 4(5) of Schedule 1).
- (8) The Secretary of State must impose authorisation requirements designed to reduce the likelihood of a person’s unknowingly using a vehicle in a way that is no longer in accordance with an automated vehicle authorisation as a result of a variation, suspension or withdrawal. 15

### *Administration*

#### **10 Register of authorisations**

- (1) The Secretary of State must keep a public register of automated vehicle authorisations. 20
- (2) An automated vehicle authorisation takes effect when it is entered in the register.
- (3) The register must record, in relation to each authorisation, the identity of the authorised self-driving entity for the authorised automated vehicle.
- (4) The Secretary of State must amend the register to reflect any relevant authorisation measure as soon as possible after it takes effect. 25
- (5) In subsection (4), “relevant authorisation measure” has the meaning given by section 9(7).

#### **11 Regulations about authorisation procedure**

- (1) The Secretary of State may make regulations about the procedure to be followed in connection with— 30
- (a) the grant of automated vehicle authorisations;
  - (b) the variation, suspension or withdrawal of automated vehicle authorisations with the agreement of the authorised self-driving entity.
- (2) Such regulations may, in particular, make provision about— 35
- (a) the form and content of applications for authorisation, and by whom they may be made;

- (b) fees payable in respect of applications for authorisation,
- (c) the examination of vehicles;
- (d) the notification of decisions;
- (e) reviews of, or appeals against, decisions.

## CHAPTER 2

5

### LICENSING OF OPERATORS FOR VEHICLE USE WITHOUT USER-IN-CHARGE

#### 12 Power to establish operator licensing scheme

- (1) The Secretary of State may, by regulations (“operator licensing regulations”), make provision—
  - (a) for the licensing of persons as no-user-in-charge operators; 10
  - (b) imposing requirements on those persons in connection with no-user-in-charge journeys or the vehicles that undertake them;
  - (c) for the keeping of a public register of those persons (and associated information).
- (2) A “no-user-in-charge journey” is a journey by a vehicle with an authorised no-user-in-charge feature during which (at any point)— 15
  - (a) that feature is engaged, or
  - (b) there is no individual in the vehicle who is exercising control of it.
- (3) For the purposes of this Part, a no-user-in-charge journey is “overseen” by a licensed no-user-in-charge operator if the operator is, in respect of the journey, subject to requirements imposed under subsection (1)(b). 20
- (4) If the Secretary of State makes operator licensing regulations, the Secretary of State must do so in a way that is designed to secure, so far as the Secretary of State considers reasonably practicable, that the following objectives are met. 25
- (5) The objectives are—
  - (a) that a licensed no-user-in-charge operator should have general responsibility for the detection of, and response to, problems arising during a no-user-in-charge journey overseen by the operator, and
  - (b) that a licensed no-user-in-charge operator should be— 30
    - (i) of good repute,
    - (ii) of good financial standing, and
    - (iii) capable of competently discharging any requirements imposed on it for the purposes of paragraph (a).

#### 13 Further provision about operator licensing

35

- (1) This section makes further provision about operator licensing regulations.
- (2) The regulations may, in particular, make provision for and about the grant, retention, variation, renewal, expiry, suspension or withdrawal of licences.

- (3) That includes provision—
  - (a) about the form and content of applications for licences (or their renewal);
  - (b) about fees payable in respect of—
    - (i) applications for licences (or their renewal), or 5
    - (ii) the grant, retention or renewal of licences;
  - (c) about the notification of decisions;
  - (d) about reviews of, or appeals against, decisions;
  - (e) conferring functions on the Secretary of State or on traffic commissioners. 10
- (4) The regulations may impose on a licensed no-user-in-charge operator a requirement to comply with any conditions that are attached to an individual licence.

### CHAPTER 3

#### PROVISION OF INFORMATION BY REGULATED BODIES 15

##### *Requirements imposed by regulations*

#### **14 Collection and sharing of information**

- (1) Authorisation requirements may include requirements as to the collection and sharing of information by an authorised self-driving entity.
- (2) Operator licensing regulations may impose requirements as to the collection and sharing of information by a licensed no-user-in-charge operator. 20
- (3) Those references to sharing include—
  - (a) sharing with the Secretary of State or other public authorities, and
  - (b) sharing with private businesses (such as vehicle manufacturers or insurers). 25
- (4) Authorisation requirements or operator licensing regulations that require an authorised self-driving entity or licensed no-user-in-charge operator to share information must specify the purpose for which the information is to be shared.

#### **15 Nomination of individuals** 30

- (1) Authorisation requirements may require a person who is, or is seeking to become, an authorised self-driving entity to nominate an individual to be responsible for information that is, or has to be, provided by the person to the Secretary to the State for the purposes of this Part.
- (2) Operator licensing regulations may require a person who is, or is seeking to become, a licensed no-user-in-charge operator to nominate an individual to 35

be responsible for information that is, or has to be, provided by the person to the Secretary to the State for the purposes of this Part.

- (3) Requirements of the sort described in subsection (1) or (2) must be accompanied by –
- (a) provision requiring that an individual is not nominated without the individual’s consent, and 5
  - (b) provision about the circumstances in which an individual ceases to stand nominated further to the requirements.

*Requirements imposed by notice*

**16 Purpose for which notices may be given** 10

- (1) In this Part, “the investigative purposes”, in relation to a regulated body, are the domestic purposes and the international purpose set out in this section.
- (2) The domestic purposes are the purposes of –
- (a) assessing whether a regulatory requirement is being, or has been, met – 15
    - (i) by the regulated body, or
    - (ii) in relation to authorised automated vehicles for which the regulated body is or has been responsible,
  - (b) investigating whether, how or why an authorised automated vehicle has committed a traffic infraction while the regulated body was responsible for it, 20
  - (c) assessing whether an authorised automated vehicle for which the regulated body is or has been responsible continues to satisfy the self-driving test by reference to the authorised locations and circumstances, and 25
  - (d) investigating –
    - (i) a suspected offence under section 24 by the regulated body, or another regulated body that is or has been responsible for a vehicle for which the regulated body is or has been responsible, or 30
    - (ii) a suspected offence under section 25, or a suspected offence arising by virtue of section 26 or 27, that is predicated on an offence within sub-paragraph (i).
- (3) The international purpose is the purpose of sharing information with an authority in a country or territory outside Great Britain (an “overseas authority”), where – 35
- (a) the overseas authority has requested the information,
  - (b) the overseas authority has functions under the law of that country or territory that are similar to those referred to in subsection (2), and
  - (c) the information is likely to assist the overseas authority in performing those functions in respect of the regulated body. 40



## 17 Power to issue information notice

- (1) The Secretary of State may issue an information notice to a regulated body if the Secretary of State considers it appropriate to do so for any of the investigative purposes.
- (2) An information notice is a notice requiring the regulated body to provide information to the Secretary of State. 5
- (3) An information notice must specify –
  - (a) the information that must be provided,
  - (b) the form and manner in which it must be provided, and
  - (c) when (or by when) it must be provided. 10
- (4) In specifying the form and manner in which information must be provided, an information notice may, in particular –
  - (a) require documents, or copies of documents, to be produced;
  - (b) require the information to be provided in a form different from that in which it currently exists; 15
  - (c) require the regulated body to procure the attendance of an individual at a particular place and at a particular time in order to provide the information.
- (5) An information notice must explain the consequences of the notice under section 19(5) (if applicable) and section 20. 20

## 18 Power to issue interview notice

- (1) The Secretary of State may issue an interview notice to a regulated body if the Secretary of State considers it appropriate to do so for any of the investigative purposes.
- (2) An interview notice is a notice requiring the regulated body to procure the attendance of an individual at a particular place and at a particular time in order to answer questions. 25
- (3) An interview notice must indicate in general terms the intended subject-matter of the questioning.
- (4) An interview notice must explain the consequences of the notice under sections 19(5) and 20. 30

## 19 Notices requiring individual attendance

- (1) This section applies in relation to –
  - (a) an information notice so far as it includes a requirement of the sort described in section 17(4)(c), and 35
  - (b) an interview notice.
- (2) The notice may –
  - (a) identify a particular individual, or

- (b) describe a class of individuals.
- (3) The individual, or the individuals within that class, must be carrying out, or have carried out, paid work for the regulated body (in whatever capacity).
- (4) But that individual or those individuals need not have any further connection with the United Kingdom. 5
- (5) The regulated body complies with the notice if it takes all steps that it could reasonably be expected to take in order to –
  - (a) procure the attendance of the identified individual, or an individual within the described class, at the place and time specified in the notice, and 10
  - (b) enable that individual to provide the information specified, or answer questions on the subject-matter indicated, in the notice.
- (6) The references in sections 17(4)(c) and 18(2) to attendance at a particular place include attendance at a particular meeting held remotely by electronic means (and section 20(3)(c)(i) and (4)(c)(i) is to be read accordingly). 15

## 20 Offences of non-compliance

- (1) A regulated body commits an offence if it –
  - (a) fails to provide information as required by an information notice,
  - (b) provides, in purported compliance with an information notice, information that is false or misleading in a material respect, or 20
  - (c) fails to comply with an information notice or interview notice as described in section 19(5).
- (2) It is a defence for the regulated body to prove that it took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. 25
- (3) A person commits an offence if –
  - (a) the person is an individual identified in an information notice as described in section 19(2)(a),
  - (b) the person has been made aware of the contents of the notice, and
  - (c) the person – 30
    - (i) fails, without reasonable excuse, to attend at the place and time specified in the notice or provide information as required by the notice, or
    - (ii) provides, in purported compliance with the notice, information that is false or misleading in a material respect, knowing it to be so or being reckless as to whether it is. 35
- (4) A person commits an offence if –
  - (a) the person is an individual identified in an interview notice as described in section 19(2)(a),
  - (b) the person has been made aware of the notice, and 40

- (c) the person—
  - (i) fails, without reasonable excuse, to attend at the place and time specified in the notice,
  - (ii) on being interviewed further to the notice, fails, without reasonable excuse, to answer a question, or 5
  - (iii) on being interviewed further to the notice, answers a question in a way that is false or misleading in a material particular, knowing it to be so or being reckless as to whether it is.
  
- (5) A person commits an offence if— 10
  - (a) the person destroys, suppresses or alters, or causes or permits the destruction, suppression or alteration of, any information, and
  - (b) the person does so with the intention of preventing the provision of accurate information in response to an information notice, or at an interview undertaken further to an interview notice.
  
- (6) In subsection (5)— 15
  - (a) the reference to information required to be provided by an information notice includes anything in or on which that information is recorded;
  - (b) the references to suppressing information include destroying the means of reproducing information recorded otherwise than in a legible form.
  
- (7) A person who commits an offence under this section is liable— 20
  - (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 25
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

## **21 Enforcement by court**

The High Court or the Court of Session may, on application by the Secretary of State, make such order as the court thinks fit in order to secure compliance with an information notice or interview notice by the person to whom it is issued. 30

## **22 Use of information obtained**

- (1) Subsections (2) to (4) apply to information obtained as a result of the exercise of a power in section 17 or 18. 35
- (2) The Secretary of State may use the information for any of the investigative purposes in relation to any regulated body, irrespective of the purpose for which it was initially obtained.

- (3) If the information is shared with an overseas authority, it must be shared on terms designed to prevent the overseas authority from—
- (a) using the information for a purpose other than the purpose for which it was disclosed, or
  - (b) further sharing the information, 5  
without the Secretary of State’s consent.
- (4) The Secretary of State may also use the information for the purposes of the arrangements put in place under section 38 (monitoring and assessing the general performance of automated vehicles).
- (5) Subsection (6) applies to a statement made by a person in response to a notice under section 17 or 18. 10
- (6) In any criminal proceedings against the person who made the statement, no evidence relating to the statement may be adduced, and no question relating to it may be asked, by or on behalf of the prosecution.
- (7) Subsection (6) does not apply— 15
- (a) if the proceedings are for—
    - (i) an offence under section 20, 24, 25 or 30,
    - (ii) an offence under section 5 of the Perjury Act 1911 (false statutory declarations and other false statements without oath),
    - (iii) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements and declarations), or 20
  - (b) in any other proceedings, if evidence relating to the information is adduced, or a question relating to the information is asked, by or on behalf of the person who provided it. 25
- (8) In this section, “overseas authority” has the meaning indicated by section 16(3).

## **23 Supplementary provision**

- (1) Where the Secretary of State has issued an information notice or an interview notice to a regulated body, the Secretary of State may by further notice issued to that body— 30
- (a) cancel the notice, or
  - (b) vary it in any way that does not make it more onerous.
- (2) For the purposes of the sections from section 16 to this section, a person who has ceased to be a regulated body is to be treated, in relation to anything that occurred when the person was a regulated body, as if the person were still a regulated body. 35

*Offences relating to information about safety*

**24 False or withheld information relevant to vehicle safety**

- (1) A person commits an offence if—
  - (a) the person is, or is seeking to become, a regulated body,
  - (b) the person provides to the Secretary of State—
    - (i) information about a vehicle for which the person is, has been, or is seeking to become responsible, or
    - (ii) other information in connection with the person’s role (or proposed role) as a regulated body, and
  - (c) the information is false or misleading in a respect in which it is relevant to the safety of the person’s automated vehicle operations.

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- (2) Subsections (3) and (4) apply where—
  - (a) a person is, or is seeking to become, a regulated body,
  - (b) the person is required by—
    - (i) a regulatory requirement, or
    - (ii) an information notice under section 17,to provide information to the Secretary of State, and
  - (c) the information is relevant to the safety of the person’s automated vehicle operations.

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- (3) That person commits an offence if the person fails to provide the information as required.

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- (4) Any person commits an offence if—
  - (a) the person destroys, suppresses or alters, or causes or permits the destruction, suppression or alteration of, the information, and
  - (b) the person does so with the intention of preventing the provision of accurate information in accordance with the requirement or notice concerned.

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- (5) In subsection (4)—
  - (a) the reference to the information includes anything in or on which that information is recorded;
  - (b) the references to suppressing information include destroying the means of reproducing information recorded otherwise than in a legible form.

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- (6) For the purposes of this section, information is relevant to the safety of a person’s automated vehicle operations if it would affect a reasonable observer’s assessment—
  - (a) in the case of a person who is, or is seeking to become, an authorised self-driving entity, of how safely a vehicle for which the person is (or would be) the authorised self-driving entity is likely to travel while an authorised automation feature is engaged, or

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- (b) in the case of a person who is, or is seeking to become, a licensed no-user-in-charge operator, of how safely a vehicle is likely to undertake a no-user-in-charge journey that is overseen by the person.
- (7) It is a defence for a person accused of an offence under subsection (1) or (3) to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. 5
- (8) A person who commits an offence under this section is liable—
  - (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both); 10
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both). 15

## 25 Aggravated offence where death or serious injury occurs

- (1) A person commits an offence if—
  - (a) the person has committed an offence under section 24(1) or (3),
  - (b) had information been provided in a way that avoided the commission of any such offence, that information would have disclosed a heightened risk that a vehicle in which an authorised automation feature is engaged would be involved in a dangerous incident of a particular kind, 20
  - (c) a vehicle in which that feature is engaged is involved in a dangerous incident of that kind, and 25
  - (d) an individual is killed or seriously injured as a result of that incident.
- (2) A person commits an offence if—
  - (a) the person has committed an offence under section 24(4),
  - (b) the conduct constituting the offence prevented the provision of accurate information to the Secretary of State, 30
  - (c) had that information been provided in the way that that conduct prevented, it would have disclosed a heightened risk that a vehicle in which an authorised automation feature is engaged would be involved in a dangerous incident of a particular kind,
  - (d) a vehicle in which that feature is engaged is involved in a dangerous incident of that kind, and 35
  - (e) an individual is killed or seriously injured as a result of that incident.
- (3) For the purposes of subsections (1) and (2)—
  - (a) information would have “disclosed a heightened risk” if it would have caused a reasonable person to perceive a greater risk than the person would have perceived from the information (if any) that was in fact provided when the offence under section 24 occurred; 40

- (b) “dangerous incident” means an incident of a sort that carries an obvious risk of serious injury to an individual.
- (4) It is a defence for a person accused of an offence under this section to prove that the offence under section 24 had, by the time the dangerous incident occurred, no significant continuing effect on the risk of its occurring. 5
- (5) A person who commits an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine (or both).
- (6) In this section, “serious injury” means—
  - (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861; 10
  - (b) in Scotland, severe physical injury.

*Liability of individuals*

**26 Liability of nominated individual** 15

- (1) If—
  - (a) a person (“B”) who is, or is seeking to become, a regulated body commits an offence under section 20 or 24, and
  - (b) at the time of that offence, another person (“A”) is the nominated individual for the information to which the offence relates, 20A also commits the offence.
- (2) For the purposes of subsection (1), A is the nominated individual for information if A stands nominated by B as the individual responsible for the information further to—
  - (a) an authorisation requirement of the sort described in section 15(1), or 25
  - (b) operator licensing regulations of the sort described in section 15(2).
- (3) In determining for the purposes of subsection (1)(a) whether an offence has been committed by B, the defence in section 20(2) or 24(7) is to be ignored.
- (4) It is a defence for A to prove that A took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by B. 30

**27 Liability of senior manager**

- (1) If—
  - (a) an individual (“A”) is a relevant senior manager of a relevant entity (“B”),
  - (b) B commits an offence under section 20 or 24, and 35
  - (c) A consents to or connives in the commission of the offence by B,A also commits the offence.

- (2) A is a “relevant senior manager” of B if A plays a significant role in making decisions about how –
- (a) the activities of B as a whole, or
  - (b) the relevant activities of B,
- are managed or organised. 5
- (3) In subsection (2)(b), “the relevant activities” means the activities to which the relevant information relates; and in this subsection “the relevant information” means the information to which the offence mentioned in subsection (1)(b) relates.
- (4) In subsection (1), “relevant entity” means – 10
- (a) a body corporate,
  - (b) a partnership, or
  - (c) a firm or other entity similar in nature to a partnership established under a foreign law.

#### CHAPTER 4

15

##### POWERS TO INVESTIGATE PREMISES USED BY REGULATED BODIES

### 28 Warrants for entry, search and seizure

- (1) A justice of the peace may, if satisfied that the conditions in subsection (2) are met, grant a warrant to the Secretary of State authorising the exercise of the powers in section 29 in relation to premises identified in the warrant. 20
- (2) The conditions are –
- (a) that the premises are being used by a regulated body,
  - (b) that it is appropriate to grant the warrant for any of the investigative purposes (see section 16), and
  - (c) that it is necessary to grant the warrant for one of the reasons given in subsection (3). 25
- (3) The reasons are –
- (a) that an information notice or interview notice has been issued to the regulated body and not complied with;
  - (b) that there is reason to believe that, if an information notice or interview notice were issued to the regulated body, it would not be complied with; 30
  - (c) that an information notice or interview notice to which section 19 applies has been issued to the regulated body but has not succeeded in obtaining the information that it sought to obtain; 35
  - (d) that the need to exercise the powers is too urgent to await the obtaining of information further to an information notice or interview notice.
- (4) A justice of the peace may be satisfied that the conditions in subsection (2) are met only on the basis of information or evidence given on oath on behalf of the Secretary of State. 40



- (5) References in this section to a justice of the peace include a sheriff in Scotland.
- (6) For the purposes of this section, a person who has ceased to be a regulated body is to be treated, in relation to anything that occurred when the person was a regulated body, as if the person were still a regulated body.

## 29 Powers exercisable under warrant

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- (1) The powers in this section are powers to—
  - (a) enter the premises;
  - (b) search the premises;
  - (c) examine any document, equipment or other item or material on the premises (including by operating a computer or other device in order to gain access to information); 10
  - (d) seize any document, equipment or other item or material on the premises and remove it;
  - (e) record (in whatever form) any document, equipment or other item or material on the premises, or any information contained in or accessible by means of any such document, equipment, item or material; 15
  - (f) require any person on the premises to provide information or assistance for the purpose of—
    - (i) enabling or facilitating the exercise of the preceding powers, or 20
    - (ii) allowing anything inspected, seized or recorded in the exercise of those powers to be better understood.
- (2) A person exercising those powers—
  - (a) may do so only so far as the person reasonably considers necessary for any of the investigative purposes (see section 16), and 25
  - (b) in particular, may not exercise the power to seize and remove something unless person considers that exercising the power to record it would be insufficient.
- (3) A warrant under section 28 is to be executed (and the powers in this section accordingly exercised) on behalf of the Secretary of State by a person authorised in writing by the Secretary of State. 30
- (4) That person may take other persons, equipment and materials onto the premises for the purposes of assisting in the exercise of the powers in this section.
- (5) A person so taken onto the premises may also exercise the powers in this section on behalf of the Secretary of State if the person is in the company, and under the supervision, of the person authorised under subsection (3). 35
- (6) A person exercising the powers in this section may use reasonable force if necessary (except to enforce a requirement under subsection (1)(f)).
- (7) A warrant under section 28 authorises the exercise of the powers in this section— 40

- (a) only at a reasonable hour,
  - (b) only within a period of one month beginning with the day on which it is issued, and
  - (c) only on one occasion, unless the warrant specifies a greater number of occasions; 5
- and may be granted subject to further conditions or limitations.
- (8) On each occasion on which premises are entered further to a warrant under section 28, the person executing the warrant—
- (a) must be accompanied by a constable until entry to the premises is fully secured; 10
  - (b) must give a copy of the warrant to any person appearing to be in charge of the premises at the earliest opportunity (if possible before entering the premises);
  - (c) if no such copy is given during the period of entry on the premises, must leave a copy of the warrant in a prominent place on the premises; 15
  - (d) must produce, on request by any person appearing to be in charge of the premises, proof of identity and of authorisation under subsection (3);
  - (e) if no person appearing to be in charge of the premises is present when the person executing the warrant is on the premises, must leave the premises as effectively secured against trespassers as that person found them. 20
- (9) The Secretary of State must arrange for the publication of information on the exercise of the powers in this section at such intervals as seem appropriate.
- 30 Offences of impeding execution of warrant** 25
- (1) A person commits an offence if the person—
- (a) intentionally obstructs a person in the exercise of the powers in section 29,
  - (b) fails, without reasonable excuse, to comply with a requirement made of the person in the exercise of those powers, or 30
  - (c) in response to such a requirement, makes a statement that is false or misleading in a material respect, knowing it to be so or being reckless as to whether it is.
- (2) A person who commits an offence under this section is liable—
- (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both); 35
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 40
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

### 31 Seizure of items

- (1) This section applies where a person exercises the power of seizure and removal in section 29(1)(d).
- (2) The person must, on request by any person appearing to be in charge of the premises – 5
  - (a) give a receipt for the thing seized, and
  - (b) in the case of a document readily capable of being copied, give a copy of it.
- (3) The thing seized may be retained in the possession of the Secretary of State for so long as the Secretary of State considers necessary for any of the investigative purposes (irrespective of the purpose for which it was initially obtained). 10
- (4) For any such purpose, a person acting on behalf of the Secretary of State may – 15
  - (a) examine the thing seized (using reasonable force if necessary), and
  - (b) record (in whatever form) any information obtained from the thing seized.
- (5) The Secretary of State may, by regulations, make further provision about how the thing seized is to be dealt with.
- (6) Such regulations may, in particular – 20
  - (a) authorise the retention or use of the thing seized for purposes other than the investigatory purposes;
  - (b) authorise the delivery of the thing seized to a person other than its owner;
  - (c) authorise the destruction of the thing seized. 25

### 32 Return of warrant

- (1) If a warrant under section 28 is executed, the person who executed it must return it to the court from which it was issued as soon as reasonably practicable with an endorsement summarising the exercise of the powers in section 29. 30
- (2) If a warrant under section 28 is not executed, the Secretary of State must return it to the court from which it was issued as soon as reasonably practicable with an endorsement stating that it was not executed.

### 33 Use of information obtained

- (1) Subsections (2) to (4) of section 22 (use of information for the investigative purposes) apply to information obtained as a result of the exercise of a power in section 29 or 31 as they apply to information obtained as a result of the exercise of a power in section 17 or 18. 35

- (2) Subsections (6) and (7) of section 22 (admissibility of information in criminal proceedings) apply to a statement made by a person in response to a requirement under section 29(1)(f) as they apply to a statement made by a person in response to a notice under section 17 or 18.

## CHAPTER 5

5

### CIVIL SANCTIONS AGAINST REGULATED BODIES

#### 34 Compliance notices

- (1) The Secretary of State may issue a compliance notice to a regulated body if satisfied that a regulatory requirement is not, or has not been, met by the body. 10
- (2) The Secretary of State may issue a compliance notice to an authorised self-driving entity if satisfied that an authorised automated vehicle has committed a traffic infraction while the entity was responsible for it.
- (3) Subsection (2) does not apply if it appears to the Secretary of State that the commission of the traffic infraction was wholly caused by a failure of a licensed no-user-in-charge operator to comply with a requirement under operator licensing regulations. 15
- (4) A compliance notice is a notice requiring the person to whom it is issued to take such actions within subsection (5) as are specified in the notice.
- (5) The actions that may be specified are – 20
- (a) in the case of a notice under subsection (1), actions that the Secretary of State considers appropriate in order to secure, or make it more likely, that the regulated body complies with the regulatory requirement in the future;
  - (b) in the case of a notice under subsection (2), actions that the Secretary of State considers appropriate in order to avoid, or make less likely, the future commission of similar traffic infractions by authorised automated vehicles for which the authorised self-driving entity is responsible. 25
- (6) The actions may be specified by referring (with or without further particulars) to the actions necessary to achieve a result described in the notice. 30
- (7) A compliance notice must –
- (a) explain the Secretary of State’s reasons for issuing the notice, and
  - (b) specify the time by which, or period during which, the specified actions must be taken. 35
- (8) The reference in subsection (4) to taking action includes refraining from taking action; and “actions” in this section is to be read accordingly.

### 35 Redress notices

- (1) The Secretary of State may issue a redress notice to a regulated body if satisfied that—
  - (a) a regulatory requirement is not, or has not been, met by the body, and 5
  - (b) as a result, users of roads in Great Britain have suffered loss, damage, inconvenience or annoyance.
- (2) The Secretary of State may issue a redress notice to an authorised self-driving entity if satisfied that—
  - (a) an authorised automated vehicle has committed a traffic infraction while the entity was responsible for it, and 10
  - (b) as a result, users of roads in Great Britain have suffered loss, damage, inconvenience or annoyance.
- (3) Subsection (2) does not apply if it appears to the Secretary of State that the commission of the traffic infraction was wholly caused by a failure of a licensed no-user-in-charge operator to comply with a requirement under operator licensing regulations. 15
- (4) A redress notice is a notice requiring the person to whom it is issued to take such actions within subsection (5) as are specified in the notice.
- (5) The actions that may be specified are actions that the Secretary of State considers appropriate in order to rectify, mitigate, or compensate for (whether directly or indirectly) the loss, damage, inconvenience or annoyance that has been suffered. 20
- (6) A redress notice must—
  - (a) explain the Secretary of State’s reasons for issuing the notice, and 25
  - (b) specify the time by which, or period during which, the specified actions must be taken.
- (7) If a redress notice requires a regulated body to pay a sum of money to another person, the sum may be recovered by that person as a civil debt.
- (8) The reference in subsection (4) to taking action includes refraining from taking action; and “actions” in this section is to be read accordingly. 30
- (9) In this section, “users of roads” includes persons exercising statutory functions in relation to roads.

### 36 Monetary penalties

- (1) The Secretary of State may issue a monetary penalty notice to a regulated body if satisfied that—
  - (a) a regulatory requirement is not, or has not been, met by the body, or 35
  - (b) the body has failed to comply with—
    - (i) an information notice,
    - (ii) an interview notice, 40

- (iii) a compliance notice, or
  - (iv) a redress notice.
- (2) The Secretary of State may issue a monetary penalty notice to an authorised self-driving entity if satisfied that an authorised automated vehicle has committed a traffic infraction while the entity was responsible for it. 5
- (3) Subsection (2) does not apply if it appears to the Secretary of State that the commission of the traffic infraction was wholly caused by a failure of a licensed no-user-in-charge operator to comply with a requirement under operator licensing regulations.
- (4) A monetary penalty notice is a notice requiring the regulated body to pay a monetary penalty, of a sum specified in the notice, to the Secretary of State. 10
- (5) Subsection (6) applies in relation to a monetary penalty notice issued under subsection (1) if it appears to the Secretary of State that the failure to which the notice relates is or may be a continuing one.
- (6) The monetary penalty notice may provide for a sum specified in the notice to be added to the penalty for each day in the period – 15
- (a) beginning with the day after the day on which the notice is issued, and
  - (b) ending with –
    - (i) the day on which the failure is brought to an end, or 20
    - (ii) such earlier day as is specified in the notice.
- (7) A monetary penalty notice must –
- (a) explain the Secretary of State’s reasons for issuing the notice, and
  - (b) specify the time by which, and manner in which, the penalty must be paid. 25
- (8) If a monetary penalty is not paid in time –
- (a) the penalty (or the unpaid part of it) carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838;
  - (b) the Secretary of State may recover the penalty (or the unpaid part of it), with the interest, as a civil debt. 30
- (9) The Secretary of State must, by regulations, provide for the determination of –
- (a) a maximum sum that may be specified under subsection (4), and
  - (b) a maximum sum that may be specified under subsection (6).
- (10) Those regulations may determine the sum by reference to the turnover of the regulated body or other entities or undertakings that are connected with the regulated body in a manner specified in the regulations; and if they do so they may also make provision about – 35
- (a) what counts as “turnover”;
  - (b) how turnover is to be calculated or assessed. 40

- (11) A regulated body is not, in respect of the same conduct or omission, liable both to conviction of an offence under section 24 or 25 and to a monetary penalty under this section (so the occurrence of one, unless overturned or cancelled, means that the other can no longer take place).

**37 Supplementary provision** 5

- (1) A single notice issued under this Chapter may relate to more than one occurrence by virtue of which the power to issue the notice arises (or is said to arise).
- (2) Where the Secretary of State has issued a notice to a regulated body under this Chapter, the Secretary of State may by further notice issued to that body – 10
- (a) cancel the notice, or
  - (b) vary it in any way that does not make it more onerous.
- (3) Part 2 of Schedule 1 makes provision –
- (a) about the procedure applicable in connection with compliance notices, redress notices and monetary penalty notices (including the recovery of costs and rights of appeal), and 15
  - (b) for the assignment of functions under this Chapter to traffic commissioners.
- (4) For the purposes of this Chapter, a person who has ceased to be a regulated body is to be treated, in relation to anything that occurred when the person was a regulated body, as if the person were still a regulated body. 20

**CHAPTER 6**

OTHER REGULATORY POWERS AND DUTIES

**38 General monitoring duty**

- (1) The Secretary of State must put in place arrangements that the Secretary of State considers effective and proportionate for monitoring and assessing the general performance of authorised automated vehicles on roads and other public places in Great Britain. 25
- (2) Those arrangements must, in particular, include monitoring and assessing the extent to which that performance is consistent with the statement of safety principles. 30
- (3) The Secretary of State must, as soon as practicable after the end of each reporting period, publish a report setting out the Secretary of State’s conclusions from the monitoring and assessment undertaken in accordance with this section. 35
- (4) For the purposes of this section, each of the following periods is a “reporting period” –

- (a) the period of 12 months beginning with the month in which the first grant of an automated vehicle authorisation takes effect, and
- (b) each subsequent period of 12 months.

### **39 Duty with respect to incidents with potential regulatory consequences**

- (1) The Secretary of State must put in place arrangements that the Secretary of State considers effective and proportionate for – 5
  - (a) identifying the occurrence of relevant incidents,
  - (b) enquiring into the causes of those incidents (including by means of the investigative powers), and
  - (c) deciding whether any of the enforcement powers should be exercised in response. 10
- (2) In this section –
  - “relevant incidents” means incidents that –
    - (a) occur on a road or other public place,
    - (b) involve an authorised automated vehicle, and 15
    - (c) reveal grounds for enquiring into whether any of the enforcement powers has become exercisable as a result of the incident;
  - “the investigative powers” means the powers sections 16 to 23 and Chapter 4; 20
  - “the enforcement powers” means the powers in section 8(2) and (3) and Chapter 5.
- (3) The investigative powers do not limit what the Secretary of State may do for the purposes of the arrangements put in place under subsection (1) without relying on powers of coercion. 25

### **40 Power to require reports from police and local authorities**

- (1) The Secretary of State may, by regulations, require an authority within subsection (3) to report to the Secretary of State incidents which – 30
  - (a) occur in the area of the authority, and
  - (b) are of a description set out in the regulations.
- (2) Such regulations may limit the requirement to cases in which the Secretary of State requests a report.
- (3) The authorities within this subsection are – 35
  - (a) a chief officer of police;
  - (b) a strategic highways company;
  - (c) the Scottish Ministers (in their capacity as roads authority or traffic authority);
  - (d) a combined authority (established under section 103 of the Local Democracy, Economic Development and Construction Act 2009) that exercises functions in relation to highways or road traffic; 40



- (e) a county council or county borough council;
  - (f) a district council for an area for which there is no county council;
  - (g) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - (h) Transport for London; 5
  - (i) a London borough council;
  - (j) the Common Council of the City of London (in its capacity as a local authority);
  - (k) the Council of the Isles of Scilly.
- (4) Regulations under this section must be framed with the intention that only relevant incidents, or incidents that may be found to be relevant incidents, will be reported. 10
- (5) In subsection (4), “relevant incidents” has the same meaning as in section 39.
- (6) Regulations under this section require incidents to be reported only so far as the authority in question has obtained information about them in the performance of its functions. 15
- (7) Regulations under this section may contain provision about the timing, form and contents of reports.

## CHAPTER 7

### SUPPLEMENTARY PROVISION 20

#### 41 Notices

- (1) The Secretary of State must impose authorisation requirements designed to secure that the Secretary of State has available at all times –
- (a) a postal address, and
  - (b) an electronic address, 25
- which can be used to issue notices under this Part to an authorised self-driving entity.
- (2) If the Secretary of State makes operator licensing regulations, the regulations must include provision designed to secure that the Secretary of State has available at all times – 30
- (a) a postal address, and
  - (b) an electronic address,
- which can be used to issue notices under this Part to a licensed no-user-in-charge operator.
- (3) A notice issued under this Part to a regulated body is to be taken for the purposes of this Part to be issued at – 35
- (a) the time at which it is received by the regulated body, or

- (b) if earlier, the time at which it would in the ordinary course of events be received by the regulated body (taking account of the means by which it is issued).
- (4) It is to be assumed for the purposes of subsection (3)(b) that the regulated body will receive a notice sent to an address made available to the Secretary of State further to authorisation requirements or operator licensing regulations or the sort described in subsection (1) or (2). 5
- (5) For the purposes of subsections (3) and (4), a regulated body “receives” a notice when it would first be possible for an individual acting on behalf of the body to view the notice. 10
- (6) In this section, “electronic address” includes any form of information that enables a written electronic communication to be directed to a particular recipient.

#### **42 Protection of information**

- (1) This section applies in relation to information that a person obtains – 15
  - (a) further to authorisation requirements or operator licensing regulations of the sort described in section 14(1) and (2),
  - (b) as a result of the exercise of a power in section 17, 18 or 29, or
  - (c) further to regulations under section 40.
- (2) In this section, “the recipient” means – 20
  - (a) the person who obtains the information as described in subsection (1), or
  - (b) any other person to whom the information is subsequently disclosed.
- (3) The Secretary of State may make regulations authorising the recipient to – 25
  - (a) disclose the information to another person for a purpose specified in the regulations, or
  - (b) use the information for a purpose other than the purpose for which it was obtained.
- (4) It is an offence for the recipient to – 30
  - (a) disclose the information to another person, or
  - (b) use the information for a purpose other than the purpose for which it was obtained,

except as authorised by regulations under subsection (3) or any other enactment.
- (5) But it is a defence to prove that – 35
  - (a) the person from whom the information was obtained as described in subsection (1) consented to the disclosure or use, or
  - (b) the recipient reasonably believed that the disclosure or use was lawful, or

- (c) in the case of a disclosure, that the information had already lawfully been disclosed to the other person.
  - (6) A person who commits an offence under subsection (4) is liable –
    - (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; 5
    - (c) on conviction on indictment, to a fine.
  - (7) A provision made by or under this Part that authorises the disclosure or use of the information is not to be taken to authorise disclosure or use that would be liable to harm the commercial interests of any person, except to the extent that – 10
    - (a) the provision otherwise provides, or
    - (b) the person disclosing or using the information reasonably considers such disclosure or use necessary in view of the purpose of the provision. 15
- 43 Fees**
- (1) If fees are made payable as mentioned in section 6(5) or 13(3)(b)(ii), the amount of such a fee may be determined by reference to any costs incurred, or likely to be incurred, by the Secretary of State in connection with any function under this Part (whether or not directly related to what the fee is for). 20
  - (2) But a given amount of costs (or likely costs) may not be taken into account more than once in determining amounts of fees under this Part.
- 44 Interpretation**
- (1) In this Part –
    - “authorisation conditions” has the meaning given by section 5(2); 25
    - “authorisation requirement” means a requirement imposed by regulations under section 5;
    - “authorised automation feature” means a feature identified in an automated vehicle authorisation further to section 4(1);
    - “authorised locations and circumstances” – 30
      - (a) in relation to an authorised automation feature, means the locations and circumstances specified or described in relation to that feature further to section 4(3)(c);
      - (b) in relation to an authorised automated vehicle, means the locations and circumstances so specified in relation to the authorised automation features of the vehicle (taken as a whole); 35
    - “authorised no-user-in-charge feature” means an authorised automation feature whose mode of operation is specified in the automated vehicle authorisation as no-user-in-charge; 40

- 
- “authorised self-driving entity” means a person for the time being designated under authorisation requirements of the sort described in section 6(1);
- “authorised user-in-charge feature” means an authorised automation feature whose mode of operation is specified in the automated vehicle authorisation as user-in-charge; 5
- “automated vehicle authorisation” means an authorisation under section 3;
- “control” and related expressions are to be read in accordance with section 1(6); 10
- “equipment” of a vehicle includes software, and any electronic equipment outside the vehicle, that interacts with equipment in the vehicle;
- “feature” has the meaning given by section 1(4);
- “initial authorisation requirement” means an authorisation requirement of the sort described in section 5(1)(a); 15
- “the investigative purposes” has the meaning given by section 16(1);
- “licensed no-user-in-charge operator” means a person for the time being licensed under operator licensing regulations;
- “no-user-in-charge journey” has the meaning given by section 12(2);
- “ongoing authorisation requirement” means an authorisation requirement of the sort described in section 5(1)(b); 20
- “operator licensing regulations” means regulations under section 12;
- “overseen”, in relation to a no-user-in-charge journey, is to be read in accordance with section 12(3);
- “premises” includes any land; 25
- “regulated body” means an authorised self-driving entity or a licensed no-user-in-charge operator;
- “regulatory requirement” means an authorisation requirement or a requirement under operator licensing regulations;
- “safely” is to be read in accordance with section 1(7); 30
- “the statement of safety principles” means the statement that has effect for the time being under section 2;
- “transition demand” and “transition period” are to be read in accordance with section 7(2);
- “travels autonomously” and related expressions are to be read in accordance with section 1(5); 35
- “user-in-charge” has the same meaning as in Part 2 (see section 46);
- “vary” and related expressions are to be read, in relation to an automated vehicle authorisation, in accordance with section 9(1).
- (2) For the purposes of this Part, a vehicle “commits a traffic infraction” if, while an authorised automation feature of the vehicle is engaged, the vehicle does anything that would, were an individual in control of it— 40
- (a) amount to the commission of an offence by that individual, or

- (b) cause a person to become liable to a penalty charge under an enactment relating to road traffic.
  - (3) For the purposes of subsection (2)(a), it is to be assumed that nothing can be proved about the mental state of the notional individual.
  - (4) For the purposes of this Part, a regulated body is “responsible” for an authorised automated vehicle—
    - (a) in the case of an authorised self-driving entity, if the body is the authorised self-driving entity for the vehicle;
    - (b) in the case of a licensed no-user-in-charge operator, when the vehicle undertakes a no-user-in-charge journey overseen by the body.
  - (5) Any question arising under this Part as to whether an authorised automation feature is “engaged” or “disengaged” is to be determined in accordance with what is specified or described under section 4(3)(b).
- 45 Related amendments**
- Schedule 2 makes amendments in connection with this Part.

## PART 2

### CRIMINAL LIABILITY FOR VEHICLE USE

#### CHAPTER 1

##### LEGAL POSITION OF USER-IN-CHARGE

- 46 Meaning of “user-in-charge”**
- An individual is the “user-in-charge” of a vehicle if—
- (a) the vehicle is an authorised automated vehicle with an authorised user-in-charge feature,
  - (b) that feature is engaged, and
  - (c) the individual is in, and in position to exercise control of, the vehicle, but is not controlling it.
- 47 User-in-charge not liable for manner of driving**
- (1) An individual does not commit an offence arising from the way in which a vehicle is driven if subsection (2) or (3) applies (subject to section 48).
  - (2) This subsection applies if the individual is the user-in-charge of the vehicle at the time of the act that would constitute the offence.
  - (3) This subsection applies if the act that would constitute the offence—
    - (a) results from something done by the vehicle while the individual was its user-in-charge, and

(b) does not also result from the individual’s conduct after ceasing to be the user-in-charge falling below the standard that could reasonably be expected of a careful and competent driver in the circumstances.

- (4) For the purposes of this section, the way in which a vehicle is driven—
- (a) includes (for example) the use of its signals and lighting, but 5
  - (b) does not include (for example) the condition or qualifications of the driver.

#### **48 Exceptions from immunity**

- (1) Section 47(1) does not apply in relation to an offence if the act that would constitute the offence takes place after— 10
- (a) a transition demand has been issued in accordance with authorisation requirements, and
  - (b) the transition period has ended.
- (2) But subsection (1) does not apply if the act that would constitute the offence results from the vehicle doing something which amounts to a breach of authorisation requirements of the sort described in section 7(3)(e). 15
- (3) Section 47(1) does not apply in relation to an offence if—
- (a) the offence arises from the position in which the vehicle is parked or otherwise stops or is left stationary, and
  - (b) the user-in-charge voluntarily departs from the vehicle while it is in that position. 20
- (4) Section 47(1) does not apply in relation to an offence arising from the vehicle’s entering or remaining on a particular road or other area without a required toll or charge being paid.
- (5) Section 47(1) does not apply in relation to an offence if the conditions in subsection (6) of this section are satisfied at the time of— 25
- (a) the act that would constitute the offence, in a case within section 47(2), or
  - (b) the thing done by the vehicle that results in the act that would constitute the offence, in a case within section 47(3). 30
- (6) The conditions are that—
- (a) the authorised user-in-charge feature in question is engaged other than in the authorised locations and circumstances, and
  - (b) the user-in-charge has caused it to be so, or another person has to the knowledge of the user-in-charge caused it to be so, by deliberately interfering with equipment of the vehicle. 35

#### **49 User-in-charge otherwise liable as driver**

- (1) The user-in-charge of a vehicle is to be taken for the purposes of any enactment to be the driver of, and driving, the vehicle.

- (2) Subsection (1) –
- (a) does mean that (subject to section 47) an enactment applies to the user-in-charge as it would apply to a driver who acted in the same way as the user-in-charge in fact acts, but
  - (b) does not mean that any particular behaviour of the vehicle is to be treated as brought about by the user-in-charge when it is not in fact so brought about. 5
- (3) If an individual is for a time the user-in-charge of a vehicle but moves so as no longer to be in position to control the vehicle, this section continues to apply to the individual as it applies to a user-in-charge until – 10
- (a) another individual becomes the user-in-charge of the vehicle or takes control of it, or
  - (b) the authorised user-in-charge feature is disengaged.

## 50 Power to change or clarify existing traffic legislation

- (1) The Secretary of State may, by regulations, make provision for the purpose of changing or clarifying whether, how or in what circumstances a relevant enactment applies to the user-in-charge of a vehicle. 15
- (2) A “relevant enactment” is an enactment that –
- (a) was passed or made on or before the relevant day, and
  - (b) relates to the driving or use of a vehicle. 20
- (3) Regulations under this section may amend any enactment passed or made on or before the relevant day.

## 51 Supplementary provision

- (1) An enactment passed or made after this Act is passed is to be read as subject to sections 47 to 49 unless a clear intention to the contrary appears. 25
- (2) A person who seeks to rely on section 47(1) in criminal proceedings must prove that –
- (a) the individual concerned was a user-in-charge at the time in question, and
  - (b) section 48(1) does not apply (unless the person also seeks to rely on section 48(2)). 30
- (3) A person who seeks to rely on section 48(2) in criminal proceedings must adduce sufficient evidence that it applies to raise an issue with respect to it; and if the person does so that provision is to be taken to apply unless the contrary is proved beyond reasonable doubt. 35
- (4) Subsection (5) applies if –
- (a) an automated vehicle authorisation is varied, suspended or withdrawn,
  - (b) an individual could not reasonably be expected to know of the variation, suspension or withdrawal, and

- (c) the individual uses a vehicle in reliance on the authorisation as it stood before the variation, suspension or withdrawal.
- (5) Sections 47 to 49, and regulations under section 50, apply in respect of that use of the vehicle by the individual as if the variation, suspension or withdrawal had not occurred. 5

## 52 Interpretation

- (1) The following subsections apply for the purposes of this Chapter.
- (2) “User-in-charge” is to be read in accordance with section 46.
- (3) The following terms have the same meaning as in Part 1 – 10  
 “authorisation requirements” (see section 44(1));  
 “authorised locations and circumstances” (see section 44(1));  
 “authorised user-in-charge feature” (see section 44(1));  
 “control” and “controlling” (see sections 1(6) and 44(1));  
 “equipment” (see section 44(1));  
 “transition demand” and “transition period” (see sections 7(2) and 44(1)); 15  
 “varied” and “variation” (see sections 9(1) and 44(1)).
- (4) Section 44(5) (authorisation to determine when feature “engaged” or “disengaged”) applies as it applies for the purposes of Part 1.
- (5) The “relevant day” is the final day of the session of Parliament in which this Act is passed. 20
- (6) Any conduct giving rise to liability to a penalty charge is to be regarded as conduct amounting to an offence.

## CHAPTER 2

### OFFENCES

## 53 Use of vehicle without driver or licensed oversight 25

- (1) In the Road Traffic Act 1988, before the italic heading before section 35 insert –  
*“Road vehicles used without human control*

### 34B Using vehicle without driver or licensed oversight

- (1) A person commits an offence if – 30
- (a) the person uses, or causes or permits another person to use, a road vehicle on a road or other public place,
- (b) at any time while the vehicle is so used –
- (i) the vehicle is mechanically propelled, and
- (ii) there is no individual who is exercising, or in position to exercise, control of the vehicle, and 35



- (c) subsection (2) does not apply.
  - (2) This subsection applies if –
    - (a) an authorised no-user-in-charge feature is engaged at all times when subsection (1)(b) is satisfied, and
    - (b) the journey undertaken by the vehicle is overseen by a licensed no-user-in-charge operator. 5
  - (3) It is a defence for a person accused of an offence under this section to prove that, at the time of the acts said to constitute the offence, the person did not know, and could not reasonably have been expected to know, that –
    - (a) the facts were, or would be, as described in subsection (1)(b), or
    - (b) the facts were not, or would not be, as described in subsection (2). 10
  - (4) Subsection (1) does not apply to the use of a vehicle on a public place other than a road if the vehicle is designed primarily for a purpose other than –
    - (a) the carriage of persons, or
    - (b) the carriage of goods on roads. 15
  - (5) Section 44 of the Automated Vehicles Act 2024 applies for the interpretation of this section as it applies for the interpretation of Part 1 of that Act. 20
  - (6) In this section, “road vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.
- 34C Causing death or serious injury by using vehicle without driver or licensed oversight 25**
- (1) A person commits an offence if –
    - (a) the person commits an offence under section 34B, and
    - (b) while being used in the way that constitutes the offence under section 34B, the vehicle causes the death of another person. 30
  - (2) A person commits an offence if –
    - (a) the person commits an offence under section 34B, and
    - (b) while being used in the way that constitutes the offence under section 34B, the vehicle causes serious injury to another person.
  - (3) In this section, “serious injury” has the meaning given by section 1A(2).” 35

(2) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988, at the appropriate places insert—

“RTA section 34B	Using a road vehicle without a driver or licensed oversight.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: a period not exceeding the general limit in a magistrates’ court or a fine or both. On conviction in Scotland: 12 months or a fine not exceeding the statutory maximum or both. (b) 2 years or a fine or both.	Discretionary.	Discretionary.	6”;  5  10  15  20  25
“RTA section 34C(1)	Causing death by using a road vehicle without a driver or licensed oversight.	On indictment.	Imprisonment for life.	Obligatory.	Obligatory.	3-11  30
34C(2)	Causing serious injury by using a road vehicle without a driver or licensed oversight.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: a period not exceeding the general limit in a magistrates’ court or a fine or both. On conviction in Scotland: 12 months or a fine not exceeding the statutory maximum or both.	Obligatory.	Obligatory.	3-11”  35  40  45  50

		(b) 5 years or a fine or both.		
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- (3) Schedule 3 makes amendments in connection with the preceding provisions of this section.

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#### 54 Dangerous use etc

- (1) After section 3A of the Road Traffic Act 1988 insert—

##### **“3B Disapplication to user-in-charge of automated vehicle**

For the purposes of section 47 of the Automated Vehicles Act 2024 (user-in-charge of authorised automated vehicle not liable for manner of driving), any offence under the preceding sections is to be taken to be an offence arising from the way in which a vehicle is driven.

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##### *Offences by users-in-charge of automated vehicles*

##### **3C Use of automated vehicle in dangerous state**

- (1) A person commits an offence if—
- (a) the person is the user-in-charge of an authorised automated vehicle,
  - (b) the vehicle is on a road or other public place, and
  - (c) it would have been obvious to a competent and careful user of the vehicle, at the moment when the authorised user-in-charge feature in question was engaged, that the current state of the vehicle would make it dangerous to use it in the way in which it is being used.
- (2) Subsections (3) and (4) of section 2A apply, with the necessary adjustments, for the purposes of subsection (1) of this section as they apply for the purposes of subsection (2) of that section.

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##### **3D Causing death, or serious injury, by use of automated vehicle in dangerous state**

- (1) A person commits an offence if—
- (a) the person commits an offence under section 3C, and
  - (b) the use of the vehicle in its dangerous state causes the death of another person.
- (2) A person commits an offence if—
- (a) the person commits an offence under section 3C, and
  - (b) the use of the vehicle in its dangerous state causes serious injury to another person.

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- (3) In this section, “serious injury” has the meaning given by section 1A(2).
- (4) The references in this section to the use of the vehicle in its dangerous state are to the use, and state, of the vehicle that give rise to the offence under section 3C.”
- (2) After section 22A of the Road Traffic Act 1988 insert— 5  
**“22B Causing danger to road-users resulting in automated vehicle killing or seriously injuring**
  - (1) A person commits an offence if—
    - (a) the person commits an offence under section 22A, and
    - (b) the conduct constituting that offence causes an authorised automated vehicle to commit a traffic infraction, and 10
    - (c) the commission of that traffic infraction causes the death of, or serious injury to, another person.
  - (2) In this section, “serious injury” has the meaning given by section 1A(2).
  - (3) This section does not extend to Scotland.” 15
- (3) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), at the appropriate places insert—

“RTA section 3C	Use of automated vehicle in dangerous state.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: a period not exceeding the general limit in a magistrates’ court or a fine or both. On conviction in Scotland: 12 months or a fine not exceeding the statutory maximum or both. (b) 2 years or a fine or both.	Obligatory.	Obligatory.	31F’;	20  25  30  35  40
“RTA section 3D(1)	Causing death by use of automated vehicle in	On indictment.	Imprisonment for life.	Obligatory.	Obligatory.	3-11	45



- (b) any software installed in, or other electronic information stored in, any such equipment.”

**56 Amendment of offence concerning fitting of unsuitable parts**

In section 76 of the Road Traffic Act 1988 (fitting and supply of defective or unsuitable vehicle parts), at the end insert—

“(11) In this section—

- (a) references to a vehicle part include software (except in subsection (5)(a)), and
- (b) references to fitting a vehicle part to a vehicle include installing software in, or otherwise making software interact with, a vehicle.”

**PART 3**

POLICING AND INVESTIGATION

**CHAPTER 1**

STOPPING AND SEIZURE

**57 Application of stopping powers etc**

- (1) Subsection (2) applies in circumstances where—
- (a) a person suspects that a vehicle is travelling while an authorised automation feature is engaged, and
- (b) assuming the vehicle was being driven by an individual, the person would have the power under an enactment (whenever passed or made) to direct the driver to stop the vehicle or act in any other way.
- (2) The person may by an appropriate communication with equipment of the vehicle make any direction that could be given to a driver of the vehicle.
- (3) For that purpose a communication is “appropriate” if it is a communication that equipment of the vehicle could reasonably be expected to receive and react to.
- (4) In determining whether subsection (3) is satisfied, regard is to be had to—
- (a) any relevant authorisation requirements or operator licensing regulations, and
- (b) the design and intended function of the equipment.
- (5) For the purpose of determining whether a vehicle has committed a traffic infraction, a direction made in accordance with subsection (2) has effect as if it were a direction given to a driver of the vehicle.
- (6) But a vehicle with an authorised user-in-charge feature does not commit a traffic infraction by not complying with the direction if—
- (a) the vehicle immediately issues a transition demand,

- (b) by the end of the transition period, equipment of the vehicle communicates the substance of the direction to the user-in-charge in a way that the user-in-charge could be expected to understand, and
  - (c) that way of responding to the direction does not breach authorisation requirements. 5
- (7) A direction the substance of which is communicated as described in subsection (6)(b) (and in a way that does not breach authorisation requirements) is effective against the user-in-charge as soon as –
  - (a) the user-in-charge assumes control of the vehicle, or
  - (b) (if earlier) the transition period ends, 10as if it had been given to that individual as the driver.

## 58 Seizure and detention

- (1) An authorised officer may seize and detain a road vehicle (using reasonable force to do so) if –
  - (a) it appears to the officer that the vehicle is travelling, is about to travel or has recently travelled on a road or other public place, and 15
  - (b) subsections (2) and (3) are satisfied.
- (2) This subsection is satisfied if the authorised officer reasonably suspects that the journey of the vehicle involves, is likely to involve, or did involve –
  - (a) an offence under section 34B of the Road Traffic Act 1988, 20
  - (b) the commission of a traffic infraction by the vehicle,
  - (c) the vehicle travelling without an individual exercising, or in position to exercise, control of it on a road or other public place on which it is hazardous or unsuitable for the vehicle to travel in that way, or
  - (d) the vehicle otherwise behaving in a way that presents a risk of danger or inconvenience to the public while present on a road or other public place without an individual in control of it. 25
- (3) This subsection is satisfied if the authorised officer reasonably thinks it necessary to seize and detain the vehicle in order to –
  - (a) prevent or halt the commission of an offence or a traffic infraction, 30
  - (b) prevent or halt a risk of danger or of inconvenience to the public, or
  - (c) enable enquiries to be made with a view to identifying –
    - (i) the owner, registered keeper, user, or person in charge of the vehicle,
    - (ii) the authorised self-driving entity for the vehicle, or 35
    - (iii) the licensed no-user-in-charge operator by whom the journey of the vehicle is, would be or was overseen.
- (4) The Secretary of State may by regulations make provision about what is to happen after a vehicle has been seized and detained under this section; and the power in subsection (1) may not be exercised unless such regulations are in force. 40

- 
- (5) Regulations under subsection (4) must be designed with a view to securing that—
- (a) the owner of the vehicle has a reasonable opportunity to find out that it has been detained and recover it, and
  - (b) the vehicle is properly stored in the meantime. 5
- (6) Subsection (5)(a) does not prevent the regulations from—
- (a) making the recovery of the vehicle conditional on the payment of any applicable charges in respect of its removal or storage (see subsection (7)(a)),
  - (b) conferring a power to keep the vehicle in detention pending the completion of—
    - (i) enquiries of a sort referred to in subsection (3)(c), or
    - (ii) investigations or proceedings arising from the matters in connection with which the vehicle was seized (including proceedings for the imposition of a compliance notice, redress notice or monetary penalty notice under Chapter 5 of Part 1), or10
  - (c) making the ability to recover the vehicle subject to any power existing apart from this section under which the vehicle could be kept in detention. 15
- (7) Regulations under subsection (4) may—
- (a) require the owner of the vehicle to pay charges in respect of the removal, storage or disposal of the vehicle;
  - (b) (subject to subsection (5)(a)) provide for the disposal of the vehicle;
  - (c) make provision about the destination of any proceeds of such a disposal; 25
  - (d) provide for a person to be treated as, or presumed to be, the owner of the vehicle for the purposes of the regulations (in which case the references to the owner in subsection (5) and paragraph (a) are to be read accordingly). 30
- (8) In this section, “authorised officer” means—
- (a) a constable, or
  - (b) an examiner appointed under section 66A of the Road Traffic Act 1988.
- (9) The power in subsection (1) does not extend to directing the driver of a vehicle to stop it; but— 35
- (a) a constable in uniform, or
  - (b) a stopping officer appointed under section 66B of the Road Traffic Act 1988,
- may make such a direction with a view to the exercise of the power in subsection (1). 40

## 59 Interpretation

- (1) This section applies for the purposes of this Chapter.



- (2) “Direction” includes any form of instruction or requirement (and “direct” is to be read accordingly).
- (3) “Registered keeper” means the person in whose name a vehicle is registered under the Vehicle Excise and Registration Act 1994.
- (4) The following terms have the same meaning as in Part 1 –
  - “authorisation requirements” (see section 44(1));
  - “authorised automation feature” (see section 44(1));
  - “authorised self-driving entity” (see section 44(1));
  - “authorised user-in-charge feature” (see section 44(1));
  - “control” (see sections 1(6) and 44(1));
  - “equipment” (see section 44(1));
  - “licensed no-user-in-charge operator” (see section 44(1));
  - “operator licensing regulations” (see section 44(1));
  - “overseen” (see section 12(3));
  - “transition demand” and “transition period” (see sections 7(2) and 44(1)).
- (5) Subsections (2) (commission of traffic infraction by vehicle) and (5) (authorisation to determine when feature “engaged” or “disengaged”) of section 44 apply as they apply for the purposes of Part 1.
- (6) “User-in-charge” is to be read in accordance with section 46.

## CHAPTER 2

### INVESTIGATION OF INCIDENTS BY STATUTORY INSPECTORS

#### *Authorised automated vehicle incident inspectors*

#### **60 The role of inspector**

- (1) The Secretary of State must appoint one or more persons as inspectors of automated vehicle incidents.
- (2) An inspector –
  - (a) must be a person serving in the civil service of the State,
  - (b) is to hold the role of inspector on such terms as the Secretary of State determines, and
  - (c) is to exercise the functions of an inspector under the direction and control of any other inspector who, under arrangements made by the Secretary of State, is of a senior rank.
- (3) The Secretary of State may, by regulations, make further provision about how the functions of an inspector are to be exercised.

## **61 Purpose of inspectors**

- (1) The main purpose of the role of inspector is that of identifying, improving understanding of, and reducing the risks of harm arising from the use of authorised automated vehicles on roads in Great Britain.
- (2) It is no part of that purpose to establish blame or liability on the part of any person in relation to a particular incident. 5
- (3) The functions conferred by this Chapter are to be exercised in view of that purpose.

### *Investigations*

## **62 General power to investigate certain incidents** 10

- (1) If a relevant incident occurs, an inspector may carry out an investigation in order to try to determine what caused it (but not to determine blame or liability).
- (2) An incident is a relevant incident if it—
  - (a) occurs on a road in Great Britain, 15
  - (b) arises out of the presence of an authorised automated vehicle on that road,
  - (c) causes or has the potential to cause damage to a person or property, and
  - (d) is not of a kind specified in regulations made by the Secretary of State. 20
- (3) An incident is also a relevant incident if it—
  - (a) occurs in Great Britain,
  - (b) involves an authorised automated vehicle, and
  - (c) either—
    - (i) would fall within subsection (2) if it occurred on a road, or 25
    - (ii) could lead to the occurrence of an incident within subsection (2).
- (4) Nothing in sections 63 to 65 limits what an inspector may do for the purposes of an investigation without relying on powers of coercion.

## **63 Powers in respect of persons** 30

- (1) If an inspector considers it necessary for the purposes of an investigation, the inspector may require a person—
  - (a) to provide to the inspector, or allow the inspector access to, information, items or material in any manner the inspector considers appropriate; 35
  - (b) not to access, disturb, move or alter anything specified by the inspector.

- (2) The Secretary of State may make regulations authorising an inspector to require a person to provide other forms of assistance for the purposes of an investigation.

#### **64 Powers in respect of premises**

- (1) If an inspector considers it necessary for the purposes of an investigation, the inspector may exercise the powers in subsection (2) in respect of any premises. 5
- (2) The powers in this subsection are powers to—
- (a) enter the premises;
  - (b) search the premises;
  - (c) examine any document, equipment or other item or material on the premises (including by operating a computer or other device in order to gain access to information); 10
  - (d) seize any document, equipment or other item or material on the premises and remove it;
  - (e) record (in whatever form) any document, equipment or other item or material on the premises, or any information contained in or accessible by means of any such document, equipment, item or material; 15
  - (f) require any person on the premises to provide information or assistance for the purpose of—
    - (i) enabling or facilitating the exercise of the preceding powers, or 20
    - (ii) allowing anything inspected, seized or recorded in the exercise of those powers to be better understood.
- (3) An inspector may not exercise the power to seize and remove something unless the inspector considers that exercising the power to record it would be insufficient. 25
- (4) An inspector may take other persons, equipment and materials onto premises for the purposes of assisting in the exercise of the powers in subsection (2).
- (5) A person so taken onto the premises may also exercise those powers on behalf of the inspector if the person is in the company, and under the supervision, of the inspector. 30
- (6) An inspector or other person exercising the powers in subsection (2) may use reasonable force if necessary (except to enforce a requirement under subsection (2)(f)), but only if accompanied by a constable.
- (7) The powers in subsection (2) may only be exercised in accordance with a warrant issued by a justice of the peace, unless the inspector considers that the exercise of the powers is urgent and that waiting to seek consent or a warrant would undermine the investigation. 35
- (8) A warrant under subsection (7)—
- (a) may be granted only if the justice of the peace is satisfied, on the basis of information or evidence given on oath by an inspector, that it is 40

- necessary for the purposes of the investigation to exercise the powers in subsection (2) in respect of the premises,
- (b) authorises the exercise of those powers –
    - (i) only at a reasonable hour,
    - (ii) only within a period of one month beginning with the day on which it is issued, and 5
    - (iii) only on one occasion, unless the warrant specifies a greater number of occasions, and
  - (c) may be granted subject to further conditions or limitations
- (9) An inspector who enters premises under this section – 10
- (a) must produce, on request by any person appearing to be in charge of the premises, proof of identity and of authority;
  - (b) if the entry is made under warrant –
    - (i) must give a copy of the warrant to any person appearing to be in charge of the premises at the earliest opportunity (if possible before entering the premises), 15
    - (ii) if no such copy is given during the period of entry on the premises, must leave a copy of the warrant in a prominent place on the premises, and
    - (iii) must return the warrant to the court from which it was issued as soon as reasonably practicable with an endorsement summarising the exercise of the powers in subsection (2); 20
  - (c) if no person appearing to be in charge of the premises is present, must leave the premises as effectively secured against trespassers as the inspector found them; 25
  - (d) must make and retain a written record of the powers exercised in respect of the premises.
- (10) The Secretary of State must arrange for the publication of information on the exercise of the powers in subsection (2) at such intervals as seem appropriate.
- (11) If a warrant under subsection (7) is not executed, an inspector must return it to the court from which it was issued as soon as reasonably practicable with an endorsement stating that it was not executed. 30
- (12) References in this section to a justice of the peace include a sheriff in Scotland.

## **65 Powers in respect of road traffic**

- (1) An inspector may for the purposes of an investigation – 35
- (a) direct a person driving or propelling a vehicle, or riding an animal, on a road to –
    - (i) stop the vehicle or animal, or
    - (ii) make it proceed in, or keep to, a particular line of traffic;
  - (b) direct a person proceeding on foot on or immediately adjacent to a road to stop. 40

- (2) Such a direction may be made by placing a traffic sign—
  - (a) on the road,
  - (b) immediately adjacent to the road, or
  - (c) on any structure on the road or immediately adjacent to the road.
- (3) The inspector must remove such a sign by the end of the period of seven days beginning with the day it was placed; and a sign remaining in place after the end of that period no longer has effect. 5

## 66 Offences of impeding investigation

- (1) A person commits an offence if the person—
  - (a) intentionally obstructs a person in the exercise of the powers conferred by or under section 63, 64 or 65, 10
  - (b) fails, without reasonable excuse, to comply with a requirement made of the person in the exercise of those powers, or
  - (c) in response to such a requirement, makes a statement that is false or misleading in a material respect, knowing it to be so or being reckless as to whether it is. 15
- (2) A person commits an offence if the person impersonates an inspector and purports to be carrying out an investigation.
- (3) A person commits an offence if the person fails to comply with a direction under section 65. 20
- (4) A person who commits an offence under subsection (1) or (2) is liable—
  - (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 25
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (5) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 30
- (6) Schedule 4 makes amendments in connection with the offence in subsection (3).

## 67 Application to police officers

- (1) An inspector may exercise a power under sections 63 to 65 in relation to a constable as in relation to any other person, subject to regulations under subsection (3). 35
- (2) In particular—

- (a) an inspector may require a constable to provide information, items or material held by the constable or by the force or body to which the constable belongs in connection with an investigation conducted by the constable, force or body;
  - (b) where a constable is investigating an incident that an inspector is also investigating, the inspector may require the constable to –
    - (i) allow the inspector access to a place where the constable is investigating;
    - (ii) allow the inspector access to information, items or material relevant to the inspector’s investigation;
    - (iii) allow the inspector to interview a witness to the incident (including a person suspected of committing an offence in connection with the incident) in advance of any other interview of that witness.
- (3) The Secretary of State may by regulations specify circumstances in which –
- (a) an inspector may not exercise a power in relation to a constable;
  - (b) a constable is not required to comply with a requirement of an inspector;
  - (c) a constable does not commit an offence under section 66.
- 68 Report of findings**
- (1) An inspector must report any findings of an investigation to the Secretary of State.
  - (2) A report under this section is not prevented by section 61(2) or 62(1) from making a finding from which blame or liability could be inferred (although it may not express an opinion on such blame or liability).
  - (3) The Secretary of State may, by regulations, make further provision about reports under this section.
  - (4) Such regulations may, in particular, make provision as to –
    - (a) the form a report is to take;
    - (b) the time by which a report must be made;
    - (c) the circumstances in which a report must or must not make a recommendation;
    - (d) whether and how interested persons are to be given the opportunity to comment on a draft report;
    - (e) publication of reports;
    - (f) the admissibility of reports in judicial proceedings;
    - (g) how an inspector is to monitor and take action further to the recommendations in a report.
- 69 Appointment of additional persons to exercise investigatory powers**
- (1) The Secretary of State may make regulations –

- (a) requiring or permitting an inspector to appoint a person to conduct or participate in an investigation;
  - (b) conferring on such a person a power of an inspector for the purposes of an investigation.
- (2) A person given functions by regulations under this section is to exercise them on behalf of the Crown (and, in particular, is to be taken in respect of those functions to be an officer of the Crown for the purposes of the Crown Proceedings Act 1947).

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### *Supplementary powers*

## **70 Additional power in respect of information and material**

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- (1) The Secretary of State may make regulations requiring a person to provide to an inspector, or allow an inspector access to, information, items or material other than in response to a requirement made under section 63, in such manner as is specified in the regulations.
- (2) Regulations under this section must specify the purpose for which the information, items or material is or are to be provided (which must be purposes of an investigation or of any other function of an inspector).
- (3) Regulations under this section may create an offence (see further section 76).

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## **71 Obtaining reports from police**

- (1) The Secretary of State may, by regulations, require a chief officer of police to report to an inspector incidents which—
  - (a) occur in the area of the chief officer’s police force, and
  - (b) are of a description set out in the regulations.
- (2) Regulations under this section may limit the requirement to cases in which an inspector requests a report.
- (3) Regulations under this section must be framed with the intention that only relevant incidents, or incidents that may be found to be relevant incidents, will be reported.
- (4) Regulations under this section may contain provision about the timing, form and contents of reports.

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## **72 Ancillary functions**

- (1) An inspector may—
  - (a) produce and publish information about the safety of authorised automated vehicles or about investigations;
  - (b) support the functions of a person within subsection (3);

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- (c) assist any other person in or outside the United Kingdom, with or without charge, in doing anything that the inspector considers would contribute to –
    - (i) the purpose in section 61, or
    - (ii) an equivalent purpose outside Great Britain; 5
  - (d) carry out such other functions as the inspector considers would contribute to such a purpose.
- (2) The Secretary of State may make regulations –
- (a) requiring an inspector to exercise a power in subsection (1) in such manner as is specified in the regulations; 10
  - (b) limiting the manner in which any such power may be exercised.
- (3) The persons referred to in subsection (1)(b) are –
- (a) a person appointed as an inspector of marine accidents under section 267 of the Merchant Shipping Act 1995;
  - (b) a person responsible for the investigation of accidents arising out of or in the course of air navigation under regulations made under section 75 of the Civil Aviation Act 1982; 15
  - (c) a person appointed as an inspector of rail accidents under section 3 of the Railways and Transport Safety Act 2003;
  - (d) a person responsible for the investigation of accidents arising out of or in the course of spaceflight activities under regulations made under section 20 of the Space Industry Act 2018; 20
  - (e) any other person an inspector considers to have functions corresponding to those of an inspector, or a person within the preceding paragraphs, whether in or outside the United Kingdom. 25

*Supplementary provision*

**73 Protection of information**

- (1) This section applies in relation to information obtained by an inspector in connection with the inspector’s functions.
- (2) The Secretary of State may, by regulations, make 30
  - (a) provision authorising the inspector to disclose the information to another person for a purpose specified in the regulations;
  - (b) other provision about how the information is to be dealt with.
- (3) Such regulations may, in particular – 35
  - (a) permit or require the retention or destruction of the information;
  - (b) disapply any power under an enactment that might otherwise be used to obtain the information;
  - (c) make provision about the admissibility in judicial proceedings of the information;
  - (d) confer jurisdiction on a court or tribunal. 40



- (4) Subsection (5) applies to—
- (a) the inspector,
  - (b) any person who obtains the information on behalf of the inspector, and
  - (c) any person who obtains the information directly or indirectly from the inspector (other than by way of publication). 5
- (5) It is an offence for the person to—
- (a) disclose the information to any other person, or
  - (b) use the information for a purpose other than the purpose for which it was obtained, 10
- except as authorised by or under this Part or any other enactment.
- (6) But it is a defence to prove that—
- (a) the person who provided the information to the inspector consented to the disclosure or use,
  - (b) the person to whom subsection (5) applies reasonably believed that the disclosure or use was lawful, or 15
  - (c) in the case of a disclosure, that the information had already lawfully been disclosed to the other person.
- (7) A person who commits an offence under subsection (5) is liable—
- (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both); 20
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 25
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

#### **74 Further provision about physical evidence**

- (1) This section applies in relation to an item or material obtained by an inspector under section 63 or 64 or regulations under section 70. 30
- (2) The inspector must, on request by the person from whom the item or material is obtained—
- (a) give a receipt for the item or material, and
  - (b) in the case of a document readily capable of being copied, give a copy of it. 35
- (3) The item or material may be retained in the possession of the inspector for so long as the inspector considers necessary for the purposes for which it was obtained.
- (4) An inspector may for those purposes—
- (a) examine the item or material (using reasonable force if necessary), and 40

- (b) record (in whatever form) any information obtained from the item or material.
- (5) The Secretary of State may, by regulations, make further provision about how items or material obtained by an inspector in connection with the inspector's functions are to be dealt with. 5
- (6) Such regulations may, in particular –
  - (a) authorise the retention or use of an item or material for purposes other than those for which it was obtained;
  - (b) authorise the delivery of an item or material to a person other than its owner; 10
  - (c) authorise the destruction of an item or material;
  - (d) make provision about the admissibility in judicial proceedings of evidence relating to an item or material;
  - (e) create an offence (see further section 76);
  - (f) confer jurisdiction on a court or tribunal. 15

## 75 Expenses

- (1) The Secretary of State may make regulations entitling –
  - (a) the Secretary of State to recover from any other person, or
  - (b) any other person (including an inspector) to recover from the Secretary of State, 20
 expenses, costs or losses incurred in, or in connection with, the exercise of an inspector's functions.
- (2) Regulations under this section may confer jurisdiction on a court or tribunal.

## 76 Offences under regulations

- (1) Where regulations under this Chapter create an offence, they may provide for the offence to be triable –
  - (a) only summarily, or
  - (b) summarily or on indictment. 25
- (2) Where the regulations provide for the offence to be triable only summarily, they may provide for the offence to be punishable –
  - (a) on summary conviction in England or Wales, by imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both); 30
  - (b) on summary conviction in Scotland, by imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both); 35
 or (in either case) by any lesser punishment.
- (3) Where the regulations provide for the offence to be triable summarily or on indictment, they may provide for the offence to be punishable –

- (a) on summary conviction in England or Wales, by imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on summary conviction in Scotland, by imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 5
  - (c) on conviction on indictment, by imprisonment for a term not exceeding 2 years or a fine (or both);
- or (in any of those cases) by any lesser punishment.
- (4) In subsection (2)(a), “the maximum term for summary offences” means – 10
    - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
    - (b) if the offence is committed after that time, 51 weeks.

## 77 Interpretation

- In this Chapter – 15
- “authorised automated vehicle” includes a vehicle that has been, but is no longer, an authorised automated vehicle within the meaning given by section 94;
  - “dwelling” means any premises wholly or mainly used as a place of residence (and includes any garden, yard, outhouse or other appurtenance which is not used in common by the occupants of multiple such premises); 20
  - “inspector” means an inspector appointed under section 60, and also includes, in relation to the exercise of a power further to regulations under section 69(1)(b), the person exercising that power; 25
  - “investigation” means an investigation under section 62;
  - “premises” includes any land;
  - “relevant incident” has the meaning given by section 62;
  - “traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984. 30

## PART 4

### MARKETING RESTRICTIONS

## 78 Restriction of certain terms to authorised automated vehicles

- (1) The Secretary of State may, by regulations, specify words, expressions, symbols or marks as appropriate for use in connection with road vehicles only if used in connection with authorised automated vehicles (whether generally or of a description given in the regulations). 35
- (2) A person commits an offence if –
  - (a) the person uses, or causes or permits the use of, a restricted term in connection with the promotion or supply of a road vehicle, 40

- 
- (b) the person is acting in the course of business,
  - (c) the use of the restricted term is directed at an end-user or potential end-user of the vehicle,
  - (d) it is reasonable to anticipate that the use of the term will come to the attention of an end-user or potential end-user of the vehicle in Great Britain, and 5
  - (e) the vehicle is not an appropriate vehicle.
- (3) A person commits an offence if—
- (a) the person uses, or causes or permits the use of, a restricted term in connection with the promotion or supply of a product intended for use as equipment of a road vehicle, 10
  - (b) the person is acting in the course of business,
  - (c) the use of the restricted term is directed at an end-user or potential end-user of a road vehicle,
  - (d) it is reasonable to anticipate that the use of the term will come to the attention of an end-user or potential end-user of a road vehicle in Great Britain, and 15
  - (e) the restricted term is not used specifically in relation to the use of the product as equipment of an appropriate vehicle.
- (4) It is a defence for a person accused of an offence under this section to prove that the restricted term was used in a way that was not intended to convey, and could not reasonably have been understood as conveying, any meaning to do with automation. 20
- (5) It is a defence for a person accused of an offence under this section to prove that— 25
- (a) the use of the restricted term was directed only at end-users or potential end-users of vehicles outside Great Britain, and
  - (b) the person took all reasonable precautions and exercised all due diligence—
    - (i) to prevent the use of the restricted term from coming to the attention of end-users or potential end-users of road vehicles in Great Britain, or 30
    - (ii) to ensure that such end-users or potential end-users would understand that the use of the restricted term was not directed at them. 35
- (6) It is a defence for a person accused of an offence under this section to prove that—
- (a) the business in the course of which the person was acting did not involve the manufacture or supply of the vehicle or equipment in question, 40
  - (b) the communication in which the restricted term was used was formulated in the course of another business, and
  - (c) the person did not know, and had no reason to suspect, that the use of the restricted term would amount to an offence under this section.

- (7) A person who commits an offence under this section is liable—
- (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 5
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (8) In this section— 10
- “appropriate vehicle”, in relation to the use of a restricted term, means an authorised automated vehicle in connection with which the use of the restricted term is specified under subsection (1) as appropriate;
- “restricted term” means a word, expression, symbol or mark specified under subsection (1). 15
- (9) For the purposes of this section, a person is to be taken to use a restricted term if the person uses a word, expression symbol or mark so closely resembling a restricted term as to be likely to be mistaken for it.

## 79 Communications likely to confuse as to autonomous capability

- (1) A person commits an offence if— 20
- (a) the person makes, or causes or permits the making of, a communication in connection with the promotion or supply of any product or service,
  - (b) the person is acting in the course of business,
  - (c) the communication is directed at an end-user or potential end-user of a road vehicle, 25
  - (d) it is reasonable to anticipate that the communication will come to the attention of an end-user or potential end-user of a road vehicle in Great Britain, and
  - (e) the communication would be likely to confuse end-users of road vehicles in Great Britain as to whether a vehicle that is not an authorised automated vehicle is capable of travelling autonomously, safely and legally on roads or other public places in Great Britain. 30
- (2) It is to be assumed for the purposes of this section that a vehicle that is not an authorised automated vehicle is not so capable.
- (3) It is a defence for a person accused of an offence under this section to prove that the person took all reasonable precautions and exercised all due diligence to prevent end-users or potential end-users of road vehicles in Great Britain from being confused as described in subsection (1)(e). 35
- (4) It is a defence for a person accused of an offence under this section to prove that— 40

- (a) the business in the course of which the person was acting did not involve the manufacture or supply of the product, or the supply of the service, in question,
  - (b) the communication was formulated in the course of another business, and 5
  - (c) the person did not know, and had no reason to suspect, that the making of the communication would amount to an offence under this section.
- (5) A person who commits an offence under this section is liable—
- (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both); 10
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both); 15
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

## 80 Liability of corporate officers etc

- (1) Where—
- (a) a relevant entity commits an offence under section 78 or 79, and 20
  - (b) the offence is—
    - (i) committed with the consent or connivance of a responsible person, or
    - (ii) attributable to any neglect on the part of a responsible person, that person also commits the offence. 25
- (2) In subsection (1), “relevant entity” means—
- (a) a body corporate,
  - (b) a partnership, or
  - (c) a firm or other entity similar in nature to a partnership established under a foreign law. 30
- (3) In subsection (1), “responsible person” means—
- (a) in the case of a body corporate other than one within paragraph (b), a director, manager, secretary or other similar officer;
  - (b) in the case of a limited liability partnership, or an entity of similar nature established under a foreign law, a member who takes part in the management of the partnership or entity; 35
  - (c) in the case of a partnership or an entity within subsection (2)(c), a partner who takes part in the management of the partnership or entity.
- (4) A reference in subsection (3) to a person holding a particular position includes— 40
- (a) in the case of a body or entity established under a foreign law, any person holding a corresponding position under that law, and

- (b) any person purporting to act in the position referred to in subsection (3) (including as it is read by virtue of paragraph (a)).

## 81 Interpretation and supplementary provision

- (1) In sections 78 and 79—
  - “end-user”, in relation to a vehicle, means a person who uses the vehicle on a road or other public place other than for commercial purposes to do with the development, manufacture or supply of the vehicle; 5
  - “equipment” has the same meaning as in Part 1 (see section 44(1));
  - “product” includes software.
- (2) For the purposes of those sections, a communication is to be taken to be directed at an end-user or potential end-user of a vehicle if it is directed at a class of persons likely to include such a person. 10
- (3) An offence under those sections can be committed anywhere in the world.
- (4) Schedule 5 makes provision about the enforcement of sections 78 and 79.
- (5) If section 78 or 79 comes into force before paragraph 5 of Schedule 2, it is to be read as if any reference to an authorised automated vehicle included a vehicle listed under section 1 of the Authorised and Electric Vehicles Act 2018. 15

## PART 5

### PERMITS FOR AUTOMATED PASSENGER SERVICES 20

#### *Content and effect of permits*

## 82 Power to grant permits

- (1) The appropriate national authority may grant a person a permit for the provision by the person of automated passenger services.
- (2) An “automated passenger service” is a service that consists of the carrying of passengers in a road vehicle that— 25
  - (a) is designed or adapted to travel autonomously, or
  - (b) is being used for a trial with the aim of developing vehicles that are so designed or adapted.
- (3) A permit may be granted for either or both of the following purposes— 30
  - (a) securing the application of section 83 (disapplication of taxi, private hire vehicle and bus legislation);
  - (b) satisfying a requirement imposed by regulations under section 12 (licensing of no-user-in-charge operators) in relation to the holding of a permit. 35
- (4) A permit must specify—

- (a) the areas in which services may be provided under the permit,
  - (b) the vehicles (or descriptions of vehicle) in which services may be provided under the permit,
  - (c) the period for which the permit is valid, and
  - (d) any conditions subject to which the permit is granted (“permit conditions”). 5
- (5) Permit conditions may take the form of—
- (a) further limitations on the services that may be provided under the permit, or
  - (b) obligations that the permit holder has to fulfil as a condition of holding the permit. 10
- (6) In subsection (2)(a), “travel autonomously” has the same meaning as in Part 1 (see section 1(5)).

### **83 Disapplication of taxi, private hire vehicle and bus legislation**

- (1) Subsections (2) and (3) apply while a permit holder is providing an automated passenger service in an area in which, and in a vehicle in which, services may be provided under the permit. 15
- (2) The vehicle is not to be treated for any purpose as being, or as being used or operated as—
- (a) a hackney carriage within the meaning of the Town Police Clauses Act 1847 or the Metropolitan Public Carriage Act 1869, 20
  - (b) a private hire vehicle within the meaning of the Private Hire Vehicles (London) Act 1998, the Plymouth City Council Act 1975, or Part 2 of the Local Government (Miscellaneous Provisions) Act 1976,
  - (c) a public service vehicle within the meaning of the Public Passenger Vehicles Act 1981, or 25
  - (d) a hire car within the meaning of section 23 of the Civic Government (Scotland) Act 1982.
- (3) The provision of the service is not to be treated as driving, standing or plying for hire with the vehicle for the purposes of section 45 of the Town Police Clauses Act 1847. 30

### **84 Civil sanctions for infringements**

- (1) A permit holder commits an infringement of the permit scheme if the permit holder breaches a permit condition of the sort described in section 82(5)(b).
- (2) A permit holder also commits an infringement of the permit scheme if— 35
- (a) the permit holder provides, or offers to provide, a service that consists of the carrying of passengers in a road vehicle,
  - (b) the permit holder says or does anything that would lead a reasonable passenger (or potential passenger) of the service to think that the service was provided under a permit, and 40



- (c) the service is not such as could be provided under the permit.
- (3) Schedule 6 provides for civil sanctions in respect of infringements of the permit scheme.

*Requirements before granting permit*

**85 Consent requirement for services resembling taxis or private hire vehicles** 5

- (1) Subsection (3) applies where –
  - (a) the appropriate national authority proposes to grant a permit, and
  - (b) under the proposed permit, an automated passenger service may be provided in a way that would, on the assumptions in subsection (2), require a taxi or private hire vehicle licence. 10
- (2) The assumptions are –
  - (a) that section 83 does not apply, and
  - (b) (so far as would not otherwise be the case) that the vehicle in which the service is provided is driven by an individual.
- (3) The appropriate national authority may not grant the permit without the consent of each licensing authority in whose area the service may be provided under the proposed permit. 15
- (4) A licensing authority is to be taken to have given such consent if –
  - (a) the appropriate national authority requests consent in writing, and
  - (b) within the relevant period, the licensing authority either – 20
    - (i) fails to give or refuse consent, or
    - (ii) refuses consent but fails to give written reasons for doing so.
- (5) For the purposes of subsection (4), “the relevant period” is the period of six weeks beginning with the day on which the request is made.
- (6) In this section, “taxi or private hire vehicle licence” means a licence under – 25
  - (a) section 37 or 46 of the Town Police Clauses Act 1847 (hackney carriages: England and Wales),
  - (b) section 6 or 8 of the Metropolitan Public Carriage Act 1869 (hackney carriages: London),
  - (c) section 5, 9 or 13 of the Plymouth City Council Act 1975 (private hire vehicles: Plymouth), 30
  - (d) section 48, 51 or 55 of the Local Government (Miscellaneous Provisions) Act 1976 (private hire vehicles: England and Wales),
  - (e) section 10 or 13 of the Civic Government (Scotland) Act 1982 (taxis and private hire vehicles: Scotland), or 35
  - (f) section 3, 7 or 13 of the Private Hire Vehicles (London) Act 1998 (private hire vehicles: London),and a “licensing authority” means a person who is responsible for granting a licence under any of those provisions.

**86 Consent requirement for services resembling buses**

- (1) Subsection (2) applies where—
- (a) the appropriate national authority proposes to grant a permit, and
  - (b) under the proposed permit, an automated passenger service may be provided that would, if section 83 did not apply, be subject to bus franchising restrictions. 5
- (2) The appropriate national authority may not grant the permit without the consent of each relevant franchising body.
- (3) A service is “subject to bus franchising restrictions” if it is a local service within the meaning of section 2 of the Transport Act 1985, and— 10
- (a) it is provided in Greater London,
  - (b) it is provided in an area in England covered by a franchising scheme and is not exempt from the scheme, or
  - (c) it is provided in an area in Scotland covered by a franchising framework and is not exempt from the framework. 15
- (4) In subsection (2), “relevant franchising body” means—
- (a) where subsection (3)(a) applies, Transport for London;
  - (b) where subsection (3)(b) applies, the franchising authority or authorities operating the scheme;
  - (c) where subsection (3)(c) applies, the local transport authority by which the framework was made. 20
- (5) A relevant franchising body is to be taken to have given consent under subsection (2) if—
- (a) the appropriate national authority requests consent in writing, and
  - (b) within the relevant period, the body either— 25
    - (i) fails to give or refuse consent, or
    - (ii) refuses consent but fails to give written reasons for doing so.
- (6) For the purposes of subsection (5), “the relevant period” is the period of six weeks beginning with the day on which the request is made.
- (7) In this section— 30
- “franchising authority” has the same meaning as in Part 2 of the Transport Act 2000 (see section 123A(4) of that Act);
- “franchising framework” means a framework made under section 13A of the Transport (Scotland) Act 2001 (asp 2);
- “franchising scheme” means a scheme made under section 123A(1) of the Transport Act 2000; 35
- “local transport authority” has the same meaning as in the Transport (Scotland) Act 2001 (asp 2) (see section 82(1) of that Act).
- (8) For the purposes of subsection (3)—

- (a) a service is exempt from a franchising scheme if it is of a class that is excepted from regulation arising because of the scheme (see section 123H of the Transport Act 2000);
- (b) a service is exempt from a franchising framework if it is of a description that is exempted from the framework (see section 13D(2) of the Transport (Scotland) Act 2001 (asp 2)).

## 87 Further requirements

- (1) Before granting a permit, the appropriate national authority must consult any traffic authorities and emergency services that it considers are likely to be substantially affected if the permit is granted. 10
- (2) In subsection (1), “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 121A of that Act) (but does not include the appropriate national authority itself).
- (3) In deciding whether to grant a permit, the appropriate national authority must have regard to whether, and to what extent, the granting of the permit is likely to lead to an improvement in the understanding of how automated passenger services should best be designed for, and provided to, older or disabled passengers. 15
- (4) Where the appropriate national authority grants a permit, it must include a permit condition (of the sort described in section 82(5)(b)) requiring the permit holder to publish reports about the automated passenger services which it provides, and in particular about the steps which it takes – 20
  - (a) to meet the needs of older or disabled passengers, and
  - (b) to safeguard passengers more generally.

*Supplementary provision* 25

## 88 Collection, sharing and protection of information

- (1) Permit conditions may, in particular, include conditions as to the collection and sharing of information.
- (2) That reference to sharing includes – 30
  - (a) sharing with the appropriate national authority or other public authorities, and
  - (b) sharing with private businesses (such as vehicle manufacturers or insurers).
- (3) The following provisions of this section apply in relation to information that a person obtains further to a permit condition as to the sharing of information. 35
- (4) In those provisions, “the recipient” means –
  - (a) the person who obtains the information as described in subsection (3), or
  - (b) any other person to whom the information is subsequently disclosed.

- (5) The appropriate national authority may make regulations authorising the recipient to—
- (a) disclose the information to another person for a purpose specified in the regulations, or
  - (b) use the information for a purpose other than the purpose for which it was obtained. 5
- (6) It is an offence for the recipient to—
- (a) disclose the information to another person, or
  - (b) use the information for a purpose other than the purpose for which it was obtained, 10
- except as authorised by regulations under subsection (5) or any other enactment.
- (7) But it is a defence to prove that—
- (a) the person from whom the information was obtained as described in subsection (3) consented to the disclosure or use, or 15
  - (b) the recipient reasonably believed that the disclosure or use was lawful, or
  - (c) in the case of a disclosure, that the information had already lawfully been disclosed to the other person.
- (8) A person who commits an offence under subsection (6) is liable— 20
- (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.
- (9) Regulations under subsection (5) are not to be taken to authorise disclosure or use that would be liable to harm the commercial interests of any person, except to the extent that— 25
- (a) the regulations otherwise provide, or
  - (b) the person disclosing or using the information reasonably considers such disclosure or use necessary in view of the purpose of the regulations. 30

## 89 Procedural and administrative matters

- (1) A permit may be varied, renewed, suspended or withdrawn in such circumstances as are specified in regulations made by the appropriate national authority. 35
- (2) The appropriate national authority may, by regulations, make provision about the procedure to be followed in connection with the grant, retention, renewal, expiry, variation, suspension or withdrawal of a permit.
- (3) Regulations under subsection (2) may, in particular, make provision about—
- (a) the form and content of an application for a permit (or for the renewal of a permit); 40

- (b) fees payable in respect of—
    - (i) an application for a permit (or for the renewal of a permit), or
    - (ii) the grant, retention or renewal a permit;
  - (c) the notification of decisions;
  - (d) reviews of, or appeals against, decisions. 5
- (4) If fees are made payable as mentioned in subsection (3)(b)(ii), the amount of such a fee may be determined by reference to any costs incurred, or likely to be incurred, by the appropriate national authority in connection with any function under this Part (whether or not directly related to what the fee is for). 10
- (5) But a given amount of costs (or likely costs) may not be taken into account more than once in determining amounts of fees under this Part.
- (6) The appropriate national authority may, by regulations, set a maximum period for which a permit may be valid.
- (7) The appropriate national authority may, by regulations, provide for its functions under any provision made by or under this Part to be exercisable by a traffic commissioner instead of, or in addition to, by the appropriate national authority. 15

## 90 Interpretation

- (1) In this Part— 20
- “automated passenger service” has the meaning given by section 82(2);
  - “permit” means a permit under section 82(1) (and “permit holder” is to be read accordingly);
  - “permit condition” has the meaning indicated in section 82(4)(d).
- (2) The remaining subsections apply for the purposes of this Part. 25
- (3) An automated passenger service is “provided in” an area if (and only if) it involves passengers being carried in that area.
- (4) Subject to subsection (5), the “appropriate national authority” is—
- (a) the Secretary of State, in relation to a permit for the provision of a service in England; 30
  - (b) the Scottish Ministers, in relation to a permit for the provision of a service in Scotland;
  - (c) the Welsh Ministers, in relation to a permit for the provision of a service in Wales.
- (5) In relation to a permit for the provision of a service in a public service vehicle, the “appropriate national authority” is the Secretary of State. 35
- (6) A permit is of that description if, under the permit, a service could be provided in a vehicle that, by virtue of its use in providing that service, would count as a public service vehicle within the meaning of the Public Passenger Vehicles Act 1981 (assuming that section 83 did not apply). 40

- (7) In relation to the exercise of power by a traffic commissioner further to regulations under section 89(7), references in this Part to the appropriate national authority are to be read as including a traffic commissioner.

## PART 6

### ADAPTATION OF EXISTING REGIMES

5

#### 91 Power to update type approval requirements

- (1) The Secretary of State may exercise the power in subsection (2) if the Secretary of State considers it appropriate to do so for the purpose of making the assimilated type approval legislation more suitable for –
- (a) vehicles that are designed to travel autonomously, or 10
  - (b) any other type of vehicle that –
    - (i) includes equipment designed to allow its motion to be controlled other than by an individual in it, or to facilitate its being so controlled, or
    - (ii) is designed to incorporate or interact with software. 15
- (2) The power is to make regulations amending the assimilated type approval legislation so as to –
- (a) impose new type approval requirements, or
  - (b) alter or remove existing type approval requirements.
- (3) The new requirements that may be imposed include – 20
- (a) requirements on a person who is not already subject to type approval requirements (such as a person who is an authorised self-driving entity or licensed no-user-in-charge operator for the purposes of Part 1);
  - (b) requirements designed for the purpose of securing, demonstrating, recording or assessing compliance with other type approval requirements. 25
- (4) In this section –
- “the assimilated type approval legislation” means –
- (a) Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles, 30
  - (b) Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, 35
  - (c) Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles,
  - (d) Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor 40

- vehicles and engines with respect to emissions from heavy duty vehicles;
- (e) Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor, 5
  - (f) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles, 10
  - (g) Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles,
  - (h) Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, 15
  - (i) Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service, 20
  - (j) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, 25
  - (k) any assimilated direct legislation made under, or for the purposes of, any of the regulations listed above,
  - (l) the Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235),
  - (m) the Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018 (S.I. 2018/236), and 30
  - (n) the Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818);
- “travel autonomously” has the same meaning as in Part 1 (see section 1(5));
- “type approval requirements” means requirements in connection with the placing or keeping of a vehicle, or any item designed for use in connection with a vehicle, on the market in Great Britain. 35

## 92 Application of roadside testing powers etc

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 67 (testing of condition of vehicle on roads)— 40
  - (a) after subsection (1) insert—
    - “(1A) An authorised examiner may test an authorised automated vehicle on a road for the purpose of ascertaining whether

- authorisation requirements or operator licensing regulations are being complied with as respects the vehicle.
- (1B) In the sections from this section to section 73 as they apply in relation to an authorised automated vehicle—
- (a) references to the driver include any person in charge of the vehicle, and 5
  - (b) references to driving the vehicle include operating it in any other way.”;
- (b) in subsection (3B)—
- (i) omit the “and” after paragraph (b); 10
  - (ii) after paragraph (c) insert “, and
  - (d) authorised automated vehicles.”;
- (c) after subsection (8) insert—
- “(8A) Subsection (8), as it applies in respect of an authorised automated vehicle, is to be read as if any failure to comply with authorisation requirements or operator licensing regulations were a defect.”; 15
- (d) at the end insert—
- “(11) For the purposes of the sections from this section to section 73, inspecting a vehicle includes examining any electronic information stored on, or accessible from, equipment of the vehicle.” 20
- (3) In section 68 (general power of examiners to inspect goods vehicles and passenger vehicles)—
- (a) in the heading, for “and goods vehicles” substitute “, goods vehicles and authorised automated vehicles”; 25
  - (b) in subsection (6)—
    - (i) omit the “and” after paragraph (b);
    - (ii) after paragraph (c) insert “and
    - (d) authorised automated vehicles;”;
  - (c) at the end insert—
    - “(7) But this section does not authorise entry onto domestic premises in respect of a vehicle to which this section applies only because it is an authorised automated vehicle.
    - (8) In subsection (7), “domestic premises” means premises used as a private dwelling or as an appurtenance to a private dwelling.”; 35

and in the italic heading preceding that section, for “and goods vehicles” substitute “, goods vehicles and automated vehicles”.
- (4) In section 69 (power to prohibit driving)— 40



- (a) in subsection (1), after paragraph (c) insert “, or
  - (d) in the case of an authorised automated vehicle, by means of one or more of its authorised automation features.”;
- (b) in subsection (2), after paragraph (c) insert “, or 5
  - (d) in the case of an authorised automated vehicle, by means of one or more of its authorised automation features.”;
- (c) at the end insert—
  - “(10) This section, as it applies in respect of an authorised automated vehicle, is to be read as if any failure to comply with authorisation requirements or operator licensing regulations were a defect.” 10

### 93 Provision of information about traffic regulation measures

- (1) The Secretary of State may by regulations make provision requiring a traffic regulation authority to provide prescribed information about a relevant traffic regulation measure. 15
- (2) In this section—
  - “traffic regulation authority” means a person who has the power to make a traffic regulation measure for an area in England; 20
  - “traffic regulation measure” means an order or notice under any of the following provisions of the Road Traffic Regulation Act 1984—
    - (a) section 1 (traffic regulation orders),
    - (b) section 6 (orders regulating traffic in Greater London),
    - (c) section 9 (experimental traffic orders), 25
    - (d) section 14 (temporary orders and notices),
    - (e) section 16A (special events), or
    - (f) section 84 (speed limits).
- (3) For the purposes of this section, a traffic regulation measure is a “relevant traffic regulation measure”, in relation to a traffic regulation authority, if it— 30
  - (a) is made by that authority, or
  - (b) otherwise has effect in the area for which that authority has the power to make a traffic regulation measure of that type.
- (4) Regulations under this section may be made only if the Secretary of State considers that the provision of information in accordance with the regulations will help to enable information about the effects of traffic regulation measures to be communicated to or acted upon by— 35
  - (a) authorised automated vehicles, or
  - (b) electronic equipment designed to undertake or facilitate the driving of other vehicles on roads. 40

- (5) In relation to regulations under this section that amend previous regulations under this section (see section 14 of the Interpretation Act 1978), subsection (4) applies as if the second reference to regulations were a reference to the previous regulations as they would be amended by the new regulations.
- (6) Regulations under this section must make provision about— 5
- (a) to whom the information is to be provided,
  - (b) when it is to be provided, and
  - (c) the manner and form in which it is to be provided.
- (7) Provision made under subsection (6)(c) may, in particular, provide that information is to be provided in accordance with a specified model, standard or set of specifications as it exists from time to time. 10
- (8) Regulations under this section may apply in respect of traffic regulation measures made before the regulations come into force (including those made before this Act is passed).

## PART 7

15

### GENERAL PROVISION

#### 94 General definitions

In this Act—

“authorised automated vehicle” means a vehicle authorised under section 3; 20

“enactment” includes an enactment comprised in—

- (a) an Act of the Scottish Parliament,
- (b) an Act or Measure of Senedd Cymru,
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (see section 21(1) of that Act), or 25
- (d) any instrument corresponding to such legislation made under an Act of the Scottish Parliament or an Act or Measure of Senedd Cymru;

“information” includes recorded images or sounds;

“road” has the same meaning as in the Road Traffic Act 1988 (see section 192(1) of that Act); 30

“road vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.

#### 95 Disclosure of information: interaction with external constraints

- (1) This section applies in relation to any provision for the disclosure, obtaining or use of information made by or under this Act. 35
- (2) The provision does not require or authorise any disclosure, obtaining or use of information that—

- (a) contravenes the data protection legislation, or
  - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (3) But the provision is to be taken into account in determining whether the disclosure, obtaining or use of information would contravene the data protection legislation. 5
- (4) The disclosure of information in accordance with the provision (as read subject to subsection (2)) does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or 10
  - (b) any other restriction on the disclosure of information (however imposed).
- (5) The provision does not require or authorise the disclosure or obtaining of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings without the agreement of the person entitled to maintain that claim. 15
- (6) In the application of subsection (5) in Scotland, the reference to legal professional privilege is to be read as a reference to confidentiality of communications.
- (7) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act). 20

## 96 Crown application

- (1) The following provisions bind the Crown (but not so as to make the Crown itself, as opposed to persons in the service of the Crown, criminally liable)—
  - (a) section 42; 25
  - (b) section 73;
  - (c) section 88.
- (2) The following provisions apply to vehicles and persons in the public service of the Crown—
  - (a) Chapter 1 of Part 2; 30
  - (b) Chapter 1 of Part 3.
- (3) The Secretary of State may by regulations provide for Chapter 2 of Part 3 to bind the Crown in a manner described in the regulations.

## 97 Regulations

- (1) This section applies to regulations under this Act (except those under section 99). 35
- (2) Before making regulations, the person proposing to make them must consult with such representative organisations as that person thinks fit.

- 
- (3) Regulations made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument (and see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) in relation to regulations made by the Scottish Ministers).
- (4) Regulations may make – 5
- (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes or areas;
  - (c) provision that allows for the exercise of discretion.
- (5) The following regulations are subject to the affirmative procedure – 10
- (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. 15
- (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; 20
  - (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. 25
- (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; 30
  - (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; 35
  - (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.

## 98 Extent 40

- (1) This Act extends to England and Wales and Scotland, except as provided below.

- (2) Sections 54(2) and 93 extend only to England and Wales.
- (3) An amendment made by Schedule 2 or 3 has the same extent as the provision amended (and sections 53(3) and 54(4) accordingly extend to England and Wales, Scotland and Northern Ireland).
- (4) Paragraph 2 of Schedule 5 extends to England and Wales, Scotland and Northern Ireland (and accordingly so does section 81(4)). 5
- (5) This Part extends to England and Wales, Scotland and Northern Ireland.

## **99 Commencement and transitional provision**

- (1) The preceding Parts come into force on a day appointed by regulations made by the Secretary of State. 10
- (2) Different days may be appointed for different purposes or areas.
- (3) This Part comes into force on the day on which this Act is passed.
- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (5) The power to make regulations under subsection (4) includes power to make different provision for different purposes or areas. 15
- (6) Regulations under this section are to be made by statutory instrument.

## **100 Short title**

This Act may be cited as the Automated Vehicles Act 2024.

## SCHEDULES

### SCHEDULE 1

Sections 8(7) and 37(3)

#### ENFORCEMENT ACTION UNDER PART 1: PROCEDURE

#### PART 1

#### UNILATERAL VARIATION, SUSPENSION OR WITHDRAWAL OF AUTHORISATION 5

##### *Ordinary procedure*

- 1 (1) Before varying, suspending or withdrawing an automated vehicle authorisation under section 8(2) or (3), the Secretary of State must—
  - (a) issue to the authorised self-driving entity a notice under sub-paragraph (2), and 10
  - (b) consider any representations made by the authorised self-driving entity in response to (and in accordance with) that notice.
- (2) A notice under this sub-paragraph is a notice that—
  - (a) states the Secretary of State’s intention to vary, suspend or withdraw the authorisation, 15
  - (b) explains the Secretary of State’s reasons for intending to vary, suspend or withdraw the authorisation, and
  - (c) specifies the time by which, and manner in which, representations may be made.
- (3) Sub-paragraph (4) applies if, having complied with sub-paragraph (1), the Secretary of State decides to vary, suspend or withdraw the authorisation. 20
- (4) The Secretary of State must, in, or in a document issued together with, the notice by which the variation, suspension or withdrawal takes effect, explain the Secretary of State’s reasons for the decision.

##### *Procedure for urgent suspension or temporary variation* 25

- 2 (1) If the Secretary of State considers that the need to suspend an automated vehicle authorisation under section 8(2) or (3) is too urgent for the procedure in paragraph 1 to be followed, that paragraph does not apply and sub-paragraphs (2) and (3) apply instead.
- (2) The Secretary of State must— 30
  - (a) in, or in a document issued together with, the notice by which the suspension takes effect—
    - (i) explain the Secretary of State’s reasons for suspending the authorisation, and
    - (ii) specify the time by which, and manner in which, 35  
representations may be made, and

- (b) as soon as reasonably practicable after suspending the authorisation—
  - (i) consider any representations made by the authorised self-driving entity in response to (and in accordance with) that notice, and 5
  - (ii) decide whether to lift the suspension.
- (3) If, having complied with sub-paragraph (2), the Secretary of State decides not to lift the suspension, the Secretary of State must issue to the authorised self-driving entity a notice that—
  - (a) states the Secretary of State’s decision, and 10
  - (b) explains the Secretary of State’s reasons for the decision.
- (4) The preceding sub-paragraphs apply in relation to temporary variation as they apply in relation to suspension; and for that purpose the references to lifting the suspension are to be read as references to reversing the variation. 15

### Appeals

- 3 (1) If an automated vehicle authorisation is varied, suspended or withdrawn under section 8(2) or (3), the authorised self-driving entity may appeal to the Tribunal.
- (2) The grounds on which an appeal may be brought are— 20
  - (a) in a case where the Secretary of State acted under section 8(2) in reliance on section 8(4)(a), that the failure to meet authorisation requirements did not occur;
  - (b) in a case where the Secretary of State acted under section 8(2) in reliance on section 8(4)(b), that the commission of a traffic infraction did not occur; 25
  - (c) in a case where the Secretary of State acted under section 8(2) in reliance on section 8(4)(c), that the Secretary of State’s conclusion was based on a mistaken finding of fact;
  - (d) that the decision to vary, suspend or withdraw the authorisation was unreasonable; 30
  - (e) that the Secretary of State failed to comply with paragraph 1 or 2, or made some other procedural error, in respect of the variation, suspension or withdrawal.
- (3) If satisfied that any of those grounds is made out, the Tribunal must allow the appeal and— 35
  - (a) direct that the variation, suspension or withdrawal be undone, or
  - (b) remit the matter to the Secretary of State with a direction that the Secretary of State consider, in accordance with the findings of the Tribunal and by such time as the Tribunal specifies, whether to 40  
undo the variation, suspension or withdrawal.
- (4) Otherwise, the Tribunal must dismiss the appeal.

- (5) Sub-paragraph (6) applies if –
- (a) a direction is made under sub-paragraph (3)(b), and
  - (b) by the specified time, the Secretary of State has not undone the variation, suspension or withdrawal.
- (6) The authorised self-driving entity may on application re-open the appeal on any of the original grounds further to which the direction under sub-paragraph (3)(b) was made; and sub-paragraphs (3) and (4) apply again in relation to the grounds on which the appeal is re-opened. 5
- (7) In this paragraph –
- (a) references to the undoing of a variation, suspension or withdrawal refer –
    - (i) in the case of variation, to reversal of the variation,
    - (ii) in the case of suspension, to lifting of the suspension, or
    - (iii) in the case of withdrawal, to the restoration of the withdrawn authorisation; 15
  - (b) references to the authorised self-driving entity include, in the case of a withdrawn authorisation, the person who was the authorised self-driving entity immediately before the withdrawal;
  - (c) “the Tribunal” means the First-tier Tribunal, subject to sub-paragraph (8). 20
- (8) Tribunal Procedure Rules may provide for an appeal under this paragraph to be made to the Upper Tribunal instead of the First-tier Tribunal; and if that is done references to “the Tribunal” are to be read accordingly.

*Backstop procedure for cases where authorised self-driving entity defunct*

- 4 (1) Sub-paragraph (2) applies if the Secretary of State is satisfied, in relation to an authorised automated vehicle, that – 25
- (a) there is no longer an authorised self-driving entity, or
  - (b) the authorised self-driving entity is no longer capable of being issued with a notice under paragraph 1 or 2.
- (2) The Secretary of State may suspend or withdraw the automated vehicle authorisation in question without the agreement of the authorised self-driving entity and without complying with paragraph 1 or 2. 30
- (3) Section 9(6) does not apply to a suspension or withdrawal in reliance on this paragraph, which instead takes effect –
- (a) when notice of it is published by the Secretary of State, or 35
  - (b) at such later time as is specified in the notice.
- (4) If an automated vehicle authorisation is suspended or withdrawn in reliance on this paragraph, the authorised self-driving entity may appeal to the Tribunal on the ground that the Secretary of State was wrong to be satisfied as described in sub-paragraph (1). 40



- (5) If satisfied that that ground is made out, the Tribunal must allow the appeal and direct that the suspension or withdrawal be undone; and otherwise the Tribunal must dismiss the appeal.
- (6) Sub-paragraphs (7) and (8) of paragraph 3 apply in relation to sub-paragraphs (4) and (5) of this paragraph as they apply in relation to that paragraph.

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## PART 2

### CIVIL SANCTIONS

#### *Notices of intent*

- 5 (1) Before issuing a compliance notice, redress notice or monetary penalty notice (“the principal notice”) to a regulated body, the Secretary of State must—
  - (a) issue to the body a notice of intent, and
  - (b) consider any representations made by the body in response to (and in accordance with) that notice.
- (2) A notice of intent is a notice that—
  - (a) states the Secretary of State’s intention to issue the principal notice,
  - (b) sets out the intended terms of that notice,
  - (c) explains the Secretary of State’s reasons for intending to issue that notice, and
  - (d) specifies the time by which, and manner in which, representations may be made.
- (3) A notice of intent may also—
  - (a) state the Secretary of State’s intention to issue a costs notice in connection with the principal notice, and
  - (b) give a general indication of the nature of the costs that the Secretary of State is likely to seek to recover by way of the costs notice.

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#### *Costs*

- 6 (1) If—
  - (a) the Secretary of State issues a compliance notice, redress notice or monetary penalty notice (“the principal notice”) to a regulated body, and
  - (b) the notice of intent that preceded the principal notice included the contents set out in paragraph 5(3),the Secretary of State may also issue a costs notice to that body.
- (2) A costs notice is a notice requiring the regulated body to pay a sum specified in the notice to the Secretary of State.
- (3) That sum must be no greater than the total of the costs reasonably incurred by the Secretary of State in connection with the principal notice.

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- (4) The costs that may be taken into account for that purpose include—
- (a) costs of investigating the matters to which the principal notice relates,
  - (b) administrative costs, and
  - (c) costs of obtaining expert advice (including legal advice). 5
- (5) A costs notice must—
- (a) particularise the costs relied on in arriving at the sum specified in the notice,
  - (b) explain (if it is not otherwise apparent) how those costs have been calculated, and 10
  - (c) specify the time by which, and manner in which, the sum must be paid.
- (6) If a sum payable under a costs notice is not paid in time—
- (a) the sum (or the unpaid part of it) carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838; 15
  - (b) the Secretary of State may recover the sum (or the unpaid part of it), with the interest, as a civil debt.
- (7) The cancellation of a compliance notice, redress notice, or monetary penalty notice has the effect of cancelling any costs notice issued in connection with it. 20

### *Appeals*

- 7 (1) A person to whom a compliance notice, redress notice, monetary penalty notice or costs notice is issued may appeal to the Tribunal.
- (2) The grounds on which an appeal may be brought are—
- (a) in the case of a compliance notice or redress notice— 25
    - (i) that the failure to meet requirements, or commission of a traffic infraction, on the grounds of which the notice was issued did not occur, or
    - (ii) that the actions specified in the notice, or the time or period specified for taking them, are unreasonable; 30
  - (b) in the case of a monetary penalty notice—
    - (i) that the failure to meet requirements, or commission of a traffic infraction, on the grounds of which the notice was issued did not occur, or
    - (ii) that the sum or amount specified in the notice, or the time or manner specified for paying it, is unreasonable; 35
  - (c) in the case of a compliance notice, redress notice or monetary penalty notice issued under section 34(2), 35(2) or 36(2), that the commission of a traffic infraction on the grounds of which the notice was issued was caused as described in section 34(3), 35(3) or 36(3); 40
  - (d) in the case of a costs notice—

- (i) that costs relied on in arriving at the sum specified in the notice were not reasonably incurred as described in paragraph 6(3), or
    - (ii) that the time or manner specified for payment is unreasonable; 5
  - (e) that the Secretary of State failed to comply with a requirement of paragraph 5, or made some other procedural error, in respect of the notice.
- (3) If satisfied that any of those grounds is made out, the Tribunal must allow the appeal and do whichever of the following it considers appropriate – 10
  - (a) cancel the notice,
  - (b) remit the matter to the Secretary of State with a direction that the Secretary of State consider, in accordance with the findings of the Tribunal and by such time as the Tribunal specifies, whether to cancel or vary the notice under section 37(2), or 15
  - (c) if the appeal is allowed on a ground in sub-paragraph (2)(b)(ii) or (d), vary the notice.
- (4) Otherwise, the Tribunal must dismiss the appeal.
- (5) Sub-paragraph (6) applies if a direction is made under sub-paragraph (3)(b) and – 20
  - (a) the Secretary of State varies the notice further to the direction, or
  - (b) by the specified time, the Secretary of State has neither varied nor cancelled the notice.
- (6) The person who appealed against the notice may on application re-open the appeal – 25
  - (a) on any of the original grounds further to which the direction under sub-paragraph (3)(b) was made, or
  - (b) in the case of a variation, on any further ground within sub-paragraph (2) that arises from the variation;and sub-paragraphs (3) and (4) apply again in relation to the grounds on which the appeal is re-opened. 30
- (7) The Tribunal (or any court on a further appeal) may make an interim order suspending the effect of a notice appealed against under this paragraph.
- (8) If a monetary penalty notice includes provision under section 36(6), either the Secretary of State or the person to whom the notice is issued may apply to the Tribunal for a determination of whether an additional sum has become payable under that provision in respect of a particular day. 35
- (9) In this paragraph, “the Tribunal” means the First-tier Tribunal, subject to sub-paragraph (10).
- (10) Tribunal Procedure Rules may provide for an appeal or application under this paragraph to be made to the Upper Tribunal instead of the First-tier Tribunal; and if that is done references to “the Tribunal” are to be read accordingly. 40

*Assignment of functions to traffic commissioners*

- 8 (1) The Secretary of State may, by regulations, provide for the powers of the Secretary of State under section 34, 35 or 36 or paragraph 6 to be exercisable by a traffic commissioner instead of, or in addition to, the Secretary of State. 5
- (2) In relation to the exercise of power by a traffic commissioner further to such regulations, references in this Part to the Secretary of State are to be read as including a traffic commissioner.
- (3) The Secretary of State may, by regulations, provide for a procedure whereby a compliance notice, redress notice, monetary penalty notice or costs notice issued by the Secretary of State may be reviewed by a traffic commissioner on application by the person against whom it is issued. 10
- (4) In a case in which such regulations have effect, the right of appeal conferred by paragraph 7 does not arise until the exhaustion of the review procedure.

## SCHEDULE 2

Section 45 15

## AMENDMENTS RELATED TO PART 1

*Theft Act 1968 (c. 60)*

- 1 In section 12 of the Theft Act 1968 (taking motor vehicle or other conveyance without authority), in subsection (7), for paragraph (a) (but not the final “and”) substitute— 20
- “(a) “conveyance” means—
- (i) any conveyance constructed or adapted for the carriage of a person or persons whether by land, water or air, except a conveyance constructed or adapted for use only under the control of a person not carried in or on it, or 25
- (ii) any vehicle authorised under section 3 of the Automated Vehicles Act 2024, and “drive” accordingly includes any act of putting in motion, or controlling the motion of, any such conveyance or vehicle;”. 30

*Prescription and Limitation (Scotland) Act 1973 (c. 52)*

- 2 In section 18ZA of the Prescription and Limitation (Scotland) Act 1973 (actions under section 2 of the Automated and Electric Vehicles Act 2018), in subsections (1) and (4)(b), before “automated” insert “authorised”. 35

*Limitation Act 1980 (c. 58)*

- 3 In section 14(1B) of the Limitation Act 1980 (date of knowledge for purposes of limitation periods to do with automated vehicles), before “automated” (in both places it occurs) insert “authorised”.

*Road Traffic Act 1988 (c. 52)*

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- 4 (1) The Road Traffic Act 1988 is amended as follows.
  - (2) In section 145 (requirements about insurance policies), in subsections (3A) and (4), before “automated” (in each place it occurs) insert “authorised”.
  - (3) In section 161(1) (definitions for the purposes of Part 6), omit the definition of “automated vehicle”. 10
  - (4) In the table in section 162 (index to Part 6), omit the entry for “automated vehicle”.
  - (5) In section 192 (general interpretation) –
    - (a) in subsection (1), at the appropriate place insert –
      - ““authorised automated vehicle” means a vehicle authorised under section 3 of the Automated Vehicles Act 2024;” 15
    - (b) after subsection (1) insert –
      - “(1ZA) Section 44 of the Automated Vehicles Act 2024 applies for the purposes of the provisions of this Act relating to authorised automated vehicles as it applies for the purposes of Part 1 of that Act.” 20
  - (6) In the table in section 194 (index of defined terms), at the appropriate place insert –

“Authorised automated vehicle	Section 192”.
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*Automated and Electric Vehicles Act 2018 (c. 18)*

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- 5 (1) The Automated and Electric Vehicles Act 2018 is amended as follows.
  - (2) Omit section 1 (list of automated vehicles).
  - (3) In each of the following provisions, before “automated” insert “authorised” –
    - (a) in section 2, the heading and subsections (1)(a), (2)(a), (3)(a) and (c)(ii) and (4); 30
    - (b) section 3(2);
    - (c) in section 4, subsections (1) and (6)(a);
    - (d) in section 6, subsections (2)(a) and (3);
    - (e) section 8(3)(b) (in both places).
  - (4) In section 2 (liability of insurers etc) – 35

- (a) in subsection (1)(b), for “insured” substitute “being used by an insured person”;
- (b) in subsection (2)(b), for “insured” substitute “being used by an insured person”.
- (5) In section 7 (duty to prepare report on operation of Part 1 of the Act) – 5
- (a) in subsection (1) –
- (i) omit paragraph (a);
- (ii) in paragraph (b), for “vehicles that are capable of safely driving themselves” substitute “authorised automated vehicles”; 10
- (b) in subsection (2), for “publication of the list under section 1” substitute “authorisation is granted under section 3 of the Automated Vehicles Act 2024”.
- (6) In section 8 (interpretation) –
- (a) for subsection (1) substitute – 15
- “(1) For the purposes of this Part –
- (a) an authorised automated vehicle is “driving itself” if it is travelling while an authorised automation feature of the vehicle is engaged;
- (b) a person is an “insured person”, in relation to a vehicle, if there is in force in relation to that person’s use of the vehicle on a road or other public place in Great Britain a policy of insurance that satisfies the conditions in section 145 of the Road Traffic Act 1988. 20
- (1A) Section 44(5) of the Automated Vehicles Act 2024 (authorisation to determine when feature “engaged” or “disengaged”) applies for the purposes of subsection (1)(a) as it applies for the purposes of Part 1 of that Act.”; 25
- (b) in subsection (2) –
- (i) for the definition of “automated vehicle” substitute – 30
- ““authorised automated vehicle” means a vehicle authorised under section 3 of the Automated Vehicles Act 2024;
- “authorised automation feature” has the same meaning as in Part 1 of the Automated Vehicles Act 2024 (see section 44(1) of that Act);”;
- (ii) omit the definition of “insured person”;
- (iii) for the definition of “insurer” substitute – 35
- ““insurer”, in relation to an insured person, means the insurer under the policy in question;”.
- (7) In the Schedule, omit paragraphs 20 and 21. 40

SCHEDULE 3

Sections 53(3) and 54(4)

AMENDMENTS RELATED TO SECTIONS 53 AND 54

*Road Traffic Act 1988 (c. 52)*

- 1 (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 12E(3) (disapplication of certain enactments to authorised motor races in England and Wales), in the table, at the appropriate places under the heading for the Road Traffic Act 1988 insert—
- |              |   |    |
|--------------|---|----|
| “Section 3C  | Use of automated vehicle in dangerous state”;   |    |
| “Section 3D  | Causing death, or serious injury, by use of automated vehicle in dangerous state”;          | 10 |
| “Section 22B | Causing danger to road-users resulting in automated vehicle killing or seriously injuring”. |    |
- (3) In section 12H(3) (disapplication of certain enactments to authorised motor races in Scotland), for “and 3” substitute “, 3, 3C and 3D”.
- (4) In section 13A (disapplication of sections 1 to 3 of the Act to authorised motoring events)—
- (a) in the heading, after “3” insert “, 3C and 3D”;
- (b) after subsection (1) insert—
- “(1A) A person is not guilty of an offence under section 3C or 3D by virtue of using a vehicle in a public place other than a road if the person shows that the use of the vehicle was in accordance with an authorisation for a motoring event given under regulations made by the Secretary of State.”

*Road Traffic Offenders Act 1988 (c. 55)*

- 2 (1) The Road Traffic Offenders Act 1988 is amended as follows. 25
- (2) In section 24 (alternative verdicts)—
- (a) in subsection (A2)—
- (i) omit the “and” at the end of paragraph (c);
- (ii) after paragraph (c) insert—
- “(ca) an offence under section 3C of that Act (use of automated vehicle in dangerous state), 30
- (cb) an offence under section 3D of that Act (causing death, or serious injury, by use of automated vehicle in dangerous state),

- (cc) an offence under section 22B of that Act (causing danger to road-users resulting in automated vehicle killing or seriously injuring),
- (cd) an offence under section 34B of that Act (use of road vehicle without a driver or licensed oversight), 5
- (ce) an offence under section 34C of that Act (causing death, or serious injury, by use of road vehicle without a driver or licensed oversight), and”; 10
- (b) in the table in subsection (1), at the appropriate places insert—
- |  |  |    |
|--|--|----|
| “Section 3D (causing death, or serious injury, by use of automated vehicle in dangerous state)                 | Section 3C (use of automated vehicle in dangerous state)”;                 | 15 |
| “Section 22B (causing danger to road-users resulting in automated vehicle killing or seriously injuring)       | Section 22A (causing danger to road-users)”;                               | 20 |
| “Section 34C (causing death, or serious injury, by use of road vehicle without a driver or licensed oversight) | Section 34B (use of road vehicle without a driver or licensed oversight)”. |    |
- (3) In the table in Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply), at the appropriate places insert— 25
- |                    |   |   |    |
|--------------------|---|---|----|
| “RTA section 3C    | Use of automated vehicle in dangerous state.                  | Sections 1, 11 and 12(1) of this Act.”; |    |
| “RTA section 3D(1) | Causing death by use of automated vehicle in dangerous state. | Section 11 of this Act.                 | 30 |



RTA section 3D(2)	Causing serious injury by use of automated vehicle in dangerous state.	Sections 11 and 12(1) of this Act.”;	
“RTA section 34B	Use of road vehicle without a driver or licensed oversight.	Sections 1, 11 and 12(1) of this Act.”;	5
“RTA section 34C(1)	Causing death by use of road vehicle without a driver or licensed oversight.	Section 11 of this Act.	
RTA section 34C(2)	Causing serious injury by use of road vehicle without a driver or licensed oversight.	Sections 11 and 12(1) of this Act.”	10

*Crime (International Co-operation) Act 2003 (c. 32)*

- 3 (1) Schedule 3 to the Crime (International Co-operation) Act 2003 (offences in respect of which notice of driving disqualification must be given to Republic of Ireland) is amended as follows. 15
- (2) In paragraph 3, after sub-paragraph (d) insert—
- “(da) section 3C (use of automated vehicle in dangerous state),  
 (db) section 3D (causing death, or serious injury, by use of automated vehicle in dangerous state),”.
- 20
- (3) After paragraph 4 insert—
- “4A An offence under section 34B or 34C of the Road Traffic Act 1988 (use of road vehicle without a driver or licensed oversight, or causing death or serious injury by such use).”
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*Armed Forces Act 2006 (c. 52)*

- 4 In paragraph 12(aj) of Schedule 2 to the Armed Forces Act 2006 (road traffic offences in respect of which service police must be notified of possible corresponding service offence) —
- (a) for “or 22A” substitute “, 3D, 22A or 22B”; 30
- (b) after “drugs,” insert “causing death, or serious injury, by use of automated vehicle in dangerous state,”;
- (c) after “road-users” insert “, causing danger to road-users resulting in death or serious injury”.

## SCHEDULE 4

Section 66(6)

## AMENDMENTS RELATED TO SECTION 66(3)

- 1 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) of that Act apply) – 5
- (a) in paragraph 1A(b), omit the final “, and”;
- (b) in paragraph 1A(c), at the end insert “, and
- (d) an offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act.”; 10
- (c) before paragraph 3(c) insert –
- “(bc) an offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act, and”;
- (d) before paragraph 4(b) insert – 20
- “(ab) an offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act, and”.
- (3) In Part 2 of Schedule 2 (penalties for road traffic offences) at the end insert – 25
- |  |                |             |     |    |
|--|----------------|-------------|-----|----|
| “An offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act. | Discretionary. | Obligatory. | 3”. | 30 |
|--|----------------|-------------|-----|----|

## SCHEDULE 5

Section 81(4)

## ENFORCEMENT OF MARKETING RESTRICTIONS

*Duty to enforce*

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- 1 (1) It is the duty of the Secretary of State to enforce sections 78 and 79.

(See Part 3 of Schedule 5 to the Consumer Rights Act 2015 for investigatory powers in connection with that duty.)

- (2) Sub-paragraph (1) does not authorise the Secretary of State to bring criminal proceedings in Scotland.

*Application of consumer enforcement powers*

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- 2 In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (enforcement responsibilities attracting investigatory powers under that Schedule), at the appropriate place insert—

“paragraph 1 of Schedule 5 to the Automated Vehicles Act 2024;”.

*Out-of-court undertakings*

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- 3 (1) This paragraph applies if the Secretary of State considers that a person has committed, or is likely to commit, an offence under section 78 or 79.
- (2) The Secretary of State may accept an undertaking from the person as to the person’s future activity, if the Secretary of State considers that compliance with the undertaking would tend to avoid the commission by the person of an offence (or further offence) under section 78 or 79.
- (3) The Secretary of State must publish details of any undertaking accepted under this paragraph.

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*Civil injunctions*

- 4 (1) This paragraph applies if the Secretary of State considers that a person has committed, or is likely to commit, an offence under section 78 or 79.
- (2) The Secretary of State may bring proceedings for an injunction (and in those proceedings may apply for an interim injunction) against any person appearing to the Secretary of State to be concerned, or likely to be concerned, with the offence.
- (3) In proceedings under this paragraph, the court may grant an injunction (or interim injunction) on such terms as it thinks fit to secure against offending under section 78 or 79.
- (4) Before granting an injunction, the court must have regard to all the interests involved and, in particular, the public interest.
- (5) The power in sub-paragraph (6) is exercisable if the court—
  - (a) finds that a person against whom proceedings under this section are brought has committed an offence under section 78 or 79, and
  - (b) grants an injunction (other than an interim injunction) against the person,and is so exercisable for the purpose of eliminating any continuing effect of the communication that gave rise to the offence.
- (6) The court may require the person to publish, in such form and manner and to such extent as the court thinks appropriate—

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- (a) the injunction, and
  - (b) a corrective statement.
- (7) The court may grant an injunction under this paragraph even where there is no evidence of proof of actual loss or damage or of intention or negligence on the part of the person against whom the proceedings are brought. 5
- (8) The Secretary of State must publish details of—
- (a) any proceedings brought under this paragraph, and
  - (b) any order made, or undertaking accepted, by the court in the course of those proceedings.
- (9) In this paragraph— 10
- “the court” means—
- (a) the county court or the High Court, in England and Wales, or
  - (b) a sheriff or the Court of Session, in Scotland;
- “injunction” is to be read, in the application of this paragraph in Scotland, as “interdict”. 15

#### *Time limit for prosecution*

- 5 (1) No proceedings for an offence under section 78 or 79 may be commenced after the earlier of—
- (a) the end of the period of 3 years beginning with the date of the commission of the offence, and 20
  - (b) the end of the period of 12 months beginning with the date of the discovery of the offence by the prosecutor.
- (2) For the purposes of sub-paragraph (1)(b)—
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the offence was discovered by the prosecutor is conclusive evidence of that fact, and 25
  - (b) a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.

## SCHEDULE 6

Section 84 30

### CIVIL SANCTIONS FOR INFRINGING PASSENGER PERMIT SCHEME

#### *Compliance notices*

- 1 (1) The appropriate national authority may issue a compliance notice to a permit holder if satisfied that the permit holder has committed an infringement of the permit scheme. 35
- (2) A compliance notice is a notice requiring the permit holder to take such actions within sub-paragraph (3) as are specified in the notice.

- (3) The actions that may be specified are those that the appropriate national authority considers appropriate in order to secure, or make it more likely, that the permit holder does not commit any similar infringement of the permit scheme in future.
- (4) The actions may be specified by referring (with or without further particulars) to the actions necessary to achieve a result described in the notice. 5
- (5) A compliance notice must –
  - (a) explain the appropriate national authority’s reasons for issuing the notice, and 10
  - (b) specify the time by which, or period during which, the specified actions must be taken.
- (6) The reference in sub-paragraph (2) to taking action includes refraining from taking action; and “actions” in this paragraph is to be read accordingly.

*Monetary penalties* 15

- 2 (1) The appropriate national authority may issue a monetary penalty notice to a permit holder if satisfied that the permit holder has –
  - (a) committed an infringement of the permit scheme, or
  - (b) failed to comply with a compliance notice.
- (2) A monetary penalty notice is a notice requiring the permit holder to pay a monetary penalty, of a sum specified in the notice, to the appropriate national authority. 20
- (3) Sub-paragraph (4) applies in relation to a monetary penalty notice if it appears to the appropriate national authority that the failure to which the notice relates is or may be a continuing one. 25
- (4) The monetary penalty notice may provide for a sum specified in the notice to be added to the penalty for each day in the period –
  - (a) beginning with the day after the day on which the notice is issued, and
  - (b) ending with – 30
    - (i) the day on which the failure is brought to an end, or
    - (ii) such earlier day as is specified in the notice.
- (5) A monetary penalty notice must –
  - (a) explain the appropriate national authority’s reasons for issuing the notice, and 35
  - (b) specify the time by which, and manner in which, the penalty must be paid.
- (6) If a monetary penalty is not paid on time –
  - (a) the penalty (or the unpaid part of it) carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838; 40

- (b) the appropriate national authority may recover the penalty (or the unpaid part of it), with the interest, as a civil debt.
- (7) The appropriate national authority must, by regulations, provide for the determination of—
  - (a) a maximum sum that may be specified under sub-paragraph (2), and 5
  - (b) a maximum sum that may be specified under sub-paragraph (4).
- (8) Those regulations may determine the sum by reference to the turnover of the permit holder or any entities or undertakings that are connected with the permit holder in a manner specified in the regulations; and if they do 10
  - (a) what counts as “turnover”;
  - (b) how turnover is to be calculated or assessed.

*Notice of intent*

- 3 (1) Before issuing a compliance notice or monetary penalty notice to a permit holder, the appropriate national authority must— 15
  - (a) issue a notice of intent to the permit holder, and
  - (b) consider any representations made by the permit holder in response to (and in accordance with) that notice.
- (2) A notice of intent is a notice that— 20
  - (a) states the appropriate national authority’s intention to issue the compliance notice or monetary penalty notice,
  - (b) sets out the terms of that intended notice,
  - (c) explains the appropriate national authority’s reasons for intending to issue that notice, and 25
  - (d) specifies the time by which, and manner in which, representations may be made.
- (3) A notice of intent may also—
  - (a) state the appropriate national authority’s intention to issue a costs notice in connection with the principal notice, and 30
  - (b) give a general indication of the nature of the costs that the appropriate national authority is likely to seek to recover by way of the costs notice.

*Costs*

- 4 (1) If— 35
  - (a) the appropriate national authority issues a compliance notice or monetary penalty notice (“the principal notice”) to a permit holder, and
  - (b) the notice of intent that preceded the principal notice included the contents set out in paragraph 3(3), 40

- the appropriate national authority may also issue a costs notice to the permit holder.
- (2) A costs notice is a notice requiring the permit holder to pay a sum specified in the notice to the appropriate national authority.
- (3) That sum must be no greater than the total of the costs reasonably incurred by the appropriate national authority in connection with the principal notice. 5
- (4) The costs that may be taken into account for that purpose include—
- (a) costs of investigating the matters to which the principal notice relates, 10
  - (b) administrative costs, and
  - (c) costs of obtaining expert advice (including legal advice).
- (5) A costs notice must—
- (a) particularise the costs relied on in arriving at the sum specified in the notice, 15
  - (b) explain (if it is not otherwise apparent) how those costs have been calculated, and
  - (c) specify the time by which, and manner in which, the sum must be paid.
- (6) If a sum payable under a costs notice is not paid in time— 20
- (a) the sum (or the unpaid part of it) carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838;
  - (b) the appropriate national authority may recover the sum (or the unpaid part of it), with the interest, as a civil debt.
- (7) The cancellation of a compliance notice or monetary penalty notice has the effect of cancelling any costs notice issued in connection with it. 25

#### *Cancellation and variation*

- 5 Where the appropriate national authority has issued a compliance notice, monetary penalty notice or costs notice to a permit holder, the appropriate national authority may by further notice issued to the permit holder— 30
- (a) cancel the notice, or
  - (b) vary it in any way that does not make it more onerous.

#### *Appeals*

- 6 (1) A person to whom a compliance notice, monetary penalty notice or costs notice is issued may appeal to the Tribunal. 35
- (2) The grounds on which an appeal may be brought are—
- (a) in the case of a compliance notice—
    - (i) that the infringement of the permit scheme on the grounds of which the notice was issued did not occur, or

- (ii) that the actions specified in the notice, or the time or period specified for taking them, are unreasonable;
  - (b) in the case of a monetary penalty notice –
    - (i) that the infringement of the permit scheme, or failure of compliance, on the grounds of which the notice was issued did not occur, or
    - (ii) that the sum specified in the notice, or the time or manner specified for paying it, is unreasonable;
  - (c) in the case of a costs notice –
    - (i) that costs relied on in arriving at the sum specified in the notice were not reasonably incurred as described in paragraph 4(3), or
    - (ii) that the time or manner specified for payment is unreasonable;
  - (d) that the appropriate national authority failed to comply with paragraph 3, or made some other procedural error, in respect of the notice.
- (3) If satisfied that any of the grounds is made out, the Tribunal must allow the appeal and do whichever of the following it considers appropriate –
  - (a) cancel the notice,
  - (b) remit the matter to the appropriate national authority with a direction that the appropriate national authority consider, in accordance with the findings of the Tribunal and by such time as the Tribunal specifies, whether to cancel or vary the notice under paragraph 5, or
  - (c) if the appeal is allowed on the ground in sub-paragraph (2)(b)(ii) or (c), vary the notice.
- (4) Otherwise, the Tribunal must dismiss the appeal.
- (5) Sub-paragraph (6) applies if a direction is made under sub-paragraph (3)(b) and –
  - (a) the appropriate national authority varies the notice further to the direction, or
  - (b) by the specified time, the appropriate national authority has neither varied nor cancelled the notice.
- (6) The person who appealed against the notice may on application re-open the appeal –
  - (a) on any of the original grounds further to which the direction under sub-paragraph (3)(b) was made, or
  - (b) in the case of a variation, on any further ground within sub-paragraph (2) that arises from the variation;
 and sub-paragraphs (3) and (4) apply again in relation to the grounds on which the appeal is re-opened.
- (7) The Tribunal (or any court on a further appeal) may make an interim order suspending the effect of a notice appealed against under this paragraph.



- (8) If a monetary penalty notice includes provision under paragraph 2(4), either the appropriate national authority or the person to whom the notice is issued may apply to the Tribunal for a determination of whether an additional sum has become payable under that provision in respect of a particular day. 5
- (9) In this paragraph, “the Tribunal” means the First-tier Tribunal, subject to sub-paragraph (10).
- (10) Tribunal Procedure Rules may provide for an appeal under this paragraph to be made to the Upper Tribunal instead of the First-tier Tribunal; and if that is done references to “the Tribunal” are to be read accordingly. 10

*Enforcement action in respect of multiple occurrences*

- 7 A single notice issued under this Schedule may relate to more than one occurrence by virtue of which the power to issue the notice arises (or is said to arise).

# Automated Vehicles Bill [HL]

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[AS AMENDED ON REPORT]

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## B I L L

TO

Regulate the use of automated vehicles on roads and in other public places; and to make other provision in relation to vehicle automation.

*Lord Davies of Gower*

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Ordered to be Printed, 6th February 2024.

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