



# Automated Vehicles Act 2024

## 2024 CHAPTER 10

### PART 3

#### POLICING AND INVESTIGATION

### CHAPTER 2

#### INVESTIGATION OF INCIDENTS BY STATUTORY INSPECTORS

#### *Investigations*

#### **62 General power to investigate certain incidents**

- (1) If a relevant incident occurs, an inspector may carry out an investigation in order to try to determine what caused it (but not to determine blame or liability).
- (2) An incident is a relevant incident if it—
  - (a) occurs on a road in Great Britain,
  - (b) arises out of the presence of an authorised automated vehicle on that road,
  - (c) causes or has the potential to cause damage to a person or property, and
  - (d) is not of a kind specified in regulations made by the Secretary of State.
- (3) An incident is also a relevant incident if it—
  - (a) occurs in Great Britain,
  - (b) involves an authorised automated vehicle, and
  - (c) either—
    - (i) would fall within subsection (2) if it occurred on a road, or
    - (ii) could lead to the occurrence of an incident within subsection (2).
- (4) Nothing in sections 63 to 65 limits what an inspector may do for the purposes of an investigation without relying on powers of coercion.

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### **63 Powers in respect of persons**

- (1) If an inspector considers it necessary for the purposes of an investigation, the inspector may require a person—
  - (a) to provide to the inspector, or allow the inspector access to, information, items or material in any manner the inspector considers appropriate;
  - (b) not to access, disturb, move or alter anything specified by the inspector.
- (2) The Secretary of State may make regulations authorising an inspector to require a person to provide other forms of assistance for the purposes of an investigation.

### **64 Powers in respect of premises**

- (1) If an inspector considers it necessary for the purposes of an investigation, the inspector may exercise the powers in subsection (2) in respect of any premises.
- (2) The powers in this subsection 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.
- (3) An inspector may not exercise the power to seize and remove something unless the inspector considers that exercising the power to record it would be insufficient.
- (4) An inspector may take other persons, equipment and materials onto premises for the purposes of assisting in the exercise of the powers in subsection (2).
- (5) A person so taken onto the premises may also exercise those powers on behalf of the inspector if the person is in the company, and under the supervision, of the inspector.
- (6) An inspector or other person exercising the powers in subsection (2) may use reasonable force if necessary (except to enforce a requirement under subsection (2)(f)), but only if accompanied by a constable.
- (7) The powers in subsection (2) may only be exercised in accordance with a warrant issued by a justice of the peace, unless the inspector considers that the exercise of the powers is urgent and that waiting to seek consent or a warrant would undermine the investigation.
- (8) A warrant under subsection (7)—
  - (a) may be granted only if the justice of the peace is satisfied, on the basis of information or evidence given on oath by an inspector, that it is necessary for

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- the purposes of the investigation to exercise the powers in subsection (2) in respect of the premises,
- (b) authorises the exercise of those powers—
    - (i) only at a reasonable hour,
    - (ii) only within a period of one month beginning with the day on which it is issued, and
    - (iii) only on one occasion, unless the warrant specifies a greater number of occasions, and
  - (c) may be granted subject to further conditions or limitations
- (9) An inspector who enters premises under this section—
- (a) must produce, on request by any person appearing to be in charge of the premises, proof of identity and of authority;
  - (b) if the entry is made under warrant—
    - (i) 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),
    - (ii) 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, and
    - (iii) must return the warrant to the court from which it was issued as soon as reasonably practicable with an endorsement summarising the exercise of the powers in subsection (2);
  - (c) if no person appearing to be in charge of the premises is present, must leave the premises as effectively secured against trespassers as the inspector found them;
  - (d) must make and retain a written record of the powers exercised in respect of the premises.
- (10) The Secretary of State must arrange for the publication of information on the exercise of the powers in subsection (2) at such intervals as seem appropriate.
- (11) If a warrant under subsection (7) is not executed, an inspector 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.
- (12) References in this section to a justice of the peace include a sheriff in Scotland.

## **65 Powers in respect of road traffic**

- (1) An inspector may for the purposes of an investigation—
- (a) direct a person driving or propelling a vehicle, or riding an animal, on a road to—
    - (i) stop the vehicle or animal, or
    - (ii) make it proceed in, or keep to, a particular line of traffic;
  - (b) direct a person proceeding on foot on or immediately adjacent to a road to stop.
- (2) Such a direction may be made by placing a traffic sign—
- (a) on the road,
  - (b) immediately adjacent to the road, or
  - (c) on any structure on the road or immediately adjacent to the road.

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- (3) The inspector must remove such a sign by the end of the period of seven days beginning with the day it was placed; and a sign remaining in place after the end of that period no longer has effect.

## **66 Offences of impeding investigation**

- (1) A person commits an offence if the person—
- (a) intentionally obstructs a person in the exercise of the powers conferred by or under section 63, 64 or 65,
  - (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 commits an offence if the person impersonates an inspector and purports to be carrying out an investigation.
- (3) A person commits an offence if the person fails to comply with a direction under section 65.
- (4) A person who commits an offence under subsection (1) or (2) 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);
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (5) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Schedule 4 makes amendments in connection with the offence in subsection (3).

## **67 Application to police officers**

- (1) An inspector may exercise a power under sections 63 to 65 in relation to a constable as in relation to any other person, subject to regulations under subsection (3).
- (2) In particular—
- (a) an inspector may require a constable to provide information, items or material held by the constable or by the force or body to which the constable belongs in connection with an investigation conducted by the constable, force or body;
  - (b) where a constable is investigating an incident that an inspector is also investigating, the inspector may require the constable to—
    - (i) allow the inspector access to a place where the constable is investigating;
    - (ii) allow the inspector access to information, items or material relevant to the inspector's investigation;
    - (iii) allow the inspector to interview a witness to the incident (including a person suspected of committing an offence in connection with the incident) in advance of any other interview of that witness.

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- (3) The Secretary of State may by regulations specify circumstances in which—
- (a) an inspector may not exercise a power in relation to a constable;
  - (b) a constable is not required to comply with a requirement of an inspector;
  - (c) a constable does not commit an offence under section 66.

## **68 Report of findings**

- (1) An inspector must report any findings of an investigation to the Secretary of State.
- (2) A report under this section is not prevented by section 61(2) or 62(1) from making a finding from which blame or liability could be inferred (although it may not express an opinion on such blame or liability).
- (3) The Secretary of State may, by regulations, make further provision about reports under this section.
- (4) Such regulations may, in particular, make provision as to—
- (a) the form a report is to take;
  - (b) the time by which a report must be made;
  - (c) the circumstances in which a report must or must not make a recommendation;
  - (d) whether and how interested persons are to be given the opportunity to comment on a draft report;
  - (e) publication of reports;
  - (f) the admissibility of reports in judicial proceedings;
  - (g) how an inspector is to monitor and take action further to the recommendations in a report.

## **69 Appointment of additional persons to exercise investigatory powers**

- (1) The Secretary of State may make regulations—
- (a) requiring or permitting an inspector to appoint a person to conduct or participate in an investigation;
  - (b) conferring on such a person a power of an inspector for the purposes of an investigation.
- (2) A person given functions by regulations under this section is to exercise them on behalf of the Crown (and, in particular, is to be taken in respect of those functions to be an officer of the Crown for the purposes of the Crown Proceedings Act 1947).