



Automated Vehicles Act 2024

2024 CHAPTER 10

PART 4

MARKETING RESTRICTIONS

78 Restriction of certain terms to authorised automated vehicles

- (1) The Secretary of State may, by regulations, specify words, expressions, symbols or marks as appropriate for use in connection with road vehicles only if used in connection with authorised automated vehicles (whether generally or of a description given in the regulations).
- (2) A person commits an offence if—
 - (a) the person uses, or causes or permits the use of, a restricted term in connection with the promotion or supply of a road vehicle,
 - (b) the person is acting in the course of business,
 - (c) the use of the restricted term is directed at an end-user or potential end-user of the vehicle,
 - (d) it is reasonable to anticipate that the use of the term will come to the attention of an end-user or potential end-user of the vehicle in Great Britain, and
 - (e) the vehicle is not an appropriate vehicle.
- (3) A person commits an offence if—
 - (a) the person uses, or causes or permits the use of, a restricted term in connection with the promotion or supply of a product intended for use as equipment of a road vehicle,
 - (b) the person is acting in the course of business,
 - (c) the use of the restricted term is directed at an end-user or potential end-user of a road vehicle,
 - (d) it is reasonable to anticipate that the use of the term will come to the attention of an end-user or potential end-user of a road vehicle in Great Britain, and
 - (e) the restricted term is not used specifically in relation to the use of the product as equipment of an appropriate vehicle.

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- (4) It is a defence for a person accused of an offence under this section to prove that the restricted term was used in a way that was not intended to convey, and could not reasonably have been understood as conveying, any meaning to do with automation.
- (5) It is a defence for a person accused of an offence under this section to prove that—
- (a) the use of the restricted term was directed only at end-users or potential end-users of vehicles outside Great Britain, and
 - (b) the person took all reasonable precautions and exercised all due diligence—
 - (i) to prevent the use of the restricted term from coming to the attention of end-users or potential end-users of road vehicles in Great Britain, or
 - (ii) to ensure that such end-users or potential end-users would understand that the use of the restricted term was not directed at them.
- (6) It is a defence for a person accused of an offence under this section to prove that—
- (a) the business in the course of which the person was acting did not involve the manufacture or supply of the vehicle or equipment in question,
 - (b) the communication in which the restricted term was used was formulated in the course of another business, and
 - (c) the person did not know, and had no reason to suspect, that the use of the restricted term would amount to an offence under this section.
- (7) 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);
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (8) In this section—
- “appropriate vehicle”, in relation to the use of a restricted term, means an authorised automated vehicle in connection with which the use of the restricted term is specified under subsection (1) as appropriate;
- “restricted term” means a word, expression, symbol or mark specified under subsection (1).
- (9) For the purposes of this section, a person is to be taken to use a restricted term if the person uses a word, expression symbol or mark so closely resembling a restricted term as to be likely to be mistaken for it.

79 Communications likely to confuse as to autonomous capability

- (1) A person commits an offence if—
- (a) the person makes, or causes or permits the making of, a communication in connection with the promotion or supply of any product or service,
 - (b) the person is acting in the course of business,
 - (c) the communication is directed at an end-user or potential end-user of a road vehicle,
 - (d) it is reasonable to anticipate that the communication will come to the attention of an end-user or potential end-user of a road vehicle in Great Britain, and

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- (e) the communication would be likely to confuse end-users of road vehicles in Great Britain as to whether a vehicle that is not an authorised automated vehicle is capable of travelling autonomously, safely and legally on roads or other public places in Great Britain.
- (2) It is to be assumed for the purposes of this section that a vehicle that is not an authorised automated vehicle is not so capable.
- (3) It is a defence for a person accused of an offence under this section to prove that the person took all reasonable precautions and exercised all due diligence to prevent end-users or potential end-users of road vehicles in Great Britain from being confused as described in subsection (1)(e).
- (4) It is a defence for a person accused of an offence under this section to prove that—
 - (a) the business in the course of which the person was acting did not involve the manufacture or supply of the product, or the supply of the service, in question,
 - (b) the communication was formulated in the course of another business, and
 - (c) the person did not know, and had no reason to suspect, that the making of the communication would amount to an offence under this section.
- (5) 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);
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

80 Liability of corporate officers etc

- (1) Where—
 - (a) a relevant entity commits an offence under section 78 or 79, and
 - (b) the offence is—
 - (i) committed with the consent or connivance of a responsible person, or
 - (ii) attributable to any neglect on the part of a responsible person,that person also commits the offence.
- (2) In subsection (1), “relevant entity” means—
 - (a) a body corporate,
 - (b) a partnership, or
 - (c) a firm or other entity similar in nature to a partnership established under a foreign law.
- (3) In subsection (1), “responsible person” means—
 - (a) in the case of a body corporate other than one within paragraph (b), a director, manager, secretary or other similar officer;
 - (b) in the case of a limited liability partnership, or an entity of similar nature established under a foreign law, a member who takes part in the management of the partnership or entity;
 - (c) in the case of a partnership or an entity within subsection (2)(c), a partner who takes part in the management of the partnership or entity.

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- (4) A reference in subsection (3) to a person holding a particular position includes—
- (a) in the case of a body or entity established under a foreign law, any person holding a corresponding position under that law, and
 - (b) any person purporting to act in the position referred to in subsection (3) (including as it is read by virtue of paragraph (a)).

81 Interpretation and supplementary provision

- (1) In sections 78 and 79—
- “end-user”, in relation to a vehicle, means a person who uses the vehicle on a road or other public place other than for commercial purposes to do with the development, manufacture or supply of the vehicle;
 - “equipment” has the same meaning as in Part 1 (see section 44(1));
 - “product” includes software.
- (2) For the purposes of those sections, a communication is to be taken to be directed at an end-user or potential end-user of a vehicle if it is directed at a class of persons likely to include such a person.
- (3) An offence under those sections can be committed anywhere in the world.
- (4) Schedule 5 makes provision about the enforcement of sections 78 and 79.
- (5) If section 78 or 79 comes into force before paragraph 5 of Schedule 2, it is to be read as if any reference to an authorised automated vehicle included a vehicle listed under section 1 of the Automated and Electric Vehicles Act 2018.