



HL Bill 1 of 2023–24

Automated Vehicles Bill [HL]

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The [Automated Vehicles Bill](#) [HL] is a government bill introduced in the House of Lords at the beginning of the 2023–24 parliamentary session. Its second reading in the House of Lords is due to take place on 28 November 2023.

The bill would put measures announced in the 2023 King’s Speech in place. In the speech, the government said it would “deliver one of the world’s most comprehensive legal frameworks for self-driving vehicles, with safety at its core”.

The bill would implement the legal framework to enable self-driving vehicles recommended by the Law Commission and Scottish Law Commission, which was then taken up in a government policy paper published in August 2022. It would build on measures in the Automated and Electric Vehicles Act 2018 concerning insurance. The bill would:

- create a regulatory framework for automated vehicles
- establish criminal liability for vehicle use
- address policing and investigation
- set conditions about the marketing of automated vehicles
- set up a system for granting permits for automated passenger services
- specify how existing regimes would be adapted to accommodate the measures





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I. Background

I.1 Automated and Electric Vehicles Act 2018

In the 2016 Queen’s Speech the then government stated that ministers would seek to “ensure the United Kingdom is at the forefront of technology for new forms of transport, including autonomous and electric vehicles”.¹ Briefing notes published by the Cabinet Office said the government’s legislative proposals would encourage new technology to deliver “better, safer journeys, while keeping Britain at the cutting edge of international transport technology”.² The Cabinet Office stated that a proposed modern transport bill would provide a mechanism for “appropriate insurance” to be available to support the use of automated vehicles.

A Vehicle Technology and Aviation Bill that would have set up a regulatory framework for insurance cover for automated vehicles was introduced in the 2016–17 session; it fell at the end of that session due to the calling of the 2017 general election. The Automated and Electric Vehicles Act 2018 put these measures in place.

The 2018 act addressed the division of responsibility between drivers and manufacturers in the case of personal injury or property damage. It provided that first instance liability would be on the insurer following an event where a claim could be made and the car was driving automatically. This means that an accident involving an automated vehicle would, in the first instance, follow the current insurance route rather than involving the manufacturer of the vehicle.³ The insurer could then make a subsequent claim against the manufacturer if the vehicle was thought to have caused the accident. The act required the secretary of state to create a list of vehicles to which these provisions would apply. To date, no vehicles have been added to that list.

¹ [HL Hansard, 18 May 2016, col 1.](#)

² Cabinet Office, [‘Queen’s speech 2016: Background briefing notes’](#), 18 May 2016, p 17.

³ House of Lords Library, [‘Automated and Electric Vehicles Bill’](#), 8 February 2018.



I.2 'Future of transport' programme

In 2019 the government published 'Future of mobility: Urban strategy' as part of its 'Future of transport' programme.⁴ In the strategy, the government highlighted several potential benefits of supporting self-driving vehicle technologies:

- improving road safety, because automated systems “will not get distracted or tired, and may be able to react more quickly” than human drivers
- making travel more accessible to disabled and older people, as a self-driving ride-sharing service could be cheaper than existing equivalent services
- enabling smoother driving, reducing accident-induced delays and improving overall network management
- freeing up travel time for work or leisure
- increasing UK exports

However, the government noted that use of self-driving vehicles could result in increases in traffic.⁵ It said the extent to which this became a problem would depend on whether ride-sharing was widely adopted.

In October 2023 the government published 'Future of transport: Helping local authorities to unlock the benefits of technology and innovation in rural transport'.⁶ In it, the government argued that self-driving vehicles “could offer safe, cost-effective and efficient services for rural communities”. It said that self-driving vehicles could potentially offer more benefits in rural communities than in urban ones, “providing [people with] lower cost, door-to-door mobility to support greater access to education, work, and their wider community”.

I.3 Report of the Law Commission and Scottish Law Commission

In 2018 the government asked the Law Commission and Scottish Law Commission to undertake a far-reaching review to enable the “safe and responsible introduction of automated vehicles” on roads and public places in Great Britain.⁷ While transport as a whole

⁴ Department for Transport, '[Future of mobility: Urban strategy](#)', 19 March 2019.

⁵ As above, p 36.

⁶ Department for Transport, '[Future of transport: Helping local authorities to unlock the benefits of technology and innovation in rural transport](#)', 2 October 2023, p 45.

⁷ Law Commission, '[Automated vehicles](#)', 26 January 2022.



is devolved, under the Scotland Act 1998 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 January 2022 the law commissions published ‘Automated vehicles: Joint report’.⁸

Automated vehicles are defined for the purposes of the law commissions’ work as “vehicles that are capable of driving themselves without being controlled or monitored by an individual for at least part of a journey”.⁹ The report was preceded by three consultations.¹⁰ The first focused on safety assurance and legal liability. The second looked at highly automated road passenger services, examining how automated vehicles could be used to improve public transport. A third consultation brought responses to the previous two together and presented proposals on the next steps.

The law commissions’ report included 75 recommendations to the government. The law commissions said that in formulating these recommendations they had tried to “keep safety at the forefront” of their proposals while also “retaining the flexibility required to accommodate future development”.¹¹

The law commissions summarised their key recommendations as follows:

- a test for self-driving in law, with a clear line distinguishing it from driver support features; a transparent process for setting a safety standard; and new offences to prevent misleading marketing
- a two-stage approval and authorisation process building on current international and domestic technical vehicle approval schemes, and adding a new second stage to authorise vehicles for use as self-driving on roads in Great Britain
- a new in-use safety assurance scheme to provide regulatory oversight of automated vehicles throughout their lifetimes to ensure they continue to be safe and comply with road rules
- new legal roles for users, manufacturers and service operators, with removal of criminal responsibility for the person in the passenger seat

⁸ Law Commission and Scottish Law Commission, ‘[Automated vehicles: Joint report](#)’, 26 January 2022, HC 1068.

⁹ Law Commission, ‘[Automated vehicles](#)’, 26 January 2022.

¹⁰ As above.

¹¹ As above.



- holding manufacturers and service operators criminally responsible for misrepresentation or non-disclosure of safety-relevant information

I.4 Government consultation paper (CAM 2025)

In August 2022, the government released a consultation paper entitled ‘Connected and automated mobility 2025: Realising the benefits of self-driving vehicles in the UK’.¹² The government refers to this document as ‘CAM 2025’. In it, the government defines connected and automated mobility (CAM) as a “broad set of vehicle technologies that can be used in wheeled (non-rail), ground-based vehicles”.¹³ Self-driving vehicles is an application of CAM.

In the paper, the government said CAM “could play an important role in how government improves and levels up access to transport across the nation”, as well as bring economic benefits to the country.¹⁴ The government stated its ambition to see self-driving vehicles in use in the UK by 2025:

By 2025, the UK will begin to see deployments of self-driving vehicles, improving ways in which people and goods are moved around the nation and creating an early commercial market for the technologies.¹⁵

In the paper, the government set out how it would apply principles set out for transport generally in ‘Future of mobility: Urban strategy’ to the CAM sector:

- CAM vehicles/services must be safe and secure by design.
- CAM services must be available to all parts of the UK and all segments of society.
- CAM must lead the transition to zero emissions.
- Walking, cycling and active travel must remain the best options for short urban journeys.

¹² Department for Transport, ‘[Connected and automated mobility 2025: Realising the benefits of self-driving vehicles in the UK](#)’, August 2022, CP 719.

¹³ As above, p 21.

¹⁴ As above, p 9.

¹⁵ As above, p 11.



- Mass transit must remain fundamental to an efficient transport system, and CAM may have a role to play in delivering options for this.
- The marketplace for CAM must be open to stimulate innovation and give the best deal to consumers.
- CAM must be designed to operate as part of an integrated transport system combining public, private and multiple modes for transport users.
- CAM must help to reduce congestion through more efficient use of limited road space, for example through sharing rides, increasing occupancy or consolidating freight.
- Data from CAM services must be shared where appropriate to improve choice and the operation of the transport system.¹⁶

The consultation paper also constituted the government's response to the Law Commission and Scottish Law Commission's January 2022 report. In it the government committed to introducing a "new legislative framework for safe self-driving road vehicles", based on the law commissions' recommendations.¹⁷ The government said the recommendations "provide for the world's first comprehensive regulatory framework for self-driving vehicles".¹⁸

To implement this framework, the government said it would first set out a "self-driving safety ambition". This would ensure self-driving vehicles contributed to improvements in overall road safety.¹⁹ The government proposed that the safety ambition would be equivalent to a "competent and careful" human driver.

Under the government's plans, new primary legislation would define high-level responsibilities and processes and create powers to make secondary legislation. Secondary legislation and guidance would provide detailed requirements and processes and would be updated over time.

¹⁶ As above, p 82.

¹⁷ As above, p 7.

¹⁸ As above, p 28.

¹⁹ As above, p 27.



The government said legislation would include measures in the following areas:

- clarity of responsibility
- safety and enabling regulation
- in-use regulation
- safe use

The legislation would also establish a new regulatory framework on deployment of self-driving vehicles, including an assurance process, a monitoring and enforcement process, incident investigation and a new regime for passenger-only services.

A “safety ambition” was not published before the Automated Vehicles Bill was introduced. However, the bill contains a requirement for the secretary of state to set out a “statement of safety principles” in clause 2.

1.5 House of Commons Transport Committee report

In September 2023, the House of Commons Transport Committee published a report into self-driving vehicles.²⁰ The committee found that self-driving vehicles could improve transport connectivity with “significant safety, productivity and mobility benefits”.²¹ However, it argued that “without careful handling” there was potential for self-driving vehicles to worsen congestion and exacerbate existing inequalities in transport access.

The committee argued that the government’s proposed ambition for these vehicles to be as safe and competent as a careful human driver was “too weak and too vague”. The committee highlighted a risk that if drivers came to rely on self-driving features they would become less practised and skilled at driving. This could pose issues when a driver was required to resume control of the vehicle.

The committee noted that self-driving vehicles posed cybersecurity risks and that ensuring they were roadworthy would be more complex than for conventional vehicles. The

²⁰ House of Commons Transport Committee, [‘Self-driving vehicles’](#), 15 September 2023, HC 519 of session 2022–23.

²¹ As above, p 3.



committee also highlighted complexities in sharing legal liability between owner and operator, which could cause problems for the insurance industry.

The committee argued that efforts to establish nationwide connectivity and up-to-date digital information about the road network, which would be required for self-driving vehicles to be used on roads, had been “divorced from broader planning”.

The committee concluded that legislation was urgently needed if the UK was not to miss out on opportunities presented by the technology. It said it had heard from witnesses that “progress was urgently needed lest the UK miss its 2025 target, fall behind its international competitors and risk innovative firms moving elsewhere”.²² The committee recommended “that legislation be brought forward as a matter of urgency, with an expectation that any legislation will have to be regularly reviewed and updated subsequently as technology evolves”.²³

2. Levels of automation

The Society of Automotive Engineers International (SAE) has set out six levels of driving automation, which are often used to discuss the technology. Levels zero, one and two are driver assistance systems that support (rather than replace) the driver to park, brake or change lanes safely.²⁴ Most new cars have at least one of these features. In vehicles with levels three to five capability the technology is in control. At level three, the user must be prepared to take back control. At level four this is not the case, but the vehicle can only drive itself in certain conditions. At level five these conditions are removed.

²² As above, p 34.

²³ As above, p 36.

²⁴ As above, p 5.



Figure 1: Levels of automation

	SAE LEVEL 0™	SAE LEVEL 1™	SAE LEVEL 2™	SAE LEVEL 3™	SAE LEVEL 4™	SAE LEVEL 5™
What does the human in the driver's seat have to do?	You are driving whenever these driver support features are engaged – even if your feet are off the pedals and you are not steering			You are not driving when these automated driving features are engaged – even if you are seated in “the driver’s seat”		
	You must constantly supervise these support features; you must steer, brake or accelerate as needed to maintain safety			When the feature requests, you must drive	These automated driving features will not require you to take over driving	
Copyright © 2021 SAE International.						
What do these features do?	These are driver support features			These are automated driving features		
	These features are limited to providing warnings and momentary assistance	These features provide steering OR brake/acceleration support to the driver	These features provide steering AND brake/acceleration support to the driver	These features can drive the vehicle under limited conditions and will not operate unless all required conditions are met	This feature can drive the vehicle under all conditions	
Example Features	<ul style="list-style-type: none"> • automatic emergency braking • blind spot warning • lane departure warning 	<ul style="list-style-type: none"> • lane centering OR • adaptive cruise control 	<ul style="list-style-type: none"> • lane centering AND • adaptive cruise control at the same time 	<ul style="list-style-type: none"> • traffic jam chauffeur 	<ul style="list-style-type: none"> • local driverless taxi • pedals/steering wheel may or may not be installed 	<ul style="list-style-type: none"> • same as level 4, but feature can drive everywhere in all conditions

Source: SAE International, '[SAE levels of driving automation refined for clarity and international audience](#)', 3 May 2021

There are currently no locations where level five automation is permitted. Some jurisdictions have, however, legislated for level four automation and it is currently in use in California.

3. Case study: California

In 2012 the state of California passed legislation allowing self-driving cars to be tested on roads.²⁵ This legislation required a human driver to be in the driver's seat and capable of taking over immediate control of the vehicle. The manufacturer was required to submit an application to the state government before operating on roads, and the driver was required

²⁵ [2012 California Codes, VEH: Vehicle Code Division 16.6—Autonomous Vehicles \[38750\] Section 38750.](#)



to be working on behalf of the vehicle's manufacturer. The first company to receive a driverless testing permit was Waymo (owned by Google's parent company, Alphabet), in 2018.²⁶ This was followed by Cruise, a company owned by General Motors.

In 2020 California allowed the first cars without any driver present to be tested on public roads under certain conditions, equivalent to level four of automation.²⁷ These are often referred to as 'robotaxis'. The following year permits were granted for these cars to be allowed to transport passengers and in 2022 they were allowed to start charging passengers, though only in certain locations and in off-peak times. These developments have primarily taken place in the northern California counties of San Francisco and San Mateo, near the technology hub of Silicon Valley. Driverless taxi services are also being offered in Phoenix, Arizona and Austin, Texas.²⁸

In August 2023, commissioners for the city of San Francisco voted to allow Cruise and Waymo to expand their operations in the San Francisco area and offer rides at all times of day.²⁹ Ahead of this vote, politicians heard arguments for and against allowing more driverless cars on the roads. The head of firefighting services in San Francisco said driverless cars had interfered with emergency services 40 times since they were introduced in 2020. Regarding accessibility, representatives of some disability communities, including the Blinded Veterans Association and the Epilepsy Foundation of Northern California, stated the vehicles removed barriers for them to access transportation. However, others said the cars did not allow wheelchair users and blind passengers to get in and out of the vehicles safely. They argued the services should not be allowed to expand until accessibility standards were established in regulations. Privacy campaigners have also noted that authorities have requested camera footage from the vehicles as part of investigations.

In San Francisco, protestors have immobilised the vehicles by placing traffic cones in front of them.³⁰ They highlighted that the cars have run red lights, crashed into a bus, blocked

²⁶ Andrew J Hawkins, '[Cruise gets the green light to give driverless rides to passengers in San Francisco](#)', 30 September 2021.

²⁷ Andrew J Hawkins, '[Cruise is now testing fully driverless cars in San Francisco](#)', Verge, 9 December 2020.

²⁸ Axios, '[Robotaxis hit the accelerator in growing list of cities nationwide](#)', 28 August 2023.

²⁹ Johana Bhuiyan, '[San Francisco to get round-the-clock robo taxi after controversial vote](#)', Guardian, 11 August 2023.

³⁰ NPR, '[Armed with traffic cones, protesters are immobilizing driverless cars](#)', 26 August 2023.



pedestrian crossings and cycle lanes and caused traffic jams by stopping in the middle of roads. Cruise responded:

We're always improving our technology and apologise to anyone inconvenienced by these incidents, but it is important that they are viewed against the deeply troubling status quo of injuries and road deaths in our cities involving vehicles with drivers.³¹

The California Department of Motor Vehicles states that as of 10 November 2023 it had received 673 autonomous vehicle collision reports, which manufacturers are obliged to file after a collision that results in property damage, bodily injury or death within 10 days of the incident.³²

On 2 October 2023 a driverless car operated by Cruise was involved in a collision in which someone was critically injured.³³ The person, who was first hit by a human driver, was then thrown onto the road in front of a Cruise vehicle. The car braked but continued to pull the woman forward before coming to a final stop on top of her. On 24 October 2023 the Department of Motor Vehicles suspended Cruise's license to operate because of risks to public safety. It also said the company had "misrepresented" the safety of the technology.³⁴ Cruise has since suspended its operations across the country.

4. Bill

The bill is divided into seven parts and has three schedules. Part 1 would create a regulatory framework for automated vehicles. Parts 2 and 3 cover criminal liability for vehicle use and policing and investigation respectively. Part 4 deals with the marketing of automated vehicles, part 5 with permits for automated passenger services and part 6 with adaptation of existing regimes. Part 7 makes general provisions.

³¹ CBC, '[Will self-driving cars bring us a safer future on the roads? Not everyone is convinced](#)', 29 September 2023.

³² California Department of Motor Vehicles, '[Autonomous vehicle collision reports](#)', accessed 17 November 2023.

³³ NPR, '[California orders Cruise driverless cars off the roads because of safety concerns](#)', 24 October 2023.

³⁴ Reuters, '[GM Cruise unit suspends all driverless operations after California ban](#)', 27 October 2023.



4.1 Extent

The majority of the measures in the bill fall within legislative competence reserved to the UK Parliament under the Scotland Act 1998 and the Government of Wales Act 2006.³⁵ While transport as a whole is devolved, under the Scotland Act 1998 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. 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 from the Scottish Parliament and Senedd Cymru with respect to part 5 (permits for automated passenger services) and clause 40 (power to require reports from police and local authorities).³⁶

4.2 Key terms

The bill defines key terms that would be used in its legal framework for automated vehicles. These include:

- authorised automated vehicle: a vehicle with self-driving features that meets the regulatory requirements necessary for authorisation
- car with user-in-charge (UiC) feature: one that can drive itself for only part of the journey and therefore requires a driver for the rest of the journey
- UiC: a person in a position to drive the vehicle but not doing so because a UiC feature is engaged
- 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
- authorised self-driving entity (ASDE): an entity responsible for the way the vehicle drives and for meeting other regulatory obligations
- 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

³⁵ Law Commission and Scottish Law Commission, '[Automated vehicles: Joint report](#)', 26 January 2022, HC 1068, p 25.

³⁶ [Explanatory notes](#), p 15.



The regulated bodies are defined in clause 44 as an ASDE or licensed NUiC operator.

“Person” has the meaning provided in schedule 1 of the Interpretation Act 1978, in that it includes a body of persons corporate or unincorporate.

4.3 Part 1: Regulatory scheme

4.3.1 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 automated vehicle”.

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, and no one is 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. This 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 bill states that the principles “must be framed with a view to securing that road safety in Great Britain will be better as a result of the use of authorised automated vehicles on roads than it would otherwise be”. If either House resolved the statement should not take effect the secretary of state would have to lay a statement again.

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 identify the features which satisfied the self-driving test. The 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 states that the secretary of state could make regulations imposing requirements for a vehicle to be authorised and remain authorised. These requirements could include authorisation conditions, which are conditions attached to an individual authorisation.

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 automated vehicle 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
- 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, and clause 9 makes further provision about this.

Clause 10 would provide that the government would have to keep a public register of automated vehicle authorisations, which would have to record the identity of the relevant ASDE.

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.



4.3.2 Chapter 2: Licensing of operators for vehicle use with NUiC

Clauses 12 and 13 concern NUiC operators. An NUiC journey is one made by a vehicle with an NUiC feature in which at any point that feature is engaged or there is no one in the vehicle who is in control of it.

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.

4.3.3 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.

Clauses 17 and 18 would give the secretary of state power to require the regulated body to provide information or attend an interview for any of the "investigative purposes". Clause 16 states that investigative purposes could be either domestic or international. Domestic purposes would include:

- assessing whether a regulatory requirement was being met
- investigating whether, how or why a vehicle committed a traffic infraction
- assessing whether an authorised automated vehicle 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 19 concerns notices requiring an individual to attend an interview.

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).

Clause 21 would enable the courts to make an order for a person to comply with an information or interview notice.

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 23 makes supplementary provision.

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.

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 5 years or a fine (or both).

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 would establish that if a regulated body or a prospective regulated body committed an offence under clauses 20 or 24 and at that time there was a nominated individual responsible for information, the nominated individual would have also committed the offence.

Clause 27 states that if a relevant entity committed an offence under clauses 20 or 24 a senior manager who had consented to or connived in the commission of the offence would also commit the offence.



4.3.4 Chapter 4: Power to investigate premises used by regulated bodies

Clause 28 provides that a justice of the peace 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. These conditions relate to compliance with information and interview notices.

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. A person committing an offence under this section 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 31 relates to items seized under warrant, and clause 32 concerns the return of warrants. Clause 33 would provide that information obtained or items seized under warrant could be used as set out in clause 22 for information obtained through information and interview notices. It would also apply the same stipulations regarding criminal proceedings as in clause 22.

4.3.5 Chapter 5: Civil sanctions

Clause 34 would allow the secretary of state to issue a compliance notice to a regulated body if a regulatory requirement had not been met. The secretary of state could also issue a compliance notice to an ASDE if an authorised automated vehicle 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 NUiC 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 automated vehicle 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 monetary penalties 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 the penalty notice and the failure being rectified.

Clause 36 also states that a regulated body could not be liable both to a monetary penalty and a conviction under clause 24 or 25 for the same conduct.

Clause 37 makes supplementary provision.



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

4.3.7 Chapter 7: Supplementary provision

Clauses 41 to 45 make supplementary provision concerning notices, protection of information, fees, interpretation and related amendments.

4.4 Part 2: Criminal liability for vehicle use

4.4.1 Chapter 1: Legal position of UiC

Clause 46 defines a 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.³⁷

The bill 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 this immunity 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.

Clause 51 would make supplementary provision. This would include how the burden of proof applied to criminal proceedings relating to clauses 47 and 48 concerning offences and immunity.

Clause 52 provides definitions of terms used in chapter 1.

4.4.2 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

³⁷ [Explanatory notes](#), p 34.



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.³⁸

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 autonomous vehicles 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 automated vehicle 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.³⁹

Clause 55 would amend the 1988 act such that “tampering with motor vehicles” also included tampering with equipment relating to the vehicle’s automated features, including software.

Clause 56 would amend the definition of “vehicle part” in the 1988 act to include software.

4.5 Part 3: Police and investigation

4.5.1 Chapter 1: Stopping and seizure

Clause 57 would provide that a person (such as a police officer) who would have 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.

³⁸ As above, p 36.

³⁹ As above, p 37.



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.

It would also give the secretary of state power to make regulations about the vehicle owner's rights and charges, among other things.

Clause 59 provides definitions for the purposes of chapter 1.

4.5.2 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 automated vehicles.

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. 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).

A person who failed to comply with a direction made under clause 65 would be liable on summary conviction to a fine not exceeding level three on the standard scale, currently £1000.

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 automated vehicles 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

4.6 Part 4: Marketing restrictions

Clause 78 would permit the secretary of state to impose restrictions on how authorised automated vehicles 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 automated vehicles. It would create an offence of using one of these restricted terms to promote a vehicle unless it was an authorised automated vehicle. In order to be an offence, the use of the term would have to be aimed at an end-user of the vehicle in Great Britain, among other things.

Clause 79 would create an offence of marketing a vehicle to confuse the end-user about whether a vehicle that was not an authorised autonomous vehicle 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.⁴⁰

⁴⁰ As above, p 48.



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.

Clause 81 provides interpretations and would make supplementary provision.

4.7 Part 5: Permits for automated passenger services

Clause 82 concerns automated passenger 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 disapplying taxi, bus and private hire legislation, as set out in clause 83 or to satisfying a requirement under clause 12 regarding licensing of NUiC operators. This would include vehicles being used for a trial with the aim of developing vehicles designed or adapted to travel autonomously. This permit would impose conditions about how and where the service could be provided.

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.⁴¹

Clause 84 states what would happen if an operator committed an infringement of its permit conditions. As well as not following its permit conditions, an infringement would also occur if the service provider led passengers to believe it was operating within its permit conditions

⁴¹ As above, p 49.



when it was not. This would include, for example, operating the service outside the permit area but leading passengers to believe it was operating within that area.⁴²

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 local authority or authorities 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 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”. It also states that permits would have to require holders to publish reports about their service, including what steps it was taking to meet the needs of older or disabled passengers and to safeguard passengers more generally.

Clauses 88 to 90 would make supplementary provision, including about the collection, sharing and protection of information, procedural and administrative matters and interpretation.

4.8 Part 6: Adaptation of existing regimes

Clause 91 concerns type approval requirements. These are specified performance standards that must be met in order for production samples of a type of vehicle, vehicle system, component or separate technical unit to be approved.⁴³ The type approval scheme that applies in Great Britain is not valid for use in Northern Ireland, where specific

⁴² As above, p 50.

⁴³ Vehicle Certification Agency, [‘What is vehicle type approval?’](#), updated 14 March 2023.



Northern Ireland or EU type approvals must be used.⁴⁴ This clause would give the secretary of state power to make regulations to amend or impose new type approval requirements for automated vehicles in Great Britain.

Clause 92 would amend the Road Traffic Act 1988 to extend the existing powers of vehicle examiners to cover authorised automated vehicles. Existing examiners currently have the power to conduct examinations of vehicles in relation to existing operator licensing and safety regulations for conventional vehicles.

Clause 93 would make provision about traffic regulation measures. It would enable the secretary of state to make regulations requiring a traffic regulation authority to provide information about a relevant traffic regulation measure. Relevant measures could include those relating to use of bus lanes, speed limits and temporary road closures.⁴⁵ The purpose of the regulations would be to enable authorised automated vehicles to have access to this information. In addition, the information would be available to other electronic equipment used by vehicles on roads. The explanatory notes state that the intention behind this clause is that the information would be provided in a digital format to a central publication platform.⁴⁶ It would also be open data for use by autonomous vehicles and other systems used by vehicles.

4.9 Part 7: General provision

Clauses 94 to 97 concern definitions, disclosure and information, crown application and regulations respectively.

Clause 98 states that the bill would extend to England and Wales and Scotland, except clause 54 (immunity from certain offences in the Road Traffic Act 1988) and clause 93 (traffic regulation measures), which would extend to England and Wales only. It also makes further provisions about extent.

Clause 99 provides that the measures would come into force on a day specified by the secretary of state in regulations, and clause 100 states the short title of the bill.

⁴⁴ Vehicle Certification Agency, '[GB type approval scheme](#)', updated 3 November 2022. For further information on the interaction between vehicle type approval and the Protocol on Northern Ireland, see Vehicle Certification Agency, '[Type approval and the Protocol on Northern Ireland](#)', updated 2 March 2023.

⁴⁵ [Explanatory notes](#), p 53.

⁴⁶ As above, p 53.



4.10 Schedules

The bill also contains six schedules:

- Schedule 1 concerns the procedure for enforcement action under part I of the bill.
- Schedule 2 sets out amendments to existing legislation under part I.
- Schedule 3 sets out amendments to existing legislation relating to clauses 53 and 54.
- Schedule 5 concerns the enforcement of marketing restrictions.
- Schedule 6 provides information regarding civil sanctions for infringing the passenger permit scheme.

5. Read more

- McKinsey and Company, '[Autonomous driving's future: Convenient and connected](#)', 6 January 2023 and '[The road to affordable autonomous mobility](#)', 3 January 2022
- Dentons, '[Global guide to autonomous vehicles 2023](#)', 8 March 2023
- Safaa Sindi and Roger Woodman, '[Implementing commercial autonomous road haulage in freight operations: An industry perspective](#)', Transportation Research Part A: Policy and Practice, 2021, vol 152, pp 235–53
- Harvard Kennedy School Taubman Centre for State and Local Government, '[Autonomous vehicles are coming: Five policy actions cities can take now to be ready](#)', March 2021

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