

Research Briefing

1 March 2024

By Dr Roger Tyers

Automated Vehicles Bill [HL] 2023-24



Summary

Introduction

- 1 Background to the Bill
- 2 The Bill as amended in the Lords
- 3 Reaction to the Bill
- 4 Consideration in the Lords

Image Credits

Attribution: [Cars in evening traffic](#) by Nabeel Syed – Image cropped.
Licensed under [Unsplash](#) – no copyright required.

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Sources and subscriptions for MPs and staff

We try to use sources in our research that everyone can access, but sometimes only information that exists behind a paywall or via a subscription is available. We provide access to many online subscriptions to MPs and parliamentary staff, please contact hoclibraryonline@parliament.uk or visit commonslibrary.parliament.uk/resources for more information.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

Contents

Summary	5
Introduction	9
1 Background to the Bill	11
1.1 Opportunities and risks relating to self-driving vehicles	11
1.2 Current self-driving vehicle trials and operations	12
1.3 Defining self-driving vehicles	13
1.4 Previous Government action on self-driving vehicles	13
1.5 Transport Select Committee inquiry	16
2 The Bill as amended in the Lords	18
2.1 Extent and application	18
2.2 Devolution and legislative consent motions	19
2.3 Key terms in the Bill	20
2.4 Delegated powers	21
2.5 Part 1: Establishing a regulatory scheme for automated vehicles	23
2.6 Part 2: Criminal liability for vehicle use	29
2.7 Part 3: Policing and investigation	30
2.8 Part 4: Marketing restrictions	32
2.9 Part 5: Permits for automated passenger services	33
2.10 Part 6: Adaptation of existing regimes	34
2.11 Part 7: General provision	35
3 Reaction to the Bill	36
4 Consideration in the Lords	38
4.1 Second Reading	38
4.2 Committee stage	40
4.3 Report stage	40
4.4 Third reading	42

4.5 Delegated Powers and Regulatory Reform Committee report

42

Summary

The [Automated Vehicles Bill \[HL\] 2023-2024](#), Bill 167, was introduced in the Lords on 8 November 2023, and will have its second reading in the Commons on 5 March 2024.

The Bill is intended to set the legal framework for the safe deployment of self-driving vehicles in Great Britain.

It further clarifies issues of legal liability in the [Automated and Electric Vehicles Act 2018](#), and implements recommendations from a [four-year review of automated vehicle regulation](#) carried out by the Law Commission of England and Wales and the Scottish Law Commission, published in January 2022.

The Government published a key policy paper on this topic in August 2022, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#) in response to the Law Commissions' recommendations. It outlined its legislative plans to implement them and create a regulatory framework for self-driving vehicles.

Defining self-driving vehicles

The [Government has defined a self-driving vehicle](#) as:

One that has at least one self-driving feature, delivering sufficiently high levels of automation that it meets a legally defined threshold and is capable of safely driving itself with no human input. Such features could provide self-driving capability for all or part of a journey.

However, the Bill uses the Law Commissions' preferred term of 'automated vehicles' (AV) instead of 'driverless' or 'self-driving' vehicles. [The Law Commissions](#) advised that the latter terms can mislead the public into thinking they might not need to pay attention to a driving task in such a vehicle, when at times they might.

Under the Bill, if a vehicle successfully passes a 'self-drive test' (details of which would be determined in secondary legislation), it would become an 'authorised automated vehicle' in [one of two categories](#):

- Some AVs will have a 'user-in-charge' (UIC) function. This means they would have functionality to both be driven or to drive itself for some or all of the journey. When such a vehicle is driving itself, the driver is not responsible for how the vehicle drives, though they retain other

responsibilities such as insurance and vehicle roadworthiness. When the vehicle is being driven, it is treated as a conventional vehicle.

- Alternatively, a ‘no-user-in-charge’ (NUiC) journey would be one where the AV drives itself for the whole journey. No occupant is a driver during the journey and, in some cases, it may not be possible for the vehicle to be traditionally driven, as it may not have a steering wheel or other conventional controls. A licensed operator would monitor the vehicle during the journey and ensure it is properly insured and maintained.

Liability for road offences

If a vehicle passes the self-drive test to be an ‘authorised AV’ (with or without user functions), this would then shift criminal [liability for road traffic offences away from the AV’s passengers](#), and onto the regulated licenced operators who would become responsible for the AV’s journey.

The Bill would allow for new [statutory inspectors](#) to be appointed with powers to investigate road incidents involving AVs on a ‘no-blame’ basis, and to request information from licensed operators and the police. The Bill would also make it a [criminal offence to market a vehicle as self-driving if it was not an authorised AV](#).

Permits for automated passenger services

The Bill would allow the Secretary of State for Transport in England, or the relevant minister in Scotland or Wales, to [grant permits for automated passenger services](#) (or trials of them) that would disapply existing legislation relating to taxi, bus and private hire vehicles.

Digitalising Traffic Regulation Orders

Under the Bill, local authorities in England would be required to provide information on [Traffic Regulation Orders](#) (TROs) to the Secretary of State in a [digital format](#).

TRO information describes local road restrictions such as speed limits, bus lanes and parking bays. This would enable AVs to have an accurate and up-to-date understanding of the road network. This requirement does not extend to Scotland or Wales where local government is a devolved matter.

Reaction to the Bill

After the Bill was [announced in the 2023 Kings Speech](#), it was welcomed by stakeholders such as [law firms](#) and [insurance companies](#) for creating greater clarity for legal liability around AV use.

Progress in the Lords

Both the [Labour transport spokesperson Lord Tunnicliffe](#) and the [Liberal Democrat spokesperson Baroness Randerson](#) welcomed the Bill.

The Government passed seven amendments to the Bill at report stage. One amendment expanded the high-level “safety ambition statement”, which aims to [provide a focus for Government and industry](#) as self-driving vehicles are developed, and to support public acceptance. This [statement was amended](#) so that it currently reads:

- 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

Extent and commencement

The Bill generally [extends and applies to England, Wales and Scotland](#), with the exception of Clauses 54(2) and 93 which do not extend to Scotland. Clause 54(2) creates a new offence of causing danger to road-users resulting in an AV killing or seriously injuring someone.

Clause 93, which requires local authorities to submit information on TROs, extends to England and Wales but would only have practical application in England.

The Bill would make two consequential amendments extending to Northern Ireland but otherwise does not apply there. The Government has said that [any AV that was authorised for use in Great Britain under this Bill](#) would “be treated as conventional and the driver would be liable for its behaviour” in Northern Ireland.”

[Part 7 of the Bill would come into force](#) on the day the Bill received Royal Assent. This part deals with general matters such as application, extent and the making of regulations. The rest of the Bill would come into force when the Secretary of State makes regulations by statutory instrument.

The Bill has 35 clauses granting regulation-making powers to the Secretary of State, and in some cases to the devolved administrations too. The Government has produced a [scoping note](#) explaining how and when it intends to use these powers.

Introduction

The [Automated Vehicles Bill \[HL\] 2023-2024](#), Bill 167, was introduced in the Lords on 8 November 2023. It was introduced to the Commons on 20 February 2024 and will have its second reading on 5 March 2024.¹

The Bill, together with its explanatory notes, impact assessment, delegated powers memorandum, and an overview of its parliamentary progress, are available on Parliament's [Automated Vehicles Bill webpage](#).

The Bill was announced in the [2023 King's Speech](#).² This said the Bill would enable the safe deployment of self-driving vehicles and by doing so “unlock a transport revolution” by providing certainty and confidence, and attracting investment to the UK motor industry. The accompanying notes to the speech said the Bill would:

- set the threshold for self-driving vehicles in law
- hold companies firmly accountable once vehicles are on roads
- investigate and learn from incidents
- digitalise [Traffic Regulation Orders](#) (TROs) to create a central digital map of all roads³
- create new organisations responsible for self-driving
- protect users from being unfairly held accountable; and
- clamp down on misleading marketing of ‘self-driving’ vehicles⁴

The Bill has 100 clauses divided into seven parts, and six schedules.

The Bill generally extends and applies to England, Wales and Scotland, with the exception of Clause 54(2) and Clause 93 which do not extend to Scotland.

Clause 54(2) creates a new offence of causing danger to road-users resulting in an AV killing or seriously injuring someone. This clause would extend and apply in England and Wales.

¹ [Automated Vehicles Bill \[HL\] 2023-2024](#)

² Prime Minister's Office, [The King's Speech 2023: background briefing notes](#), 7 November 2023

³ See more background information in the Commons Library Briefing SN-06013, [Traffic Regulation Orders \(TROs\)](#), 11 June 2020

⁴ Prime Minister's Office, [The King's Speech 2023: background briefing notes](#), 7 November 2023

Clause 93, which requires local authorities to submit information on TROs, extends to England and Wales, but because local government is a devolved matter it would only have practical application in England.

The Bill also makes two consequential amendments extending to Northern Ireland, but otherwise does not extend beyond Great Britain.

Part 7 of the Bill would come into force on the day the Bill is passed. This part deals with general matters such as application, extent and the making of regulations. The rest of the Bill would come into force upon the Secretary of State for Transport making regulations by statutory instrument.

The Bill has 35 clauses which would grant regulation-making powers. The Government has produced a [scoping note](#) explaining how and when it intends to use these powers.⁵

These powers were noted by the House of Lords Delegated Powers and Regulatory Reform Committee, which drew three clauses to the attention of the House of Lords.⁶ The Government amended one clause in response so that regulations laid under clause 36 would be subject to the affirmative, not the negative, procedure (See section 4.5 of this briefing).⁷

⁵ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes](#), Updated 16 February 2024

⁶ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023

⁷ Delegated Powers and Regulatory Reform Committee, [9th Report of Session 2023-24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 58, 2 February 2024. See more info at UK Parliament Glossary, [Affirmative procedure](#), [Accessed 23 February 2024]; UK Parliament Glossary, [Negative procedure](#), [Accessed 23 February 2024]

1 Background to the Bill

1.1 Opportunities and risks relating to self-driving vehicles

The UK Government has said that self-driving vehicles are the “future of road travel”,⁸ and that self-driving vehicles could have many environmental, social and economic benefits such as:

- minimising congestion
- improving access to transport for older people or those with disabilities
- improving road safety by reducing or removing human error – a factor in 80% of collisions that result in personal injury⁹
- boosting the economy - potentially becoming a sector worth £42 billion by 2035¹⁰

It has also acknowledged that self-driving vehicles carry risks, such as:

- vulnerability to cyber attacks
- reducing use of active travel or public transport, leading to isolation and poor health outcomes
- increasing congestion if ‘driving’ becomes very cheap/easy and people do not ride-share
- disrupting the local urban environment
- the abuse of monopoly power if self-driving vehicles are owned/managed by a small number of companies
- loss of jobs – currently there are almost one million road transport drivers employed across Great Britain, whose jobs could become automated¹¹

⁸ Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p6

⁹ Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p6

¹⁰ [HL Deb 28 November 2023 c1030](#)

¹¹ DfT Policy paper, [Future of mobility: urban strategy](#), 19 March 2019, p34

A full transition to self-driving vehicles is unlikely to happen quickly. In 2022 the House of Commons Transport Committee heard that, because vehicles stay on the road for an average of about 14 years, there will be co-existence between automated vehicles and manually driven vehicle for many years to come. David Wong from the Society of Motor Manufacturers and Traders (SMMT) told the Committee that automated vehicles may not outnumber conventional vehicles for another 20 or 30 years.¹²

1.2

Current self-driving vehicle trials and operations

Many trials of self-driving vehicles are taking place on public roads across the world, in some cases these are fully licenced commercial operations with paying passengers.

In the UK, there are self-driving bus trials underway in Edinburgh and a trial of self-driving heavy goods vehicles in Sunderland.¹³ UK trials must follow a Government code of practice which requires a driver to be able to resume control at all times, among other things.¹⁴ This code of practice was first introduced in 2015 and has been updated several times since.

Trials are also underway in various locations across Europe.¹⁵ In the United States driverless ‘robotaxi’ operations are being run by Waymo (owned by Google’s parent company, Alphabet) and by Cruise (a company owned by General Motors), although Cruise has currently paused its operations following an accident in 2023.¹⁶

There are also large-scale ‘robotaxi’ services in China operated by Baidu (a major chinese Internet/AI company), and trials of self-driving taxis and buses are in South Korea and Singapore, among other places.¹⁷

In these international examples, humans monitor the vehicles as they drive around, either remotely, or from within the vehicle.¹⁸

¹² Transport Committee, [Self-driving vehicles](#), 15 September 2023, HC 519 2022–23, Para 18

¹³ BBC News, [First full-size driverless bus trials to begin in Scotland](#), 25 April 2022; BBC News, [Sunderland driverless bus and HGV projects awarded £14m](#), 2 February 2023

¹⁴ DfT Guidance, [Trialling automated vehicle technologies in public](#), 30 November 2023

¹⁵ Many trials in Europe are listed on the [Knowledge Base on Connected and Automated Driving \(CAD\)](#)

¹⁶ Waymo, [Riding With Waymo One FAQs](#), [Accessed 22 February 2024]; The Guardian, [Cruise driverless cars pulled off California roads after safety incidents](#), 24 October 2023

¹⁷ Financial Times “[China challenges the west for driverless car supremacy](#)”, 31 January 2024; Channel News Asia, “[Hope or hype? The road map for driverless vehicles in South Korea and Singapore](#)”, 8 January 2023; Reuters, “[Cruise testing continues in Japan, Dubai, even as vehicles parked in US](#)”, 20 November 2023

¹⁸ Section 1.2 was amended on 12 March 2024. In some cases, references to ‘trials’ were changed to show that these are real-world commercial operations, rather than off-road or laboratory trials.

1.3 Defining self-driving vehicles

The Government has defined a self-driving vehicle as:

One that has at least one self-driving feature, delivering sufficiently high levels of automation that it meets a legally defined threshold and is capable of safely driving itself with no human input. Such features could provide self-driving capability for all or part of a journey.¹⁹

There are different ways to conceptualise levels of self-driving technology. For example, the Society of Automobile Engineers (SAE) has created a scale of six levels of driving automation, from level zero (meaning no automation) to five (full vehicle autonomy).²⁰

Broadly, levels zero, one and two are driver assistance systems that support (rather than replace) the driver to park, brake or change lanes safely. Most new cars have at least one of these features.²¹

A 2022 joint-review from the Law Commission of England & Wales and the Law Commission of Scotland (the Law Commissions) found these levels are not useful in determining legal liability for vehicles.²² The Government accepted their recommendation that a vehicle be classified as either ‘self-driving’ or not, and whether it is ‘self-driving’ for all or only part of a journey.²³

1.4 Previous Government action on self-driving vehicles

The [Centre for Connected and Autonomous Vehicles](#) (CCAV) was set up in 2015 as a joint Department for Business, Energy & Industrial Strategy (BEIS) and Department for Transport (DfT) unit, and has led the Government’s work in this area since.²⁴

¹⁹ Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p21

²⁰ Society of Automobile Engineers, [Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles](#), 30 April 2021

²¹ Transport Committee, [Self-driving vehicles](#), 15 September 2023, HC 519 2022–23, Written evidence submitted by the Society of Motor Manufacturers and Traders (SDV0023)

²² Law Commission of England and Wales & Scottish Law Commission, [Automated Vehicles](#), 26 January 2022. Para 2.15

²³ Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p21

²⁴ Centre for Connected and Autonomous Vehicles, [About Us](#) [Accessed 20 February 2024]

Existing legislation

In 2018, Parliament passed the [Automated and Electric Vehicles Act 2018](#), the first primary legislation dedicated to this issue. Part 1 of the 2018 Act means that if a fault in a self-driving vehicle causes an accident, the insurer would, as a default, pay out to the victim and the insurer could then claim against the manufacturer.²⁵ The 2018 Act requires the Secretary of State to create a list of vehicles to which these provisions would apply, if such vehicles could “be capable, in at least some circumstances or situations, of safely driving themselves”. To date no vehicles have been added to that list.²⁶

Law Commission report and Government response

In 2018 CCAV asked the Law Commission of England and Wales and the Scottish Law Commission to conduct a joint review into what further legislative changes would be needed to enable a broader roll-out of self-driving vehicles. After three rounds of consultations, the [joint Law Commissions report was published](#) in January 2022.²⁷

The Law Commissions’ report contained 75 recommendations for Government. The first of these was to introduce an Automated Vehicle Act “to regulate automated vehicles on roads or other public places in Great Britain.”²⁸

In 2022 the CCAV published the Government’s major policy paper on this topic [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#) (known as CAM 2025), which was the Government’s response to the Law Commission recommendations and outlined its legislative plans to implement them.

CAM 2025

CAM 2025 outlined how the Government intend to legislate to create a new self-driving safety framework. Originally, the primary legislation needed was intended to be part of a wider transport bill in the 2022-23 parliamentary session, but that bill was never presented.²⁹

The Government said that a more thorough authorisation process for classifying vehicles as self-driving should replace the ‘listing’ procedure of the [Automated and Electric Vehicles Act 2018](#).³⁰

²⁵ [Part 1 of the Automated and Electric Vehicles Act 2018](#)

²⁶ [Section 1, Automated and Electric Vehicles Act 2018](#)

²⁷ Law Commission of England and Wales & Scottish Law Commission, [Automated Vehicles](#), 26 January 2022

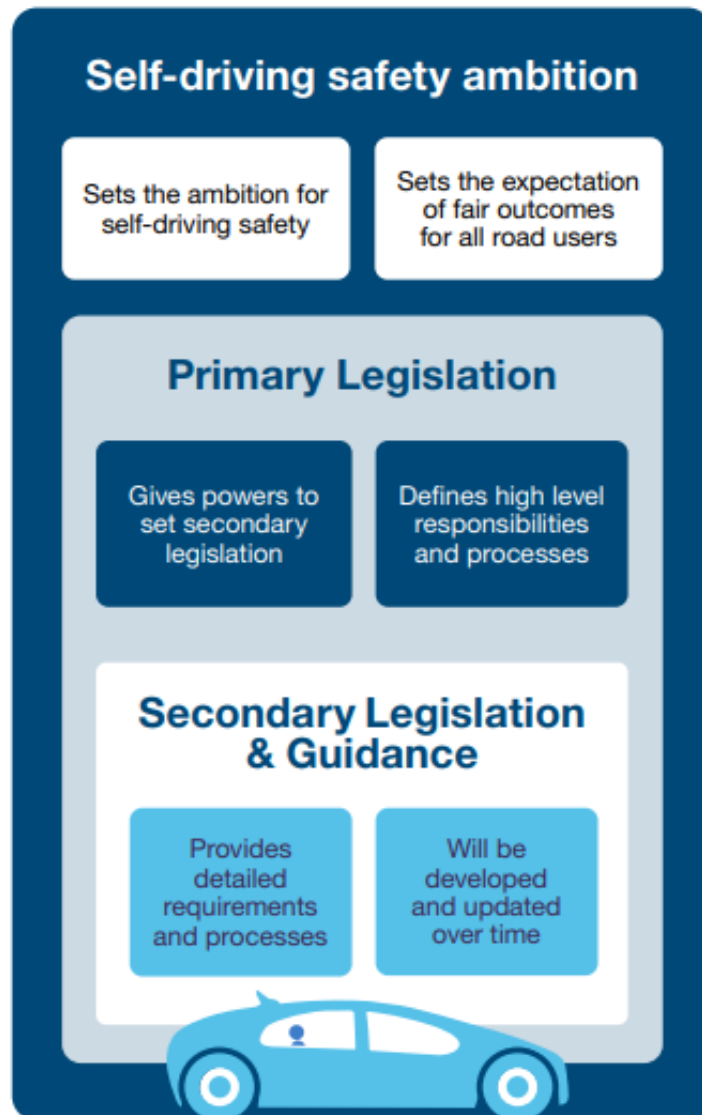
²⁸ Law Commission of England and Wales & Scottish Law Commission, [Automated Vehicles](#), 26 January 2022, p253

²⁹ Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p45

³⁰ Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p126

CAM 2025 also confirmed that the Government would implement the Law Commissions recommendation that it should be a criminal offence to market a vehicle as self-driving if it does not meet the 'self-drive test' definition.³¹

The following diagram illustrates how the Government sees the legislative framework fitting together.



Source: Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p44

³¹ Centre for Connected and Autonomous Vehicles Policy paper, [Connected and automated mobility 2025: realising the benefits of self-driving vehicles](#), 19 August 2022, p125

1.5

Transport Select Committee inquiry

The Transport Committee carried out an inquiry into self-driving vehicles and published its report in September 2023. The Committee broadly welcomed the Government's approach as laid out in CAM 2025, and noted that self-driving cars could potentially address many problems of congestion and road safety.³² However, it highlighted that progress in this technology has failed to meet many of its promoters' predictions, which has "bred understandable cynicism" and the public needed to be kept on board as "the technology matures and real-world uses become less hypothetical".³³

In November 2023, between publication of the Committee report and the Government's response to it, the Government announced the Automated Vehicles Bill in the King's Speech.³⁴

The following issues were raised in the Committee's recommendations.

Safety ambition

The Committee said the ambition that self-driving vehicles must be as safe as a competent and careful human driver was "too weak and too vague" and recommended the Government strengthen it. The Government did not accept this recommendation when it responded in November 2023, but did expand the safety ambition by amending the Bill in the Lords at report stage (See section 4.3).³⁵

Driving skills

The Committee also warned that vehicles with temporary 'self-drive' modes could lead to driving skills becoming worse over time, because drivers would be less practised. It recommended the Government "set out a strategy for the future of human driving in a world of self-driving vehicles [that should] include possible changes to driving tests."³⁶

The Government partially accepted this, saying that the forthcoming Automated Vehicles Bill would address this issue. The Government said that "a hand-over between a self-drive period and a manual period of a journey, known as a 'transition demand', must meet specific safety criteria which include allowing sufficient time for the driver to safely re-take control." It also

³² Transport Committee, [Self-driving vehicles](#), 15 September 2023, HC 519 2022–23, Summary

³³ Transport Committee, [Self-driving vehicles](#), 15 September 2023, HC 519 2022–23, Summary

³⁴ Prime Minister's Office, [The King's Speech 2023: background briefing notes](#), 7 November 2023

³⁵ Transport Committee, [Self-driving vehicles: Government response to the Committee's Seventh Report of Session 2022–23](#), 24 November 2023, HC 264 2022–23, Recommendation 2

³⁶ Transport Committee, [Self-driving vehicles: Government response to the Committee's Seventh Report of Session 2022–23](#), 24 November 2023, HC 264 2022–23, Recommendation 3

said that it would keep driving tests under review and adapt them if necessary, as it had done in the past by incorporating sat-navs into tests.³⁷

Road conditions, signage and digital road information

The Committee said the Government should ensure that the necessary physical and digital infrastructure was in place for the deployment of self-driving vehicles on public roads. The Government partially accepted this recommendation, saying that the forthcoming Bill would include provisions for the digitisation of Traffic Regulation Orders (TROs) in England, something it had already consulted on in 2022.³⁸

TROs are created by local highway authorities (usually unitary or county councils) to introduce things like local speed limits, bus lanes, parking bays and other restrictions.³⁹ The Government said that TRO information is currently held by individual authorities on separate systems, and that making such information available digitally, in a common format and on a published platform, would support the safe operation of self-driving vehicles.⁴⁰

It also said it was carrying other exploratory work to understand “opportunities and challenges of the rising use of technology on the road network.”⁴¹

³⁷ Transport Committee, [Self-driving vehicles: Government response to the Committee's Seventh Report of Session 2022-23](#), 24 November 2023, HC 264 2022-23, Recommendation 3

³⁸ DfT Consultation outcome, [Traffic regulation orders: changes to publishing requirements and special events order approvals](#), updated 15 January 2024

³⁹ Commons Library Briefing SN-06013, [Traffic Regulation Orders \(TROs\)](#), 11 June 2020

⁴⁰ Transport Committee, [Self-driving vehicles: Government response to the Committee's Seventh Report of Session 2022-23](#), 24 November 2023, HC 264 2022-23, Recommendation 5

⁴¹ Transport Committee, [Self-driving vehicles: Government response to the Committee's Seventh Report of Session 2022-23](#), 24 November 2023, HC 264 2022-23, Recommendation 5

2 The Bill as amended in the Lords

The Bill, as brought from the Lords, is divided into seven parts and has six schedules.⁴² There are 100 clauses.

- Part 1 (and Schedules 1 and 2) would create a regulatory framework for automated vehicles
- Part 2 (and Schedule 3) cover criminal liability for vehicle use
- Part 3 (and Schedule 4) cover policing and investigation
- Part 4 (and Schedule 5) deals with the marketing of automated vehicles.
- Part 5 (and Schedule 6) deal with permits for automated passenger services
- Part 6 deals with adaptation of existing regimes
- Part 7 makes general provisions

2.1 Extent and application

The Bill generally extends and applies to England, Wales and Scotland, with the exception of Clause 54(2) and Clause 93 which do not extend to Scotland.

Clause 54(2) creates a new offence of causing danger to road-users resulting in automated vehicle killing or seriously injuring, which would extend and apply in England and Wales.

Clause 93, which requires local authorities to submit information on traffic regulation orders, extends to England and Wales but only has practical application in England.

Annex A of the explanatory notes explains the extent and application of the Bill's different parts across the UK.⁴³

⁴² [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\]](#)

⁴³ [Explanatory Notes \[PDF\]. Annex A: Territorial extent and application in the United Kingdom](#)

2.2

Devolution and legislative consent motions

The majority of the measures in the Bill fall within powers reserved to the UK Parliament under the Scotland Act 1998 and the Government of Wales Act 2006 (both as amended).⁴⁴

While transport is generally devolved, in Scotland various transport matters are reserved to the UK Parliament, including the subject matter of the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988. In Wales, the wider category of ‘road traffic offences’ is reserved. For both Scotland and Wales, matters concerned with vehicle approval are also reserved. Other matters addressed in the Bill are not reserved.

The Government has said it intends to seek legislative consent motions (LCMs) from the Scottish Parliament and Senedd Cymru/Welsh Parliament with respect to part 5 (permits for automated passenger services) and clause 40 (power to require reports from police and local authorities), because these affect aspects of local government which are devolved.⁴⁵

Both the Welsh and Scottish Governments have laid memoranda with their respective parliaments on these LCMs. These indicate that the LCMs are being considered and that engagement with the UK Government on some aspects of the Bill is ongoing.⁴⁶

The Scottish Government has expressed concern that:

- the UK Government has “underplayed” some consequential impacts of the Bill on devolved policy areas (such as speeding offences on motorways and the regulation of moving traffic on other roads)
- the Bill creates potentially substantial obligations on Scottish Ministers, and
- there was a lack of “meaningful engagement by the UK Government on the detail of these matters prior to the Bill’s introduction”.⁴⁷

Regarding Northern Ireland, the Government has said that while self-driving vehicles would not be legally prohibited from driving in Northern Ireland, they would be “operating without the clarity of legal responsibility that the Bill will provide.” As in Great Britain at the moment, self-driving vehicles could still be

⁴⁴ [Head E, Part II, Schedule 5, Scotland Act 1998; Head E, Part 2, Schedule 7A, Government of Wales Act 2006](#)

⁴⁵ [Explanatory Notes \[PDF\], Para 77](#)

⁴⁶ Scottish Parliament, [Automated Vehicles Bill - Memorandum from the Scottish Government](#), 20 December 2023; Welsh Parliament, [Legislative Consent: Automated Vehicles Bill](#), 24 November 2023

⁴⁷ Scottish Parliament, [Automated Vehicles Bill - Memorandum from the Scottish Government](#), 20 December 2023, paras 10 and 12

used in Northern Ireland with a safety driver or in conventional, human-driven mode.⁴⁸

2.3 Key terms in the Bill

In this Bill the Government uses the Law Commissions' preferred term 'automated vehicle' (AV) instead of 'driverless' or 'self-driving vehicle', because it believed that these latter terms can mislead the public into thinking they might not need to pay attention to a driving task in such a vehicle, when at times they might.⁴⁹

As an example, some Tesla cars already have a function called 'autopilot' but the Government has said this falls under the category of being an 'advanced driver assistance system' (ADAS), not 'self-driving'.⁵⁰

The Bill includes several new terms that would be used in its legal framework for automated vehicles. These include:

- **Authorised automated vehicle (Authorised AV):** a vehicle with self-driving features that meets the regulatory requirements necessary for authorisation, specifying whether it has 'user-in-charge' or 'no-user-in-charge' features.⁵¹
- **User-in-charge (UIC):** a person in a position to drive the vehicle but not doing so because a UIC feature is engaged, meaning they are generally not liable for an offence arising from the way in which a vehicle is driven.⁵²
- **Vehicle with user-in-charge (UIC) feature:** one that can drive itself for only part of the journey and may require a driver to take control at other times. Such a vehicle must make a perceptible "transition demand" so the driver is alerted if/when they need to take control.⁵³
- **No-user-in-charge (NUIC) vehicle:** one that can drive itself for an entire journey and does not require an individual to be capable of taking control. It is "overseen" by a licensed no-user-in-charge operator.⁵⁴

⁴⁸ [HL Deb 28 November 2023 c1032](#)

⁴⁹ Law Commission of England and Wales & Scottish Law Commission, [Automated Vehicles](#), 26 January 2022. Paras 7.24-7.25

⁵⁰ PQ 183222 [[On Driverless Vehicles](#)], answered 9 May 2023

⁵¹ [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 3](#)

⁵² [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 46;](#)

[Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 47](#)

⁵³ [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 7](#)

⁵⁴ [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 12](#)

- **Licensed NUiC operator:** entity with general responsibility for solving problems arising during an NUiC journey as well as maintenance, insurance and general responsibility for safe operations.⁵⁵

The Government has said that a NUiC operator would be “comparable to a fleet operator; responsible for overseeing the vehicle and responding to incidents such as breakdowns... [But] the Authorised self-driving entity (ASDE) retains responsibility for how the vehicle drives.”⁵⁶

- **Authorised self-driving entity (ASDE):** an entity responsible for the way the vehicle drives and for meeting other regulatory obligations.⁵⁷

The Government has said an ASDE would likely be a “corporate entity such as the manufacturer or software developer, who will assume responsibility for how the vehicle drives when the self-driving feature is activated.”⁵⁸

- **Traffic infraction:** an action (or inaction) caused by an AV in self-drive mode which, if it had been conducted by a human driver, would make the human driver liable for a criminal offence or civil penalty.⁵⁹

2.4

Delegated powers

In November 2023 in advance of second reading in the Lords, the Government published policy scoping notes to accompany the Bill, which were updated in February 2024. These set out how the Government intends to exercise the 35 delegated powers in the Bill.

The notes accept that this is a “large number” of such powers, but argue they are necessary to legislate for a fast-moving and highly technical industry. The notes suggest when consultations might begin, and when various statutory instruments may be laid.⁶⁰

For most of the delegated powers, the scoping notes say that the Government aims to consult on regulations in 2024-25 and then lay them before Parliament in 2025-26.

⁵⁵ [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 44](#)

⁵⁶ [HL Deb 28 November 2023 c1031](#)

⁵⁷ [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 6](#)

⁵⁸ [HL Deb 28 November 2023 c1031](#)

⁵⁹ [Automated Vehicles Bill \[HL\] 2023-24 Bill 167 \(as brought from the House of Lords\) \[PDF\], clause 44\(2\)](#)

⁶⁰ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes](#), Updated 16 February 2024

For some of the delegated powers the scoping notes provide more specific detail and timeframes. They say that:

- regulations on marketing offences (under clause 78) are likely to be the first provisions of the Bill to be brought into effect. The Government intends to consult on regulations made following Royal Assent in order to lay the instrument in 2024 to 2025.⁶¹
- work on digitalising Traffic Regulation Orders (TROs) in England (under clause 93) is well underway and the Government hopes to consult formally on regulations following Royal Assent. The aim is to lay a statutory instrument in early 2025 and to allow a transition period for local authorities to comply with the regulations before it becomes mandatory to submit TRO data towards the end of 2025 or early 2026.⁶²
- there are no current plans to use the regulation-making power in clause 50, which would amend existing legislation, if necessary, regarding user-in-charge immunity from prosecution. Any future proposals to amend existing primary legislation will be subject to consultation before being laid in Parliament (and or the Scottish/Welsh parliaments too, if applicable).⁶³
- regulations to specify the functions of statutory inspectors (under clauses 60, 63 68, 69, 70 72, and 75) will be informed by the appointment of a small number of inspectors to AV trials. This will enable the Government “to finalise standard operating procedures and policies that will inform the detail of secondary legislation, ahead of the initial deployment of automated vehicles.”⁶⁴ The Government intends to consult on regulations in 2024-25 and then lay them before Parliament in 2025-26.⁶⁵

⁶¹ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes: Part 4: Marketing restrictions](#), Updated 16 February 2024

⁶² Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes: Clause 93: Providing information about Traffic Regulation Orders](#), Updated 16 February 2024

⁶³ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes: Part 2: Criminal liability for vehicle use](#), Updated 16 February 2024

⁶⁴ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes: Part 3: Policing and investigation](#), Updated 16 February 2024

⁶⁵ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes: Part 3: Policing and investigation](#), Updated 16 February 2024

The DPRRC drew attention to three of these delegated powers and suggested the Government consider changing them.⁶⁶ The Government agreed to one such suggestion and amended clause 36 at report stage (see section 4.5).⁶⁷

2.5

Part 1: Establishing a regulatory scheme for automated vehicles

Chapter 1: Authorisation

Chapter 1 would establish a “self-driving test” and make provision for the Government to classify a vehicle with features that met that test as an “authorised AV”.

Clause 1 states a vehicle would satisfy the self-driving test if it had at least one feature that would allow it to travel autonomously. “Autonomously” is defined as being controlled by the vehicle, not a person, with no one required to be monitoring the vehicle or surroundings with a view to intervening if necessary.

The assessment of whether the vehicle meets the test would have to take into account the place and circumstances of the intended use of the self-driving feature, for example, on motorways only. To travel autonomously a vehicle would be required to do so “safely” (to an acceptable safety standard) and “legally” (with an acceptably low risk of committing a traffic infraction).

Clause 2 would require the Secretary of State to lay a “statement of safety principles” before Parliament, having consulted with relevant AV manufacturers and road user/safety groups first. This statement would set out the principles the Government would apply in assessing whether a vehicle met the self-driving test by travelling safely and legally.

The principles:

must be framed with a view to securing that—

(a) authorised AVs 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 AVs on roads than it would otherwise be.

⁶⁶ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023, p3

⁶⁷ Delegated Powers and Regulatory Reform Committee, [9th Report of Session 2023-24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 58, 2 February 2024

The process for laying the statement would follow the affirmative procedure for statutory instruments.⁶⁸

Government amendments to clause 2 were tabled at report stage in the Lords, meaning that the line marked “(a)” was added to the above text, that the procedure for laying the statement was changed from the negative procedure, and that certain groups would need to be consulted before a statement was laid (see section 4.3).⁶⁹

Clause 3 would enable the Government to authorise a vehicle as an automated vehicle if it met the self-driving test and other authorisation requirements were met. Under **clause 4**, this authorisation would have to specify whether the feature was UiC or NUiC, how it was engaged and disengaged and where and in what conditions it could be used.

Clause 5 would allow the Secretary of State to lay regulations to define authorisation requirements. The Government has said it intends to work with stakeholders to further develop its plans on authorisation. Following this, the Government’s intention is to consult on the authorisation regulations during 2024-25 and lay them in 2025-26.⁷⁰

Clause 6 would require the Government to create a requirement for each automated vehicle to have a designated “authorised self-driving entity” (ASDE). The ASDE would be responsible for ensuring that an authorised AV continued to satisfy the self-driving test. It would also have to be of “good repute” and good financial standing.

Clause 7 concerns “transition demands”, in which a vehicle requires a UiC to take over control of the vehicle. The Secretary of State would be able to require that in order to be authorised a UiC feature must be able to issue a transition demand.

These authorisation requirements would need to be designed to secure, as far as possible, that:

- the transition demand would be perceived by anyone who might be a UiC of the vehicle (having particular regard to UiCs with disabilities)
- the transition period would be long enough for the UiC to assume control of the vehicle
- the vehicle would continue to travel autonomously and safely during the transition period
- the vehicle would tell the UiC when the transition period had ended

⁶⁸ See more info at UK Parliament Glossary, [Affirmative procedure](#), [Accessed 23 February 2024]

⁶⁹ [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Davies of Gower's amendment 6](#); [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Davies of Gower's amendment 7](#)

⁷⁰ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes](#), Updated 16 February 2024

- the vehicle would “deal safely” with a situation in which the UiC failed to assume control by the end of the transition period.

Clause 8 sets out the conditions under which the Secretary of State could vary, suspend or withdraw an automated vehicle authorisation. For example, an authorisation might be varied to amend the geographical areas in which a self-driving feature could be used, or it could be suspended during the investigation of an accident involving AVs.⁷¹

Clause 11 would enable the Secretary of State to make regulations about the procedure for granting automated vehicle authorisations and varying, suspending or withdrawing authorisations with the agreement of the ASDE.

Chapter 2: Licensing of operators for vehicle use with NUiC

Clause 12 would give the Secretary of State power to make regulations to make provision for licensing NUiC operators. A licensed NUiC operator would have general responsibility for the detection of and response to problems arising during an NUiC journey. An NUiC operator would have to be of good repute and good financial standing.

Clause 13 states that the regulations could also make provision about changing or withdrawing licenses; fees; and other matters.

Chapter 3: Provision of information by regulated bodies

Clause 14 provides that authorisation requirements could include requirements for the ASDE to collect and share information. Operator licensing regulations could also impose requirements in this area. Under clause 15, the Government could require both ASDEs and licensed NUiC operators (the regulated bodies) to nominate an individual to be responsible for providing the Government with information.

Clause 22 concerns the purposes for which the Government could use information gathered under these powers. These include the investigative purposes in clause 16 and arrangements established by clause 38 concerning monitoring and assessing the general performance of automated vehicles. It also sets out terms under which the information could be used, including exclusions for certain criminal proceedings.

Clause 16 states that investigative purposes could be either domestic or international. Domestic purposes would include:

- assessing whether a regulatory requirement was being met

⁷¹ [Explanatory Notes \[PDF\], Para 112](#)

- investigating whether, how or why a vehicle committed a traffic infraction assessing whether an authorised AV continued to satisfy the self-driving test
- investigating offences under clause 24 or a suspected offence relating to clause 25, 26 or 27

International purposes would be to share information with an overseas authority to help them regulate automated vehicles.

Clause 20 would create offences relating to information or interview notices. A regulated body would commit an offence for failing to provide information, providing false or misleading information or failing to comply with an information or interview notice. A person would commit an offence if they were the subject of an interview notice and they failed to attend or answer a question, or answered a question with false or misleading information “knowing it to be so or being reckless as to whether it is”.

A person committing an offence under this clause would be liable:

- 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);
- on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

These maximum sentences would be identical to those for offences under clauses 24, 30 and 66 which also relate to failing to provide information when required.

Clause 24 would make it an offence for a regulated body, or one seeking to become one, to provide the Government with false or misleading information about a relevant vehicle or their role as a regulated body or proposed regulated body.

This would apply if the information was false or misleading in a way that was relevant to the safety of its automated vehicle operations. It would also be an offence for the person to prevent relevant information being disclosed. Maximum sentences would be identical to those in clause 20, which also relates to failing to provide information when required.

Clause 25 would create an aggravated offence if death or serious injury occurred. This clause would be relevant if a person had committed an offence under clause 24 and death, serious injury or a dangerous incident occurred involving a relevant automated feature.

If the information the person had withheld would have disclosed a heightened risk that a vehicle in which that feature was engaged would cause a

dangerous incident, the person would be liable for an aggravated offence. A person who committed an aggravated offence would be liable to imprisonment for a maximum term of 14 years or a fine (or both).

Clause 26 and clause 27 establish that if a regulated body or a prospective regulated body committed an offence under clauses 20 or 24 a nominated individual or senior manager would have also committed the offence.

Chapter 4: Power to investigate premises used by regulated bodies

Clause 28 provides that a magistrate could grant a warrant to the Secretary of State for any of the purposes in clause 29 if certain conditions were met, or if the need for information was too urgent to go through the information or interview notice procedure.

The powers exercisable under the warrant are described in **clause 29**. These include searching premises used by regulated bodies, seizing documents and equipment, and requiring people on the premises to provide information.

Clause 30 would create an offence of impeding execution of a warrant. A person would commit an offence if they intentionally obstructed a person exercising powers set out in clause 29, failed to comply with a requirement made under those powers or made a false or misleading statement in response to such a requirement. Maximum sentences would be identical to those in clause 20, which also relates to failing to provide information when required.

Clause 31 relates to items seized under warrant, and says the Secretary of State may, by regulations, make further provision about seizure.

Chapter 5: Civil sanctions

Clause 34 would allow the Secretary of State to issue a compliance notice to a regulated body if it had not met a regulatory requirement. The Secretary of State could also issue a compliance notice to an ASDE if an authorised AV it was responsible for had committed a traffic infraction; however, this would not apply if the infraction was caused by a failure of a licensed NUI operator to comply with a requirement under regulations.

A compliance notice could require the regulated body to take actions to comply with a regulatory requirement, or an ASDE to take actions to ensure similar traffic infractions were not committed in the future.

Clause 35 would provide for the Government to issue redress notices to regulated bodies if they had not met a regulatory requirement and as a result road users in Great Britain had “suffered loss, damage, inconvenience or annoyance”.

As in the case of compliance notices, the Secretary of State could also issue a redress notice to an ASDE if an authorised AV it was responsible for committed a traffic infraction, but not if this was because of a failure of an NUIC operator to comply with a requirement under regulations.

A redress notice would require the recipient to take actions specified by the Secretary of State to rectify, mitigate or compensate for the loss, damage, inconvenience or annoyance caused.

Clause 36 sets out the fines that would apply if:

- a regulated body had not met a regulatory requirement
- a regulated body had not complied with an information, interview, compliance or redress notice.
- a vehicle an ASDE was responsible for committed a traffic infraction (subject to the exception above).

The Secretary of State would be obliged to make regulations setting out a maximum amount for the penalty and for additional sums to be added between the issuing of a penalty notice and the failure being rectified.

Clause 36 was amended by the Government at report stage so that regulations issued under it will be subject to the affirmative, rather than the negative, procedure.⁷² This followed comments by the DPRRC who said that it could be inappropriate for the maximum amounts payable by way of civil penalties to be changeable by regulations made by the negative procedure.⁷³

Chapter 6: Other regulatory powers and duties

Clause 38 would require the Secretary of State to put arrangements in place to monitor and assess the general performance of authorised AVs. These arrangements would have to include monitoring and assessing the extent to which that performance was consistent with the statement of safety principles. The Secretary of State would have to periodically publish a report on the conclusions of this assessment.

Clause 39 would require the Secretary of State to put measures in place to identify and examine the causes of “relevant incidents”. These are incidents that occur on roads or in public places, involve an authorised AV and could give rise to the use of enforcement powers in clause 8 and chapter 5.

Clause 40 would give the Secretary of State power to make regulations to require certain authorities to report incidents in their area to them. These

⁷² [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Liddle's amendment 33](#)

⁷³ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023, p3

authorities include chief officers of police, strategic highways companies, Scottish ministers, local authorities and Transport for London.

Chapter 7: Supplementary provision

Clause 42 allows the Secretary of State to issue regulations setting out how information they have obtained can be shared with other parties.

Schedule 1 concerns the procedure for enforcement action under part 1 of the Bill.

Schedule 2 sets out amendments to existing legislation under part 1.

2.6

Part 2: Criminal liability for vehicle use

Chapter 1: Legal position of user-in-charge

Clause 46 defines a ‘user in charge’ or ‘UIC’. This is an individual in a position to drive the vehicle, but not doing so because a UiC feature is engaged.

Clause 47 specifies that a UiC would not commit an offence relating to the way the vehicle was driven if the individual was the UIC at the time the offence was committed. The driver would also not commit an offence if the vehicle handed back control to them in a situation where careful and competent driving could not have avoided an offence being committed. Subsection (4) states that the way in which a vehicle is driven includes, for example, the use of signals and lighting but does not include the condition or qualifications of the driver.

Clause 48 states that the immunity set out in Clause 47 would not apply if the offence took place after the end of a transition period. However, the driver would not be liable if the offence resulted from the vehicle doing something that did comply with its authorisation requirements.

Other exceptions to immunity concern the following areas:

- parking offences or offences where the vehicle has stopped and the driver has left
- tolls and road charges
- the UiC feature being engaged in conditions in which it is not authorised to be engaged if this is a result of the driver interfering with the vehicle

Clause 49 states that for the purposes of other laws the UIC would be treated as the driver of a vehicle.

Clause 50 would give the Secretary of State the power to make regulations about how a relevant act would apply to a UIC. This is a ‘Henry VIII’ power and

was highlighted by the DPRRC as such. The Committee suggested the Government consider changing aspects of this clause, which the Government declined to do (See section 4.5 for more information).⁷⁴

Chapter 2: Offences

Clause 53 would insert two new sections into the Road Traffic Act 1988. New section 34B would create a new offence of using a vehicle without a person in control or licensed oversight.

New section 34C would create an aggravated offence if the person committed an offence under 34B and this caused death or serious injury of another person. This is designed to ensure NuiC technology would only be used if it had been authorised and was being overseen by a licensed operator, and a UiC feature would not be engaged if the UiC was no longer able to control the vehicle, for example by moving into a different seat.

Clause 54 would insert further sections into the 1988 Act. These would ensure the immunity provided for in clause 47 would apply to offences in that Act relating to dangerous driving, careless and inconsiderate driving, and driving without a license. They would also create new offences relating to using authorised Avs in a dangerous state.

A further new section inserted by clause 54 would provide that if a person committed an offence under the 1988 Act that caused an authorised AV to commit a traffic infraction that killed or seriously injured someone, this would be an offence. This would not apply to Scotland because Scots law already covers this scenario.

Schedule 3 sets out amendments to existing legislation relating to clauses 53 and 54.

2.7

Part 3: Policing and investigation

Chapter 1: Stopping and seizure

Clause 57 would provide that a person (such as a police officer) with the power to require a vehicle to stop under existing law would also be able to direct an automated vehicle to stop by communicating with the equipment of the vehicle. If the vehicle did not stop it would commit a traffic infraction.

⁷⁴ UK Parliament Glossary, [Henry VIII clauses](#), [Accessed 23 February 2024], Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023, p5

Clause 58 concerns seizure and detention of a vehicle. This states that an authorised officer could seize and detain a vehicle if they reasonably suspected that:

- the vehicle had or was about to commit an offence relating to there being no UiC or licensed NUiC operator
- the vehicle had or was about to commit a traffic infraction
- there was no one in the vehicle who could drive it in situations where it should not drive itself

In addition, the authorised officer would have to believe seizing and detaining the vehicle was necessary to prevent an offence or traffic infraction from happening, prevent danger or inconvenience to the public, or to identify who was responsible for the vehicle. The power to seize and detain a vehicle could not be used until the Secretary of State had made regulations stating what would happen to the vehicle after it had been seized and these were in force.

Chapter 2: Investigation of incidents by statutory inspectors

Clause 60 would require the Secretary of State to appoint one or multiple inspectors of automated vehicle incidents. It would also give the Secretary of State power to make regulations about how the inspector would operate.

Clause 61 states that the inspector would not establish blame or liability for a particular incident. The main purpose of the inspector would be to identify, improve understanding and reduce the risks of harm arising from the use of authorised AVs.

Clause 62 would give the inspector power to carry out an investigation into what caused a relevant incident. Relevant incidents would be those involving an automated vehicle in Great Britain that had caused or had the potential to cause damage to a person or property. Relevant incidents would be of a kind specified in regulations by the Secretary of State.

Clause 63 would give the inspector power to require a person to provide them with information or not to interfere with anything the inspector required.

Clause 64 would give the inspector power to enter and search premises, and seize property as they saw fit.

Clause 65 would give the inspector power to direct people driving a vehicle or riding an animal on a road to stop or proceed in a certain way.

Clause 66 would make it an offence for someone to obstruct an inspector, to fail to comply with their requirements, or to make a false or misleading statement in response to a requirement. Maximum sentences would be identical to those in clause 20 which also which also relates to failing to provide information when required.

Clause 67 would enable an inspector to exercise their powers in relation to a constable, subject to any regulations made under this clause.

Clause 68 would require an inspector to report their findings to the Secretary of State. It would also give the Secretary of State power to make regulations about these reports, including their form, timeliness and admissibility in judicial proceedings.

Clause 69 would give the Secretary of State powers to make regulations requiring or permitting an inspector to appoint a person to conduct or participate in an investigation.

Clauses 70 to 72 would give the Secretary of State additional powers to make regulations concerning requirements to provide inspectors with information or property and for a chief officer of police to report certain incidents to an inspector.

They would also allow the Secretary of State to make regulations requiring an inspector to publish information about the safety of authorised AVs and to support other relevant bodies, such as inspectors of other types of incidents.

Clauses 73 to 77 would make supplementary provision about:

- protection of information
- physical evidence
- expenses
- offences (whether triable summarily or on indictment)
- interpretation

Schedule 4 sets out amendments to the Road traffic Regulation Act 1984 regarding punishment for offences under clause 66(3) (impeding the work of an inspector).

2.8

Part 4: Marketing restrictions

Clause 78 would permit the Secretary of State to impose restrictions on how authorised AVs were marketed. Under this clause, the Secretary of State would be able to make regulations specifying words, expressions, symbols or marks that could only be used to market authorised AVs. It would create an offence of using one of these restricted terms to promote a vehicle unless it was an authorised AV.

Clause 79 would create an offence of marketing a vehicle to confuse the end-user about whether a vehicle that was not an authorised AV could drive autonomously. The explanatory notes highlight that this offence is wider than

that which would be created by clause 78 because it is not limited to the use of specific terms, symbols or use of words, but rather takes account of the overall presentation of a communication and its impact on end-users.⁷⁵

A person committing an offence under either of these clauses would be liable:

- 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);
- on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

Clause 80 would extend liability for offences created by clauses 78 and 79 to a “responsible person”, such as a senior manager, if it had been committed with their “consent or connivance” or was attributable to their neglect. This would include if the offence was committed by a foreign firm.

Schedule 5 concerns the enforcement of clauses 78 and 79.

2.9

Part 5: Permits for automated passenger services

Clause 82 concerns automated passenger services, and trials of such services. It would allow an appropriate national authority (the Secretary of State in England or the relevant minister in Scotland or Wales) to grant a permit that would disapply existing taxi, bus and private hire vehicle legislation.

Clause 83 sets out which taxi, bus and private hire legislation could be disapplied. The explanatory notes highlight this provision was recommended by the law commissions to provide operators with security given the uncertainty about how existing legislation might apply in the absence of a driver.⁷⁶

Clause 84 states what would happen if an operator committed an infringement of its permit conditions. As well as not following its permit conditions (by, for example, over-charging passengers), an infringement would also occur if the service provider led passengers to believe it was operating within its permit conditions when it was not. This would include, for example, operating the service outside the permit area but leading

⁷⁵ [Explanatory Notes \[PDF\], Para 330](#)

⁷⁶ [Explanatory Notes \[PDF\], Para 341](#)

passengers to believe it was operating within that area. **Schedule 6** provides for civil sanctions for such infringements.

Clause 85 states that if an automated passenger service resembled a taxi or private hire vehicle, the appropriate national authority would have to obtain the consent of the relevant taxi local licensing authority in order to grant the permit.

Clause 86 states that if an automated passenger service resembled a local bus service and a bus franchising scheme existed in the proposed area of operation, the appropriate national authority could only grant a permit with the consent of the relevant bus franchising body.

Clause 87 would impose further requirements on appropriate national authorities before they could grant permits under this part. This would include consulting traffic authorities and emergency services, and considering the extent to which the permit would “lead to an improvement in the understanding of how automated passenger services should best be designed for, and provided to, older or disabled passengers”.

Permit holders would be required to publish reports about their service, including what steps they were taking to meet the needs of older or disabled passengers and to safeguard passengers more generally.

Clause 88 allows the appropriate national authority to make regulations which may require permit holders to share information externally in certain specified circumstances. The scoping notes say this could be sharing of information with highway authorities to inform traffic management and infrastructure planning, or with emergency services and enforcement officers to aid their interaction with permitted automated passenger vehicles.⁷⁷

Clause 89 allows the appropriate national authority to make regulations, about the procedure for issuing, renewing, revoking or suspending permits.

Schedule 6 provides information how civil sanctions for infringing the passenger permit scheme, including fines, would be issued by an appropriate national authority.

2.10

Part 6: Adaptation of existing regimes

Clause 91 concerns type approval requirements. These are specified performance standards that must be met for production samples of a type of vehicle, vehicle system, component or separate technical unit to be approved for sale. This clause would allow the Secretary of State to issue new

⁷⁷ Centre for Connected and Autonomous Vehicles & Department for Transport Policy paper, [Automated Vehicles Bill: policy scoping notes](#), Updated 16 February 2024

regulations (under the negative procedure) to amend type approval legislation to make it more suitable for AVs, if it is deemed necessary.⁷⁸

The Lords DPRRC drew Lords members' attention to this clause and suggested the Government change it, which was refused (See Section 4.5 of this briefing).⁷⁹

Clause 92 would amend the Road Traffic Act 1988 to extend the existing powers of vehicle examiners at the Driver Vehicle Standards Agency (DVSA), who already have powers to conduct roadside inspections of conventional passenger and goods vehicles, to inspect authorised AVs as well as.

Clause 93 would enable the Secretary of State to make regulations requiring a traffic regulation authority (usually unitary or county councils) to provide information in digital form about a relevant traffic regulation measure, such as bus lanes, speed limits or temporary road closures. The intention behind this clause is that the information would be provided in a digital format to a central publication platform. It would also be open data for use by AVs and other systems used by vehicles.

2.11

Part 7: General provision

This part deals with general matters such as application, extent and the making of regulations.

⁷⁸ UK Parliament Glossary, [Negative procedure](#), [Accessed 23 February 2024]

⁷⁹ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023, p6

3 Reaction to the Bill

In October 2023, before the Bill was announced, the Society of Motor Manufacturers and Traders (SMMT), which represents the UK motor industry, said legislation on autonomous vehicles was “urgently” needed in the current parliament. The SMMT Chief Executive Mike Hawes said that failing to do so would risk “leaving the UK in the slow lane, jeopardising our competitiveness and impeding growth and job creation.”⁸⁰

On 24 November, following the Bill’s presentation to Parliament, the Chair of the Transport Committee, Iain Stewart MP (Conservative) welcomed it, saying it was something the industry had been waiting for:

Britain’s cutting edge self-driving vehicles sector was crying out for new legislation, so we applaud the Government for staying ahead of our international competitors and bringing forward the Automated Vehicles Bill so that this British success story stays on track.⁸¹

Car Magazine said that one of the main reasons that industry had not rolled out AV technology with more enthusiasm already was because “lawmakers haven’t created a good enough set of rules for accountability when it all goes wrong”. The article quoted Tara Foley, the UK operations chief at insurance company AXA, who said that “For insurers, [the Bill] also provides crucial clarity for establishing liability for self driving.”⁸²

Ben Gardner, a solicitor at the law firm Pinsent Masons also welcomed the Bill, noting that it built on the Law Commissions’ prior work, and that industry could help shape future regulations the Bill would enable:

UK road traffic laws have developed over centuries and will require significant unpicking to provide for technology which did not exist when they were drafted. The Law Commissions have done much of the heavy lifting here so the government will not have a standing start. Helpfully, there is also a rich ecosystem of businesses already operating in this space in the UK which are ready to educate, inform and shape what these ground breaking future regulations will look like.⁸³

Ben Gardner also warned that a “chicken and egg” situation could develop, where the insurance industry would need lots of real-world data to calculate

⁸⁰ SMMT press release, [Connected and automated mobility revolution set to deliver £66 billion prize by 2040](#), 31 October 2023

⁸¹ Transport Committee press release, [Self-driving vehicles: MPs welcome new Bill but say safety ambition is ‘too weak’](#), 24 November 2023

⁸² Car Magazine, [The UK’s Automated Vehicles Bill: what you need to know](#), 7 November 2023

⁸³ Pinsent Masons, [UK to move ahead with Automated Vehicles Bill](#), 8 November 2023

AV insurance premiums, but insurance would be required in order for real-world driving to take place in the first place.

4 Consideration in the Lords

The Bill was first introduced in the Lords where it progressed as follows:

- First reading on 8 November 2023
- Second reading on 28 November 2023
- Committee stage on 10 and 15 January 2024
- Report stage on 6 February 2024
- Third reading on 19 February 2024

4.1 Second Reading

Cross-party support

The Bill had its second reading in the Lords on 28 November 2023, where all those who spoke welcomed it, although many had reservations either about the Bill itself or about the risks of the transition to AVs more generally.⁸⁴ Both the Labour spokesperson Lord Tunnicliffe and the Liberal Democrat spokesperson Baroness Randerson welcomed the Bill.⁸⁵

Lord Tunnicliffe said the Bill was “bare-bones” and did not address the need to build public confidence in AV technology, especially during a transition period when some cars are automated and others are not. He also said that the Bill offered no protection for the jobs that could be lost during the transition to automation and engagement with trade unions was required.⁸⁶

Baroness Randerson said that, because it was based on the work of the Law Commissions, the Bill had “firm legal foundations” but was also complex, technical and created a new lexicon “which is hardly consumer friendly”. Therefore the Government needed to ensure that the public understood the legal points it raised, especially regarding insurance.⁸⁷

⁸⁴ [HL Deb 28 November 2023](#)

⁸⁵ [HL Deb 28 November 2023 c1033](#); [HL Deb 28 November 2023 c1064](#)

⁸⁶ [HL Deb 28 November 2023 c1033](#)

⁸⁷ [HL Deb 28 November 2023 c1065](#)

Northern Ireland

Some members asked how Northern Ireland would be affected by the Bill.

Responding for the Government, Lord Davies, Parliamentary Under-Secretary at the DfT said that core provisions of the Bill do not extend to Northern Ireland, in line with the Road Traffic Act 1988, which extends to Great Britain only. Therefore “authorisation for use of self-driving does not extend to Northern Ireland, and in the absence of specific rules on use there ...[an automated] vehicle would be treated as conventional and the driver would be liable for its behaviour.”⁸⁸

Data protection

Baroness Brinton (Lib Dem) asked whether data collected from AV trials would be ring-fenced specifically for transport purposes, or shared with other departments or shared/sold to third party organisations.⁸⁹ If it were shared externally, she asked if it would be anonymised. Baroness Randerson shared such concerns about data protection.⁹⁰

The Minister, Lord Davies, said that manufacturers and Government would have to respect existing data protection law. He said that the Bill does allow for data to be shared outside of Government, through secondary legislation which would be subject to consultation and consideration in Parliament.⁹¹

Disability

Some members of the Lords expressed concerns that AVs might not be accessible to disabled people. Baroness Brinton said that, by disapplying existing taxi, private hire and bus legislation for passenger AV trial under clause 83, accessibility protections (in that legislation) may also not apply.⁹² Lord Davies said that the provisions of clause 87 said that permits for any passenger AV trials “could be granted only with a view to improving the understanding of how these services can be provided and designed for older and disabled passengers.”⁹³

On 5 December Lord Davies published a series of [‘will write’ letters](#) addressing certain some of the issues raised at second reading.⁹⁴

⁸⁸ [HL Deb 28 November 2023 c1071](#)

⁸⁹ [HL Deb 28 November 2023 c1048](#)

⁹⁰ [HL Deb 28 November 2023 c1066](#)

⁹¹ [HL Deb 28 November 2023 c1072](#)

⁹² [HL Deb 28 November 2023 c1048](#)

⁹³ [HL Deb 28 November 2023 c1070](#)

⁹⁴ [Automated Vehicles Bill \[HL\] 2023-24, publications](#)

4.2 Committee stage

Committee stage in the Lords was held in three sittings on 10 and 15 January 2024, in committee of the whole house. At the end of these stages the Bill was reported without amendment.⁹⁵

79 opposition amendments were tabled beforehand but all were either withdrawn or not moved during the committee debates.⁹⁶

Many amendments and much of the committee debate was focussed on strengthening the “statement of safety principles” in clause 2 of the Bill, and making it more ambitious.⁹⁷

Amendment 12, tabled by Lord Tunnicliffe (Labour), would have made the laying of this safety statement subject to the affirmative procedure, rather than the negative procedure as envisaged by the Bill. The Minister said the negative procedure was more appropriate and in line with existing process for making changes to the Highway Code.⁹⁸

4.3 Report stage

Report stage took place on 6 February 2024. 36 amendments were tabled in total. Of these, the Government tabled seven amendments, all of which were agreed to. One opposition amendment went to a division but was defeated. The others were all withdrawn or not moved.⁹⁹

Government amendments

Amendment 3 expands the ambition of the “statement of safety principles” set out in clause 2(a) by adding the line marked (a) to the following text:

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.¹⁰⁰

⁹⁵ [Automated Vehicles Bill \[HL\] 2023-24, Committee stage - Minutes of proceedings, 15 January 2024 Part 2](#)

⁹⁶ [Automated Vehicles Bill \[HL\] 2023-24, Committee stage, amendments](#)

⁹⁷ [HL Deb 10 January 2024 c59](#); [HL Deb 10 January 2024 c61](#)

⁹⁸ [HL Deb 10 January 2024 c64](#)

⁹⁹ [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, amendments](#)

¹⁰⁰ [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Davies of Gower's amendment 3](#)

Amendment 6 clarifies that the following groups must be consulted before the statement of safety principles were laid:

- (a) the interests of businesses involved, or likely to be involved, in the manufacture or operation of mechanically propelled road vehicles designed to travel autonomously,
- (b) the interests of road users, and
- (c) the cause of road safety¹⁰¹

Government amendment 7 changes the parliamentary procedure for the laying of “statement of safety principles” from a negative to an affirmative procedure.¹⁰²

Amendment 33 changes the parliamentary procedure for secondary legislation relating to fines for offences under clause 36. This means that the regulations setting maximum fines (for traffic infractions, or non-co-operation with a Government request for information) issued to regulated bodies like ASDEs, NUIc operators, and companies with passenger service permits, would be subject to the affirmative procedure.¹⁰³

Defeated Opposition amendment

Amendment 28, tabled by Lord Liddle (Labour) would have created an advisory council, made up of road user groups, disability groups, trade unions, AV manufacturers, police and local authorities. The advisory group would have met regularly, received reports from the DfT, and advised parliament on the implementation of the Bill, and the wider roll-out of self-driving vehicles.¹⁰⁴

The amendment went to a division and was defeated 204 votes to 200 along party lines.¹⁰⁵

In the debate, the Minister Lord Davies said the advisory council would be undesirable because it would require “extensive co-ordination, expert input and supporting staff, which would create unnecessary bureaucracy and carry additional administrative costs.” He also said that it would be unnecessary because parliament and the statutory inspectors would perform similar functions and both could consult whomever they want.¹⁰⁶

¹⁰¹ [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Davies of Gower's amendment 6](#)

¹⁰² [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Davies of Gower's amendment 7; UK Parliament glossary, Affirmative procedure](#)

¹⁰³ [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Liddle's amendment 33](#)

¹⁰⁴ [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, Lord Liddle's amendment 28](#)

¹⁰⁵ [Automated Vehicles Bill \[HL\] 2023-24, Report Stage, division on amendment 28](#)

¹⁰⁶ [HL Deb 6 February 2024 c1574](#)

4.4

Third reading

Third reading in the Lords took place on 19 February. The Bill was passed and sent to the Commons.¹⁰⁷ No amendments were tabled at third reading and there were only short speeches made.

Lord Tunnicliffe and Baroness Randerson both said they were glad that the Government had amended the “statement of safety principles” at report stage.¹⁰⁸

Baroness Randerson said it was a “great pity” that Lord Liddle’s amendment to create an advisory council at report stage failed. Such a council could have ensured that, among other things, disabled access – both to the physical space of AVs as well as the software that drives them – could be assured.¹⁰⁹

Several members said that more bills will be needed on this topic in the future.¹¹⁰

4.5

Delegated Powers and Regulatory Reform Committee report

The Delegated Powers and Regulatory Reform Committee (DPRRC) considered the Bill and published a report on it on 8 December 2023. It expressed concerns about delated powers in three clauses:

- Clause 36(9) and paragraph 2(7) of Schedule 6: powers to determine maximum civil monetary penalties
- Clause 50: power to change or clarify existing traffic legislation
- Clause 91: power to amend type approval legislation¹¹¹

The Government responded to the DPRRC report and also published a delegated powers memorandum on 9 November 2023 which set out its justification for the delegation of powers under the Bill.¹¹² A supplementary

¹⁰⁷ [Automated Vehicles Bill \[HL\] 2023-24, Third Reading - Minutes of proceedings, 19 February 2024](#)

¹⁰⁸ [HL Deb 19 February 2024 c379](#); [HL Deb 19 February 2024 c380](#)

¹⁰⁹ [HL Deb 19 February 2024 c379](#)

¹¹⁰ [HL Deb 19 February 2024 c380](#); [HL Deb 19 February 2024 c379](#)

¹¹¹ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023

¹¹² Delegated Powers and Regulatory Reform Committee, [9th Report of Session 2023-24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 58, 2 February 2024; Delegated Powers and Regulatory Reform Committee, [6th Report of Session 2023-24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 40, 11 January 2024; [Automated Vehicles Bill: Delegated Powers Memorandum \[PDF\]](#), 9 November 2023

memorandum was published on 31 January 2024 to reflect amendments made to the Bill at report stage.¹¹³

Clause 36(9): Powers to determine maximum civil monetary penalties

The DPRRC said that it could be inappropriate for the maximum amounts payable by way of civil penalties to be changeable by regulations made by the negative procedure.¹¹⁴

The Government ultimately agreed and subsequently amended this clause at report stage, changing the procedure for making regulations related to such penalties to the affirmative procedure (See section 4.3 above). They wrote to the Committee confirming this change on 2 February 2024.¹¹⁵

Clause 50: power to change or clarify existing traffic legislation

The DPRRC said Clause 50 is a Henry VIII power.¹¹⁶ This clause would allow the Secretary of State to make regulations “for the purpose of changing or clarifying whether, how or in what circumstances” any primary or secondary legislation that “relates to the driving or use of a vehicle” applies to the user-in-charge of a vehicle. If it was used to amend primary legislation, the affirmative procedure would apply. If it was used to amend any other legislation, the negative procedure would apply.¹¹⁷

The DPRRC said the Government should identify all legislation that could theoretically be amended by such regulations, and to explain why all amendments to such legislation should be subject only to the negative procedure, and not the same level of scrutiny that the original legislation may have received.¹¹⁸

The Government resisted this suggestion. In its response to the DPRCC on 11 January 2024 it said, firstly, that it was not possible nor practical to identify all the legislation that may need to be amended by this power on the face of the Bill, in the time available.¹¹⁹

¹¹³ [Automated Vehicles Bill: Supplementary Delegated Powers Memorandum \[PDF\]](#), 31 January 2024

¹¹⁴ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023, p3

¹¹⁵ Delegated Powers and Regulatory Reform Committee, [9th Report of Session 2023-24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 58, 2 February 2024

¹¹⁶ UK Parliament Glossary, [Henry VIII clauses](#), [Accessed 23 February 2024]

¹¹⁷ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023, p5

¹¹⁸ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023-24 \[PDF\]](#), HL Paper 26, 8 December 2023, p5

¹¹⁹ Delegated Powers and Regulatory Reform Committee, [6th Report of Session 2023-24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 40, 11 January 2024, p3

Secondly it argued that the “clause 50 power is intended to serve as a straightforward route to changing and/ or clarifying how existing offences apply to a user-in-charge, where necessary” and that it was appropriate for regulations under Clause 50 to be subject to the negative procedure where the legislation being amended is not primary legislation.¹²⁰

Moreover the Government said that it was unlikely that any changes made by clause 50 would be very major:

The applicability of a piece of legislation to users-in-charge is a matter of very confined interest and is unlikely to raise issues of such importance as to necessitate the same degree of scrutiny as the creation of that legislation in the first place.¹²¹

Clause 91: Power to amend type approval legislation

Clause 91 would allow the Secretary of State to issue new regulations to amend type approval legislation to make it more suitable for AVs, if it is deemed necessary.

The DPRRC said that the legislation that could be amended under this power is “unusual because, despite not being primary legislation, it includes provisions that create criminal offences and set maximum penalties for those offences. The reasons for this are historical and relate to the UK’s former membership of the European Union.”¹²²

The DPRRC considered that being able to change criminal offences and maximum penalties through the negative procedure could be inappropriate.¹²³

The Government again resisted changing the Bill. In its response to the DPRRC it said that there was “no intention” to use clause 91 to create or amend offences and penalties because the Government was content with how enforcement already works through the relevant domestic regulations.

The Government also disagreed that the clause conferred such a power to create or amend offences and penalties in the first place, “given that use of the power in such a way is not expressly permitted on the face of the clause.”¹²⁴

¹²⁰ Delegated Powers and Regulatory Reform Committee, [6th Report of Session 2023–24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 40, 11 January 2024, p3

¹²¹ Delegated Powers and Regulatory Reform Committee, [6th Report of Session 2023–24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 40, 11 January 2024, p3

¹²² Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023–24 \[PDF\]](#), HL Paper 26, 8 December 2023, p6

¹²³ Delegated Powers and Regulatory Reform Committee, [Third Report of 3rd Report of Session 2023–24 \[PDF\]](#), HL Paper 26, 8 December 2023, p7

¹²⁴ Delegated Powers and Regulatory Reform Committee, [6th Report of Session 2023–24 Automated Vehicles Bill \[HL\]: Government Response \[PDF\]](#), HL Paper 40, 11 January 2024, p3

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)