



Automated Vehicles Act 2024

2024 CHAPTER 10

PROSPECTIVE

PART 2

CRIMINAL LIABILITY FOR VEHICLE USE

CHAPTER 1

LEGAL POSITION OF USER-IN-CHARGE

46 Meaning of “user-in-charge”

An individual is the “user-in-charge” of a vehicle if—

- (a) the vehicle is an authorised automated vehicle with an authorised user-in-charge feature,
- (b) that feature is engaged, and
- (c) the individual is in, and in position to exercise control of, the vehicle, but is not controlling it.

Commencement Information

II S. 46 not in force at Royal Assent, see [s. 99\(1\)](#)

47 User-in-charge not liable for manner of driving

- (1) An individual does not commit an offence arising from the way in which a vehicle is driven if subsection (2) or (3) applies (subject to section 48).
- (2) This subsection applies if the individual is the user-in-charge of the vehicle at the time of the act that would constitute the offence.

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Automated Vehicles Act 2024, Part 2. (See end of Document for details)

- (3) This subsection applies if the act that would constitute the offence—
- (a) results from something done by the vehicle while the individual was its user-in-charge, and
 - (b) does not also result from the individual’s conduct after ceasing to be the user-in-charge falling below the standard that could reasonably be expected of a careful and competent driver in the circumstances.
- (4) For the purposes of this section, the way in which a vehicle is driven—
- (a) includes (for example) the use of its signals and lighting, but
 - (b) does not include (for example) the condition or qualifications of the driver.

Commencement Information

I2 S. 47 not in force at Royal Assent, see [s. 99\(1\)](#)

48 Exceptions from immunity

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

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Commencement Information

I3 S. 48 not in force at Royal Assent, see [s. 99\(1\)](#)

49 User-in-charge otherwise liable as driver

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

Commencement Information

I4 S. 49 not in force at Royal Assent, see [s. 99\(1\)](#)

50 Power to change or clarify existing traffic legislation

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

Commencement Information

I5 S. 50 not in force at Royal Assent, see [s. 99\(1\)](#)

51 Supplementary provision

- (1) An enactment passed or made after this Act is passed is to be read as subject to sections 47 to 49 unless a clear intention to the contrary appears.
- (2) A person who seeks to rely on section 47(1) in criminal proceedings must prove that—

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- (a) the individual concerned was a user-in-charge at the time in question, and
 - (b) section 48(1) does not apply (unless the person also seeks to rely on section 48(2)).
- (3) A person who seeks to rely on section 48(2) in criminal proceedings must adduce sufficient evidence that it applies to raise an issue with respect to it; and if the person does so that provision is to be taken to apply unless the contrary is proved beyond reasonable doubt.
- (4) Subsection (5) applies if—
- (a) an automated vehicle authorisation is varied, suspended or withdrawn,
 - (b) an individual could not reasonably be expected to know of the variation, suspension or withdrawal, and
 - (c) the individual uses a vehicle in reliance on the authorisation as it stood before the variation, suspension or withdrawal.
- (5) Sections 47 to 49, and regulations under section 50, apply in respect of that use of the vehicle by the individual as if the variation, suspension or withdrawal had not occurred.

Commencement Information

I6 S. 51 not in force at Royal Assent, see s. 99(1)

52 Interpretation

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

Commencement Information

I7 S. 52 not in force at Royal Assent, see s. 99(1)

Status: This version of this part contains provisions that are prospective.
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CHAPTER 2

OFFENCES

53 Use of vehicle without driver or licensed oversight

(1) In the Road Traffic Act 1988, before the italic heading before section 35 insert—

“Road vehicles used without human control

34B Using vehicle without driver or licensed oversight

- (1) A person commits an offence if—
- the person uses, or causes or permits another person to use, a road vehicle on a road or other public place,
 - at any time while the vehicle is so used—
 - the vehicle is mechanically propelled, and
 - there is no individual who is exercising, or in position to exercise, control of the vehicle, and
 - subsection (2) does not apply.
- (2) This subsection applies if—
- an authorised no-user-in-charge feature is engaged at all times when subsection (1)(b) is satisfied, and
 - the journey undertaken by the vehicle is overseen by a licensed no-user-in-charge operator.
- (3) It is a defence for a person accused of an offence under this section to prove that, at the time of the acts said to constitute the offence, the person did not know, and could not reasonably have been expected to know, that—
- the facts were, or would be, as described in subsection (1)(b), or
 - the facts were not, or would not be, as described in subsection (2).
- (4) Subsection (1) does not apply to the use of a vehicle on a public place other than a road if the vehicle is designed primarily for a purpose other than—
- the carriage of persons, or
 - the carriage of goods on roads.
- (5) Section 44 of the Automated Vehicles Act 2024 applies for the interpretation of this section as it applies for the interpretation of Part 1 of that Act.
- (6) In this section, “road vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.

34C Causing death or serious injury by using vehicle without driver or licensed oversight

- (1) A person commits an offence if—
- the person commits an offence under section 34B, and
 - while being used in the way that constitutes the offence under section 34B, the vehicle causes the death of another person.

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- (2) A person commits an offence if—
- (a) the person commits an offence under section 34B, and
 - (b) while being used in the way that constitutes the offence under section 34B, the vehicle causes serious injury to another person.

(3) In this section, “serious injury” has the meaning given by section 1A(2).”

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

“RTA section 34A	Using a road vehicle without a driver or licensed oversight.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: a period not exceeding the general limit in a magistrates’ court or a fine or both. On conviction in Scotland: 12 months or a fine not exceeding the statutory maximum or both. (b) 2 years or a fine or both.	Discretionary.	Discretionary.	6”;
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“RTA section 34B(1)	Causing death by using a road vehicle without a driver or licensed oversight.	On indictment.	Imprisonment for life.	Obligatory.	Obligatory.	3-11
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34C(2)	Causing serious injury by using a road vehicle without a driver or licensed oversight.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: a period not exceeding the general limit in a magistrates' court or a fine or both. On conviction in Scotland: 12 months or a fine not exceeding the statutory maximum or both. (b) 5 years or a fine or both.	Obligatory.	Obligatory.	3-11"
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(3) [Schedule 3](#) makes amendments in connection with the preceding provisions of this section.

Commencement Information

18 S. 53 not in force at Royal Assent, see [s. 99\(1\)](#)

54 Dangerous use etc

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

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

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

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Offences by users-in-charge of automated vehicles

3C Use of automated vehicle in dangerous state

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

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

- (1) A person commits an offence if—
 - (a) the person commits an offence under section 3C, and
 - (b) the use of the vehicle in its dangerous state causes the death of another person.
 - (2) A person commits an offence if—
 - (a) the person commits an offence under section 3C, and
 - (b) the use of the vehicle in its dangerous state causes serious injury to another person.
 - (3) In this section, “serious injury” has the meaning given by section 1A(2).
 - (4) The references in this section to the use of the vehicle in its dangerous state are to the use, and state, of the vehicle that give rise to the offence under section 3C.”
- (2) After section 22A of the Road Traffic Act 1988 insert—

“22B Causing danger to road-users resulting in automated vehicle killing or seriously injuring

- (1) A person commits an offence if—
 - (a) the person commits an offence under section 22A, and
 - (b) the conduct constituting that offence causes an authorised automated vehicle to commit a traffic infraction, and
 - (c) the commission of that traffic infraction causes the death of, or serious injury to, another person.
- (2) In this section, “serious injury” has the meaning given by section 1A(2).
- (3) This section does not extend to Scotland.”

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(3) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), at the appropriate places insert—

“RTA section 3A	Use of automated vehicle in dangerous state.	of (a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: a period not exceeding the general limit in a magistrates’ court or a fine or both. (b) On conviction in Scotland: 12 months or a fine not exceeding the statutory maximum or both.	Obligatory.	Obligatory.	3-11”;
“RTA section 3B(1)	Causing death by use of automated vehicle in dangerous state.	On indictment.	Imprisonment for life.	Obligatory.	Obligatory.	3-11
RTA section 3B(2)	Causing serious injury by use of automated vehicle in dangerous state.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: a period not exceeding	Obligatory.	Obligatory.	3-11”

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the
 general
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 a fine or
 both.
 On
 conviction
 in
 Scotland:
 12
 months
 or a
 fine not
 exceeding
 the
 statutory
 maximum
 or both.
 (b) 5 years
 or a fine
 or both.

“RTA section 22A Causing danger to road-users resulting in automated vehicle killing or seriously injuring. On indictment. 14 years or a fine or both.”

(4) [Schedule 3](#) makes amendments in connection with the preceding provisions of this section.

Commencement Information

19 S. 54 not in force at Royal Assent, see [s. 99\(1\)](#)

55 Amendment of tampering offence

In section 25 of the Road Traffic Act 1988 (tampering with motor vehicles)—

- (a) the existing text becomes subsection (1);
- (b) after that subsection insert—

“(2) For the purposes of subsection (1), the “mechanism” of a vehicle includes—

- (a) any equipment in or on the vehicle designed to allow the motion of the vehicle to be controlled other than by an individual in the vehicle, or to facilitate its being so controlled, and

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

Commencement Information

I10 S. 55 not in force at Royal Assent, see [s. 99\(1\)](#)

56 Amendment of offence concerning fitting of unsuitable parts

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

“(11) In this section—

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

Commencement Information

I11 S. 56 not in force at Royal Assent, see [s. 99\(1\)](#)

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Automated Vehicles Act 2024, Part 2.