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SCHEDULES

SCHEDULE 1

Sections 8(7) and 37(3)

ENFORCEMENT ACTION UNDER PART 1: PROCEDURE

PART 1

UNILATERAL VARIATION, SUSPENSION OR WITHDRAWAL OF AUTHORISATION

Ordinary procedure

- 1 (1) Before varying, suspending or withdrawing an automated vehicle authorisation under section 8(2) or (3), the Secretary of State must—
 - (a) issue to the authorised self-driving entity a notice under sub-paragraph (2), and
 - (b) consider any representations made by the authorised self-driving entity in response to (and in accordance with) that notice.
- (2) A notice under this sub-paragraph is a notice that—
 - (a) states the Secretary of State’s intention to vary, suspend or withdraw the authorisation,
 - (b) explains the Secretary of State’s reasons for intending to vary, suspend or withdraw the authorisation, and
 - (c) specifies the time by which, and manner in which, representations may be made.
- (3) Sub-paragraph (4) applies if, having complied with sub-paragraph (1), the Secretary of State decides to vary, suspend or withdraw the authorisation.
- (4) The Secretary of State must, in, or in a document issued together with, the notice by which the variation, suspension or withdrawal takes effect, explain the Secretary of State’s reasons for the decision.

Procedure for urgent suspension or temporary variation

- 2 (1) If the Secretary of State considers that the need to suspend an automated vehicle authorisation under section 8(2) or (3) is too urgent for the procedure in paragraph 1 to be followed, that paragraph does not apply and sub-paragraphs (2) and (3) apply instead.
- (2) The Secretary of State must—
 - (a) in, or in a document issued together with, the notice by which the suspension takes effect—
 - (i) explain the Secretary of State’s reasons for suspending the authorisation, and

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- (ii) specify the time by which, and manner in which, representations may be made, and
- (b) as soon as reasonably practicable after suspending the authorisation—
 - (i) consider any representations made by the authorised self-driving entity in response to (and in accordance with) that notice, and
 - (ii) decide whether to lift the suspension.
- (3) If, having complied with sub-paragraph (2), the Secretary of State decides not to lift the suspension, the Secretary of State must issue to the authorised self-driving entity a notice that—
 - (a) states the Secretary of State’s decision, and
 - (b) explains the Secretary of State’s reasons for the decision.
- (4) The preceding sub-paragraphs apply in relation to temporary variation as they apply in relation to suspension; and for that purpose the references to lifting the suspension are to be read as references to reversing the variation.

Appeals

- 3 (1) If an automated vehicle authorisation is varied, suspended or withdrawn under section 8(2) or (3), the authorised self-driving entity may appeal to the Tribunal.
- (2) The grounds on which an appeal may be brought are—
 - (a) in a case where the Secretary of State acted under section 8(2) in reliance on section 8(4)(a), that the failure to meet authorisation requirements did not occur;
 - (b) in a case where the Secretary of State acted under section 8(2) in reliance on section 8(4)(b), that the commission of a traffic infraction did not occur;
 - (c) in a case where the Secretary of State acted under section 8(2) in reliance on section 8(4)(c), that the Secretary of State’s conclusion was based on a mistaken finding of fact;
 - (d) that the decision to vary, suspend or withdraw the authorisation was unreasonable;
 - (e) that the Secretary of State failed to comply with paragraph 1 or 2, or made some other procedural error, in respect of the variation, suspension or withdrawal.
- (3) If satisfied that any of those grounds is made out, the Tribunal must allow the appeal and—
 - (a) direct that the variation, suspension or withdrawal be undone, or
 - (b) remit the matter to the Secretary of State with a direction that the Secretary of State consider, in accordance with the findings of the Tribunal and by such time as the Tribunal specifies, whether to undo the variation, suspension or withdrawal.
- (4) Otherwise, the Tribunal must dismiss the appeal.
- (5) Sub-paragraph (6) applies if—
 - (a) a direction is made under sub-paragraph (3)(b), and
 - (b) by the specified time, the Secretary of State has not undone the variation, suspension or withdrawal.

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- (6) The authorised self-driving entity may on application re-open the appeal on any of the original grounds further to which the direction under sub-paragraph (3)(b) was made; and sub-paragraphs (3) and (4) apply again in relation to the grounds on which the appeal is re-opened.
- (7) In this paragraph—
 - (a) references to the undoing of a variation, suspension or withdrawal refer—
 - (i) in the case of variation, to the reversal of the variation,
 - (ii) in the case of suspension, to the lifting of the suspension, or
 - (iii) in the case of withdrawal, to the restoration of the withdrawn authorisation;
 - (b) references to the authorised self-driving entity include, in the case of a withdrawn authorisation, the person who was the authorised self-driving entity immediately before the withdrawal;
 - (c) “the Tribunal” means the First-tier Tribunal, subject to sub-paragraph (8).
- (8) Tribunal Procedure Rules may provide for an appeal under this paragraph to be made to the Upper Tribunal instead of the First-tier Tribunal; and if that is done references to “the Tribunal” are to be read accordingly.

Backstop procedure for cases where authorised self-driving entity defunct

- 4 (1) Sub-paragraph (2) applies if the Secretary of State is satisfied, in relation to an authorised automated vehicle, that—
 - (a) there is no longer an authorised self-driving entity, or
 - (b) the authorised self-driving entity is no longer capable of being issued with a notice under paragraph 1 or 2.
- (2) The Secretary of State may suspend or withdraw the automated vehicle authorisation in question without the agreement of the authorised self-driving entity and without complying with paragraph 1 or 2.
- (3) Section 9(6) does not apply to a suspension or withdrawal in reliance on this paragraph, which instead takes effect—
 - (a) when notice of it is published by the Secretary of State, or
 - (b) at such later time as is specified in the notice.
- (4) If an automated vehicle authorisation is suspended or withdrawn in reliance on this paragraph, the authorised self-driving entity may appeal to the Tribunal on the ground that the Secretary of State was wrong to be satisfied as described in sub-paragraph (1).
- (5) If satisfied that that ground is made out, the Tribunal must allow the appeal and direct that the suspension or withdrawal be undone; and otherwise the Tribunal must dismiss the appeal.
- (6) Sub-paragraphs (7) and (8) of paragraph 3 apply in relation to sub-paragraphs (4) and (5) of this paragraph as they apply in relation to that paragraph.

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PART 2

CIVIL SANCTIONS

Notices of intent

- 5 (1) Before issuing a compliance notice, redress notice or monetary penalty notice (“the principal notice”) to a regulated body, the Secretary of State must—
- (a) issue to the body a notice of intent, and
 - (b) consider any representations made by the body in response to (and in accordance with) that notice.
- (2) A notice of intent is a notice that—
- (a) states the Secretary of State’s intention to issue the principal notice,
 - (b) sets out the intended terms of that notice,
 - (c) explains the Secretary of State’s reasons for intending to issue that notice, and
 - (d) specifies the time by which, and manner in which, representations may be made.
- (3) A notice of intent may also—
- (a) state the Secretary of State’s intention to issue a costs notice in connection with the principal notice, and
 - (b) give a general indication of the nature of the costs that the Secretary of State is likely to seek to recover by way of the costs notice.

Costs

- 6 (1) If—
- (a) the Secretary of State issues a compliance notice, redress notice or monetary penalty notice (“the principal notice”) to a regulated body, and
 - (b) the notice of intent that preceded the principal notice included the contents set out in paragraph 5(3),
- the Secretary of State may also issue a costs notice to that body.
- (2) A costs notice is a notice requiring the regulated body to pay a sum specified in the notice to the Secretary of State.
- (3) That sum must be no greater than the total of the costs reasonably incurred by the Secretary of State in connection with the principal notice.
- (4) The costs that may be taken into account for that purpose include—
- (a) costs of investigating the matters to which the principal notice relates,
 - (b) administrative costs, and
 - (c) costs of obtaining expert advice (including legal advice).
- (5) A costs notice must—
- (a) particularise the costs relied on in arriving at the sum specified in the notice,
 - (b) explain (if it is not otherwise apparent) how those costs have been calculated, and
 - (c) specify the time by which, and manner in which, the sum must be paid.

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- (6) If a sum payable under a costs notice is not paid in time—
 - (a) the sum (or the unpaid part of it) carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838;
 - (b) the Secretary of State may recover the sum (or the unpaid part of it), with the interest, as a civil debt.
- (7) The cancellation of a compliance notice, redress notice, or monetary penalty notice has the effect of cancelling any costs notice issued in connection with it.

Appeals

- 7 (1) A person to whom a compliance notice, redress notice, monetary penalty notice or costs notice is issued may appeal to the Tribunal.
- (2) The grounds on which an appeal may be brought are—
 - (a) in the case of a compliance notice or redress notice—
 - (i) that the failure to meet requirements, or commission of a traffic infraction, on the grounds of which the notice was issued did not occur, or
 - (ii) that the actions specified in the notice, or the time or period specified for taking them, are unreasonable;
 - (b) in the case of a monetary penalty notice—
 - (i) that the failure to meet requirements, or commission of a traffic infraction, on the grounds of which the notice was issued did not occur, or
 - (ii) that the sum or amount specified in the notice, or the time or manner specified for paying it, is unreasonable;
 - (c) in the case of a compliance notice, redress notice or monetary penalty notice issued under section 34(2), 35(2) or 36(2), that the commission of a traffic infraction on the grounds of which the notice was issued was caused as described in section 34(3), 35(3) or 36(3);
 - (d) in the case of a costs notice—
 - (i) that costs relied on in arriving at the sum specified in the notice were not reasonably incurred as described in paragraph 6(3), or
 - (ii) that the time or manner specified for payment is unreasonable;
 - (e) that the Secretary of State failed to comply with a requirement of paragraph 5, or made some other procedural error, in respect of the notice.
- (3) If satisfied that any of those grounds is made out, the Tribunal must allow the appeal and do whichever of the following it considers appropriate—
 - (a) cancel the notice,
 - (b) remit the matter to the Secretary of State with a direction that the Secretary of State consider, in accordance with the findings of the Tribunal and by such time as the Tribunal specifies, whether to cancel or vary the notice under section 37(2), or
 - (c) if the appeal is allowed on a ground in sub-paragraph (2)(b)(ii) or (d), vary the notice.
- (4) Otherwise, the Tribunal must dismiss the appeal.
- (5) Sub-paragraph (6) applies if a direction is made under sub-paragraph (3)(b) and—

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- (a) the Secretary of State varies the notice further to the direction, or
 - (b) by the specified time, the Secretary of State has neither varied nor cancelled the notice.
- (6) The person who appealed against the notice may on application re-open the appeal—
- (a) on any of the original grounds further to which the direction under sub-paragraph (3)(b) was made, or
 - (b) in the case of a variation, on any further ground within sub-paragraph (2) that arises from the variation;
- and sub-paragraphs (3) and (4) apply again in relation to the grounds on which the appeal is re-opened.
- (7) The Tribunal (or any court on a further appeal) may make an interim order suspending the effect of a notice appealed against under this paragraph.
- (8) If a monetary penalty notice includes provision under section 36(6), either the Secretary of State or the person to whom the notice is issued may apply to the Tribunal for a determination of whether an additional sum has become payable under that provision in respect of a particular day.
- (9) In this paragraph, “the Tribunal” means the First-tier Tribunal, subject to sub-paragraph (10).
- (10) Tribunal Procedure Rules may provide for an appeal or application under this paragraph to be made to the Upper Tribunal instead of the First-tier Tribunal; and if that is done references to “the Tribunal” are to be read accordingly.

Assignment of functions to traffic commissioners

- 8
- (1) The Secretary of State may, by regulations, provide for the powers of the Secretary of State under section 34, 35 or 36 or paragraph 6 to be exercisable by a traffic commissioner instead of, or in addition to, the Secretary of State.
 - (2) In relation to the exercise of power by a traffic commissioner further to such regulations, references in this Part of this Act (other than section 43(1)) to the Secretary of State are to be read as including a traffic commissioner.
 - (3) The Secretary of State may, by regulations, provide for a procedure whereby a compliance notice, redress notice, monetary penalty notice or costs notice issued by the Secretary of State may be reviewed by a traffic commissioner on application by the person against whom it is issued.
 - (4) In a case in which such regulations have effect, the right of appeal conferred by paragraph 7 does not arise until the exhaustion of the review procedure.
 - (5) Money received by a traffic commissioner as a result of regulations under this paragraph must be paid into the Consolidated Fund in such manner as the Treasury may direct.

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SCHEDULE 2

Section 45

AMENDMENTS RELATED TO PART 1

Theft Act 1968 (c. 60)

- 1 In section 12 of the Theft Act 1968 (taking motor vehicle or other conveyance without authority), in subsection (7), for paragraph (a) (but not the final “and”) substitute—
- “(a) “conveyance” means—
- (i) any conveyance constructed or adapted for the carriage of a person or persons whether by land, water or air, except a conveyance constructed or adapted for use only under the control of a person not carried in or on it, or
 - (ii) any vehicle authorised under section 3 of the Automated Vehicles Act 2024,
- and “drive” accordingly includes any act of putting in motion, or controlling the motion of, any such conveyance or vehicle;”.

Prescription and Limitation (Scotland) Act 1973 (c. 52)

- 2 In section 18ZA of the Prescription and Limitation (Scotland) Act 1973 (actions under section 2 of the Automated and Electric Vehicles Act 2018), in subsections (1) and (4)(b), before “automated” insert “authorised”.

Limitation Act 1980 (c. 58)

- 3 In section 14(1B) of the Limitation Act 1980 (date of knowledge for purposes of limitation periods to do with automated vehicles), before “automated” (in both places it occurs) insert “authorised”.

Road Traffic Act 1988 (c. 52)

- 4 (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 145 (requirements about insurance policies), in subsections (3A) and (4), before “automated” (in each place it occurs) insert “authorised”.
 - (3) In section 161(1) (definitions for the purposes of Part 6), omit the definition of “automated vehicle”.
 - (4) In the table in section 162 (index to Part 6), omit the entry for “automated vehicle”.
 - (5) In section 192 (general interpretation)—
 - (a) in subsection (1), at the appropriate place insert—

““authorised automated vehicle” means a vehicle authorised under section 3 of the Automated Vehicles Act 2024;”;
 - (b) after subsection (1) insert—

“(1ZA) Section 44 of the Automated Vehicles Act 2024 applies for the purposes of the provisions of this Act relating to authorised automated vehicles as it applies for the purposes of Part 1 of that Act.”

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(6) In the table in section 194 (index of defined terms), at the appropriate place insert—

“Authorised automated vehicle	Section 192”.
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Automated and Electric Vehicles Act 2018 (c. 18)

- 5 (1) The Automated and Electric Vehicles Act 2018 is amended as follows.
- (2) Omit section 1 (list of automated vehicles).
- (3) In each of the following provisions, before “automated” insert “authorised”—
- (a) in section 2, the heading and subsections (1)(a), (2)(a), (3)(a) and (c)(ii) and (4);
 - (b) section 3(2);
 - (c) in section 4, subsections (1) and (6)(a);
 - (d) in section 6, subsections (2)(a) and (3);
 - (e) section 8(3)(b) (in both places).
- (4) In section 2 (liability of insurers etc)—
- (a) in subsection (1)(b), for “insured” substitute “being used by an insured person”;
 - (b) in subsection (2)(b), for “insured” substitute “being used by an insured person”.
- (5) In section 7 (duty to prepare report on operation of Part 1 of the Act)—
- (a) in subsection (1)—
 - (i) omit paragraph (a);
 - (ii) in paragraph (b), for “vehicles that are capable of safely driving themselves” substitute “authorised automated vehicles”;
 - (b) in subsection (2), for “publication of the list under section 1” substitute “authorisation is granted under section 3 of the Automated Vehicles Act 2024”.
- (6) In section 8 (interpretation)—
- (a) for subsection (1) substitute—

“(1) For the purposes of this Part—

 - (a) an authorised automated vehicle is “driving itself” if it is travelling while an authorised automation feature of the vehicle is engaged;
 - (b) a person is an “insured person”, in relation to a vehicle, if there is in force in relation to that person’s use of the vehicle on a road or other public place in Great Britain a policy of insurance that satisfies the conditions in section 145 of the Road Traffic Act 1988.

(1A) Section 44(5) of the Automated Vehicles Act 2024 (authorisation to determine when feature “engaged” or “disengaged”) applies for the purposes of subsection (1)(a) as it applies for the purposes of Part 1 of that Act.”;
 - (b) in subsection (2)—

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- (i) for the definition of “automated vehicle” substitute—
 - ““authorised automated vehicle” means a vehicle authorised under section 3 of the Automated Vehicles Act 2024;
 - “authorised automation feature” has the same meaning as in Part 1 of the Automated Vehicles Act 2024 (see section 44(1) of that Act);”;
 - (ii) omit the definition of “insured person”;
 - (iii) for the definition of “insurer” substitute—
 - ““insurer”, in relation to an insured person, means the insurer under the policy in question;”.
- (7) In the Schedule, omit paragraphs 20 and 21.

SCHEDULE 3

Sections 53(3) and 54(4)

AMENDMENTS RELATED TO SECTIONS 53 AND 54

Road Traffic Act 1988 (c. 52)

- 1 (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 12E(3) (disapplication of certain enactments to authorised motor races in England and Wales), in the table, at the appropriate places under the heading for the Road Traffic Act 1988 insert—

“Section 3C	Use of automated vehicle in dangerous state”;
“Section 3D	Causing death, or serious injury, by use of automated vehicle in dangerous state”;
“Section 22B	Causing danger to road-users resulting in automated vehicle killing or seriously injuring”.

- (3) In section 12H(3) (disapplication of certain enactments to authorised motor races in Scotland), for “and 3” substitute “, 3, 3C and 3D”.
- (4) In section 13A (disapplication of sections 1 to 3 of the Act to authorised motoring events)—
 - (a) in the heading, after “3” insert “, 3C and 3D”;
 - (b) after subsection (1) insert—
 - “(1A) A person is not guilty of an offence under section 3C or 3D by virtue of using a vehicle in a public place other than a road if the person shows that the use of the vehicle was in accordance with an authorisation for a motoring event given under regulations made by the Secretary of State.”

Road Traffic Offenders Act 1988 (c. 55)

- 2 (1) The Road Traffic Offenders Act 1988 is amended as follows.

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(2) In section 24 (alternative verdicts)—

(a) in subsection (A2)—

(i) omit the “and” at the end of paragraph (c);

(ii) after paragraph (c) insert—

“(ca) an offence under section 3C of that Act (use of automated vehicle in dangerous state),

(cb) an offence under section 3D of that Act (causing death, or serious injury, by use of automated vehicle in dangerous state),

(cc) an offence under section 22B of that Act (causing danger to road-users resulting in automated vehicle killing or seriously injuring),

(cd) an offence under section 34B of that Act (use of road vehicle without a driver or licensed oversight),

(ce) an offence under section 34C of that Act (causing death, or serious injury, by use of road vehicle without a driver or licensed oversight), and”;

(b) in the table in subsection (1), at the appropriate places insert—

“Section 3D (causing death, or serious injury, by use of automated vehicle in dangerous state)”	Section 3C (use of automated vehicle in dangerous state)”;
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“Section 22B (causing danger to road-users resulting in automated vehicle killing or seriously injuring)”	Section 22A (causing danger to road-users)”;
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“Section 34C (causing death, or serious injury, by use of road vehicle without a driver or licensed oversight)”	Section 34B (use of road vehicle without a driver or licensed oversight)”.
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(3) In the table in Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply), at the appropriate places insert—

“RTA section 3C	Use of automated vehicle in dangerous state.	Sections 1, 11 and 12(1) of this Act.”;
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“RTA section 3D(1)	Causing death by use of automated vehicle in dangerous state.	Section 11 of this Act.
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RTA section 3D(2)	Causing serious injury by use of automated vehicle in dangerous state.	Sections 11 and 12(1) of this Act.”;
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“RTA section 34B	Use of road vehicle without a driver or licensed oversight.	Sections 1, 11 and 12(1) of this Act.”;
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“RTA section 34C(1)	Causing death by use of road vehicle without a driver or licensed oversight.	Section 11 of this Act.
RTA section 34C(2)	Causing serious injury by use of road vehicle without a driver or licensed oversight.	Sections 11 and 12(1) of this Act.”

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

- 3 (1) Schedule 3 to the Crime (International Co-operation) Act 2003 (offences in respect of which notice of driving disqualification must be given to Republic of Ireland) is amended as follows.
- (2) In paragraph 3, after sub-paragraph (d) insert—
- “(da) section 3C (use of automated vehicle in dangerous state),
 - (db) section 3D (causing death, or serious injury, by use of automated vehicle in dangerous state).”
- (3) After paragraph 4 insert—
- “4A An offence under section 34B or 34C of the Road Traffic Act 1988 (use of road vehicle without a driver or licensed oversight, or causing death or serious injury by such use).”

Armed Forces Act 2006 (c. 52)

- 4 In paragraph 12(aj) of Schedule 2 to the Armed Forces Act 2006 (road traffic offences in respect of which service police must be notified of possible corresponding service offence)—
- (a) for “or 22A” substitute “, 3D, 22A or 22B”;
 - (b) after “drugs,” insert “causing death, or serious injury, by use of automated vehicle in dangerous state,”;
 - (c) after “road-users” insert “, causing danger to road-users resulting in death or serious injury”.

SCHEDULE 4

Section 66(6)

AMENDMENTS RELATED TO SECTION 66(3)

- 1 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) of that Act apply)—
- (a) in paragraph 1A(b), omit the final “, and”;
 - (b) in paragraph 1A(c), at the end insert “, and
 - (d) an offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act.”;
 - (c) before paragraph 3(c) insert—

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- “(bc) an offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act, and”;
- (d) before paragraph 4(b) insert—
- “(ab) an offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act, and”.
- (3) In Part 2 of Schedule 2 (penalties for road traffic offences) at the end insert—

“An offence under section 66(3) of the Automated Vehicles Act 2024, where the offence consists of a failure of a person driving or propelling a vehicle to comply with a direction under section 65(1)(a) of that Act.	Discretionary.	Obligatory.	3”.
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SCHEDULE 5

Section 81(4)

ENFORCEMENT OF MARKETING RESTRICTIONS

Duty to enforce

- 1 (1) It is the duty of the Secretary of State to enforce sections 78 and 79.
- (See Part 3 of Schedule 5 to the Consumer Rights Act 2015 for investigatory powers in connection with that duty.)
- (2) Sub-paragraph (1) does not authorise the Secretary of State to bring criminal proceedings in Scotland.

Application of consumer enforcement powers

- 2 In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (enforcement responsibilities attracting investigatory powers under that Schedule), at the appropriate place insert—
- “paragraph 1 of Schedule 5 to the Automated Vehicles Act 2024;”.

Out-of-court undertakings

- 3 (1) This paragraph applies if the Secretary of State considers that a person has committed, or is likely to commit, an offence under section 78 or 79.

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- (2) The Secretary of State may accept an undertaking from the person as to the person's future activity, if the Secretary of State considers that compliance with the undertaking would tend to avoid the commission by the person of an offence (or further offence) under section 78 or 79.
- (3) The Secretary of State must publish details of any undertaking accepted under this paragraph.

Civil injunctions

- 4 (1) This paragraph applies if the Secretary of State considers that a person has committed, or is likely to commit, an offence under section 78 or 79.
- (2) The Secretary of State may bring proceedings for an injunction (and in those proceedings may apply for an interim injunction) against any person appearing to the Secretary of State to be concerned, or likely to be concerned, with the offence.
- (3) In proceedings under this paragraph, the court may grant an injunction (or interim injunction) on such terms as it thinks fit to secure against offending under section 78 or 79.
- (4) Before granting an injunction, the court must have regard to all the interests involved and, in particular, the public interest.
- (5) The power in sub-paragraph (6) is exercisable if the court—
 - (a) finds that a person against whom proceedings under this section are brought has committed an offence under section 78 or 79, and
 - (b) grants an injunction (other than an interim injunction) against the person, and is so exercisable for the purpose of eliminating any continuing effect of the communication that gave rise to the offence.
- (6) The court may require the person to publish, in such form and manner and to such extent as the court thinks appropriate—
 - (a) the injunction, and
 - (b) a corrective statement.
- (7) The court may grant an injunction under this paragraph even where there is no evidence of proof of actual loss or damage or of intention or negligence on the part of the person against whom the proceedings are brought.
- (8) The Secretary of State must publish details of—
 - (a) any proceedings brought under this paragraph, and
 - (b) any order made, or undertaking accepted, by the court in the course of those proceedings.
- (9) In this paragraph—
 - “the court” means—
 - (a) the county court or the High Court, in England and Wales, or
 - (b) a sheriff or the Court of Session, in Scotland;
 - “injunction” is to be read, in the application of this paragraph in Scotland, as “interdict”.

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Time limit for prosecution

- 5 (1) No proceedings for an offence under section 78 or 79 may be commenced after the earlier of—
- (a) the end of the period of 3 years beginning with the date of the commission of the offence, and
 - (b) the end of the period of 12 months beginning with the date of the discovery of the offence by the prosecutor.
- (2) For the purposes of sub-paragraph (1)(b)—
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the offence was discovered by the prosecutor is conclusive evidence of that fact, and
 - (b) a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.

SCHEDULE 6

Section 84(3)

CIVIL SANCTIONS FOR INFRINGING PASSENGER PERMIT SCHEME

Compliance notices

- 1 (1) The appropriate national authority may issue a compliance notice to a permit holder if satisfied that the permit holder has committed an infringement of the permit scheme.
- (2) A compliance notice is a notice requiring the permit holder to take such actions within sub-paragraph (3) as are specified in the notice.
- (3) The actions that may be specified are those that the appropriate national authority considers appropriate in order to secure, or make it more likely, that the permit holder does not commit any similar infringement of the permit scheme in future.
- (4) The actions may be specified by referring (with or without further particulars) to the actions necessary to achieve a result described in the notice.
- (5) A compliance notice must—
- (a) explain the appropriate national authority’s reasons for issuing the notice, and
 - (b) specify the time by which, or period during which, the specified actions must be taken.
- (6) The reference in sub-paragraph (2) to taking action includes refraining from taking action; and “actions” in this paragraph is to be read accordingly.

Monetary penalties

- 2 (1) The appropriate national authority may issue a monetary penalty notice to a permit holder if satisfied that the permit holder has—
- (a) committed an infringement of the permit scheme, or
 - (b) failed to comply with a compliance notice.

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- (2) A monetary penalty notice is a notice requiring the permit holder to pay a monetary penalty, of a sum specified in the notice, to the appropriate national authority.
- (3) Sub-paragraph (4) applies in relation to a monetary penalty notice if it appears to the appropriate national authority that the failure to which the notice relates is or may be a continuing one.
- (4) The monetary penalty notice may provide for a sum specified in the notice to be added to the penalty for each day in the period—
 - (a) beginning with the day after the day on which the notice is issued, and
 - (b) ending with—
 - (i) the day on which the failure is brought to an end, or
 - (ii) such earlier day as is specified in the notice.
- (5) A monetary penalty notice must—
 - (a) explain the appropriate national authority’s reasons for issuing the notice, and
 - (b) specify the time by which, and manner in which, the penalty must be paid.
- (6) If a monetary penalty is not paid on time—
 - (a) the penalty (or the unpaid part of it) carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838;
 - (b) the appropriate national authority may recover the penalty (or the unpaid part of it), with the interest, as a civil debt.
- (7) The appropriate national authority must, by regulations, provide for the determination of—
 - (a) a maximum sum that may be specified under sub-paragraph (2), and
 - (b) a maximum sum that may be specified under sub-paragraph (4).
- (8) Those regulations may determine the sum by reference to the turnover of the permit holder or any entities or undertakings that are connected with the permit holder in a manner specified in the regulations; and if they do so they may also make provision about—
 - (a) what counts as “turnover”;
 - (b) how turnover is to be calculated or assessed.

Notice of intent

- 3 (1) Before issuing a compliance notice or monetary penalty notice to a permit holder, the appropriate national authority must—
 - (a) issue a notice of intent to the permit holder, and
 - (b) consider any representations made by the permit holder in response to (and in accordance with) that notice.
- (2) A notice of intent is a notice that—
 - (a) states the appropriate national authority’s intention to issue the compliance notice or monetary penalty notice,
 - (b) sets out the terms of that intended notice,
 - (c) explains the appropriate national authority’s reasons for intending to issue that notice, and

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- (d) specifies the time by which, and manner in which, representations may be made.
- (3) A notice of intent may also—
- (a) state the appropriate national authority’s intention to issue a costs notice in connection with the principal notice, and
 - (b) give a general indication of the nature of the costs that the appropriate national authority is likely to seek to recover by way of the costs notice.

Costs

- 4 (1) If—
- (a) the appropriate national authority issues a compliance notice or monetary penalty notice (“the principal notice”) to a permit holder, and
 - (b) the notice of intent that preceded the principal notice included the contents set out in paragraph 3(3),
- the appropriate national authority may also issue a costs notice to the permit holder.
- (2) A costs notice is a notice requiring the permit holder to pay a sum specified in the notice to the appropriate national authority.
- (3) That sum must be no greater than the total of the costs reasonably incurred by the appropriate national authority in connection with the principal notice.
- (4) The costs that may be taken into account for that purpose include—
- (a) costs of investigating the matters to which the principal notice relates,
 - (b) administrative costs, and
 - (c) costs of obtaining expert advice (including legal advice).
- (5) A costs notice must—
- (a) particularise the costs relied on in arriving at the sum specified in the notice,
 - (b) explain (if it is not otherwise apparent) how those costs have been calculated, and
 - (c) specify the time by which, and manner in which, the sum must be paid.
- (6) If a sum payable under a costs notice is not paid in time—
- (a) the sum (or the unpaid part of it) carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838;
 - (b) the appropriate national authority may recover the sum (or the unpaid part of it), with the interest, as a civil debt.
- (7) The cancellation of a compliance notice or monetary penalty notice has the effect of cancelling any costs notice issued in connection with it.

Cancellation and variation

- 5 Where the appropriate national authority has issued a compliance notice, monetary penalty notice or costs notice to a permit holder, the appropriate national authority may by further notice issued to the permit holder—
- (a) cancel the notice, or
 - (b) vary it in any way that does not make it more onerous.

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Appeals

- 6 (1) A person to whom a compliance notice, monetary penalty notice or costs notice is issued may appeal to the Tribunal.
- (2) The grounds on which an appeal may be brought are—
- (a) in the case of a compliance notice—
 - (i) that the infringement of the permit scheme on the grounds of which the notice was issued did not occur, or
 - (ii) that the actions specified in the notice, or the time or period specified for taking them, are unreasonable;
 - (b) in the case of a monetary penalty notice—
 - (i) that the infringement of the permit scheme, or failure of compliance, on the grounds of which the notice was issued did not occur, or
 - (ii) that the sum specified in the notice, or the time or manner specified for paying it, is unreasonable;
 - (c) in the case of a costs notice—
 - (i) that costs relied on in arriving at the sum specified in the notice were not reasonably incurred as described in paragraph 4(3), or
 - (ii) that the time or manner specified for payment is unreasonable;
 - (d) that the appropriate national authority failed to comply with paragraph 3, or made some other procedural error, in respect of the notice.
- (3) If satisfied that any of the grounds is made out, the Tribunal must allow the appeal and do whichever of the following it considers appropriate—
- (a) cancel the notice,
 - (b) remit the matter to the appropriate national authority with a direction that the appropriate national authority consider, in accordance with the findings of the Tribunal and by such time as the Tribunal specifies, whether to cancel or vary the notice under paragraph 5, or
 - (c) if the appeal is allowed on the ground in sub-paragraph (2)(b)(ii) or (c), vary the notice.
- (4) Otherwise, the Tribunal must dismiss the appeal.
- (5) Sub-paragraph (6) applies if a direction is made under sub-paragraph (3)(b) and—
- (a) the appropriate national authority varies the notice further to the direction, or
 - (b) by the specified time, the appropriate national authority has neither varied nor cancelled the notice.
- (6) The person who appealed against the notice may on application re-open the appeal—
- (a) on any of the original grounds further to which the direction under sub-paragraph (3)(b) was made, or
 - (b) in the case of a variation, on any further ground within sub-paragraph (2) that arises from the variation;
- and sub-paragraphs (3) and (4) apply again in relation to the grounds on which the appeal is re-opened.
- (7) The Tribunal (or any court on a further appeal) may make an interim order suspending the effect of a notice appealed against under this paragraph.
- (8) If a monetary penalty notice includes provision under paragraph 2(4), either the appropriate national authority or the person to whom the notice is issued may apply

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to the Tribunal for a determination of whether an additional sum has become payable under that provision in respect of a particular day.

- (9) In [this paragraph](#), “the Tribunal” means the First-tier Tribunal, subject to [sub-paragraph \(10\)](#).
- (10) Tribunal Procedure Rules may provide for an appeal under [this paragraph](#) to be made to the Upper Tribunal instead of the First-tier Tribunal; and if that is done references to “the Tribunal” are to be read accordingly.

Enforcement action in respect of multiple occurrences

- 7 A single notice issued under this Schedule may relate to more than one occurrence by virtue of which the power to issue the notice arises (or is said to arise).