



# Automated Vehicles Act 2024

## 2024 CHAPTER 10

### PART 7

#### GENERAL PROVISION

#### 94 General definitions

In this Act—

“authorised automated vehicle” means a vehicle authorised under section 3;

“enactment” includes an enactment comprised in—

- (a) an Act of the Scottish Parliament,
- (b) an Act or Measure of Senedd Cymru,
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (see section 21(1) of that Act), or
- (d) any instrument corresponding to such legislation made under an Act of the Scottish Parliament or an Act or Measure of Senedd Cymru;

“information” includes recorded images or sounds;

“road” has the same meaning as in the Road Traffic Act 1988 (see section 192(1) of that Act);

“road vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.

#### 95 Disclosure of information: interaction with external constraints

- (1) This section applies in relation to any provision for the disclosure, obtaining or use of information made by or under this Act.
- (2) The provision does not require or authorise any disclosure, obtaining or use of information that—
  - (a) contravenes the data protection legislation, or
  - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

- (3) But the provision is to be taken into account in determining whether the disclosure, obtaining or use of information would contravene the data protection legislation.
- (4) The disclosure of information in accordance with the provision (as read subject to subsection (2)) does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (5) The provision does not require or authorise the disclosure or obtaining of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings without the agreement of the person entitled to maintain that claim.
- (6) In the application of subsection (5) in Scotland, the reference to legal professional privilege is to be read as a reference to confidentiality of communications.
- (7) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

## 96 Crown application

- (1) The following provisions bind the Crown (but not so as to make the Crown itself, as opposed to persons in the service of the Crown, criminally liable)—
  - (a) section 42;
  - (b) section 73;
  - (c) section 88.
- (2) The following provisions apply to vehicles and persons in the public service of the Crown—
  - (a) Chapter 1 of Part 2;
  - (b) Chapter 1 of Part 3.
- (3) The Secretary of State may by regulations provide for Chapter 2 of Part 3 to bind the Crown in a manner described in the regulations.

## 97 Regulations

- (1) This section applies to regulations under this Act (except those under section 99).
- (2) Before making regulations, the person proposing to make them must consult with such representative organisations as that person thinks fit.
- (3) Regulations made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument (and see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) in relation to regulations made by the Scottish Ministers).
- (4) Regulations may make—
  - (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes or areas;
  - (c) provision that allows for the exercise of discretion.
- (5) The following regulations are subject to the affirmative procedure—
  - (a) regulations under section 36(9),

- (b) regulations under section 50 that amend an Act, an Act of the Scottish Parliament or an Act of Senedd Cymru, and
  - (c) regulations under paragraph 2(7) of Schedule 6;
- and all other regulations are subject to the negative procedure.
- (6) The effect of regulations being subject to the affirmative procedure is—
- (a) in the case of regulations made by the Secretary of State, that the statutory instrument containing the regulations may not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament;
  - (b) in the case of regulations made by the Welsh Ministers, that the statutory instrument containing the regulations may not be made unless a draft of it has been laid before, and approved by a resolution of, Senedd Cymru;
  - (c) in the case of regulations made by the Scottish Ministers, the effect provided by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010.
- (7) The effect of regulations being subject to the negative procedure is—
- (a) in the case of regulations made by the Secretary of State, that the statutory instrument containing the regulations is (unless it also contains regulations subject to the affirmative procedure) subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) in the case of regulations made by the Welsh Ministers, that the statutory instrument containing the regulations is (unless it also contains regulations subject to the affirmative procedure) subject to annulment in pursuance of a resolution of Senedd Cymru;
  - (c) in the case of regulations made by the Scottish Ministers, the effect provided by section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010.

## **98 Extent**

- (1) This Act extends to England and Wales and Scotland, except as provided below.
- (2) Sections 54(2) and 93 extend only to England and Wales.
- (3) An amendment made by Schedule 2 or 3 has the same extent as the provision amended (and sections 53(3) and 54(4) accordingly extend to England and Wales, Scotland and Northern Ireland).
- (4) Paragraph 2 of Schedule 5 extends to England and Wales, Scotland and Northern Ireland (and accordingly so does section 81(4)).
- (5) This Part extends to England and Wales, Scotland and Northern Ireland.

## **99 Commencement and transitional provision**

- (1) The preceding Parts come into force on a day appointed by regulations made by the Secretary of State.
- (2) Different days may be appointed for different purposes or areas.
- (3) This Part comes into force on the day on which this Act is passed.

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

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- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (5) The power to make regulations under subsection (4) includes power to make different provision for different purposes or areas.
- (6) Regulations under this section are to be made by statutory instrument.

**100 Short title**

This Act may be cited as the Automated Vehicles Act 2024.