



# Automated Vehicles Act 2024

## 2024 CHAPTER 10

### PART 2

#### CRIMINAL LIABILITY FOR VEHICLE USE

PROSPECTIVE

#### 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 chapter contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Automated Vehicles Act 2024, Chapter 1. (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)

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**Changes to legislation:**

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