

Report on Legislative Consent Memoranda for the Automated Vehicle Bill

April 2024

1. Introduction

1. On 24 November 2023, the Minister for Climate Change ('the Minister') laid a Legislative Consent Memorandum for the Automated Vehicles Bill ('the LCM') before the Senedd.
2. The Business Committee referred the LCM to the Climate Change, Environment and Infrastructure Committee ('the Committee') and the Legislation, Justice and Constitution ('LJC') Committee with a reporting deadline of 1 March 2024.
3. On 13 February 2024, the Minister laid a Supplementary Legislative Consent Memorandum for the Automated Vehicles Bill ('the SLCM') before the Senedd.
4. The Business Committee referred the SLCM to the Committee and the LJC Committee with a reporting deadline of 19 April 2024.

Our approach

5. The Committee considered the LCM and the SLCM at its meetings on 31 January and 21 March 2024.



2. The Automated Vehicles Bill

6. The Automated Vehicles Bill ('the Bill') was introduced in the House of Lords on 8 November 2023.

7. According to the Explanatory Notes, the Bill "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".

Policy objectives

8. The policy objectives of the Bill, as outlined in paragraph 5 of the LCM, are that:

"by 2025, the UK will begin to see deployments of self-driving vehicles, improving ways in which people and goods are moved around the nation and creating an early commercial market for the technologies. This market will be enabled by a comprehensive regulatory, legislative and safety framework, served by a strong British supply chain and skills base, and used confidently by businesses and the public alike."

9. The Bill makes provision regulating the use of automated vehicles, as stated at paragraph 8 of the LCM, broadly it does so by:

- Creating an authorisation regime which confers a power on the Secretary of State to authorise certain automated vehicles or classes of automated vehicles for use on roads;
- Making provision about "regulated bodies", which will have ongoing responsibility for the automated features and operation of authorised automated vehicles;
- Making extensive provision for enforcement in relation to automated vehicles, including in relating to regulated bodies;
- Providing for a permitting system for automated vehicles which carry passengers.

3. The LCM and SLCM

Provisions for which consent is required

- 10.** According to the Welsh Government, consent is required for clauses 40, 82 to 85, 87 to 90, 97 of, and Schedule 6 to the Bill. Further details can be found in paragraphs 10 to 21 of the LCM.
- 11.** The UK Government does not share the Welsh Government's view that clause 97 requires consent.

Amendments tabled at Lords Report stage making provision for which consent is required

- 12.** Paragraph 13 of the SLCM provides details of amendments tabled at Lords Report stage making provision for which consent is required. The amendments are to clause 88(5) and clause 97.

Outstanding matters

Clause 40 (Power to require reports from police and local authorities)

- 13.** Clause 40 supports the duty in clause 39 to investigate automated vehicle incidents that may invoke regulatory consequences. It enables the Secretary of State to make regulations requiring a chief officer of police and the other authorities specified in clause 40(3) to report relevant incidents that occur within their police force or authority area.
- 14.** By regulations made under clause 40, the Secretary of State may require reports from a chief officer of police and certain authorities which include the Scottish Ministers and local authorities in Wales, but not the Welsh Ministers.
- 15.** The LCM suggests the omission of the Welsh Ministers may be an oversight and the Welsh Government is in discussion with UK Government on this matter.

Clause 93 (Provision of information about traffic regulation measures)

- 16.** Clause 93 enables the Secretary of State by regulations to make provision requiring a traffic regulation authority to provide prescribed information about a relevant traffic regulation measure in England. It is intended to facilitate the availability of digital information which can be used by automated vehicles, or

other vehicles with electronic driver assistance features, to comply with rules set out in legislation such as Traffic Regulation Orders.

17. The LCM says the Welsh Government is exploring whether amendments could be made to clause 93 to confer equivalent power on the Welsh Ministers in relation to Wales.

18. According to the Welsh Government, “Given the interconnectedness of the Wales and England transport systems, we believe it would be advantageous for such information to be available at the same time, and powers for the Welsh Ministers in clause 93 would enable us to work effectively with the UK Government on this”.

Welsh Government’s current position on consent

19. Paragraph 23 of the LCM sets out the Welsh Government’s reasons for making the provisions for Wales in the Bill:

- The UK Government’s legislative proposal is appropriate for Welsh circumstances, as the Welsh Government recognises the need to facilitate the safe and efficient deployment of self-driving vehicles.
- The interconnected nature of the transport system in Wales and England, and the combination of reserved and devolved matters involved, mean that it is most effective and appropriate for provision for both to be taken forward at the same time in the same legislative instrument. For these reasons it is unlikely that making provision via the taxi and/or bus Bills planned to be introduced into the Senedd would be satisfactory.
- As indicated above, technology is advancing rapidly in this area and it is important that the legislative framework keeps pace and is fully aligned across the UK.

20. The Welsh Government concludes “it is appropriate to deal with the provisions included in this memorandum, apart from clause 40 as currently drafted, in this UK Bill”.

21. The Welsh Government commits to provide a further update on the discussions with the UK Government in respect of clauses 40 and 93 in due course.

22. The SLCM reaffirms the above position.

Committee's conclusion

We note the Welsh Government's reasons for making the provisions for Wales in the Bill. In this instance, we found no reason to object to the Senedd consenting to clauses 82 to 85, 87 to 90, 97 of, and Schedule 6 to the Bill.

In relation to clause 40, we expect the Minister to provide an update on discussions with the UK Government before tabling the Legislative Consent Motion associated with the LCM.