

AUTOMATED VEHICLES BILL [HL]

EXPLANATORY NOTES ON COMMONS AMENDMENTS

What these notes do

These Explanatory Notes relate to the Commons Amendments to the Automated Vehicles Bill [HL] as brought from the House of Commons on 2 May 2024 (HL Bill 77).

- These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader of the Bill and the Commons amendments, and to help inform debate on the Commons amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes, like the Commons Amendments themselves, refer to Bill 167, the Bill as first printed for the Commons.
- These Explanatory Notes need to be read in conjunction with the Commons Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Commons Amendments.
- Commons Amendments 1 and 5 to 8 were tabled at Committee Stage in the name of the Minister, Anthony Browne MP.
- Commons Amendments 2 to 4 and 9 to 11 were tabled at Report Stage in the name of the Secretary of State, the Rt Hon Mark Harper MP.

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Commentary on Commons Amendments

Commons Amendments to Part 1: Regulatory Scheme for Automated Vehicles

Commons Amendments to Clause 40: Power to require reports from police and local authorities

Commons Amendment 1

- 1 Clause 40 permits the Secretary of State to make regulations requiring a chief officer of police or local highway and traffic authorities listed in subsection (3) to report relevant incidents that occur within their area of authority.
- 2 This amendment adds the Welsh Ministers to the list of authorities in clause 40(3) of the Bill, bringing them, in their capacities as highways authority and traffic authority, within the ambit of the power in clause 40.

Commons amendments to Clause 43: Fees

Commons Amendment 2

- 3 This amendment allows the costs incurred by traffic commissioners when performing functions conferred on them by the operator licencing regulations to be taken into account in determining the fees charged to authorised entities under Part 1 of the Bill. It corrects a drafting omission.

Commons Amendment 3

- 4 This amendment is one of three that relate to the financial implications of functions conferred on traffic commissioners by regulations under the Bill. In this instance, the amendment requires money received by the traffic commissioners as a result of operator licensing regulations to be paid into the Consolidated Fund in such manner as the Treasury may direct. This follows from Clause 13, which allows operator licensing regulations to confer functions on traffic commissioners and to provide for the charging of fees.

Commons Amendments to Part 5: Permits for Automated Passenger Services

Commons Amendments to Clause 89: Procedural and administrative matters

Commons Amendment 4

- 5 This amendment is one of three that relate to the financial implications of functions conferred on traffic commissioners by regulations under the Bill. In this instance, the amendment governs the situation where automated passenger service permitting functions are delegated to traffic commissioners as permitted by Clause 89(7)). The general position is that monies received by the traffic commissioners in the exercise of those functions will be paid into the Consolidated Fund in such manner as the Treasury may direct (inserted subsection (9)). The exception is that , if the devolved administrations were to delegate the function of receiving monetary penalties, the receipts will be paid to the devolved authority concerned (inserted subsection (10)). In view of the fact that the traffic commissioners are centrally funded,

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provision is included to secure that fee-charging and cost-recovery functions are delegated by the devolved administrations alongside the principal functions (inserted subsection (8)).

Commons Amendments to Part 6: Adaptation of Existing Regimes

Commons Amendments to Clause 93: Provision of information about traffic regulation measures

Commons Amendments 5 to 8

- 6 Clause 93 gives the Secretary of State a regulation-making power to require traffic regulation authorities to provide information about the Traffic Regulation Orders (TROs) that they make to a digital publication platform. The Secretary of State may prescribe in the regulations information that they think is necessary to make available to autonomous vehicles or electronic equipment designed to undertake or facilitate the driving of other vehicles on roads, such as SAT-NAVs. The intention is that the information will be provided in a digital format to a central publication platform, and that it will be open data for use by autonomous vehicles and other systems used by vehicles.
- 7 This subject-matter is devolved, so Clause 93 initially related only to England. Further to representations by the Welsh government, these amendments extend the power in clause 93 to the Welsh Ministers in relation to traffic regulation measures in Wales.

Commons Amendments to Part 7: General Provision

Commons Amendments to Clause 100: Short title

Commons Amendment 9

- 8 This amendment removes the privilege amendment inserted by the Lords.

Commons Amendments to Schedule 1: Enforcement action under Part 1

Commons Amendments to Schedule 1: Enforcement action under Part 1

Commons Amendment 10

- 9 This amendment is consequential on Commons Amendment 2.

Commons Amendment 11

- 10 This amendment is one of three that relate to the financial implications of functions conferred on traffic commissioners by regulations under the Bill. In this instance, the amendment requires money received by the traffic commissioners from the exercise of enforcement functions against regulated entities to be paid into the Consolidated Fund in such manner as the Treasury may direct. This follows from paragraph 8 of Schedule 1, which allows the Secretary of State to delegate enforcement functions under that Schedule to the traffic commissioners.

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