



Automated Vehicles Act 2024

2024 CHAPTER 10

PART 3

POLICING AND INVESTIGATION

CHAPTER 2

INVESTIGATION OF INCIDENTS BY STATUTORY INSPECTORS

Authorised automated vehicle incident inspectors

60 The role of inspector

- (1) The Secretary of State must appoint one or more persons as inspectors of automated vehicle incidents.
- (2) An inspector—
 - (a) must be a person serving in the civil service of the State,
 - (b) is to hold the role of inspector on such terms as the Secretary of State determines, and
 - (c) is to exercise the functions of an inspector under the direction and control of any other inspector who, under arrangements made by the Secretary of State, is of a senior rank.
- (3) The Secretary of State may, by regulations, make further provision about how the functions of an inspector are to be exercised.

61 Purpose of inspectors

- (1) The main purpose of the role of inspector is that of identifying, improving understanding of, and reducing the risks of harm arising from the use of authorised automated vehicles on roads in Great Britain.

- (2) It is no part of that purpose to establish blame or liability on the part of any person in relation to a particular incident.
- (3) The functions conferred by this Chapter are to be exercised in view of that purpose.

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.

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);

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- (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 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

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- (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.
- (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—

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- (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.
- (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;

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- (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).

Supplementary powers

70 Additional power in respect of information and material

- (1) The Secretary of State may make regulations requiring a person to provide to an inspector, or allow an inspector access to, information, items or material other than in response to a requirement made under section 63, in such manner as is specified in the regulations.
- (2) Regulations under this section must specify the purpose for which the information, items or material is or are to be provided (which must be purposes of an investigation or of any other function of an inspector).
- (3) Regulations under this section may create an offence (see further section 76).

71 Obtaining reports from police

- (1) The Secretary of State may, by regulations, require a chief officer of police to report to an inspector incidents which—
 - (a) occur in the area of the chief officer's police force, and
 - (b) are of a description set out in the regulations.
- (2) Regulations under this section may limit the requirement to cases in which an inspector requests a report.
- (3) Regulations under this section must be framed with the intention that only relevant incidents, or incidents that may be found to be relevant incidents, will be reported.
- (4) Regulations under this section may contain provision about the timing, form and contents of reports.

72 Ancillary functions

- (1) An inspector may—
 - (a) produce and publish information about the safety of authorised automated vehicles or about investigations;
 - (b) support the functions of a person within subsection (3);
 - (c) assist any other person in or outside the United Kingdom, with or without charge, in doing anything that the inspector considers would contribute to—
 - (i) the purpose in section 61, or
 - (ii) an equivalent purpose outside Great Britain;
 - (d) carry out such other functions as the inspector considers would contribute to such a purpose.
- (2) The Secretary of State may make regulations—
 - (a) requiring an inspector to exercise a power in subsection (1) in such manner as is specified in the regulations;
 - (b) limiting the manner in which any such power may be exercised.
- (3) The persons referred to in subsection (1)(b) are—
 - (a) a person appointed as an inspector of marine accidents under section 267 of the Merchant Shipping Act 1995;
 - (b) a person responsible for the investigation of accidents arising out of or in the course of air navigation under regulations made under section 75 of the Civil Aviation Act 1982;
 - (c) a person appointed as an inspector of rail accidents under section 3 of the Railways and Transport Safety Act 2003;
 - (d) a person responsible for the investigation of accidents arising out of or in the course of spaceflight activities under regulations made under section 20 of the Space Industry Act 2018;
 - (e) any other person an inspector considers to have functions corresponding to those of an inspector, or a person within the preceding paragraphs, whether in or outside the United Kingdom.

Supplementary provision

73 Protection of information

- (1) This section applies in relation to information obtained by an inspector in connection with the inspector's functions.
- (2) The Secretary of State may, by regulations, make
 - (a) provision authorising the inspector to disclose the information to another person for a purpose specified in the regulations;
 - (b) other provision about how the information is to be dealt with.
- (3) Such regulations may, in particular—
 - (a) permit or require the retention or destruction of the information;
 - (b) disapply any power under an enactment that might otherwise be used to obtain the information;
 - (c) make provision about the admissibility in judicial proceedings of the information;

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- (d) confer jurisdiction on a court or tribunal.
- (4) Subsection (5) applies to—
 - (a) the inspector,
 - (b) any person who obtains the information on behalf of the inspector, and
 - (c) any person who obtains the information directly or indirectly from the inspector (other than by way of publication).
- (5) It is an offence for the person to—
 - (a) disclose the information to any other person, or
 - (b) use the information for a purpose other than the purpose for which it was obtained,except as authorised by or under this Part or any other enactment.
- (6) But it is a defence to prove that—
 - (a) the person who provided the information to the inspector consented to the disclosure or use,
 - (b) the person to whom subsection (5) applies reasonably believed that the disclosure or use was lawful, or
 - (c) in the case of a disclosure, that the information had already lawfully been disclosed to the other person.
- (7) A person who commits an offence under subsection (5) 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).

74 Further provision about physical evidence

- (1) This section applies in relation to an item or material obtained by an inspector under section 63 or 64 or regulations under section 70.
- (2) The inspector must, on request by the person from whom the item or material is obtained—
 - (a) give a receipt for the item or material, and
 - (b) in the case of a document readily capable of being copied, give a copy of it.
- (3) The item or material may be retained in the possession of the inspector for so long as the inspector considers necessary for the purposes for which it was obtained.
- (4) An inspector may for those purposes—
 - (a) examine the item or material (using reasonable force if necessary), and
 - (b) record (in whatever form) any information obtained from the item or material.
- (5) The Secretary of State may, by regulations, make further provision about how items or material obtained by an inspector in connection with the inspector's functions are to be dealt with.
- (6) Such regulations may, in particular—

- (a) authorise the retention or use of an item or material for purposes other than those for which it was obtained;
- (b) authorise the delivery of an item or material to a person other than its owner;
- (c) authorise the destruction of an item or material;
- (d) make provision about the admissibility in judicial proceedings of evidence relating to an item or material;
- (e) create an offence (see further section 76);
- (f) confer jurisdiction on a court or tribunal.

75 Expenses

- (1) The Secretary of State may make regulations entitling—
 - (a) the Secretary of State to recover from any other person, or
 - (b) any other person (including an inspector) to recover from the Secretary of State,expenses, costs or losses incurred in, or in connection with, the exercise of an inspector’s functions.
- (2) Regulations under this section may confer jurisdiction on a court or tribunal.

76 Offences under regulations

- (1) Where regulations under this Chapter create an offence, they may provide for the offence to be triable—
 - (a) only summarily, or
 - (b) summarily or on indictment.
- (2) Where the regulations provide for the offence to be triable only summarily, they may provide for the offence to be punishable—
 - (a) on summary conviction in England or Wales, by imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both);
 - (b) on summary conviction in Scotland, by imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both);or (in either case) by any lesser punishment.
- (3) Where the regulations provide for the offence to be triable summarily or on indictment, they may provide for the offence to be punishable—
 - (a) on summary conviction in England or Wales, by imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on summary conviction in Scotland, by imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on conviction on indictment, by imprisonment for a term not exceeding 2 years or a fine (or both);or (in any of those cases) by any lesser punishment.
- (4) In subsection (2)(a), “the maximum term for summary offences” means—
 - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks.

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77 Interpretation

In this Chapter—

“authorised automated vehicle” includes a vehicle that has been, but is no longer, an authorised automated vehicle within the meaning given by section 94;

“dwelling” means any premises wholly or mainly used as a place of residence (and includes any garden, yard, outhouse or other appurtenance which is not used in common by the occupants of multiple such premises);

“inspector” means an inspector appointed under section 60, and also includes, in relation to the exercise of a power further to regulations under section 69(1)(b), the person exercising that power;

“investigation” means an investigation under section 62;

“premises” includes any land;

“relevant incident” has the meaning given by section 62;

“traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984.