



EXPLANATORY NOTES

Automated Vehicles Act 2024

Chapter 10

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AUTOMATED VEHICLES ACT 2024

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

- These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Overview of the Act

1. The Automated Vehicles Act implements the recommendations of the 4-year review of regulation for automated vehicles carried out jointly by the Law Commission of England and Wales and the Scottish Law Commission (the Law Commissions). It is intended to set the legal framework for the safe deployment of self-driving vehicles in Great Britain.
2. The Act is comprised of 7 Parts and 6 Schedules, which are explained below.

Policy background

Policy development

3. The Law Commissions' review of the law relating to automated vehicles involved three rounds of consultation between November 2018 and December 2020, involving over 350 meetings with individuals and organisations, and analysis of over 400 written responses. The Law Commissions published their report Automated Vehicles: joint report with 75 recommendations in January 2022.¹
4. The Government's response to the recommendations was published in the Connected and Automated Mobility 2025: Realising the benefits of self-driving vehicles in the UK (CAM 2025) in August 2022.² Based on the Law Commissions' recommendations, CAM 2025 committed to set out a legal and safety framework to provide clarity of responsibility for self-driving vehicles and to put in place new safety requirements. The framework applies to vehicle systems that are capable of driving a vehicle, for some or all of a journey, with no human input. Such systems are considered 'self-driving', and legal responsibilities change. This technology is distinct from technology that supports a driver (driver assistance technology), where the driver remains responsible at all times. The Law Commissions recommended that it should be a criminal offence to market a vehicle as self-driving if it does not meet the legal definition.
5. As recommended by the Law Commissions, CAM 2025 identifies new legal entities responsible for the safety of self-driving systems and creates a new legal status for a driver who has handed control of a vehicle to a self-driving system. It also sets out details of a new safety framework for self-driving vehicles on roads in Great Britain.
6. The safety framework includes a high-level non-statutory **safety ambition** which aims to provide a focus for Government and industry as self-driving vehicles are developed and deployed, and to provide a publicly-accessible aim to support public acceptance. A set of National Safety Principles, referred to as a **Statement of Safety Principles** in the Act, must set out further detail of the safety expectations for self-driving vehicles and to which the Secretary of State is required to have regard when assessing whether a vehicle is able to drive itself safely and legally. The Statement of Safety Principles are required to be framed with a view to securing the safety ambition that authorised automated vehicles will achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers.

¹ Automated Vehicles: joint report: <https://lawcom.gov.uk/project/automated-vehicles/>

² Connected & Automated Mobility 2025: <https://www.gov.uk/government/publications/connected-and-automated-mobility-2025-realising-the-benefits-of-self-driving-vehicles>

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7. Vehicles with automated systems will be subject to detailed technical assessment and **approval** for the purposes of safety and cyber-security using the well-established Vehicle Type Approval process. Amendments to the approval process can be made where necessary to account for new automated technologies. A vehicle with automated technology may be put forward for **authorisation**, which is the process by which a system will be assessed as self-driving. If assessed as self-driving, authorisation identifies the organisation responsible for the system.
8. If an authorised self-driving system operates without a responsible individual inside at any point, it requires a **licensed operator** to oversee the service. If the service carries passengers, it requires a **permit for automated passenger services** or license to do so under taxi, private hire or public service vehicle laws.
9. An **in-use regulatory scheme** holds those responsible for self-driving systems to account while the systems are in use, and sanctions and penalties apply if the regulated bodies fail to meet their obligations. **No-blame safety investigations** by inspectors of automated vehicle incidents make recommendations to inform and shape the ongoing safe development and deployment of self-driving vehicles.
10. In addition to the Law Commission’s recommendations, the Act enables information about **traffic regulation orders (TROs)** to be made available digitally and in a common format for use in self-driving vehicles and other systems that facilitate driving vehicles on a road. The data, which includes, for example, speed limits, road closures and restrictions, location and times of use of bus lanes and parking bays can then be used to create a digital map of the road network which support the safe operation of self-driving vehicles. The proposal for digital TROs was consulted on in 2022.³
11. The following paragraphs provide further detail on the policy background, following the structure of the Act.

Part 1 and Schedules 1 and 2: Establishing a regulatory scheme for automated vehicles

Chapter 1: Authorisation of road vehicles for automated use

12. Chapter 1 sets out the basic concepts and safety expectations, and establishes a regulatory scheme for a vehicle to be authorised in Great Britain as “self-driving”.
13. For conventional vehicles it is the responsibility of the driver to follow the rules of the road. So, even when using driver assistance systems, the driver must always monitor the driving of the vehicle and be ready to intervene. Chapter 1 sets out the “self-driving test” which identifies, in law, those systems (known as “features”) that are sufficiently technologically advanced that there does not need to be an individual in the driving seat monitoring the road and behaviour of the vehicle. Legal responsibility for self-driving vehicles shifts away from the human user of the vehicle.

³ Traffic Regulation Orders: <https://www.gov.uk/government/consultations/traffic-regulation-orders-changes-to-publishing-requirements-and-special-events-order-approvals>

14. Authorisation is the process by which the Secretary of State will determine whether a vehicle meets the self-driving test and other regulatory requirements. Authorisation considers whether a vehicle can safely and legally drive itself without the need for monitoring or control by an individual.
15. Each authorised automated vehicle must have an authorised self-driving entity (ASDE) who is responsible for the way that the vehicle drives and for meeting other regulatory obligations. The identity of the ASDE for each authorised automated vehicle will be published on a register. The ASDE must appoint a nominated manager who is responsible for providing information that regulators require. The ASDE may be subject to regulatory sanctions if an automated vehicle commits a traffic infraction or if regulatory requirements have not been met.
16. The Law Commissions also recommended that the Secretary of State for Transport be required in law to publish safety principles against which the safety of automated vehicles can be measured. The Act refers to this standard as a 'Statement of Safety Principles' (see section 2) and requires the Secretary of State to consult on and define the Safety Principles in a statement laid before Parliament. The Safety Principles set out the safety expectations for self-driving vehicles and the Secretary of State is required to have regard to the Safety Principles in their assessment during the authorisation process of whether a vehicle meets the self-driving test under section 1. The power to authorise cannot be exercised until the Statement of Safety Principles has effect.

Chapter 2: Licensing of operators for vehicle use without user-in-charge

17. Chapter 2 is concerned with 'no-user-in-charge' (NUiC) vehicles. Some self-driving features do not require an individual to be in the vehicle, and in a position to exercise control of the vehicle at any point in the journey (a 'user-in-charge') and such features are therefore referred to as a NUiC features. For example, a vehicle with a NUiC feature could travel empty or with only freight or passengers (no responsible human needed inside the vehicle).
18. As is required for all self-driving vehicles, these vehicles must have an authorised self-driving entity (responsible for the way the vehicle drives), but are also required to be overseen by a licensed NUiC operator. The licensed operator is required to have "oversight" of the vehicle. This involves knowing where its vehicles are, maintenance and insurance and general responsibility for safe operations. This role is, in some respects, similar to a bus operator.
19. The Act therefore provides for the establishment of an operator licensing scheme to ensure that companies operating self-driving vehicles are subject to set requirements and are suitable for the role.

Chapter 3: Provision of information by regulated bodies

20. Safety assurance relies heavily on information provided by the ASDE and NUiC operator to the regulator, both in their safety cases and in subsequent submissions. Chapter 3 makes provision for the sharing of information by ASDE/NUiC operators with the Secretary of State and others.
21. The functioning of the safety framework relies on good quality information being provided. The Law Commissions found existing offences such as corporate manslaughter, fraud and Health and Safety offences left gaps, and new offences were necessary. The process would be undermined by any lack of candour. The provisions therefore put in place specific criminal offences for misrepresentations and non-disclosure that have implications for vehicle safety.

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Chapter 4: Powers to investigate premises used by regulated bodies

22. Chapter 4 gives various powers to investigate premises used by bodies regulated under this Act. The provisions in this Chapter are in response to the Law Commissions' recommendation that the in-use regulator should have powers to apply for a search warrant to obtain information which is relevant to an investigation and powers to inspect remote operation centres.

Chapter 5: Civil sanctions against regulated bodies

23. Chapter 5 provides for a range of civil sanctions against bodies regulated under the Act if they fail to comply with, amongst other things, authorisation requirements or information obligations. The provisions in this Chapter are in response to the Law Commissions' recommendation that the in-use regulator should have statutory powers to impose the following regulatory sanctions: civil penalties; redress orders; compliance orders.

Chapter 6: Other regulatory powers and duties

24. Chapter 6 sets out the Secretary of State's regulatory duties to monitor the performance of authorised automated vehicles and ensuring that the safety of the vehicles is consistent with the Statement of Safety Principles. The Secretary of State will issue annual monitoring reports. This Chapter sets out powers to investigate relevant incidents.

Chapter 7: Supplementary provision

25. Chapter 7 makes supplementary provisions for the purposes of Part 1 covering matters such as the subsequent use of information obtained under powers given by this Part.

Schedule 1: Enforcement action under Part 1: procedure

26. Schedule 1 sets out the procedures for exercising the power to suspend or vary authorisations, as well as for issuing certain types of notices and penalties under Part 1.

Schedule 2: Amendments related to Part 1

27. Schedule 2 makes various consequential amendments to existing provisions.

Part 2 and Schedule 3: Criminal liability for vehicle use

Chapter 1: Legal position of the user in charge

28. Chapter 1 provides that, in certain circumstances where an authorised automated feature is engaged, an individual in the vehicle and in a position to operate the driving controls (referred to as a "user-in-charge", or UiC) may claim an immunity for offences arising from the way the vehicle is driven.
29. If a self-driving feature requires a responsible human inside the vehicle (e.g. because it can only complete part of a journey such as for a motorway chauffeur system), that human is the driver while the feature is disengaged and becomes a UiC when the self-driving feature is engaged. The UiC is not responsible for the way the self-driving vehicle drives when the feature is engaged.
30. The UiC must however be qualified and fit to drive, and in a position to exercise control. The UiC also retains responsibilities not associated with dynamically controlling the vehicle and may be called on to take over driving if the self-driving feature issues a transition demand – and may have to drive for part of the journey to reach their destination.

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31. While the self-driving feature is engaged, the UiC is not responsible for dynamic driving. They do not control the vehicle through steering, accelerating or braking, and do not need to monitor the driving environment. They have express immunity from the most serious road traffic offences (subsections 1 to 3A of the Road Traffic Act 1988). They are not responsible for signals and lighting. The immunity ensures that the user-in-charge cannot be held liable for criminal offences which arise from self-driving activities.
32. However, a UiC does retain other driver responsibilities not linked to the manner of driving. For example, to ensure that the vehicle has appropriate insurance, check that any load is secure, ensure roadworthiness, and ensure that any children in the vehicle are wearing their seatbelts. Other examples of UiC responsibilities in the chapter include offences relating to parking, and payment of tolls and charges.
33. A UiC should remain able to retake dynamic driving control, for example they must be awake and in the driving seat. Mobile phone use remains prohibited.

Chapter 2: Offences

34. Chapter 2 sets out new driving offences relating to automated vehicles and amends offences in the Road Traffic Act 1988 to apply to circumstances arising from the use of automated vehicles.
35. With automation there is likely to be a large dependency on software which was not adequately reflected in previous legislation. The Act therefore makes amendments to bring software within existing offences under the Road Traffic Act 1988 around tampering, and the fitting and supply of defective or unsuitable parts.

Schedule 3: Amendments related to section 54

36. Schedule 3 amends legislation in connection with the new offences.

Part 3 and Schedule 4: Policing and investigation

Chapter 1: Stopping and seizure

37. Chapter 1 makes provision to enable stopping powers to be exercised against automated vehicles, and makes provision in respect of the seizure and detention of vehicles.

Chapter 2: Investigation of incidents by statutory inspectors

38. Chapter 2 makes provision for the appointment of inspectors of automated vehicle incidents for the purpose of carrying out safety investigations. Such investigations are to increase understanding of and reduce the risks of harm from the use of automated vehicles and not to establish blame or liability. Further provision under this Chapter is concerned with giving inspectors powers to obtain and gather evidence and also with the subsequent use of information, contents of safety reports and procedural matters.
39. This is distinct from the in-use regulatory function, the purpose of which is to monitor and enforce regulatory standards. The regulatory function will look at how and why an automated vehicle has committed a traffic infraction, and whether it is appropriate to issue regulatory sanctions. The safety investigations conducted by statutory inspectors does not establish blame or liability, nor issue sanctions, but rather publishes non-binding recommendations. This is because the purpose of a statutory inspector is to identify, improve the understanding of, and reduce the risk of automated vehicle incidents through conducting a safety investigation.

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40. These powers fulfil the recommendation from the Law Commissions that an independent collision investigation unit should be given responsibility for investigating serious, complex and high-profile collisions involving automated vehicles.

Schedule 4: Amendments related to section 66(3)

41. Schedule 4 makes amendments to the Road Traffic Offenders Act 1988 to provide for the offence of failing to comply with an inspector's direction under section 66(3).

Part 4 and Schedule 5: Marketing restrictions

42. A driver in a vehicle with assistance technology who believes the vehicle is capable of driving itself could over-rely on the vehicle and disengage from the driving task when it is not safe to do so. Therefore, Part 4 of the Act creates (and makes further provision in relation to) offences to ensure that only authorised automated vehicles are marketed using words or symbols reserved only for authorised automated vehicles, and to ensure that vehicles that only provide driver assistance (and hence are not authorised automated vehicles) are not marketed in a way that could confuse the driving public into believing they do not need to pay attention to the road. The offences only apply to people acting in the course of business and if the use of the restricted term or confusing communication is directed at end-users.
43. Schedule 5 requires the Secretary of State to enforce misleading marketing provisions and grants powers in Part 3 of Schedule 5 of the Consumer Rights Act 2015 for that purpose.
44. Part 4 and Schedule 5 implement the Law Commissions' recommendation that it should be a criminal offence to market a vehicle as self-driving if it is not authorised as such.

Part 5 and Schedule 6: Permits for automated passenger services

45. Part 5 and Schedule 6 of the Act make provision in respect of the licensing of automated passenger services, the disapplication of taxi, private hire and bus legislation to licensed automated passenger service providers as long as they remain in the area in which, and in a vehicle in which, services can be provided under the permit. Permits may be granted subject to conditions. It also sets out the requirements that must be satisfied before a permit is granted.
46. Schedule 6 provides that infringement of obligations the permit holder must fulfil as a condition of holding the permit can be enforced by compliance notices, monetary penalties and costs notices and provides for rights of appeal.

Part 6: Adaptation of existing regimes

47. Part 6 of the Act makes provision for the adaptation of existing regimes. Such provision includes, for example, the power to amend the type-approval framework in assimilated legislation to make it more suitable for automated vehicles, the modification of roadside testing and inspection powers for the purpose of ascertaining whether requirements under this Act are satisfied, and a power to require that traffic regulation orders are provided in digital form so that they may be used by self-driving vehicles.

Type approval

48. The process for checking that vehicles, their systems and their components comply with applicable safety and environmental standards is a well-established process for conventional vehicles (known as Vehicle Type Approval). Many of the requirements that apply in GB Type Approval are set at an international level at the United Nations Economic Commission for

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Europe (UNECE), which provides harmonisation of vehicle standards, meaning a manufacturer can be approved once for access to multiple markets. Where UNECE standards are not in place, Great British standards can be developed.

49. The Law Commissions recommended that the Secretary of State should establish a domestic self-driving vehicle technical approval scheme to approve vehicles with self-driving features which do not have UNECE approvals and which are intended for use on Great British roads.
50. Type approval differs from the authorisation stage in Part 1 as the approval process is needed to register a vehicle with the Driver Vehicle and Licensing Agency based on it meeting specific technical requirements, whereas authorisation determines whether a vehicle meets the self-driving test and, therefore, whether legal responsibilities change.
51. The Act grants power to the Secretary of State to amend the assimilated type approval frameworks. This is to ensure that type approval can be issued for self-driving vehicles which do not, for example, have a driver's seat or driver's controls. These amendments to requirements, include for example vehicle categories and definitions..
52. Specific technical provisions are also required for the automated driving system (responsible for controlling the automated vehicle) and amendments can include ongoing obligations in order to ensure the continued on-road safety of self-driving vehicles. For example, changes in traffic rules or the emergence of new cyber-security vulnerabilities may require the manufacturer to take action such as issuing software updates.
53. The power also enables the Secretary of State to set requirements for manufacturers to have in place appropriate management systems covering safety, security, and software updates for vehicles. Management systems are frameworks consisting of the manufacturer's policies, processes, documentation, standards, toolsets and competencies of personnel which cover the activities around the safety and security of a vehicle throughout its life.

Digitalising Traffic Regulation Orders

54. Self-driving vehicles need to have an accurate and up-to-date understanding of the road, and to know the legal parameters of the network. Traffic Regulation Orders (TROs) hold much of the necessary information to facilitate this, for example, information on speed limits, parking bays, bus lanes and road works. TROs are issued and held by traffic regulation authorities and traditionally stored on paper or in separate authority systems, and the format and content of TROs can differ between each authority. The information may therefore not be readily available to those developing or deploying self-driving vehicles.
55. In order to facilitate access to the information, the Act gives the Secretary of State or Welsh Ministers the power to make regulations to require TRO information to be provided by traffic regulation authorities in England or Wales respectively, to specify where and when it is sent, and that it must be provided in line with specified electronic data standards.
56. The Act allows for the Government to publish this information via a common publication platform so that it can be used by self-driving vehicles and by other electronic equipment designed to undertake or facilitate the driving of vehicles on a road for example, satellite navigation applications and features.

Part 7: General provision

57. Part 7 of the Act makes general provision concerned with matters such as the application of data protection legislation, Crown application, the procedure for making regulations under the Act, and extent.

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Legal background

58. The following is a summary of the legal background to the Act. Further explanation is contained in the policy background sections of these notes.
59. The Act provides a legal framework for regulating the use of automated vehicles on roads and other public places. The Act largely reflects the recommendations of the review of the law relating to automated vehicles undertaken by the Law Commission of England and Wales and the Scottish Law Commission (the Law Commissions).
60. The Act creates licensed and regulated entities that will assume liability for the way that an automated vehicle drives. Drivers have immunity from criminal liability arising from how the vehicle is driven while the automated vehicle features are engaged. Civil liability to other road users is met by insurers' liabilities under the Automated and Electric Vehicles Act 2018 together with power in the Act to make redress orders. The Act creates a number of criminal and civil penalties. Most of these offences apply to the regulated entities and actors created under the Act.
61. The following notes give a brief overview of significant legislation referenced by the Act.
62. The Road Traffic Act 1988 is an Act that regulates road traffic, including road traffic offences, on public roads and other public places in England, Scotland and Wales. The offences in the Act are amended under Chapter 2 of this Act and new offences created (section 53 and 54). Amendments are also made to the roadside testing powers (section 92) and new definitions inserted into the Act (section 94). Further amendments to the Act that relate to insurance provisions can be found in Schedule 2 of this Act.
63. The Road Traffic Offenders Act 1988 is an Act that contains provisions concerning the prosecution and punishment of road traffic offences including the penalties attached to the offences. This is amended under Chapter 2 of this Act, to set out the penalties for the new offences introduced into the Road Traffic Act 1988.
64. The Automated and Electric Vehicles Act 2018 is an Act that contains provisions which define an automated vehicle for the purposes of the Act and the liability of insurers in respect to those vehicles. At Schedule 2 this Act amends the Automated and Electric Vehicles Act to ensure it aligns with the framework set out in this Act for automated vehicles and removes the requirement for the Secretary of State to keep a list of automated vehicles but maintains the liability of insurers in respect to authorised automated vehicles.
65. The Road Traffic Regulation Act 1984 is an Act that provides powers to regulate traffic on public roads, including making traffic regulation orders and setting speed limits. Part 6 of this Act at section 93 provides the power for the Secretary of State or Welsh Ministers to make regulations requiring a traffic regulation authority for an area in England or Wales respectively to provide information about relevant traffic regulation measures made using powers under the Act, to enable information to be communicated or acted upon by authorised automated vehicles or in respect to the electronic equipment of other vehicles on roads.
66. The assimilated type approval legislation (listed in the Act at section 91(4)), provides the legal powers for checking that vehicles, their systems and their components comply with applicable safety and environmental standards and is a well-established process for conventional vehicles. section 91 provides a power to amend the assimilated type approval legislation for the purpose of setting suitable technical requirements for the type of vehicles described under section 91(1).

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67. Section 95 clarifies that any provision in the Act that relates to obtaining or using information must comply with the Data Protection Act 2018.
68. Part 5 of the Act introduces a new framework for issuing permits for automated passenger services section 83 disapplies taxi, private hire and bus legislation for automated passenger services. The relevant legislation is listed under this section.
69. Schedule 2 to the Act contains other amendments to provisions of other Acts, in most cases to insert 'authorised' into references to automated vehicles in these Acts or to update the existing relevant references in the act to include 'authorised automated vehicles'.
70. Schedule 5 to the Act amends the Consumer Rights Act 2015 to include reference to powers inserted by this Act relating to misleading marketing offences under Part 4 of this Act.

Territorial extent and application

71. Section 98 sets out the territorial extent of the Act, that is the jurisdictions where the Act forms part of the law. The extent of an Act can be different to its application. Application is about where the Act produces a practical effect rather than where it forms part of the law.
72. The Act generally extends and applies to England and Wales and Scotland, with the exception of the following sections which do not extend to Scotland:
 - a. Section 54(2) (Dangerous use etc), which inserts a new section 22B (offence of causing danger to road-users resulting in automated vehicle killing or seriously injuring) into the Road Traffic Act 1988. The new offence's extent is consistent with the previous offence in section 22A of the Road Traffic Act 1988, which also extends to England and Wales only.
 - b. Section 93 (Provision of information about traffic regulation measures) extends to England and Wales only.
73. The core provisions of the Act do not apply to Northern Ireland in line with the Road Traffic Act 1988, which extends to England and Wales and Scotland only. Northern Ireland has its own road traffic laws. However, the Act also makes certain consequential amendments extending to Northern Ireland:
 - a. Schedule 3 makes consequential amendments to provisions in existing legislation extending to England and Wales, Scotland and Northern Ireland. An amendment made by a Schedule has the same extent as the provision amended. Accordingly, Schedule 3 and the provisions in the Act providing for it (section 53(3) and 54(4)) extend to England and Wales, Scotland and Northern Ireland as relevant.
 - b. Paragraph 2 of Schedule 5 extends to England and Wales, Scotland and Northern Ireland, as it amends the Consumer Rights Act 2015 which has that extent. section 81(4) accordingly also extends to England and Wales, Scotland and Northern Ireland.

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74. The provisions in Part 7 of the Act (General provision) also extend to Northern Ireland, as well as England and Wales and Scotland.
75. The Act provides for extraterritorial application in relation to:
 - a. The Secretary of State's powers to issue information and interview notices specifying individuals or classes of individuals consistent with section 19 (Notices requiring individual attendance). section 19 provides that notices may specify an individual or class of individuals who are carrying out, or have carried out, paid work for a regulated body (in whatever capacity). These individuals need not have any further connection to the United Kingdom.
 - b. The offences in section 78 (Restriction of certain terms to authorised automated vehicles) and section 79 (Communications likely to confuse as to autonomous capability). These offences can be committed anywhere in the world. In both cases, for the elements of the offence to be made out, it must be reasonable to anticipate that the use of the term or communication will come to the attention of an end-user or potential end-user of road vehicles in Great Britain.
76. Where relevant, the commentary on individual provisions of the Act also includes a paragraph explaining their application.
77. The provisions in Part 5 of the Act (Permits for automated passenger services) touch on matters which are devolved to Scotland and Wales, insofar as they relate to any passenger services not provided in public service vehicles. Section 40 of the Act (Power to require reports from police and local authorities) gives the Secretary of State power to impose reserved functions on Devolved Welsh Authorities and to modify the executive competence of Scottish Ministers for reserved purposes.
78. See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Act

Part 1: Regulatory scheme for automated vehicles

Chapter 1: Authorisation of road vehicles for automated use

Section 1: Basic concepts

79. Section 1 sets out the criteria to satisfy the “self-driving test”. The self-driving test and other requirements must be met for a vehicle to be authorised for use in Great Britain so that legal responsibility for the behaviour of the vehicle will change. The test considers whether a ‘feature’ of the vehicle enables the vehicle to drive autonomously. To drive autonomously means the vehicle is not being controlled by an individual but by equipment, and without the need for an individual to control the vehicle or to monitor the vehicle or its surroundings in order to intervene in driving.
80. A ‘feature’ refers to a specific operation that the vehicle can undertake. A vehicle may have more than one self-driving ‘feature’. For example, a vehicle may be able to drive itself on motorways using one ‘feature’ and in car parks using a separate ‘feature’. Section 7 sets out further detail on ‘authorised automation features’, including how to specify or describe them.
81. Subsection (2) sets out the requirements for a vehicle to ‘satisfy the self-driving test’, which include the vehicle being able to drive safely and legally. Subsection (7) specifies that a vehicle drives safely if it travels to an acceptably safe standard. When assessing safety, the Secretary of State must have regard to the ‘statement of safety principles’, which are provided for in section 2 and which must be framed with a view to securing better road safety as a result of the use of automated vehicles. Subsection (7) also specifies that a vehicle drives legally if there is an acceptably low risk of committing a traffic infraction. The meaning of ‘committing a traffic infraction’ is set out in section 44(2), which is committed if a vehicle does anything that would – if it were done by an individual – amount to an offence or cause a person to become liable to a road traffic penalty charge. The Act makes provision for the driver to have an immunity for offences committed by the vehicle while a self-driving feature is engaged, with the authorised self-driving entity (ASDE) being subject to a range of specified civil sanctions.
82. Subsection (3) states that assessment of whether a vehicle satisfies the self-driving test must take account of the location and circumstances of the vehicle. This is because a vehicle may be capable of driving itself (i.e. satisfying the self-driving test) only in some locations or circumstances. For example, a vehicle may only be able to drive itself on a motorway during daylight hours. Authorisation under section 3 is limited to the circumstances in which the self-driving test is satisfied.
83. Subsection (4) states that a ‘feature’ is a combination of mechanical or electronic operations performed by the vehicle’s equipment. This might include, for example, a computer and its software which receives input from sensors, processes the input, and controls the vehicle’s steering, braking and other systems in order to perform the dynamic driving task. The equipment may be inside or outside the vehicle, for example in connected infrastructure.
84. Subsection (5) sets out the meaning of travelling ‘autonomously’. It means that the vehicle is controlled by its equipment and not by an individual, and neither the vehicle nor its surroundings are being monitored by an individual with a view to immediate intervention of

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the driving of the vehicle. If an individual is required to monitor the vehicle and its surroundings with a view to intervening in the driving of the vehicle in order to ensure its safety or legality, it would not be considered capable of travelling autonomously.

85. Subsection (6) clarifies the meaning of control and is self-explanatory. Subsection (7) is explained in paragraph 69 above.
86. Subsection (8) requires the Secretary of State to have regard to the ‘statement of safety principles’ (provided for in section 2) when assessing a vehicle’s ability to travel safely and autonomously.

Section 2: Statement of safety principles

87. Section 2 requires the Secretary of State to publish statutory guidance in the form of a ‘statement of safety principles’. The safety principles must be framed with a view to securing that authorised automated vehicles will achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers and that road safety will be better as a result of the use of authorised automated vehicles than otherwise. The Secretary of State must have regard to these when deciding if an individual vehicle is capable of driving autonomously and safely so that it satisfies the self-driving test at initial authorisation and throughout the authorisation period.
88. Subsection (1) sets out the requirement for the Secretary of State to prepare the statement of principles. Subsection (2) requires that the principles must be framed with a view to securing that a) authorised automated vehicles will achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers and b) that road safety is better as a result of the use of automated vehicles than it would otherwise be. Paragraph (a) of subsection (2) formally aligns the statement of safety principle with the Government’s stated ambition for self-driving vehicles.
89. Subsection (3) sets out that the statement of safety principles must be subject to prior consultation with relevant stakeholders. Subsection (4) requires those stakeholders to include organisations representing:
 - a. the interests of businesses involved, or likely to be involved, in the manufacture or operation of mechanically propelled road vehicles designed to travel autonomously,
 - b. the interests of road users, and
 - c. the cause of road safety.
90. Subsections (5) and (6) subject the first iteration of the statement of safety principles to the affirmative procedure in Parliament, allowing for additional Parliamentary scrutiny in this novel area. Subsequent revisions of the statement of safety principles are subject to the negative procedure in Parliament.
91. Subsection (10) prevents the use of authorisation powers (see section 3) before the statement of safety principles has effect as they are intended to frame authorisation decisions with a view to ensuring improved road safety (see subsection (2)).

Section 3: Power to authorise

92. This section gives the Secretary of State the power to authorise a “road vehicle” for use as an automated vehicle, if the vehicle meets the self-driving test and any initial authorisation requirements are met. “Road vehicle” is defined in section 94 of the Act as a mechanically propelled vehicle intended or adapted for use on roads.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

93. Subsection (2) specifies that an authorisation may apply to a single identified vehicle, a number of identified vehicles, or a vehicle 'type'. Vehicle type is a way of grouping and identifying vehicles by feature or features designed to enable self-driving.
94. Subsection (3) requires that any description of a 'type' of vehicle must describe the vehicles in such a way that the self-driving test and any authorisation requirements apply equally to an individual vehicle of that type.
95. The ability to authorise a single vehicle, or to authorise a number of vehicles by 'type', provides flexibility to deal appropriately with a range of vehicles and technologies, and to apply appropriate requirements. For example, an automated vehicle of bespoke design for a niche market may require individual authorisation and vehicle-specific requirements. A mass market automated vehicle design, produced in large numbers where all vehicles are equipped with the same self-driving features could be authorised as a 'type'.

Section 4: Authorised automation features

96. The self-driving test will consider vehicle 'features' designed to enable self-driving. A 'feature' in this context is a system that operates in a specific set of circumstances which must be specified as part of the authorisation application. For example, a self-driving parking feature or a self-driving motorway chauffeur feature. A vehicle may have more than one self-driving 'feature'. For example, it may be able to drive itself on motorways using a particular combination of equipment, and in car parks using a different combination of equipment.
97. Section 4 (1) requires the Secretary of State to identify the feature or features that meet the self-driving test. More than one feature may be identified if the features are distinct (subsection (2)). Subsection (3) details what the feature identification should include.
98. Subsection (3)(a) clarifies that a 'mode of operation' is either as a 'user-in-charge' (UiC) feature or a 'no-user-in-charge' NUiC feature. A UiC feature is one that can drive itself for only part of a journey and therefore requires an individual to be a driver for the remainder of the journey, for example a motorway chauffeur system. A NUiC feature is one that can drive itself for an entire journey and does not require an individual to be capable of taking control, for example a self-driving airport shuttle bus.
99. The distinction between UiC and NUiC features set out in subsection (3)(a) will determine the safety requirements for each. For example, a UiC feature can issue transition demands to ensure safe transition of control from the vehicle to a driver (see section 7). A NUiC feature will require a licensed operator (a no-user-in-charge operator or NUiC operator – see Chapter 2) to ensure the safe operation of the vehicle. For example, taking responsibility for insurance.
100. The description of the locations and circumstances under which a vehicle is authorised to drive itself will ensure that users of a vehicle understand where and when it can safely be used (subsection (4)) and supports the determination of responsibility for a vehicle's driving behaviour. The locations specified could include places that are not roads for example car park areas that are not defined as roads, but in line with section 3(1)(a) the feature must be intended for use on roads in at least some circumstances in order to limit the scope of authorisation powers. Subsection (5) requires that the description of how a feature is engaged and disengaged must ensure that, where more than one feature is authorised, it is possible to identify which feature, if any, is engaged at any given moment. Section 44(5) sets out that any question on interpretation about whether a feature is engaged or disengaged will be determined by the authorisation description required by this section.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 5: Authorisation requirements and conditions

101. Authorisation is the process by which the Secretary of State authorises a self-driving vehicle for use in specified operating domains if the vehicle satisfies the self-driving test and if other relevant authorisation requirements have been met (see section 3 Power to authorise). Each vehicle must have an ASDE (which is legally responsible for the way an authorised automated vehicle drives) and must meet other regulatory obligations.
102. This section gives the Secretary of State the power to establish 'authorisation requirements' through regulations. Subsection (1) further sets out two types of authorisation requirement:
 - a. Initial authorisation requirements – which must be met before a vehicle can be authorised, and
 - b. On-going authorisation requirements – which must be met on an ongoing basis in order for a vehicle to remain authorised.
103. Subsection (2) explains that ongoing authorisation requirements may include a requirement to comply with 'authorisation conditions', which are conditions that the Secretary of State may attach to an individual authorisation. Subsection (3) clarifies that authorisation conditions set by the Secretary of State can include anything that could have been in an authorisation requirement made by regulations.
104. Subsection (4) sets out the inter-relationship between authorisation requirements and authorisation conditions. Both requirements and conditions are enforceable in the same way under Part 1 of the Act.
105. Although authorisation requirements are made by regulation, the regulator has the power to set additional authorisation conditions according to the use case and deployment type. Authorisation conditions are specific to an individual authorisation – which means an individual vehicle, group of vehicles or type of vehicle (see section 3 Power to authorise). This allows authorisation requirements and conditions to be tailored – for example, to specific vehicle features and/or specific deployment locations. This enables a flexible approach to the regulation as this technology develops.

Section 6: Authorised self-driving entities

106. The ASDE is the legal entity responsible for ensuring an authorised automated vehicle continues to meet the self-driving test, and for meeting other regulatory requirements set out in the authorisation requirements and conditions, which include obligations to provide information to the Secretary of State in their regulatory capacity and ensuring that the ASDE is a suitable organisation with sufficient financial standing and of good repute.
107. Subsection (1) requires the Secretary of State to impose authorisation requirements to ensure that every authorised vehicle with self-driving features has an ASDE at all times. Subsection (2) states that authorisation requirements may include requirements that must be met by the ASDE, for example they could include a requirement for the feature to be able to continue to operate legally even if traffic laws change.
108. Subsections (3) and (4) require the Secretary of State to impose requirements which aim to ensure that an ASDE is responsible for the vehicle continuing to meet the self-driving test. Requirements must also be imposed which aim to ensure that an ASDE is of good repute, good financial standing, and is competent. Subsection (5) is self-explanatory.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 7: Transition demands

109. A self-driving vehicle that can only drive itself for part of a journey will need an individual to drive the vehicle for the remainder of the journey. In these circumstances, the driver becomes a 'user-in-charge' when the vehicle is driving itself (see section 46 (Meaning of "user-in-charge")). When a vehicle that is driving itself needs to transfer control back to a user-in-charge it must do so safely and must issue a 'transition demand', which is a time-bound request for the user-in-charge to take control of the vehicle.
110. Section 7 requires the Secretary of State to impose authorisation requirements on any vehicle that issues a transition demand in order to ensure that the transition demand is safe. Subsection (2) describes a transition demand and the 'the transition period', which is the time within which a user-in-charge should retake control of the vehicle. Subsection (3) is self-explanatory.
111. Further provisions in respect of the immunity granted to a user-in-charge are made in sections 46 to 52. The user-in-charge does not have immunity from an offence if the act constituting the offence takes place after a transition demand has been issued in accordance with authorisation requirements, and the transition period has ended (see further section 48 (Exceptions from immunity), and in particular section 48(1)). Section 7(3)(d) requires the Secretary of State to impose authorisation requirements ensuring that the vehicle makes a communication at the end of the transition period, alerting the user-in-charge that the period is ending. This will alert the user-in-charge when the immunity is about to cease.

Section 8: Power to vary, suspend or withdraw

112. This section provides the Secretary of State with powers to vary, suspend, or withdraw an authorisation. These powers may be exercised with the agreement of the ASDE (subsection (1)), and it is anticipated that this will be the usual course of events, subject to certain exceptions. The powers may also be exercised without the agreement of the self-driving entity, under specified circumstances where a unilateral ground for variation, suspension or withdrawal is satisfied (subsection (2)). These unilateral grounds are: where an authorisation requirement has not been met; where a vehicle has committed a traffic infraction; or where a vehicle no longer meets the self-driving test (subsection (4)). The Secretary of State may also suspend or temporarily vary authorisation where it is suspected that a unilateral ground has arisen and an inquiry is needed to determine if it has (subsection 3). The powers under subsections (2) and (3) are subject to procedural notification requirements set out in Part 1 of Schedule 1 to the Act, except in cases where urgency requires an immediate variation, suspension or withdrawal, in which case other procedural requirements apply (subsection 7). Subsections (5) and (6) are self-explanatory.
113. A variation might be used to amend authorisation conditions, for example extending the locations where a self-driving feature has been authorised under section 4(3)(c) to be used. Suspension might be used in the event of a serious incident and might apply for a fixed or indefinite period of time – for example until investigations concluded whether continued operation of the vehicles was safe. Suspension might also be used where an ASDE is no longer fit and proper, for example they no longer satisfy the financial standing requirement, and might apply until the breach of the relevant requirement has been remedied. Note that a vehicle with a user-in-charge feature (i.e. a vehicle which can also be driven conventionally), and for which authorisation is suspended, could still be driven as a conventional vehicle by a human driver. Withdrawal of authorisation may be appropriate where, for example, a vehicle has been decommissioned.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 9: Further provision about variation, suspension and withdrawal

114. Section 9 sets out further provisions which apply both to the variation, suspension and withdrawal of authorisation and to the conditions attached to an authorisation, which may be varied, added to or omitted (subsection (1)).
115. Subsections (2) and (3) set out that a variation may be temporary or permanent, and that any variation must be within the boundaries of authorisation – i.e., the original authorisation could have been granted with the requirements as varied.
116. Subsection (4) is self-explanatory.
117. Subsection (5) sets out that when an authorisation is suspended, any vehicle to which the authorisation applied cannot be marketed as an automated vehicle (see sections 78-79 under Part 4 ‘Marketing restrictions’). It also sets out that there cannot be a ‘user-in-charge’ of a vehicle for which authorisation has been suspended (see section 46, ‘Meaning of “user-in-charge”’), and further, that a NUiC feature can no longer be considered as authorised for purposes of the offence under new section 34B (see section 53, ‘Use of vehicle without driver or licensed oversight’). A vehicle for which authorisation has been suspended can only be driven as a conventional vehicle; the human driver is therefore responsible for the vehicle at all times and any immunity that applies to a user-in-charge does not apply. Under these circumstances the driver must understand that their responsibilities with respect to the behaviour of the vehicle have resumed. This is considered in subsection (8) (see below).
118. Subsection (6) sets out that a ‘relevant authorisation measure’ takes effect from the moment the notice is issued to the ASDE or at a time specified within the notice itself. Subsection (7) clarifies that a ‘relevant authorisation measure’ is: the variation, suspension or withdrawal of an authorisation; a reversal of a variation; the lifting of a suspension; or restoration of a withdrawn authorisation.
119. Subsection (8) requires the Secretary of State to ensure that authorisation requirements are designed in such a way that, in the event of variation, suspension or withdrawal, they reduce the likelihood of an individual unwittingly doing anything that is no longer in scope of authorisation. For example, to reduce the chance of an individual using a self-driving feature when it is no longer legal to do so a feature might be deactivated remotely.

Section 10: Register of authorisations

120. Section 10 requires the Secretary of State to keep a public register of authorisations (subsection 1). An authorisation will only take effect when it is entered in the register (subsection 2).
121. The register will record the ASDE for each authorised self-driving vehicle (section 10(3)). Section 10 (4) requires the Secretary of State to update the register to accurately reflect any relevant authorisation measure, which means any variation, suspension or withdrawal of authorisation, or reversal of a variation, lifting of a suspension or restoration of an authorisation.

Section 11: Regulations about authorisation procedure

122. Section 11 gives the Secretary of State the power to make regulations about the procedure for granting an authorisation, as well as for varying, suspending or withdrawing an authorisation where this is done with the agreement of the ASDE. The regulations may cover: the form and content of an application, the fees payable for an application for authorisation, the examination of vehicles, the notification of decisions, and appeals against decisions.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Chapter 2: Licensing of operators for vehicle use without user-in-charge

Section 12: Power to establish operator licensing scheme

123. Subsection (1) provides power to the Secretary of State to make regulations to establish a licensing scheme for operators of no-user-in-charge (NUiC) vehicles (vehicles which only carry passengers or freight and do not need to have a driver or a user-in-charge). It enables the Secretary of State to place requirements on operators of NUiC vehicles, and to keep a register of operators.
124. Subsection (2) sets out the definition of a no-use-in-charge journey. Subsection (3) sets out that a NUiC journey is regarded as being 'overseen' by a licensed operator if the operator is subject to a requirement to do so under licensing conditions.
125. Subsections (4) and (5) require the Secretary of State to impose requirements which aim to ensure that a licensed NUiC operator should have general responsibility for detecting and resolving issues during a no-use-in-charge journey overseen by the operator. Requirements must also be imposed which aim to ensure that a licensed NUiC operator is of good repute, good financial standing, and is competent.

Section 13: Further provision about operator licensing

126. Section 13 sets out further details in relation to operator licensing regulations. Regulations may be made in relation to the granting, variation, renewal, expiry, suspension or withdrawal of a license (subsection (2)). Regulations may also cover the detailed requirements for a license application as well as for: the fees for application or renewal of licenses; the notification of decisions; and appeals against decisions (subsection (3)). Regulations may also include conditions that a licensed operator must comply with (subsection (4)).
127. Section 13(3)(e) enables the Secretary of State to confer operator licensing functions on the Traffic Commissioners. Traffic Commissioners have responsibility for the licensing and regulation of those who operate conventional heavy goods vehicles, buses and coaches, and the registration of local bus services. They are appointed by the Secretary of State and operate at arm's length from the Department for Transport as independent regulators. The provision in this section is intended to give the Secretary of State the flexibility to align the regulation of licensed operators of authorised automated vehicles with that of conventional vehicles, should this be considered appropriate. Additionally, paragraph 8 of Schedule 1 enables the Secretary of State to transfer the power to impose civil sanctions to the Traffic Commissioners.

Chapter 3: Provision of information by regulated bodies

Section 14: Collecting and sharing of information

128. The safety assurance and regulation of self-driving vehicles relies heavily on information provided by regulated bodies. Sections 5 and 12 give the Secretary of State powers to set – by regulations – authorisation and operator licensing requirements respectively.
129. This section clarifies that the requirements for authorisation and operator licensing may include the collection and sharing of information by an authorised self-driving entity (ASDE) and no-user-in-charge (NUiC) operator respectively (subsections (1) and (2)).

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

130. Subsection (3) allows requirements to cover sharing of information with the Secretary of State, other public authorities or private businesses. For example, an ASDE may be required to share information with insurers to enable insurance claims to be properly resolved. Subsection (4) states that an information-sharing requirement must specify the purpose for which information is being shared. This is to restrict improper sharing or use of data for purposes other than those intended.

Section 15: Nomination of individuals

131. Section 15 provides for the identification of a nominated individual by an ASDE and a licensed operator, to be responsible for the information provided to the Secretary of State. Section 15(3)(a) requires that a nominated individual must consent to the nomination. Section 15(3)(b) requires any regulations relating to an ASDE or licensed operator's nominated individual must also consider the circumstances under which an individual would cease to be nominated, for example if the individual moves to a different organisation. This is to ensure that a nominated individual is not held unfairly responsible for information over which they had no responsibility.
132. The nominated individual will share criminal liability for offences committed by the regulated body relating to the provision of information but with a defence that they took all reasonable precautions and exercised due diligence (see sections 24 to 26).

Section 16: Purpose for which notices may be given

133. Section 16 sets out the regulatory purposes for which the Secretary of State may request information by way of a notice (an "information notice" or "interview notice" see sections 17 and 18).
134. A notice may be issued for "investigative purposes", which means information is requested in order to investigate compliance with regulatory requirements. The "investigative purposes" are divided into domestic purposes and international purposes.
135. Domestic purposes include requesting information from an ASDE or licensed operator in order to: assess whether they have met the regulatory requirements placed on them; to investigate a traffic infraction by a vehicle for which they are responsible; to assess whether a vehicle still meets the self-driving test; and to investigate suspected offences. These offences include providing false information, or withholding information, that is relevant to vehicle safety.
136. International purposes include requesting information in order to share it with authorities in another country who perform similar regulatory functions in respect of automated vehicles. Information notices may be issued upon the request of an overseas authority where the information is likely to assist the overseas authority in performing their regulatory duties in relation to the ASDE or licensed operator. The sharing of information with an overseas authority is subject to restrictions to prevent them using the information for any purpose other than the purpose for which it is shared or from sharing it further without the consent of the Secretary of State (section 22(3)).

Section 17: Power to issue information notice

137. Subsection (1) of section 17 gives the Secretary of State the power to issue information notices to a regulated body (ASDE or licensed operator) if it is considered appropriate for any investigative purposes (as described in section 16). Subsections (2) and (3) are self-explanatory.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

138. Subsection (4) provides further information on the form and manner of the information. For example, it specifies the information notice can require information in various forms, or require the attendance of an individual at a particular time or place to provide the information. For example, if information is currently held in an extremely large database, the information notice could request a summary document.
139. Subsection (5) requires the information notice to explain the meaning of compliance regarding the attendance of individuals (section 19(5)) and the consequences on non-compliance with the notice which could include both fines and imprisonment of individuals (as per section 20 Offences of non-compliance).

Section 18: Power to issue interview notice

140. This section provides the Secretary of State with the power to issue an interview notice to a regulated body (ASDE or licensed operator) if it is appropriate to do so for any investigative purpose (as described in section 16). The section explains that an interview notice is one which requires the regulated body to ensure that an individual attends at a particular place and time to answer questions. The interview notice must indicate the intended subject matter of the interview. It also requires the interview notice to explain the meaning of compliance regarding the attendance of individuals (section 19(5)) and the consequences on non-compliance with the notice which could include both fines and imprisonment of individuals (as per section 20 Offences of non-compliance).

Section 19: Notices requiring individual attendance

141. This section sets out that when an information or interview notice has been issued requiring the presence of an individual, that the notice can either request a particular individual or request a class of individuals. The identified individuals must be carrying out or have carried out paid work for the regulated body in question, but do not need to have any further connection to the United Kingdom (subsections (3) and (4)). Subsection (5) defines what compliance with the notice looks like in terms of reasonable steps taken to achieve the attendance of individuals and to ensure they are able to answer expected questions. This is to avoid an ASDE or licensed operator being prosecuted for non-compliance due to circumstances beyond their control. Subsection (6) allows for attendance of individuals to be by electronic means such as an online meeting.

Section 20: Offences of non-compliance

142. Subsection (1) sets out that it is an offence for a regulated body (an ASDE or licensed operator) to fail to provide the information requested in an information notice, provide information that is false or misleading or fail to comply with an interview notice. Subsection (2) is self-explanatory.
143. Subsection (3) relates to individuals rather than regulated bodies. It sets out that where an individual is identified in an information notice and has been made aware of the contents of the notice, that individual commits an offence if, without a reasonable excuse, they fail to: attend at the time and place specified in the notice; provide the information required by the notice; or if they provide false or misleading information. Subsection (4) describes a similar offence for individuals named in an interview notice.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

144. Subsection (5) sets out that a person commits an offence if they destroy, suppress or alter the requested information with the intention of preventing accurate information being provided to the Secretary of State. This also applies if the person causes or permits the destruction, suppression or alteration of information. For the purposes of this section, a 'person' can be an organisation (ASDE or licensed operator) or a natural person.
145. Subsection (6) clarifies that the reference to information required by an information notice can include anything that the information is recorded on. The subsection also sets out that it is an offence to destroy anything that is needed for the information to be made legible. For example, equipment that may be needed to 'translate' computer coding into an understandable format.
146. Subsection (7) sets out the penalty a person is liable for if they are found to have committed an offence set out in this section. A person can be an organisation (ASDE or licensed operator) or a natural person.

Section 21: Enforcement by court

147. This section is self-explanatory.

Section 22: Use of information obtained

148. This section sets out the parameters within which the information obtained through an information or an interview notice can be used. Subsections (2) and (3) are self-explanatory.
149. Subsection (4) allows the Secretary of State to also use information to fulfil the general monitoring duty set out in section 38, including the assessment of whether the general performance of self-driving vehicles is consistent with the statement of safety principles described in section (2).
150. Subsections (5) and (6) prohibits the information provided in a statement in response to an information or interview notice from being used by, or on behalf of, the prosecution as evidence in criminal proceedings against the person who supplied the information. Subsection (7) provides exceptions to this prohibition. These exceptions relate to offences such as providing false or misleading information (section 24), or offences relating to false statements under other legislation such as the Perjury Act 1911. Subsection (8) is self-explanatory.

Section 23: Supplementary provision

151. Subsection (1) is self-explanatory.
152. Subsection (2) sets out that under sections 16 to 23 (which relate to information or interview notices) any entity who is no longer an ASDE or licensed operator will still be treated as one, and be required to comply with information notices and interview notices in relation to anything that occurred, and will be held responsible for their actions, for the time during the time in which they were an ASDE or licensed operator. For example, if an authorisation was suspended or withdrawn the ASDE would still be required to comply with information or interview notices.

Section 24: False or withheld information relevant to vehicle safety

153. Subsections (1) to (4) create offences in relation to the supply of regulatory information that is likely to have safety implications for automated vehicles. They are broken down into offences of supplying false or misleading information (whether voluntarily or in response to a requirement), omitting to supply information that is required, and intentional destruction, alteration or suppression. The first two may be committed only by a current or aspiring ASDE or licensed operator, whereas the third can be committed by anyone.
154. Subsection (5) clarifies that the reference to information can include anything that the information is recorded on. The subsection also explains that it is an offence to destroy anything that is needed for the information to be made legible. For example, equipment that may be needed to 'translate' computer coding into an understandable format.
155. Subsection (6) explains that information is considered relevant to the safety of an automated vehicle's operation (as set out in section 24) if it would affect a reasonable person's assessment of how safely a vehicle would travel.
156. Subsection (7) supplies a defence of due diligence.
157. Subsection (8) sets out what penalties a person is liable for if they are found to have committed an offence set out in this section.

Section 25: Aggravated offence where death or serious injury occurs

158. Section 25 provides for an aggravated offence where false or withheld information would have disclosed a "heightened risk" that a vehicle in which an authorised automation feature is engaged would be involved in a specific kind of dangerous incident, and the vehicle with that feature engaged has been involved in that kind of incident resulting in an individual being killed or seriously injured. Further explanation of these is given in subsection (3).
159. Subsection (1) is an offence of a regulated body, the ASDE or licensed operator, and relates to the provision of false or misleading information either voluntarily or in response to a regulatory requirement or information notice. Subsection (2) relates to any person (which could be a regulated body or any natural person) who destroys, suppresses or alters information (or permits that to happen) with the intention of preventing provision of accurate information in response to a requirement or notice.
160. Subsections (4) to (6) are self-explanatory.

Section 26: Liability of nominated individual

161. To ensure vehicle safety, the information provided to the Secretary of State must be accurate and relevant information must not be withheld. Having a designated individual responsible for disclosures to Government engenders a culture of accountability. This individual will need to ensure that requirements for disclosure to government are complied with and section 15 makes provision for the identification of this individual.
162. This section sets out that, if an ASDE or licensed operator commits an offence in relation to the provision of information (as set out in sections 20 and 24), the 'nominated individual' in place at the time of the offence also commits the offence.
163. Subsection (2) clarifies that, for the purpose of the offence under subsection (1), a nominated individual is the individual who stands as the nominated person of an ASDE under an authorisation requirement or who stands as the nominated person of a licensed operator under licensing regulations. This ensures that a nominated individual is not liable except to the extent identified in the authorisation requirement or licensing regulations.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

164. Subsection (3) disapplies the due diligence defences set out in sections 20 and 24 because they apply to regulated bodies (and not individuals). Instead, subsection (4) introduces a due diligence defence for the nominated individual. It sets out that it is a defence for a nominated individual charged with an offence if the individual can prove that they took all reasonable precautions and exercised due diligence to avoid committing the offence.

Section 27: Liability of senior manager

165. Whilst the primary responsibility for compliance with obligations to disclose information rests with the 'nominated individual', senior managers also have a role in engendering a culture of accountability.
166. Subsection (1) sets out that a relevant senior manager will be guilty of a criminal offence where the ASDE or licensed operator commits an offence and the manager consented or connived to commit the offence. Subsections (2) to (4) provide expanded definitions and are self-explanatory.

Chapter 4: Powers to investigate premises used by regulated bodies

Section 28: Warrants for entry, search and seizure

167. This section enables the Secretary of State to obtain a warrant to enter the premises of an authorised self-driving entity (ASDE) or licensed operator to obtain information that is considered necessary for the Secretary of State's investigative functions and which has not been provided when requested by the Secretary of State, or there is reason to believe it will not be provided when requested.
168. Subsection (1) of this section provides the power for a justice of the peace to grant a warrant to the Secretary of State authorising the exercise of entry, search and seizure powers. A warrant can only be granted for specific reasons and if certain conditions are met.
169. The conditions are set out in subsection (2). They are that: the premises subject to the warrant are being used by the regulated body; it is appropriate to grant the warrant for investigative purposes; and is it necessary to grant it for reasons set out in subsection (3).
170. The reasons to grant a warrant, as set out in subsection (3), are that an information or interview notice already issued has not been complied with, or there is a reason to believe that if an information or interview notice were to be issued, it would not be complied with. A further reason is if an information or interview notice which requires individual attendance at interview has been issued, but does not obtain the information sought. The final reason is if the information need is too urgent to wait for an information or interview notice to be issued, for example in the event of a serious collision.
171. Subsection (4) places a condition on the justice of the peace that they can only be satisfied that the conditions in subsection (2) have been met based on evidence given on oath by or on behalf of the Secretary of State. Subsection (5) states that a reference to a justice of the peace includes a sheriff in Scotland.
172. Subsection (6) clarifies that any person who is no longer an ASDE or a licensed operator is still considered as one if the warrant relates to a time period when the person was a self-driving entity or a licensed operator.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 29: Powers exercisable under warrant

173. This section specifies the powers that can be exercised under a warrant issued under section 28. Subsection (1) lists the powers, which include the powers to enter and search the premises, and to examine, seize or record any documents, equipment or other items found on the premises. The powers also require a person in the premises to provide information and assistance in order to facilitate inspection, seizure or recording, and to allow better understanding of the documents, equipment and other material. The powers also allow copies of the documents to be made or assess information away from the premises to ensure that it can be read in a legible form.
174. Subsection (2) states that a person exercising the powers under this section may only do so for the purposes of investigating regulatory compliance. It also states that such a person may only seize and remove something from the premises if a recording of it would be insufficient.
175. Subsection (3) explains that a warrant issued under section 28 is to be executed on behalf of the Secretary of State by a person authorised to do so by the Secretary of State. Subsection (4) provides the authorised person with the power to take other people, equipment and materials onto the premises to help exercise the powers set out in this section. Subsection (5) provides that any person accompanying the authorised person may exercise the same powers, under the supervision of the authorised person.
176. Subsection (6) sets out that an authorised person exercising the powers under the warrant may use reasonable force if necessary to enter, search, examine, seize and record in relation to the premises and its contents. However, while an authorised person has the power (in subsection (1)) to require a person on the premises to provide information or assistance, they may not use force in the exercising of this power.
177. Subsection (7) restricts the use of the powers under the warrant to: a reasonable hour; only within a period of one month beginning on the day the warrant was issued; and only one occasion, unless specified in the warrant.
178. Subsection (8) sets conditions on the person executing the warrant under section 28, including that they must be accompanied by a constable; give a copy of the warrant to any person appearing to be in charge of the premises at the earliest opportunity; and provide proof of identity on request by any person appearing to be in charge of the premises.
179. Subsection (9) requires the Secretary of State to arrange for publication of information on the exercise of these powers.

Section 30: Offences of impeding execution of warrant

180. Subsection (1) sets out that an offence is committed if a person intentionally obstructs a person in the exercise of the powers in section 29; fails to comply without reasonable excuse to requirements made on them; or knowingly makes a statement that is false or misleading. Subsection (2) sets out that a person who commits an offence under subsection (1) is liable to a fine or imprisonment for a term not exceeding 2 years.

Section 31: Seizure of items

181. This section sets out the requirements of an authorised person exercising the powers in section 29 who seizes and removes a document or other item from the premises of a regulated body. Subsection (2) requires the authorised person, on the request of a person in charge of the

premises, to give a receipt for the item that is seized and give a copy of any document that is readily capable of being copied. Subsection (3) sets out that the seized item may be retained for so long as is necessary.

182. Subsection (4) sets out that a person acting on behalf of the Secretary of State may examine any item that has been seized and may use reasonable force if necessary to do so. They may also record information from the item.
183. Subsection (5) gives the Secretary of State the power to make regulations setting out how to deal with items that have been seized. Subsection (6) sets out that these regulations may allow the retention or use of seized items for purposes other than regulatory purposes and may allow the seized item to be given to someone other than the owner. The regulations may also allow for the destruction of the seized item.

Section 32: Return of warrant

184. This section requires the person who executes a warrant under section 28 to return to the Court from which it was issued. This needs to be done as soon as is reasonably possible and a summary of the powers executed under section 29 must be provided to the court. The warrant also needs to be returned to the court if it is not executed, with a statement that it was not executed.

Section 33: Use of information obtained

185. This section is to ensure consistency in the use of information obtained by different legal means. Subsection (1) sets out that any information obtained through the use of a warrant can only be used for the same purposes for which the original information was requested (by way of an information or interview notice).
186. Subsection (2) sets out that the provisions in section 22, which relate to the use of information as evidence in criminal proceedings, also apply to any statement made by a person on a premises that has been entered under warrant. They apply in the same way that they would apply to the provision of information in response to an information or interview notice.

Chapter 5: Civil sanctions against regulated bodies

Section 34: Compliance notices

187. A compliance notice requires a regulated body (ASDE or licensed operator) to comply with the requirements placed on it.
188. Subsection (1) gives the power to the Secretary of State to issue a compliance notice to a regulated body if the Secretary of State is satisfied that a relevant requirement is not or has not been met. Subsection (2) gives the power to the Secretary of State to issue a compliance notice to an authorised self-driving entity (ASDE) if they are satisfied an automated vehicle has committed a traffic infraction while the entity was responsible for it. Subsection (3) disapplies subsection (2) if the commission of the traffic infraction was wholly caused by the failure of a licensed operator to comply with a relevant requirement as a failure of that type already falls within subsection (1).
189. Subsections (4) to (8) are self-explanatory.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 35: Redress notices

190. A redress notice requires a regulated body (ASDE or licensed operator) to rectify, mitigate or compensate for any loss, damage, inconvenience or annoyance to road users as a result of an ASDE or licensed operator not meeting the requirements placed on them.
191. Section 35 (1) gives the Secretary of State the power to issue a redress notice to a regulated body if the Secretary of State is satisfied that a relevant requirement is not (or has not been) met by a body and as a result users of roads in Great Britain have suffered loss, damage, inconvenience or annoyance. Subsection (2) specifies that the Secretary of State may issue a redress notice when an authorised automated vehicle has committed a traffic infraction which resulted in users of roads in Great Britain suffering loss, damage, inconvenience or annoyance. Subsection (3) disapplies subsection (2) if the Secretary of State is satisfied that the traffic infraction was wholly committed by a licensed operator.
192. Subsections (4) and (5) explain that a redress notice is one which requires action to be taken by the person to whom the notice is issued, and set out the actions that may be specified in a notice. The actions include any actions that the Secretary of State considers appropriate in order to rectify, mitigate or compensate for the loss, damage, inconvenience or annoyance that has been suffered. Subsection (8) clarifies that taking action can also mean refrain from taking action, for example ceasing to operate in a particular way.
193. Subsection (6) sets out what the redress notice must include: reasons for issuing the notice; and specifying the time by which, or the period during which the actions must be taken.
194. Subsection (7) allows persons who are owed money by a regulated body as a result of a redress notice to recover that money as a civil debt.
195. Subsection (9) clarifies the meaning of ‘users of roads’ in the context of this section.

Section 36: Monetary penalties

196. Section 36 provides the Secretary of State with the power to issue monetary penalties to a regulated body if satisfied that, as set out in subsection (1), a relevant requirement is not (or has not been) met by the body or the body has failed to comply with any information, interview, compliance or redress notices.
197. Subsection (2) provides the Secretary of State with the power to issue a monetary penalty notice to an ASDE if an authorised vehicle has committed a traffic infraction when the entity was responsible for it. Subsection (3) disapplies subsection (2) if it appears that the traffic infraction was wholly caused by a failure of the licensed operator to comply with relevant requirements.
198. Subsection (4) clarifies that the monetary penalty notice requires a regulated body to pay a monetary penalty of a sum specified in the notice. Subsections (5) and (6) allows for the penalty notice to specify a daily sum to be paid if a failure is, or may be, a continuing one. This would begin on the day after the notice is issued and end on the day the failure ends, or earlier if specified in the notice.
199. Subsection (7) sets out what must be included in the penalty notice: an explanation for the reason for issuing the notice; and the time by which and the manner in which the penalty must be paid. Subsection (8) clarifies that if the monetary penalty is not paid in time, the penalty carries interest. This subsection also gives the Secretary of State the power to recover the penalty (with interest) as a civil debt.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

200. Subsection (9) provides the Secretary of State with the delegated power to set out in regulation a maximum sum for a single penalty and an ongoing daily penalty. Subsection (10) allows the regulations to determine the sum by reference to the turnover of the regulated body or other entities, or undertakings that are connected with the regulated body.
201. Subsection (11) clarifies that the regulated body is not liable both to conviction of an offence under section 24 (false or withheld information relevant to vehicle safety) or 25 (aggravated offence where death or serious injury occurs) and to a monetary penalty under this section. This is to ensure the regulated body is not penalised for the same offence twice.

Section 37: Supplementary provision

202. This section specifies the supplementary provisions that are made relating to the issuing of compliance notices, redress notices or monetary penalties.
203. Subsections (1) and (3) are self-explanatory.
204. Subsection (2) sets out that the Secretary of State may cancel or vary a compliance notice, redress notice, monetary penalty notice or costs notice by issuing a further notice. Any variation must not make the notice more onerous.
205. Subsection (4) sets out that in sections 34 to 37 (which set out the civil sanctions) any entity who is no longer an ASDE or licensed operator will still be treated as one, and be required to comply with these civil sanctions in relation to anything that occurred, and will be held responsible for their actions, for the time during the time in which they were an ASDE or licensed operator.

Chapter 6: Other regulatory powers and duties

Section 38: General monitoring duty

206. This section places a requirement on the Secretary of State to ensure that the general performance of authorised automated vehicles is monitored and assessed in a way that is effective and proportionate, as opposed to the specific performance of individual vehicles. This requirement requires an assessment of whether performance of the self-driving fleet is consistent with the Statement of Safety Principles made under section 2.
207. Subsections 38 (3) and (4) require that the Secretary of State publishes a yearly report setting out their conclusions from the monitoring and assessment of self-driving vehicle performance.

Section 39: Duty with respect to incidents with potential regulatory consequences

208. This section places a requirement on the Secretary of State to investigate where an authorised automated vehicle is suspected to have been involved in an incident in respect of which enforcement powers (sanctions) might be exercised. Subsections (2) and (3) provide clarification of the meaning of certain terms used in section 39 relating to what incidents are considered as “relevant” and what investigative and enforcement powers are referred to here.

Section 40: Power to require reports from police and local authorities

209. This section supports the duty in section 39 to investigate automated vehicle incidents that may invoke regulatory consequences. It permits the Secretary of State to make regulations requiring a chief officer of police and the other authorities specified in section 40(3) to report relevant incidents (as defined in section 39) that occur within their police force or authority area. The description of the types of incidents that the police or authority should report will be set out in regulations.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

210. Subsection (4) states that regulations made under this section must be drafted with the intention that only incidents with potential regulatory consequences will be reported. This aims to restrict the reporting requirement to only those reports necessary for investigating the need for regulatory sanctions and hence avoid an undue burden on police and the specified authorities.

211. Subsections (5), (6) and (7) are self-explanatory.

Chapter 7: Supplementary provision

Section 41: Notices

212. This section places a requirement on the Secretary of State to ensure a postal address and electronic address for the authorised self-driving entity (ASDE) and licensed operator are available at all times for the purpose of issuing a notice. The section clarifies the meaning of an electronic address. The section also sets out provisions to deem a notice to have been issued and received if served by post or electronically at the given address.

Section 42: Protection of information

213. This section protects information obtained by a person (which may include insurers or other private businesses) as a result of authorisation requirements, further to the Secretary of State's exercise of their investigative powers or further to regulations under section 40 (subsection (1). Subsection 2 is self-explanatory, defining the term "the recipient". Subsection (4) makes it an offence for the recipient of such information to use it for purposes other than those for which it was obtained; or disclose it to another person except as authorised by regulations made by the Secretary of State under subsection (3).

214. Subsection (5) sets out defences to the unlawful disclosure offence including consent from the person from whom the information was obtained, reasonable belief in the lawfulness of the disclosure or that the information had already been lawfully disclosed.

215. Subsection (6) is self-explanatory.

216. Subsection (7) protects commercially sensitive information by providing a presumption that it should be excluded from any disclosures authorised in this Part.

Section 43: Fees

217. This section relates to fees payable in relation to the authorisation procedure (see section 6 (5)) and in relation to the grant, retention or renewal of an operator license (see section 13(3)(b)(ii)). This section sets out that these fees may be determined by reference to costs incurred, or likely to be incurred, by the Secretary of State or by traffic commissioners, when undertaking functions under this Part of the Act, but must not duplicate costs already taken into account in any other fee under this Part.

218. Subsection (3) requires money received by the traffic commissioners as result of operator licensing regulations to be paid into the Consolidated Fund in such a manner as the Treasury may direct.

Section 44: Interpretation

219. Subsection (1) clarifies the meaning of terms used in this Part of the Act. The clarifications are self-explanatory.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

220. Subsection (2) sets out what it means for an authorised automated vehicle to ‘commit a traffic infraction’. A traffic infraction is committed if the vehicle does anything that would – if it were done by a human – amount to an offence or cause a person to become liable to a road traffic penalty charge. Subsections (3) to (5) are self-explanatory.

Section 45: Related amendments

221. This section clarifies that Schedule 2 of the Act makes amendments to related legislation in connection with Part 1 of the Act.

Part 2: Criminal liability for vehicle use

Chapter 1: Legal position of the user-in-charge

Section 46: Meaning of “user-in-charge”

222. This section sets out that references to an individual as a “user-in-charge” in Part 2 of this Act mean that the vehicle is an authorised automated vehicle with an authorised user-in-charge feature; that the feature is engaged and that the individual is in the vehicle, and is in a position to exercise control of the vehicle, but is not controlling it. A driver becomes a user-in-charge when they engage a user-in-charge feature.

Section 47: User-in-charge not liable for manner of driving

223. This section introduces an immunity from offences arising from how a vehicle drives itself for the user-in-charge, or where the vehicle hands back control to the driver in a situation where careful and competent driving could not have avoided an offence being committed. In subsection (4), it also provides some examples to indicate which offences are and are not due to how the vehicle is driven.
224. Where a vehicle has been authorised for use as self-driving, it has been deemed capable of safely and lawfully driving itself without the need for human monitoring of the road environment with a view to safety critical intervention. If the vehicle was authorised for use with a user in charge (who must be within the vehicle and in a position to control it, hold a valid driving license and remain in a fit state to drive), it is appropriate to ensure that the user in charge is not held responsible for the behaviour of the vehicle when it is driving itself – particularly as there are many strict liability offences relating to how the vehicle behaves on the road.

Section 48: Exceptions from immunity

225. This section specifies situations where the user-in-charge immunity in section 47(1) does not apply.
226. Subsection (1) explains that the user-in-charge immunity ceases to apply when the period for responding to a valid transition demand issued by the vehicle expires. As defined in section 7(2), a transition demand is a demand for the user-in-charge to assume control of the vehicle by the end of a period of time beginning with the communication of the demand. The vehicle will issue a transition demand when situations arise which require human intervention, for example when leaving the road type on which a self-driving feature may be engaged. The consequence of the immunity ceasing at the end of the transition period is that the driver is responsible for the outcome of not taking back control when properly requested to do so. section 7(3)(d) ensures that the vehicle communicates to the driver when the transition period has ended.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

227. Subsection (2) ensures, however, that the driver is not liable if the vehicle does not behave in accordance with agreed authorisation requirements regarding how it will handle situations where the user-in-charge does not take control within the transition period. The subsection clarifies that the cessation of the immunity following a transition demand does not apply if the act causing the offence is committed by the vehicle behaving unpredictably and in breach of agreed authorisation requirements.
228. Subsection (3) provides that the immunity does not apply in relation to parking offences or offences arising from the position where the vehicle is stopped or left stationary where the user in charge has voluntarily left the vehicle. This clarifies that it is the user-in-charge's responsibility upon leaving the vehicle to ensure that it is parked or stopped lawfully.
229. Subsection (4) provides that the immunity does not apply in relation to offences arising from the vehicle's entering or remaining on a particular road or other area without a required toll or charge being paid. This clarifies that the user-in-charge will need to verify whether the route followed incurs any toll or charges.
230. Subsections (5) and (6) clarify that the immunity in section 47(1) does not apply to an offence that has arisen when the vehicle is driving itself outside of an authorised location or circumstance due to deliberate interference with vehicle equipment by the user-in-charge, or another person where the user-in-charge knows of the interference. This is to prevent tampering with vehicle equipment to enable use of the self-driving technology in inappropriate and potentially unsafe circumstances.

Section 49: User-in-charge otherwise liable as driver

231. This section clarifies that for the purposes of any enactment (as defined in section 44(1)) the user in charge is to be considered the driver of and driving the vehicle, although benefiting from the immunity provided in section 47. It also clarifies that an individual continues to be deemed a "driver" for the purposes of any enactment even if they move out of a position where they can control the vehicle, and therefore cease to be a user-in-charge since the conditions in section 46 are no longer met. Their status as a deemed driver continues until the point at which someone else assumes the role of user in charge or the user-in-charge feature is disengaged.

Section 50: Power to change or clarify existing traffic legislation

232. Sections 47 and 48 describe offences which are within and outside the scope of the user in charge immunity. However, due to the number of traffic offences it is not possible to provide an exhaustive list on the face of the Act and, in the absence of clarity in legislation it will be for the courts to determine if specific offences not mentioned in these sections fall within the immunity. Section 50 provides the Secretary of State the power to make amendments to traffic legislation passed on or before the "relevant day" ("relevant enactments") to change or clarify how this legislation applies to a user in charge, to provide greater clarity on the responsibilities of the user in charge and the ASDE. Subsection (2) clarifies the meaning of "relevant enactment". "Relevant day" is defined in section 52(5) as the final day of the session that this Act is passed.

Section 51: Supplementary provision

233. This section makes supplementary provision in relation to sections 47 to 50.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

234. Subsection (1) establishes a presumption that an enactment passed or made after the Act is passed is to be read as subject to sections 47 to 49, unless there is a clear intention to the contrary. “Enactment” is defined in section 52(3) and includes subordinate legislation within the meaning of the Interpretation Act 1978, section 21(1), and Welsh and Scottish primary and subordinate legislation.
235. Subsections (2) and (3) set out how the burden of proof applies in criminal proceedings in relation to sections 47(1) and 48(1) and (2). Subsection (2) provides that the person seeking to rely on the user-in-charge immunity in section 47(1) bears the burden of proving that the individual concerned was the user-in-charge at the relevant time, and that the exception in section 48(1) regarding transition demands does not apply. Subsection (3) clarifies that a person who seeks to rely on section 48(2) must adduce sufficient evidence to raise an issue, in which case section 48(2) is then to be taken to apply unless the contrary is proved beyond reasonable doubt.
236. Subsection (4) and (5) clarify that if an individual could not reasonably be expected to know of any variation, suspension or withdrawal of the authorisation of the self-driving feature of a vehicle and continues to use the vehicle as if the previous authorisation remains, then sections 47 to 49 and regulations under section 50 apply as if the variation, suspension or withdrawal had not occurred.

Section 52: Interpretation

237. This section explains that certain definitions set out in section 44 in Part 1 also apply to this Chapter of Part 2. It also clarifies the meaning of the “relevant day” mentioned in section 50 and that any conduct giving rise to liability to a penalty charge is to be regarded as amounting to an offence.

Chapter 2: Offences

Section 53: Use of vehicle without driver or licensed oversight

238. This section adds two new sections before section 35 of the Road Traffic Act 1988. The first inserted section 34B introduces an offence of using a vehicle without a person in control or licensed oversight. If the vehicle has no authorised no-user-in-charge (NUiC) feature engaged and/or if the journey is not overseen by a licensed no-user-in-charge operator (NUiC operator), section 34B(1) makes it an offence for a person to use, or cause or permit another person to use the vehicle on a road or in a public place without an individual exercising or in a position to exercise control of the vehicle. The purpose is to ensure that there is a human or corporate entity responsible for the operation of the vehicle at all times. Section 34B(3) introduces a defence to this offence if the person could not reasonably have been expected to know this was the situation.
239. The second inserted section, section 34C, introduces aggravated offences where a person commits an offence under section 34B and the vehicle causes the death or serious injury of another person.
240. These new offences prevent use of NUiC technology unless it has been authorised and is overseen by a licensed operator. It also prevents use of an authorised user-in-charge feature where the user-in-charge has moved out of a position to be able to exercise control of the vehicle, for example by moving to an alternative seat.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

241. In the case of vehicles without authorised self-driving technologies and appropriate oversight, a human driver is still required. That driver remains responsible for exercising proper control of the vehicle and any feature could only be used as driver assistance technology.
242. Section 53(2) inserts the new offences into Part 1 of Schedule 2 of the Road Traffic Offenders Act 1988.
243. Section 53(3) refers to amendments made in Schedule 3 applying existing legislation to the provisions of this section.

Section 54: Dangerous use etc

244. Subsection (1) adds three new sections to the Road Traffic Act 1988. New section 3B provides for the user-in-charge immunity created by Section 47 to apply to the offences in sections 1 to 3A of that Act. New section 3C creates an offence related to the use of automated vehicles in dangerous state, and new section 3D an offence of causing death, or serious injury by use of automated vehicles in a dangerous state.
245. Subsection (2) inserts a new section 22B into the Road Traffic Act 1988. New section 22B provides that a person commits an offence where a person commits an offence under the Road Traffic Act 1988 section 22A (relating to causing anything to be on or over a road or interference with a vehicle or traffic equipment) that causes an authorised automated vehicle to commit a traffic infraction and thereby kill or seriously injure someone. Subsection (3) provides that new section 22B does not extend to Scotland. This is because, as noted by the Law Commissions in their review, Scots law already covers aggravated conduct (general common law offences of malicious mischief or culpable and reckless conduct and culpable homicide).
246. Section 54(3) places these four new offences in Part 1 of Schedule 2 to the Road Traffic Act 1988 in the appropriate places.

Section 55: Amendment of tampering offence

247. The tampering offence in section 25 of the RTA 1988 previously only covered tampering with the brake or other parts of the vehicle's "mechanism" on a road or parking place provided by a local authority. This offence is designed to prevent unlawful interference with vehicles. Section 55 amends section 25 of the RTA 1988 so that the offence expressly includes tampering with any equipment of the vehicle, including any software installed. This amendment is intended to counter any malicious interference with a self-driving vehicle and does not prevent legitimate modifications to a vehicle.

Section 56: Amendment of offence concerning fitting of unsuitable parts

248. Section 76 of the RTA 1988 contains offences relating to the fitting and supply of vehicle parts where use of the vehicle, with the part fitted, on the road either contravenes construction and use requirements or creates a danger of injury to any person. This amendment ensures the offence also covers the installation of software, or otherwise making software interact with a vehicle.

Part 3: Policing and investigation

Chapter 1: Stopping and seizure

Section 57: Application of stopping powers etc

249. This section clarifies that where a person would have power to direct a vehicle to stop that person will be able to use an appropriate communication protocol to direct an authorised automated vehicle to stop. If the vehicle does not stop in response to the communication protocol it will commit a traffic infraction in the same way as a human who fails to observe a signal. This section also expands on the meaning of an appropriate communication to make that direction.

Section 58: Seizure and detention

250. The section provides authorised officers with the power to seize and detain automated vehicles if they suspect that the vehicle has or is about to commit an offence relating to use of a vehicle without a person in control or licensed oversight (as set out in section 53, section 34B), commit a traffic infraction or it is suspected that there isn't an individual present who can exercise control of the vehicle in locations where it is unsuitable for it to be driving itself. The difference between 58(2)(a) and (c) being that (c) is a broad power that applies even if a vehicle travelling without an individual exercising or in a position to exercise control is overseen by a licensed no-user-in-charge operator (NUiC operator) but is suspected of operating in a location where it is hazardous or unsuitable for a vehicle to travel without a user-in-charge. An "authorised officer" is defined in subsection (8) as a constable or an examiner appointed under section 66A of the Road Traffic Act 1988.
251. This section also permits a vehicle to be seized and detained to avoid risks, danger or inconvenience to the public, enable enquiries to be made to identify the owner of the vehicle, the authorised self-driving entity (ASDE) or the non-user-in-charge operator.
252. The seize and detain power may only be exercised once regulations are in force that cover what happens to seized or detained vehicles. These will aim to avoid owners not knowing what has happened to their vehicle and how to recover it; they will also aim to ensure vehicles are stored appropriately. This section is self-explanatory in explaining what may be contained in these regulations.

Section 59: Interpretation

253. This section explains that the interpretations in Section 44 of the Act apply for the purpose of Part 3, Chapter 2 of the Act on stopping and seizure, as they apply for Part 1 on the regulatory scheme.

Chapter 2: Investigation of incidents by statutory inspectors

Section 60: The role of inspector

254. Subsection (1) requires the Secretary of State to appoint one or more persons to take the role of an inspector to investigate incidents involving automated vehicles.
255. Subsection (2) makes provision regarding the status and position of inspectors. Paragraph (a) provides that inspectors must be civil servants. Paragraph (b) provides that inspectors hold their position on terms to be determined by the Secretary of State, for example in relation to resignation and dismissal. Paragraph (c) provides that junior inspectors are to act under the direction and control of more senior inspectors.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

256. Subsection (3) permits the Secretary of State to make regulations about how the functions of an inspector are to be exercised, for example regarding their day-to-day duties including administrative and management activities.

Section 61: Purpose of inspectors

257. Subsection (1) sets out the main purpose of the role of an inspector, which is to identify, improve understanding of and reduce the risks of harm arising out of the use of authorised automated vehicles on roads in Great Britain.
258. Subsection (2) states that it is not part of an inspector's role to establish blame or liability on the part of any person in relation to a particular incident. This is to ensure that an inspector can, as far as possible, report factually and neutrally, and that any inference that an inspector has attributed blame or liability is down to the reader. For example, a report should be able to state that "the evidence is that the driver of Vehicle A did not apply the brakes until five meters before the collision occurred", without concern that someone will infer that the inspector is attributing blame or liability, as the example sentence is entirely factual. In developing the proposed functions and powers of the inspectors, the Government has been guided by [international standards](#).⁴ These standards set out that "the sole objective of the investigation of an accident or incident shall be the prevention of accidents or incidents. It is not the purpose of this activity to apportion blame or liability." This independence of investigation is an essential feature of existing safety investigation regimes in the UK and internationally.
259. Subsection (3) provides that the functions of inspectors are to be exercised in view of that purpose.

Section 62: General power to investigate certain incidents

260. Subsection (1) prescribes the kinds of incidents that the inspector has discretion to investigate. These are described as 'relevant incidents' and are defined in subsection (2). This means that an inspector should be able to investigate any incident involving an authorised automated vehicle where there are safety concerns for the purpose of identifying, improving the understanding of and reducing the risks of harm arising out of the use of automated vehicles on Great Britain's roads.
261. Subsection (2) defines a relevant incident. A relevant incident is an incident that occurs on a road in Great Britain, arises out of the presence of an authorised automated vehicle on that road, and causes, or has the potential to cause, damage to a person or property. Additionally, the incident must not be of a kind that is specified in regulations made by the Secretary of State. For example, regulations may exclude some incidents from the scope of investigations, such as terrorist events or suicides. The investigatory power extends to automated vehicles which had been previously authorised but were not authorised at the time of the incident, for example because vehicle authorisation was withdrawn, and the automated vehicle was used unlawfully, as per section 77.

⁴ Aircraft Accident and Incident Investigation:

<https://elibrary.icao.int/reader/229733/&returnUrl%3DaHR0cHM6Ly9lbGlicmFyeS5pY2FvLmludC9leHBsb3JlO3NIYXJjaFRleH Q9YW5uZXglMjAxMzttYWluU2VhcmNoPTE7dGhlbWVOYW11PUJsdWUtVChlbWU%3D?productType=eBook>

262. Subsection (3) provides further coverage for relevant incidents that do not occur on roads but would be defined as a relevant incident under subsection (2) if they did, or otherwise have the potential to lead to an occurrence on the road. For example, if there was an incident that occurred on a driveway or other form of private property that caused or had the potential to cause injury to a person or damage to property.
263. Subsection (4) confirms that no part of section 63, 64, and 65 limits what an inspector may do for the purposes of an investigation without relying on powers of coercion. For example, this would allow for an inspector to enter a premises based solely on the consent of the relevant person.

Section 63: Powers in respect of persons

264. Subsection (1) permits an inspector to require a person to provide assistance to them for the purposes of an investigation, if they consider it necessary. Paragraph (a) provides that this may include (but is not limited to) an inspector requiring a person to take positive action to provide them with or allow them access to information, items, or material. For example, this could include access to an automated vehicle and the associated data that has been collected during the period around an incident of interest. Paragraph (b) provides that this may include an inspector requiring a person to refrain from doing something, such as disturbing, altering or moving anything specified by the inspector.
265. Subsection (2) permits the Secretary of State to make regulations that allow specific forms of assistance to be outlined in regulations. This assistance in regulations may include attendance at an interview, responding to written questions, or providing an inspector with a physical item inside of the vehicle that stores data pertaining to the functions of the authorised automated vehicle.

Section 64: Powers in respect of premises

266. Subsection (1) enables inspectors to exercise the powers set out in subsection (2) in respect of any premises for the purposes of the investigation. For example, this will allow an inspector to obtain access to any land, including roads, buildings, dwellings, and vehicles where it is necessary for the purposes of an investigation.
267. Subsection (2) defines the powers which inspectors may exercise in relation to premises. These include the power to enter and search the premises, examine any document equipment or other item or material on the premises, which includes operating a computer or other device to gain access to that information. Other powers include the power to seize and remove, or record any document, equipment or other item or material, and the power to require any person on the premises to provide information or assistance in furtherance of the above.
268. Subsection (3) restricts the power of an inspector to seize and remove evidence from a scene when taking a photograph or copy is sufficient for achieving their investigative aims. For example, an inspector should refrain from seizing any evidence unless necessary to achieve their primary objectives or a technological solution is not sufficient.
269. Subsection (4) gives inspectors the authority to take other persons, equipment, and materials with them for the purpose of assisting in the exercise of any of the powers set out in subsection (2). For example, an inspector may wish to bring a technician along, and/or make arrangements to bring relevant equipment to the premises, such as a laser scanner.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

270. Subsection (5) enables any persons taken onto the premises by an inspector can exercise the powers contained in subsection (2), but only if they are in the company and under the supervision of the inspector.
271. Subsection (6) provides that the inspector or person exercising the powers in subsection (2), may use reasonable force (except in relation to persons) if it is necessary to do so, but only where they are accompanied by a police constable. For example, this could include an inspector using reasonable force to open a locked box or drawer inside premises the inspector has entered.
272. Subsection (7) provides that 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.
273. Subsection (8) sets out the test to be applied by a justice of the peace for granting a warrant under subsection (7). Paragraph (a) provides that a warrant may be granted only if the justice of the peace is satisfied that it is necessary for the purposes of the investigation to exercise the powers of entry as in subsection (2). Paragraph (b) provides that a warrant only authorises the exercise of those powers at a reasonable hour, only within one month beginning with the day on which the warrant is issued, and only on one occasion (unless the warrant specifies otherwise). Paragraph (c) provides that a warrant may be granted subject to further conditions or limitations.
274. Subsection (9) defines the obligations an inspector must meet when exercising powers of entry in relation to premises. Paragraph (a) states that an inspector must produce to the person in charge of the premises proof of identity and authority where requested. Paragraph (b) states that if the entry is made under warrant, an inspector must give a copy of the warrant to any person appearing to be in charge and if no copy is given during the period of entry, then an inspector must leave a copy of the warrant in a prominent place on the premises, and that a warrant must be returned to the court from which it was issued as soon as is reasonably practicable with an endorsement summarising the powers exercised under that warrant. Paragraph (c) states that if there is no one on the premises who appears to be in charge, inspectors must leave the premises secured against trespassers to the same standard as they found it. Paragraph (d) states that an inspector must retain a written record of the powers exercised in respect of the premises.
275. Subsection (10) places a duty on the Secretary of State to arrange for publication of information on the exercise of powers under subsection (2) at intervals considered appropriate. For example, the Secretary of State could publish every six months a summary of the instances in which inspectors have exercised their powers during the previous six-month period.
276. Subsection (11) confirms that 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. This must include an endorsement stating that it was not executed.
277. Subsection (12) confirms that references in this section to a justice of the peace include a sheriff in Scotland.

Section 65: Powers in respect of road traffic

278. Subsection (1) permits an inspector, for the purpose of an investigation, to direct a person driving a vehicle, or riding an animal on a road to stop or proceed in a certain way, such as keeping to a particular line of traffic. For those on foot, the inspector may direct a person to stop, whether they are proceeding on the road or immediately adjacent to a road.
279. Subsection (2) permits an inspector to direct a person by placing signage on the road, immediately adjacent to it, or on any structures on the road or immediately adjacent to it.
280. Subsection (3) places an obligation on the inspector to remove the sign after seven days beginning on the day it was first placed there. If the sign remains there after that time, it has no effect.

Section 66: Offences of impeding investigation

281. Subsection (1) provides that a person commits an offence if they: intentionally obstruct a person exercising those powers under sections 63, 64 and 65; fails (without reasonable excuse) to comply with a requirement made of the person in exercise of those powers; and knowingly or recklessly make a statement that is materially false or misleading in response to a requirement made under these powers.
282. Subsection (2) provides that a person commits an offence if they impersonate an inspector and purports to be carrying out an investigation.
283. Subsection (3) provides that a person commits an offence if they fail to comply with a traffic direction under section 65.
284. Subsection (4) provides that a person who is summarily convicted of an offence under subsection (1) or (2), is liable, in England and Wales to a term of imprisonment up to the maximum limit in a magistrate's court, a fine or both, and in Scotland, to imprisonment for a maximum of 12 months, or a fine (up to the statutory maximum), or both. Persons convicted on indictment are liable to imprisonment for a term not exceeding two years, a fine, or both.
285. Subsection (5) provides that a person convicted of an offence under subsection (3) (traffic direction) is liable on summary conviction to a fine up to level 3 (currently £1,000) on the standard scale.
286. Subsection (6) confirms that Schedule 4 makes amendments in connection with the offence in subsection (3).

Section 67: Application to police officers

287. Subsection (1) provides that an inspector may exercise their powers under sections 63 to 65 in relation to a police constable in the same way they do with any other person, subject to any exceptions created in regulations in subsection (3). This will apply to every sworn police officer regardless of rank as they derive their power from the Office of Constable.
288. Subsection (2)(a) explains that where information, items or material is held by a constable, their respective police force, or body to which the constable belongs, in connection with an investigation conducted by the constable or police force, an inspector of incidents can require this to be provided to them. For example, the police constable may hold information on a person of interest that should be shared with an inspector but is not necessarily information collected as part of any investigation into a road incident.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

289. Subsection 2(b) provides that where a constable is investigating an incident that the inspector is also investigating, the inspector may require a police constable to allow them access to: a place where the constable is investigating, information, items or material relevant to the inspector's investigation, and a witness to the incident for an interview (including those under criminal suspicion in connection with the incident), before any other interview takes place.
290. Subsection (3) permits the Secretary of State to make regulations setting out circumstances in which an inspector is not to exercise a power in relation to a constable, and circumstances in which a constable is not required to comply with a requirement of an inspector. For example, a constable could refuse a request if complying would adversely affect an investigation the constable is conducting or put them in danger. Regulations may also specify circumstances in which a constable does not commit an offence under section 66.

Section 68: Report of findings

291. Subsection (1) requires an inspector to report any findings of an investigation to the Secretary of State. This duty does not apply where in the inspector's view there are no findings of value to be drawn to the Secretary of State's attention.
292. Subsection (2) provides that whilst inspectors cannot determine blame or liability, this does not prevent them from reporting their findings on the causes of an incident, from which liability or blame could be inferred. This enables inspectors to write a factual report, which includes setting out the true cause of a road incident regardless of whether blame or liability is likely to be inferred from the report. For example, a report that states "the evidence is that the driver of Vehicle A did not apply the brakes until five meters before the incident occurred", does not make a determination of blame or liability, but could give rise to an inference of such.
293. Subsection (3) and (4) permit the Secretary of State to create regulations that make further provision about reports. These regulations may make provision in relation to the form of a report, when a report must be made, the use of recommendations, allowing interested persons to comment on a draft report, publication, how and when a report may be admissible in judicial proceedings, and how inspectors should monitor recommendations and take action further to them. Such action taken by inspectors may include the amendment of recommendations or a report being published as to their implementation by relevant parties.

Section 69: Appointment of additional persons to exercise investigatory powers

294. Subsection (1) permits the Secretary of State to make regulations requiring or permitting an inspector to appoint a person to conduct or participate in an investigation. This includes conferring powers of an inspector for the purposes of an investigation. For example, this would allow for an aspect of an investigation to be delegated to a person with a particular expertise, such as a Forensic Collision Investigator, or where an investigation is required but the geographical area and timing would preclude an inspector from attending.
295. Subsection (2) confirms that a person who is given functions by regulations under this section is to exercise them on behalf of the Crown. This means that a person is to be taken as an officer of the Crown for the purposes of the [Crown Proceedings Act 1947](#).⁵

⁵ Crown Proceedings Act 1947: <https://www.legislation.gov.uk/ukpga/Geo6/10-11/44/contents>

Section 70: Additional power in respect of information and material

296. Subsection (1) permits the Secretary of State to make regulations requiring a person to provide access to information, items, or material to an inspector other than in response to a request under section 63 (power in respect of persons).
297. Subsection (2) specifies that regulations made under subsection (1) must specify the purpose for which the information, items or material is or are to be provided, and that this must align with the purpose of an investigation or of any other function of an inspector.
298. Subsection (3) provides that regulations made under this section may create an offence, as per further section 76 (offences under regulations).

Section 71: Obtaining reports from police

299. Subsection (1) permits the Secretary of State to make regulations that require a chief officer of police to report to an inspector incidents that occur within their police force area and are of a description set out in the regulations.
300. Subsection (2) provides that the regulations under this section may limit the requirement to cases in which an inspector requests a report.
301. Subsection (3) provides that the 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.
302. Subsection (4) provides that the regulations under this section may contain provisions regarding the timing, form, and content of reports.

Section 72: Ancillary functions

303. Subsection (1) makes provision for further functions that an inspector may carry out. These include the production and publication of road safety information or investigation. An example of safety information which may be produced are the '[safety digests](#)' that the Marine Accident Investigation Branch (MAIB) release to prevent similar incidents from happening again; in this context, these would be tailored to the safety of automated vehicles.⁶ Inspectors may also support of the functions of a person responsible for investigations in the marine, air, rail, and spaceflight accident investigation branches (see subsection (3)), or other persons with functions that, in the inspectors' view, correspond to those of an inspector or a person appointed by those accident investigation bodies, whether in the United Kingdom or internationally. Inspectors may also assist any other person, (whether in or outside the United Kingdom), or carry out other functions, where, in the inspectors' view, would contribute to the purpose set out in section 61(1), or one that is equivalent outside Great Britain. Inspectors may or may not choose to make a financial charge for such assistance.
304. Subsection (2) permits the Secretary of State to create regulations requiring inspectors to produce and publish road safety information or information about investigations, or limiting the way they may do so, as well as how inspectors assist other persons outside of the United Kingdom and carry out other functions. For example, regulations may specify that a report must be published within six months of an investigation concluding.

⁶ MAIB safety digests: <https://www.gov.uk/government/collections/maib-safety-digests>

305. Subsection (3) defines the person referred to in subsection (1)(b). These are those bodies who are appointed under relevant United Kingdom legislation as responsible for conducting investigations into marine, air, rail, and spaceflight accidents, and any other person an inspector considers having the functions corresponding to those of an inspector whether in or outside the United Kingdom.

Section 73: Protection of information

306. Subsection (1) makes provision for this section to apply to information obtained by an inspector in connection with the inspector's functions, namely through the conduct of an investigation.
307. Subsection (2) permits the Secretary of State to make regulations pertaining to the disclosure of this information for a specific purpose provided in the regulations. Subsection (2) also permits the Secretary of State to make regulations concerning how this information is to be dealt with.
308. Subsection (3) provides examples of the kind of regulations the Secretary of State may make in relation to subsection (2). These include permitting or requiring the retention or destruction of the items or material; disapply any power under an enactment that might otherwise be used to obtain the information; make provision regarding the admissibility in judicial proceedings; and confer jurisdiction on a court or tribunal. The Secretary of State has the power to confer jurisdiction onto a court to hear any appeal on the decision not to release safety recommendations until such a time as an inspector is satisfied with the conclusions drawn.
309. Subsection (4) provides for the offence provision in subsection (5) to apply to the inspector and any person who obtains relevant information on behalf of the inspector, and any person who obtains the information from the inspector. A distinction is made that the offence provision does not apply to a person who obtains this information through its publication, for example, through a safety report.
310. Subsection (5) confirms that it is an offence for the person (as defined in subsection (4)) to disclose the information obtained during an investigation to any other person or 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). For example, an inspector cannot disclose information obtained through an investigation to another investigatory body, such as the police.
311. Subsection (6) provides the defences to the offences in subsection (5) for the disclosure and use of this information in certain circumstances. This includes when the consent of the original provider of the information has been provided; there is reasonable belief that the disclosure or use was lawful under this Act and the regulations; or if the relevant information had already been lawfully disclosed to the relevant person.
312. Subsection (7) provides that a person who is summarily convicted of an offence under subsection (5) is liable, in England and Wales to a term of imprisonment up to the maximum limit in a magistrate's court, a fine or both, and in Scotland, to imprisonment for a maximum of 12 months, or a fine (up to the statutory maximum), or both. Persons convicted on indictment are liable to imprisonment for a term not exceeding two years, a fine, or both.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 74: Further provision about physical evidence

313. Subsection (1) sets out that the provisions in this section apply to items or material obtained by an inspector under sections 63 or 64 or under regulations made under section 70.
314. Subsection (2) provides that an inspector must, when obtaining by request items or material from a person, provide a receipt for that item or material and, where it is possible to make a copy of a document, the inspector must provide a copy of that document.
315. Subsection (3) provides that an inspector may retain an item or material for as long as the inspector deems it necessary for the purposes for which it was obtained.
316. Subsection (4) provides that an inspector may examine an item or material (using reasonable force if necessary), and record any information obtained from an item or material.
317. Subsection (5) permits the Secretary of State to make regulations regarding how items or material obtained by an inspector in connection with the inspector's functions are to be dealt with, namely through the conduct of an investigation.
318. Subsection (6) provides examples of the kind of regulations the Secretary of State may make in relation to subsection (1). These include to permit or require the retention or destruction of the items or material; disapply any power under an enactment that might otherwise be used to obtain the information; make provision regarding the admissibility in judicial proceedings; and confer jurisdiction on a court or tribunal.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 75: Expenses

319. Subsection (1) permits the Secretary of State to make regulations creating the right to recover expenses, costs, or losses arising out of the exercise of an inspector's functions. This can include an entitlement for the Secretary of State to recover from any other person, or vice versa.
320. Subsection (2) further allows the regulations to confer jurisdiction on a court or tribunal so a court or tribunal may take a role in deciding whether and to what extent, costs should be recoverable.

Section 76: Offences under regulations

321. Subsection (1) confirms that where regulations under this Chapter create an offence, they may provide for the offence to be triable summarily only or alternatively, summarily or on indictment.
322. Subsection (2) confirms that where regulations provide for the offence to be triable only summarily, the regulations may provide for the offence to be punishable in England and Wales to a term of imprisonment up to the maximum limit in a magistrate's court, a fine or both, and in Scotland, to imprisonment for a maximum of 12 months, or a fine (up to the statutory maximum), or both. Persons convicted on indictment are liable to imprisonment for a term not exceeding two years, a fine, or both.
323. Subsection (3) confirms that where regulations provide for the offence to be triable either way, the regulations may provide for the offence to be punishable by imprisonment, a fine or both, or a lesser punishment. In England and Wales, the term of imprisonment must not exceed the maximum term for summary offences. In Scotland, the term of imprisonment must not exceed 12 months, and the fine must not exceed the statutory maximum.
324. Subsection (4) confirms that "the maximum term for summary offences" means that if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force then the term is six months, and if the offence is committed after that time the term is fifty-one weeks.

Section 77: Interpretation

325. This provision clarifies the meaning of the terms used in this Chapter of the Act. The definition of an "authorised automated vehicle" captures not only those vehicles which have been authorised but those that are no longer authorised within the meaning given in section 94. This ensures that an inspector can still undertake an investigation into a vehicle that has been authorised, but authorisation is no longer in place. This is necessary because the technology on the vehicle could still potentially be a causative factor of an incident. For example, if an ASDE decides to withdraw support for a specific feature, such as automated valet parking because the parking operator has changed, the vehicle authorisation would be withdrawn but the technology would still be on the vehicle and could potentially be hacked and used by an individual. Inspectors are able to investigate in such circumstances, to learn lessons in relation to de-activation of the technology.
326. All other clarifications in this section are self-explanatory.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Part 4: Marketing restrictions

Section 78: Restriction of certain terms to authorised automated vehicles

327. Subsection (1) provides a power to the Secretary of State to specify, by regulations, what marketing words, expressions, symbols or marks are appropriate only for use with authorised automated vehicles. Subsections (2) and (3) set out offences that a person can commit if a specified word, expression, symbol or mark is misused. For example, by marketing a non-authorised vehicle as “self-driving” if that term was specified in regulations as a term appropriate for use only with authorised automated vehicles. These offences cover use of terms both in relation to a whole vehicle or in relation to a product intended for use as equipment on a vehicle.
328. This section also includes defences for a person accused of these offences where the term was not intended to convey any meaning to do with automation; where the use of the term was directed at end-users outside Great Britain, and the person exercised due diligence to prevent the term coming to the attention of end-users in Great Britain or to ensure those end-users would understand that the term was not directed at them; and where 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, nor formulate the communication in which the restricted term was used.

Section 79: Communications likely to confuse as to autonomous capability

329. This section makes it an offence to make, or cause or permit the making of communications which confuse end-users or potential end-users of road vehicles in Great Britain as to whether a vehicle is self-driving (i.e. capable of travelling autonomously, safely and legally), for example by using ambiguous terminology in advertising material. Subsection (2) establishes an assumption for the purposes of this section that a vehicle which is not an authorised automated vehicle is not capable of travelling autonomously, safely and legally.
330. This section also introduces defences for a person accused of the offence, where the person has exercised due diligence to prevent confusing end-users of road vehicles in Great Britain, or where the communications were formulated in the course of a business not involved in the manufacture or supply of the product or service in question.
331. This offence is wider than the offence under section 78 on the restriction of certain terms as it is not limited to the use of specific terms or symbols, or any use of words, but takes account of the overall presentation of a communication and its impact on end-users.

Section 80: Liability of corporate officers etc

332. Subsection (1) extends liability for the offences in sections 78 and 79 to “responsible persons” where a body corporate, partnership, or similar entity established under foreign law commits an offence with the consent or connivance of the “responsible person”, or where the offence can be attributed to any neglect on the part of the “responsible person”. Subsection (3) clarifies the categories of persons who may be a “responsible person”. For example, this offence could occur if a senior manager of a body corporate consented to the body corporate including a misleading term in marketing materials which could be reasonably anticipated as coming to the attention of end-users in Great Britain.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 81: Interpretation and supplementary provision

333. Subsections (1), (2), (4) and (5) are self-explanatory. Subsection (3) clarifies that the offences in sections 78 and 79 have extraterritorial application and may be committed anywhere in the world. This recognises that advertising and marketing of driving automation technologies may occur online across multiple jurisdictions, for example via social media platforms. End-users and potential end-users in Great Britain may see this online material even if it is not addressed to them.
334. For the offences in section 78, the due diligence defence in subsection 78(5) applies if the use of the restricted term was directed only at end-users or potential end-users outside Great Britain, and due diligence was exercised to ensure that either the use of the term would not come to the attention of end-users and potential end-users in Great Britain, or to ensure that end-users or potential end-users in Great Britain would understand that the use of the term was not directed at them.
335. For the offence in section 79, a due diligence defence is also available under subsection 79(3) if all reasonable precautions were taken and all due diligence exercised to prevent drivers in Great Britain from being misled.
336. It is an element of all offences under sections 78 and 79 that 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.

Part 5: Permits for automated passenger services

Section 82: Power to grant permits

337. This section gives the appropriate national authority the power to grant a permit to a person for the purpose of providing an automated passenger service.
338. Following existing devolution settlements, the term ‘appropriate national authority’ is adopted to provide Scottish and Welsh Ministers with the power to grant a permit in their nations, for an automated passenger service which resembles a taxi or private hire vehicle, alongside the Secretary of State for Transport granting these permits in England. Where an automated passenger service resembles a public service vehicle, existing legislation in this area is a reserved matter and the Secretary of State for Transport is responsible for granting permits in England, Scotland, and Wales.
339. Subsection (2) defines an automated passenger service as a service carrying passengers in road vehicles which is designed or adapted to travel autonomously or is being used as part of a trial which is aimed at developing the autonomous design or adaptation of a vehicle. This enables not only vehicles which have already satisfied the self-driving test, under Part 1 (Regulatory scheme for automated vehicles), to be granted a permit, but also enables the grant of a permit to vehicles operated under a trial with a safety driver. This definition allows for regulatory flexibility for these vehicles as they are in development.
340. Subsection (3) provides that a permit may be granted for either or both of two purposes, which are securing the disapplication of taxi, private hire vehicle and bus legislation under section 83, and satisfying a requirement imposed by regulations on the holder of a no user-in-charge operator licence under section 12 (licensing of no-user-in-charge operators, or NUiC operators).

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

341. When granting a permit, the appropriate national authority must specify in the permit the areas in which services may be provided, the details of the vehicles in which services may be provided, and how long the permit is valid for. In addition, the appropriate national authority can specify permit conditions under subsection (4)(d). Subsection (5) provides that permit conditions can take the form either of further limitations on the services that may be provided under the permit, or obligations that the permit holder has to fulfil as a condition of holding the permit. Examples of the kinds of conditions which may be attached to a permit include conditions to take account of local considerations as to the operation of the service under the permit, such as complying with local clean air zones, integrating the service within local fare and ticketing schemes, and conditions setting an initial standard which services will need to meet in respect of accessibility and the safeguarding of passengers. Section 88(1) provides that permit conditions may, in particular, include conditions concerning the collection and sharing of information.

Section 83: Disapplication of taxi, private hire vehicle and bus legislation

342. The Law Commissions recommended a new permit scheme which disapplied existing legislation to provide operators of automated passenger services with a safe harbour from existing taxi, private hire vehicle, and public service vehicle legislation given the uncertainty regarding how these might apply in the absence of a driver. This section disapplies relevant existing taxi, private hire vehicle and bus legislation insofar as a permit holder is providing an automated passenger service in areas and vehicle types specified in the permit. For example, a vehicle used to carry passengers for hire under a permit could not be prosecuted for unlawfully plying for hire.

Section 84: Civil sanctions for infringements

343. This section sets out when a permit holder commits an infringement of the permit scheme. A permit holder may infringe the scheme in two ways. The first is where a permit holder breaches a condition of the kind described in section 82(5)(b) (an obligation that the permit holder has to fulfil as a condition of holding the permit) for example overcharging passengers or not complying with conditions relating to accessibility. The second is where a permit holder leads passengers or potential passengers to think that a service is being provided under a permit, but the service could not in fact be provided under the permit. For example, the scheme would be infringed in this way if a permit holder ran its service outside the specified area of operation yet led passengers to believe it was provided under its permit under section 82(4)(a).

344. Civil sanctions in relation to infringements of the permit scheme are set out in Schedule 6.

Section 85: Consent requirement for services resembling taxis or private hire vehicles

345. Where an automated passenger service resembles a taxi or private hire vehicle, this section provides that the appropriate national authority may only grant a permit with the consent of each licensing authority in whose area the automated passenger service may be provided under the proposed permit. As the responsibility for granting taxi and private hire vehicle licenses currently sits with licensing authorities, obtaining the authorities' consent prior to granting a permit may ensure consideration is given to local issues relating to limits imposed on the number of taxis and private hire vehicles, and vehicle standards set by licensing authorities. Licensing authorities may also consider other factors as part of the consent process, for example local authority traffic calming measures and ensuring services are adequately overseen by the permit holder. These may be reflected as permit conditions in section 82(5).

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

346. The responsibility of ensuring that licensing authority consent is obtained will rest with the appropriate national authority. Failure of a licensing authority to respond within six weeks, or refusing consent without giving reasons, is deemed consent.

Section 86: Consent requirement for services resembling buses

347. Where an automated passenger service resembles a local bus service for the purposes of section 2 of the Transport Act 1985 and a bus franchising scheme exists in the proposed area of operation under a permit, this section provides that the appropriate national authority may only grant a permit with the consent of each relevant franchising body. Obtaining the consent of each relevant franchising body prior to the appropriate national authority granting a permit may, for example, ensure that consideration is given to the bus routes, frequencies and running hours of the services under the existing franchising scheme.
348. The responsibility of ensuring that the consent of each relevant franchising body is obtained will rest with the appropriate national authority. Failure of the relevant franchising body to respond within six weeks or to refuse consent without giving reasons, is deemed consent.
349. Where an automated passenger service is proposed to operate under a permit in an area which sits outside any formal bus franchising scheme, the legislation does not place a consent requirement on appropriate national authorities.

Section 87: Further requirements

350. Subsection (1) of this section establishes a requirement for appropriate national authorities to consult with traffic authorities and emergency services substantially affected if the permit is granted, prior to granting a permit. Responsibility for arranging a consultation forum will rest with the appropriate national authority. The consultation may cover, for example, the operation of the proposed service within the local and strategic road networks, including considerations about how the service will integrate within the existing road network. It may also, for example, provide emergency services with information about how the service will be overseen by the operator, including how to contact them and safely access the vehicle where an incident or accident has occurred.
351. The Law Commissions recommended that the overarching objective of the permit regime should be to improve the knowledge and understanding of how to design and provide automated passenger services for older and disabled passengers. When the appropriate national authority is deciding whether to grant a permit, subsection (3) requires the appropriate national authority to have regard to whether and to what extent the granting of the permit is likely to improve the understanding of providing inclusive services, which meet the needs of older and disabled passengers.
352. To ensure this overarching objective is considered by permit holders throughout the duration of holding a permit, subsection (4) states the appropriate national authority must impose a permit condition under of the sort described in section 82(5)(b) – an obligation which the permit holder has to fulfil as a condition of holding the permit – requiring the permit holder to publish reports about their automated passenger services and the steps taken to provide accessible services and safeguard passengers more generally.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Section 88: Collection sharing and protection of information

353. Subsections (1) and (2) provide that the conditions attached to a permit may include, in particular, conditions as to the collection and sharing of information, including sharing with the appropriate national authority, other public authorities, and private businesses including vehicle manufacturers and insurers.
354. Subsections (3) to (8) establish protections for information obtained under permit conditions providing for the sharing of information. In particular, subsection (5) empowers the appropriate national authority to make regulations authorising the recipient of such information to share it with other persons for specified purposes, or use it for purposes other than the purpose for which it was obtained. Subsection (6) makes it an offence for the recipient to use the information for purposes other than those for which it was obtained or disclose it to another person, except as authorised by regulations under subsection (5), or any other legislation.

Section 89: Procedural and administrative matters

355. This section confers certain regulation-making powers on the appropriate national authority in relation to permits. In particular, a permit may be varied, renewed suspended or withdrawn as specified in regulations made by the appropriate national authority. Subsection (4) enables fees to be levied to cover enforcement costs, for example. Subsection (7) empowers the appropriate national authority to provide for its functions under any provision made by or under Part 5 of the Act to be exercisable by a Traffic Commissioner.
356. Traffic Commissioners are currently responsible for the licensing and regulation of those who operate heavy goods vehicles, buses and coaches, and the registration of local bus services.
357. Subsection (9) requires that monies received by the traffic commissioners in the exercise of the functions in subsection (7) will be paid into a Consolidated Fund in such manner as the Treasury may direct. Subsection (10) makes an exception to this if the devolved administrations were to delegate the function of receiving monetary penalties to the traffic commissions, in which case the receipts are to be paid to the Ministers of the devolved authority concerned.

Section 90: Interpretation

358. This section is self-explanatory.

Part 6: Adaptation of existing regimes

Section 91: Power to update type approval requirements

359. This section grants the Secretary of State a power to make regulations to amend or impose new type approval requirements for automated vehicles. There are a number of type approval frameworks in assimilated law, which require substantial amendments to enable the approval of automated vehicles.
360. Subsection (1) clarifies that the power granted to the Secretary of State in subsection (2) applies to all vehicles that travel autonomously, as well as those that include elements of self-driving or reliance on software for their operation.
361. Subsection (2) grants the power to the Secretary of State to make regulations to impose new type approval requirements, or to amend or remove type approval requirements within the assimilated legislation.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

362. Subsection (3) clarifies that new requirements may include applying the requirements to other entities such as an authorised self-driving entity (ASDE) in addition to those already subject to type approval (traditionally the manufacturer of the vehicle). It also clarifies the type of requirements that may be included for the purpose of securing, demonstrating, recording or assessing compliance with other type approval requirements. For example, this may include requirements for manufacturers to have in place appropriate management systems covering safety, security, and software updates of their vehicles throughout the vehicle's life.
363. Subsection (4) defines terms used within the section and in particular specifies the meaning of assimilated type approval legislation, which includes the frameworks covering agricultural and forestry vehicles, two- and three-wheel vehicles and quadricycles, motor vehicles and their trailers, and motorcycles.

Section 92: Application of roadside testing powers etc

364. This section extends the existing powers of vehicle examiners to cover authorised automated vehicles for the purposes of determining whether these vehicles meet authorisation or operator licensing requirements. The Secretary of State already has powers (conferred by section 66A of the Road Traffic Act 1988) to appoint 'vehicle examiners'. These examiners have the power to conduct examinations of vehicles in relation to existing operator licensing and safety regulations for conventional vehicles.
365. The section also extends the power of vehicle examiners to prohibit a vehicle from driving if an examination identifies a failure to meet authorisation or operator licensing requirements.
366. The section extends the powers of vehicle examiners by amending the relevant sections of the Road Traffic Act 1988. It also clarifies the application of terms such as 'driver' and 'driving' when applied to an authorised automated vehicle, and clarifies that a 'defect' is any failure to comply with an authorisation or operator licensing requirement.

Section 93: Provision of information about traffic regulation measures

367. Traffic regulation orders (TROs) are the legal orders made by traffic regulation authorities that set the rules around a road's use or its design. They contain information about, for example, the location and times of use of bus lanes or parking bays, speed limits, height and width restrictions, and temporary road closures for street and road works. The data contained in TROs is a valuable data set and is needed for autonomous vehicles. The data, for example, means that information on the legal parameters of the road can be built into the vehicle and is available to support the safe operation of vehicles.
368. Subsection (1) allows the Secretary of State to make regulations that require traffic regulation authorities in England to provide data about the TROs that they make.
369. Subsection (2) allows Welsh Ministers to make regulations that require traffic regulation authorities to provide prescribed information about a relevant traffic regulation measure for an area in Wales.
370. Subsections (3) and (4) provide definitions of what is meant by a traffic regulation authority and set out details of the different types of TROs to which the regulations will apply. These are permanent TROs, experimental TROs, temporary TROs, temporary traffic regulation notices, speed limit orders, and special event orders.
371. Subsection (5) allows the Secretary of State or Welsh Ministers to prescribe any information that they think is necessary to make available to autonomous vehicles or the electronic equipment designed to undertake or facilitate the driving of other vehicles on roads.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

372. Subsection (6) clarifies that subsection (5) applies not only to any information provided in accordance with regulations made under this section, but that it also applies to any information provided in accordance with previous regulations which have been amended by regulations made under this section.
373. Subsection (7) provides that the regulations must specify the type of data that needs to be provided, the format in which it must be provided, when it needs to be provided, and to whom it needs to be provided.
374. Subsection ((8) states that data provided under subsection (7)(c) must be in the specified model, standard and format required by the Secretary of State or Welsh Ministers, as updated from time to time, for example, as the technology develops.
375. Subsection (9) provides that the regulations may be applied to TROs made before the regulations came into force and this Act was passed.

Part 7: General provision

Section 94: General definitions

376. This section is self-explanatory.

Section 95: Disclosure and information: interaction with external constraints

377. This section is self-explanatory.

Section 96: Crown application

378. This section provides that sections 42, 73 and 88 of the Act apply to the Crown (but not so as to make the Crown itself, as opposed to persons in the service of the Crown, criminally liable). Chapter 1 of Part 2 and Chapter 1 of Part 3 apply to vehicles and persons in the public service of the Crown. Subsection (3) allows the Secretary of State to make regulations that bind the Crown for the purposes of Chapter 2 of Part 3 of the Act, being the investigation of incidents by statutory inspectors.

Section 97: Regulations

379. This section provides additional clarity regarding the making of regulations under this Act and is self-explanatory.

Section 98: Extent

380. This section is self-explanatory.

Section 99: Commencement and transition provision

381. This section outlines the details of the commencement of the Act.
382. With the exception of Part 7 of the Act, the provisions of this Act will come into force on the days appointed by the Secretary of State by regulations. There is power for the Secretary of State to commence provisions on different days for different purposes and areas, and to make transitional or saving provision in relation to commencement. Part 7 of the Act (Sections 94-100) will come into force on the day on which the Act is passed.

Section 100: Short title

383. This section confirms the short title of the Act.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Schedule 1: Enforcement action under part 1: procedure

Part 1- Unilateral variation, suspension or withdrawal of authorisation

Paragraph 1: Ordinary procedure

384. This paragraph places a requirement on the Secretary of State to issue a notice to the authorised self-driving entity (ASDE) before varying, suspending or withdrawing an automated vehicle authorisation. This notice will state the Secretary of State's intention to vary, suspend or withdraw authorisation, with an explanation for the intention, and specifies by when and how representations may be made by the ASDE. This provides an opportunity for authorised self-driving entities to respond to the proposed variation, suspension or withdrawal before it takes effect.
385. In the event the Secretary of State does decide to vary, suspend or withdraw authorisation the Secretary of State must, alongside the issue of notice, provide reasons for the decision.

Paragraph 2: Procedure for urgent suspension of temporary variation

386. This paragraph sets out the process to be followed if the Secretary of State considers that the need to suspend or make a temporary variation to an automated vehicle authorisation is too urgent for the notification process above. This still allows for the ASDE to make representations to the Secretary of State after the suspension or variation notice. It requires the Secretary of State to consider representations as soon as reasonably practicable before making a decision about whether to lift the suspension or temporary variation. This allows for quick action to be taken where needed to ensure safety, but still enables the ASDE to make representations that inform that decision after the event.
387. In the event that the Secretary of State does not decide to lift the suspension, provided representations have been made, the Secretary of State will need to issue a notice that explains the decision and the reasons for it.

Paragraph 3: Appeals

388. This paragraph provides a right of appeal against unilateral authorisation measures. It is intended to allow the tribunal to intervene where the Secretary of State makes incorrect factual findings, fails to follow proper procedure, or acts unreasonably - in a public law sense - but not to allow the tribunal to substitute its own judgement on matters of evaluation, such as whether the self-driving test is satisfied. The relevant tribunal will be the First-tier Tribunal unless procedure rules allocate matters to the Upper Tribunal.

Paragraph 4: Backstop procedure for cases where authorised self-driving entity is defunct

389. This paragraph provides the Secretary of State with power to suspend or withdraw the automated vehicle authorisation without the agreement of and first notifying the ASDE if there is no longer an ASDE, or the entity is no longer capable of being issued with a notice.
390. A suspension or withdrawal made in exercise of these backstop powers takes effect when published or at a later date specified in the notice.
391. The paragraph allows the authorised self-driving entity to appeal if they believe the Secretary of State was wrong to be satisfied conditions under subparagraph (1) were met.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Part 2- Civil sanctions

Paragraph 5 and 6: Notices of intent and costs

392. Paragraph 5 sets out that the Secretary of State must issue a notice of intent before issuing a compliance, redress or monetary penalty notice (referred to as a 'principal notice') to a regulated body. The Secretary of State must consider any representations made by the body in response to the notice of intent.
393. Subparagraph 5(2) specifies that a notice of intent must set out: the intention to issue the principal notice; the notices' intended terms; the reasoning for the notice; and the time by which and manner in which representations may be made.
394. Subparagraph 5(3) provides that a notice of intent may also set out the Secretary of State's intention to issue a costs notice and give an indication of the value of the costs.
395. Subparagraph 6(1) provides the Secretary of State with the power to issue a costs notice to a regulated body if a compliance, redress or monetary penalty notice has been issued. Subparagraph 6(2) clarifies that a costs notice requires the regulated body to pay a sum specified in the notice to the Secretary of State.
396. Subparagraph 6(3) limits the sum so that it is no greater than the costs incurred by the Secretary of State and sub section 6(4) sets out that costs can include investigative and administrative costs, as well as the costs of obtaining expert advice.
397. Subparagraph 6(5) sets out that the costs notice must include: details of the costs used to calculate total cost; a breakdown of how the cost has been calculated; and the time and manner in which the cost must be paid. Subparagraph 6(6) sets out that, if the cost is not paid in time, interest can be incurred and the Secretary of State can recover the sum as a civil debt.
398. Subparagraph 6(7) sets out that any cancellation of a compliance notice, redress notice, or monetary penalty notice has the effect of cancelling any associated costs notice.

Paragraph 7: Appeals

399. This paragraph sets out an appeals process for a person who has been issued with a compliance notice, redress notice, monetary penalty notice or costs notice. An appeal would be made to the Upper Tribunal.
400. Subparagraph (2) sets out the grounds for an appeal. The grounds are: that the matter for which the notice was issued did not occur; that the actions specified in the notice are unreasonable; that the sum or amount in the monetary penalty is unreasonable; the costs relied on in arriving at the sum specified in the notice were not reasonably incurred; the time or manner of payment is unreasonable; or that the Secretary of State failed to comply with the requirements set out in the Act, or made some other procedural error.
401. If the Court is satisfied with the grounds for the appeal, the appeal must be allowed and the Court must either: cancel or vary the notice; or refer the Court's findings to the Secretary of State with a direction to consider whether to cancel or vary the notice (subparagraph (3)). The Court may only vary the notice where the grounds for appeal relate to monetary penalties or costs.
402. Subparagraph (4) sets out that if the Court does not consider the grounds for appeal are satisfied, the appeal must be dismissed.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

403. Subparagraph (6) allows the person who appealed to reopen an appeal on any of the original grounds which led to a direction to the Secretary of State to reconsider or, if the Secretary of State has re-considered and issued a variation, on any of the original grounds in relation to the variation. This applies if the Secretary of State is directed by the Court to consider a variation or cancellation of the notice and has not done so within the time specified by the Court (subparagraph (5)).
404. Subparagraph (7) gives the Court the power to suspend a notice if an appeal has been made.
405. Subparagraph (8) explains that if a monetary penalty notice includes a daily fine, the Secretary of State or the person the notice was issued to may ask the Court to determine whether the fine must be paid for any particular day. This could, for example, be necessary where a notice has been remitted to the Secretary of State to consider whether to cancel or vary the notice and a variation leads to uncertainty about the extent to which a daily fine is payable.
406. Subparagraph (9) clarifies that, for the purposes of this section, ‘the Tribunal’ means the First-tier Tribunal. This is qualified in sub section (10), which allows the Tribunal Procedure Rules to provide for an appeal to the Upper Tribunal instead of the First Tier Tribunal. This gives the flexibility for the Tribunal Rules to make adjustments to the appeals process in the future, for example, so that more important cases may directly go to the Upper Tribunal.

Paragraph 8: Assignment of functions to traffic commissioners

407. Traffic Commissioners have responsibility for the licensing and regulation of those who operate conventional heavy goods vehicles, buses and coaches, and the registration of local bus services. They are appointed by the Secretary of State and operate at arm’s length from the Department for Transport as independent regulators. Paragraph 8 gives the Secretary of State the powers to delegate (by regulation) to Traffic Commissioners the issuing of compliance notices, redress notices, monetary penalties and costs notices. This is intended to give the Secretary of State the flexibility to align the regulation of authorised automated vehicles with that of conventional vehicles.
408. Subparagraph (2) sets out that when these powers are exercised by a traffic commissioner, references to ‘the Secretary of State’ in this Part (other than section 43(1)) of the Act are to be read as including a traffic commissioner.
409. Subparagraph (3) provides the Secretary of State with the power to issue regulations that enable a Traffic Commissioner to review a compliance, redress or monetary penalty notice issued by the Secretary of State, if the person to whom the notice was issued applies for such a review.
410. Subparagraph (4) sets out that the right to appeal to the Court (set out in paragraph 7) does not come into effect until the review by the Traffic Commissioner has been completed.
411. Subsection (5) requires that money received by a traffic commissioner as a result of regulations under this paragraph must be paid into the Consolidated Fund in such a manner as the Treasury may direct.

Schedule 2: Amendments related to Part 1

Paragraph 1: Theft Act 1968 (c. 60)

412. This paragraph is self-explanatory. Extending the definition of “conveyance” to include authorised automated vehicles is in line with recommendations made as part of the Law Commissions’ review.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Paragraph 2: Prescription and Limitation (Scotland) Act 1973 (c. 52)

413. This paragraph is self-explanatory.

Paragraph 3: Limitation Act 1980 (c. 58)

414. This paragraph is self-explanatory.

Paragraph 4: Road Traffic Act 1988 (c. 52)

415. This paragraph is self-explanatory.

Paragraph 5: Automated and Electric Vehicles Act 2018 (c. 18)

416. This paragraph replaces the previous automated vehicle listing process set out in section 1 of the Automated and Electric Vehicles Act 2018 (AEVA 2018) and updates the references in the Act from 'automated vehicles' to 'authorised automated vehicles'.

Schedule 3: Amendments related to Sections 53 and 54

Paragraph 1: Road Traffic Act 1988 (c. 52)

417. This paragraph ties the new user-in-charge offences into other related legislation and is otherwise self-explanatory.

Paragraph 2: Road Traffic Offenders Act 1988 (c. 55)

418. This paragraph ties the new user-in-charge offences into other related legislation and is otherwise self-explanatory.

Paragraph 3: Crime (International Co-operation) Act 2003 (c. 32)

419. This paragraph is self-explanatory.

Paragraph 4: Armed Forces Act 2006 (c. 52)

420. This paragraph is self-explanatory.

Schedule 4: Amendments related to Section 66(3)

Paragraph 1: Amendments related to section 66(3)

421. Subparagraphs (1)-(3) amend the Road Traffic Offenders Act 1988 by inserting the section 66(3) offences impeding investigation into Schedule 1 (offences to which section 1, 6, 11 and 12(1) of that Act apply), and into Part 2 of Schedule 2 of that Act (penalties for road traffic offences). These insertions are only made in respect to the offence under section 66(3), Chapter 2 where the offence consists of a failure of a person driving or propelling a motor vehicle to comply with a direction under paragraph 66(3) of the Chapter.

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Schedule 5: Enforcement of marketing restrictions

Paragraph 1: Duty to enforce

422. This paragraph is self-explanatory.

Paragraph 2: Application of consumer enforcement powers

423. This paragraph adds a line into the Consumer Rights Act 2015 in the appropriate place. This will allow the Secretary of State to use the appropriate enforcement powers in Schedule 5 of the Consumer Rights Act 2015 in relation to sections 78 and 79.

Paragraph 3: Out-of-court undertakings

424. This paragraph allows the Secretary of State to accept an undertaking from a person as to the person's future behaviour, where the Secretary of State considers that the person has committed or is likely to commit an offence under sections 78 or 79 regarding misleading marketing. The Secretary of State can only accept the undertaking if it would tend to avoid an offence. Subparagraph (3) requires the Secretary of State to publish details of any undertaking accepted under this paragraph.

Paragraph 4: Civil injunctions

425. This paragraph is self-explanatory. It allows the Secretary of State to bring proceedings for injunctions to prevent the continuing effects of misleading marketing.

Paragraph 5: Time limit for prosecution

426. This paragraph sets out the time limits for proceedings for offences under sections 78 and 79, set at the earlier of three years from the date of the commission of the offence or a year from the date the offence is discovered by the prosecutor.

Schedule 6: Civil sanctions for infringing passenger permit scheme

Paragraph 1: Compliance notices

427. If the appropriate national authority is satisfied that an automated passenger services permit holder has committed an infringement of the permit scheme, the authority may issue a compliance notice under this paragraph.

Paragraph 2: Monetary penalties

428. The appropriate national authority may issue a monetary penalty notice under this paragraph if it is satisfied that an automated passenger services permit holder has committed an infringement of the permit scheme as set out in section 84, or failed to comply with a compliance notice. The appropriate national authority must by regulations set a maximum sum which may be specified in a monetary penalty notice. Subparagraph (8) sets out how the regulations may determine the maximum sum.

Paragraph 3: Notices of intent

429. This paragraph requires the appropriate national authority to issue the permit holder with a notice of intent prior to issuing a compliance notice or monetary penalty notice. Among other requirements, the notice of intent must set out the terms and reasons for intending to issue a compliance or monetary penalty notice and specify a deadline and manner the permit holder

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can make representations. Subparagraph (1)(b) requires the appropriate national authority to consider any representations made by the permit holder. In some circumstances the notice of intent process could reduce the need for the appropriate national authority to proceed to issue a compliance notice or monetary penalty notice. For example, this could occur if the permit holder provided a clear justification for the non-compliance, or a satisfactory timeline to address the non-compliance.

Paragraph 4: Costs

430. This paragraph allows the appropriate national authority to issue a costs notice. Costs notices enable the appropriate national authority to recover, from a permit holder, certain costs it has reasonably incurred in connection with issuing a compliance notice or monetary penalty notice to the permit holder. The appropriate national authority may only issue a costs notice to a permit holder if it has issued the permit holder a compliance notice or monetary penalty notice (the 'principal notice'), and the notice of intent which preceded the principal notice stated the appropriate national authority's intention to issue a costs notice in connection with the principal notice, and gave a general indication of the costs that the appropriate national authority would be likely to seek to recover.

Paragraph 5: Cancellation and variation

431. This paragraph is self-explanatory.

Paragraph 6: Appeals

432. The person issued with a compliance notice or monetary penalty notice have the right to appeal in the first instance to a First-tier Tribunal (or the Upper Tribunal if this is provided for in Tribunal Procedure Rules). This paragraph establishes standard procedures in relation to the Tribunal process to be followed and grounds on which an appeal may be brought by a permit holder.

Paragraph 7: Enforcement action in respect of multiple occurrences

433. This paragraph clarifies that, where a single notice is issued, it may relate to one or more occurrences by virtue of which the power to issue the notice arises. For example, a compliance notice may refer to five occasions where evidence suggests the permit holder breached several different permit conditions of the kind specified in section 82(5)(b).

Commencement

434. Section 99 provides for the commencement of the provisions in this Act. For the most part, the provisions of the Act will come into force on the days appointed by the Secretary of State by regulations. Different days may be appointed for different purposes or areas.

435. The exception is Part 7 of the Act, which came into force on the day the Act was passed. The provisions in Part 7 deal with general matters including disclosure of information, Crown application, extent, and the making of regulations under the Act.

Related documents

436. The following documents are relevant to the Act and can be read at the stated locations:

- [*Automated Vehicles – A joint preliminary consultation paper.*](#)
- [*Automated Vehicles: Consultation Paper 2 on Passenger Services and Public Transport – A second joint consultation paper.*](#)
- [*Automated Vehicles: Consultation Paper 3 - A regulatory framework for automated vehicles – A joint consultation paper.*](#)⁷
- [*Connected & Automated Mobility 2025: Realising the benefits of self-driving vehicles in the UK,*](#) published 19 August 2022.⁸

⁷ The consultation papers listed can be found within the Law Commission Automated Vehicles project: <https://lawcom.gov.uk/project/automated-vehicles/>

⁸ Connected & Automated Mobility 2025: <https://www.gov.uk/government/publications/connected-and-automated-mobility-2025-realising-the-benefits-of-self-driving-vehicles>

Annex A - Territorial extent and application in the United Kingdom

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
PART 1 - REGULATORY SCHEME				
Chapter 1 - Authorisation of road vehicles for automated use				
Section 1-2 (self-driving capability)	Yes	Yes	Yes	No
Section 3-5 (authorisation requirements)	Yes	Yes	Yes	No
Section 6-7 (grant of authorisation)	Yes	Yes	Yes	No
Section 8-9 (variation, suspension and withdrawal of authorisation)	Yes	Yes	Yes	No
Section 10-11 (administration)	Yes	Yes	Yes	No
Chapter 2 - Licensing of operators for vehicle use without user-in-charge				
Section 12-13 (licensing of operators)	Yes	Yes	Yes	No
Chapter 3 - Provision of information by regulated bodies				
Section 14-15 (requirements imposed by regulations)	Yes	Yes	Yes	No
Section 16-23 (requirements imposed by notice)	Yes	Yes	Yes	No
Section 24-25 (offences relating to information)	Yes	Yes	Yes	No

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
about safety)				
Section 26-27 (liability of individuals)	Yes	Yes	Yes	No
Chapter 4 - Powers to investigate premises used by regulated bodies				
Section 28- 33 (powers to investigate)	Yes	Yes	Yes	No
Chapter 5 - Civil sanctions against regulated bodies				
Section 34-37 (civil sanctions)	Yes	Yes	Yes	No
Chapter 6 - Other regulatory powers and duties				
Section 38-40	Yes	Yes	Yes	No
Chapter 7 - Supplementary provision				
Section 41-45 (supplementary provision)	Yes	Yes	Yes	No
PART 2 - CRIMINAL LIABILITY FOR VEHICLE USE				
Chapter 1 - Legal position of user-in-charge				
Section 46-52 (legal position of user-in-charge)	Yes	Yes	Yes	No
Chapter 2 - Offences				
Section 53-56 (offences)	Yes	Yes	Yes, with the exception of Section 54(2), which extends to England and Wales only.	No, with the exception of Sections 53(3) and 54(4), which extend to Northern Ireland
PART 3 - POLICING AND INVESTIGATION				
Chapter 1 - Stopping and seizure				
Section 57-59 (stopping and seizure)	Yes	Yes	Yes	No
Chapter 2 - Investigation of incidents by statutory inspectors				

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 60-77 (incident investigation)	Yes	Yes	Yes	No
PART 4 - MARKETING RESTRICTIONS				
Section 78-81 (offences)	Yes	Yes	Yes	No, with the exception of Section 81(4), which extends to Northern Ireland
PART 5 - PERMITS FOR AUTOMATED PASSENGER SERVICES				
Section 82-90 (permits for passenger services)	Yes	Yes	Yes	No
PART 6 - ADAPTATION OF EXISTING REGIMES				
Sections 91-92 (power to update type approval requirements and application of roadside testing powers)	Yes	Yes	Yes	No
Section 93 (traffic regulation measures)	Yes	Yes	No	No
PART 7 - GENERAL PROVISION				
Section 94-100 (general provision)	Yes	Yes	Yes	Yes
SCHEDULES				
Schedule 1 (Enforcement action under Part 1: procedure)	Yes	Yes	Yes	No
Schedule 2 (amendments related to Part 1)	Yes, insofar as the Schedule amends provisions which extend to England	Yes, insofar as the Schedule amends provisions which extend to Wales	Yes, insofar as the Schedule amends provisions which extend to Scotland	No
Schedule 3 (amendments related to section)	Yes	Yes	Yes	Yes, insofar as the Schedule amends provisions which extend

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Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
54)				to Northern Ireland
Schedule 4 (amendments related to section 66 (3))	Yes	Yes	Yes	No
Schedule 5 (enforcement of marketing restrictions)	Yes	Yes	Yes	No, with the exception of paragraph 2, which extends to Northern Ireland
Schedule 6 (civil sanctions for infringing passenger permit scheme)	Yes	Yes	Yes	No

These Explanatory Notes refer to the Automated Vehicles Act 2024 which received Royal Assent on 20 May 2024 (c. 10).

Annex B - Hansard References

437. The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Lords</i>		
Introduction	8 November 2023	Vol. 834
Second Reading	28 November 2023	Vol. 834 Col. 1030
Committee	10 January 2024	Vol. 835 Col. 38 and Vol. 835 Col. 78 Vol. 835 Col. 240 and Vol. 835 Col. 282
Report	6 February 2024	Vol. 835 Col. 1562
Third Reading	19 February 2024	Vol. 836 Col. 378
<i>House of Commons</i>		
Introduction	20 February 2024	N/A
Second Reading	5 March 2024	Vol. 746 Col. 769
Public Bill Committee	19 March 2024	First sitting Col. 1 Second sitting Col. 35
Report and Third Reading	1 May 2024	Vol. 749 Col. 296
Lords Consideration of Commons Amendments	8 May 2024	Vol. 838 Col. 152
Royal Assent	20 May 2024	House of Commons Vol. 750 House of Lords Vol. 838

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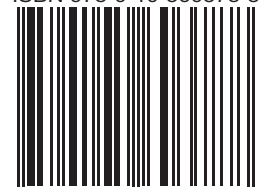
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