



Automated Vehicles Act 2024

2024 CHAPTER 10

PART 1

REGULATORY SCHEME FOR AUTOMATED VEHICLES

PROSPECTIVE

CHAPTER 4

POWERS TO INVESTIGATE PREMISES USED BY REGULATED BODIES

28 Warrants for entry, search and seizure

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

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- (d) that the need to exercise the powers is too urgent to await the obtaining of information further to an information notice or interview notice.
- (4) A justice of the peace may be satisfied that the conditions in subsection (2) are met only on the basis of information or evidence given on oath on behalf of the Secretary of State.
- (5) References in this section to a justice of the peace include a sheriff in Scotland.
- (6) For the purposes of this section, a person who has ceased to be a regulated body is to be treated, in relation to anything that occurred when the person was a regulated body, as if the person were still a regulated body.

Commencement Information

- II** S. 28 not in force at Royal Assent, see [s. 99\(1\)](#)

29 Powers exercisable under warrant

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

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- (5) A person so taken onto the premises may also exercise the powers in this section on behalf of the Secretary of State if the person is in the company, and under the supervision, of the person authorised under subsection (3).
- (6) A person exercising the powers in this section may use reasonable force if necessary (except to enforce a requirement under subsection (1)(f)).
- (7) A warrant under section 28 authorises the exercise of the powers in this section—
- (a) only at a reasonable hour,
 - (b) only within a period of one month beginning with the day on which it is issued, and
 - (c) only on one occasion, unless the warrant specifies a greater number of occasions;
- and may be granted subject to further conditions or limitations.
- (8) On each occasion on which premises are entered further to a warrant under section 28, the person executing the warrant—
- (a) must be accompanied by a constable until entry to the premises is fully secured;
 - (b) must give a copy of the warrant to any person appearing to be in charge of the premises at the earliest opportunity (if possible before entering the premises);
 - (c) if no such copy is given during the period of entry on the premises, must leave a copy of the warrant in a prominent place on the premises;
 - (d) must produce, on request by any person appearing to be in charge of the premises, proof of identity and of authorisation under subsection (3);
 - (e) if no person appearing to be in charge of the premises is present when the person executing the warrant is on the premises, must leave the premises as effectively secured against trespassers as that person found them.
- (9) The Secretary of State must arrange for the publication of information on the exercise of the powers in this section at such intervals as seem appropriate.

Commencement Information

I2 S. 29 not in force at Royal Assent, see s. 99(1)

30 Offences of impeding execution of warrant

- (1) A person commits an offence if the person—
- (a) intentionally obstructs a person in the exercise of the powers in section 29,
 - (b) fails, without reasonable excuse, to comply with a requirement made of the person in the exercise of those powers, or
 - (c) in response to such a requirement, makes a statement that is false or misleading in a material respect, knowing it to be so or being reckless as to whether it is.
- (2) A person who commits an offence under this section is liable—
- (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

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- (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

Commencement Information

I3 S. 30 not in force at Royal Assent, see [s. 99\(1\)](#)

31 Seizure of items

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

Commencement Information

I4 S. 31 not in force at Royal Assent, see [s. 99\(1\)](#)

32 Return of warrant

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

Commencement Information

I5 S. 32 not in force at Royal Assent, see [s. 99\(1\)](#)

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33 Use of information obtained

- (1) Subsections (2) to (4) of section 22 (use of information for the investigative purposes) apply to information obtained as a result of the exercise of a power in section 29 or 31 as they apply to information obtained as a result of the exercise of a power in section 17 or 18.
- (2) Subsections (6) and (7) of section 22 (admissibility of information in criminal proceedings) apply to a statement made by a person in response to a requirement under section 29(1)(f) as they apply to a statement made by a person in response to a notice under section 17 or 18.

Commencement Information

16 S. 33 not in force at Royal Assent, see s. 99(1)

Status:

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Changes to legislation:

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