



Automated Vehicles Act 2024

2024 CHAPTER 10

PART 5

PERMITS FOR AUTOMATED PASSENGER SERVICES

Supplementary provision

88 Collection, sharing and protection of information

- (1) Permit conditions may, in particular, include conditions as to the collection and sharing of information.
- (2) That reference to sharing includes—
 - (a) sharing with the appropriate national authority or other public authorities, and
 - (b) sharing with private businesses (such as vehicle manufacturers or insurers).
- (3) The following provisions of this section apply in relation to information that a person obtains further to a permit condition as to the sharing of information.
- (4) In those provisions, “the recipient” means—
 - (a) the person who obtains the information as described in subsection (3), or
 - (b) any other person to whom the information is subsequently disclosed.
- (5) The appropriate national authority may make regulations authorising the recipient to—
 - (a) disclose the information to another person for a purpose specified in the regulations, or
 - (b) use the information for a purpose other than the purpose for which it was obtained.
- (6) It is an offence for the recipient to—
 - (a) disclose the information to another person, or
 - (b) use the information for a purpose other than the purpose for which it was obtained,except as authorised by regulations under subsection (5) or any other enactment.

Status: This is the original version (as it was originally enacted).

- (7) But it is a defence to prove that—
- (a) the person from whom the information was obtained as described in subsection (3) consented to the disclosure or use, or
 - (b) the recipient 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.
- (8) A person who commits an offence under subsection (6) is liable—
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to a fine.
- (9) Regulations under subsection (5) are not to be taken to authorise disclosure or use that would be liable to harm the commercial interests of any person, except to the extent that—
- (a) the regulations otherwise provide, or
 - (b) the person disclosing or using the information reasonably considers such disclosure or use necessary in view of the purpose of the regulations.

89 Procedural and administrative matters

- (1) A permit may be varied, renewed, suspended or withdrawn in such circumstances as are specified in regulations made by the appropriate national authority.
- (2) The appropriate national authority may, by regulations, make provision about the procedure to be followed in connection with the grant, retention, renewal, expiry, variation, suspension or withdrawal of a permit.
- (3) Regulations under subsection (2) may, in particular, make provision about—
- (a) the form and content of an application for a permit (or for the renewal of a permit);
 - (b) fees payable in respect of—
 - (i) an application for a permit (or for the renewal of a permit), or
 - (ii) the grant, retention or renewal a permit;
 - (c) the notification of decisions;
 - (d) reviews of, or appeals against, decisions.
- (4) If fees are made payable as mentioned in subsection (3)(b)(ii), the amount of such a fee may be determined by reference to any costs incurred, or likely to be incurred, by the appropriate national authority in connection with any function under this Part (whether or not directly related to what the fee is for).
- (5) But a given amount of costs (or likely costs) may not be taken into account more than once in determining amounts of fees under this Part.
- (6) The appropriate national authority may, by regulations, set a maximum period for which a permit may be valid.
- (7) The appropriate national authority may, by regulations, provide for its functions under any provision made by or under this Part to be exercisable by a traffic commissioner instead of, or in addition to, the appropriate national authority.

- (8) Regulations under subsection (7) made by the Scottish Ministers or the Welsh Ministers—
- (a) if they apply to a function in respect of which a fee is payable, must also apply to the function of charging and receiving that fee;
 - (b) if they apply to the function of issuing a notice under paragraph 1 or 2 of Schedule 6 (compliance notices and monetary penalty notices), must also apply to the functions under paragraph 4 of that Schedule (costs notices) so far as exercisable in connection with the first function.
- (9) Money received by a traffic commissioner as a result of regulations under subsection (7) must, unless subsection (10) applies, be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (10) Money received by a traffic commissioner under paragraph 2(2) of Schedule 6 (monetary penalties) as a result of regulations under subsection (7) made by the Scottish Ministers or the Welsh Ministers must be paid to those Ministers.

90 Interpretation

- (1) In this Part—
- “automated passenger service” has the meaning given by section 82(2);
 - “permit” means a permit under section 82(1) (and “permit holder” is to be read accordingly);
 - “permit condition” has the meaning indicated in section 82(4)(d).
- (2) The remaining subsections apply for the purposes of this Part.
- (3) An automated passenger service is “provided in” an area if (and only if) it involves passengers being carried in that area.
- (4) Subject to subsection (5), the “appropriate national authority” is—
- (a) the Secretary of State, in relation to a permit for the provision of a service in England;
 - (b) the Scottish Ministers, in relation to a permit for the provision of a service in Scotland;
 - (c) the Welsh Ministers, in relation to a permit for the provision of a service in Wales.
- (5) In relation to a permit for the provision of a service in a public service vehicle, the “appropriate national authority” is the Secretary of State.
- (6) A permit is of that description if, under the permit, a service could be provided in a vehicle that, by virtue of its use in providing that service, would count as a public service vehicle within the meaning of the Public Passenger Vehicles Act 1981 (assuming that section 83 did not apply).
- (7) In relation to the exercise of power by a traffic commissioner further to regulations under section 89(7), references in this Part to the appropriate national authority are to be read as including a traffic commissioner.