

LEGISLATIVE CONSENT MEMORANDUM

AUTOMATED VEHICLES BILL

1. This Legislative Consent Memorandum is laid under Standing Order (SO) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies, the legislative competence of the Senedd.
2. The Automated Vehicles Bill (“the Bill”) was introduced in the House of Lords on 8th November 2023. The Bill can be found at:
<https://bills.parliament.uk/publications/52908/documents/3984>

Policy objectives

3. Automated vehicles are fast approaching commercialisation in markets across the world. By 2035, 40% of new cars in the UK could have self-driving capabilities. Grocery deliveries and passenger services look likely to be operating in self-driving vehicles within a similar timeframe.
4. The UK Government established the Centre for Connected and Autonomous Vehicles (CCAV) in 2015 to bring together Connected and Automated Mobility (CAM) technology developers, vehicle manufacturers and suppliers, academia, insurers, local and regional government, and transport bodies, among many others, to test and develop policy and to build UK capabilities and supply chains.
5. The UK Government’s Vision for CAM is 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.

Summary of the Bill

6. 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.
7. The UK 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 can drive 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 always remains responsible. 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.

8. The Bill makes provision regulating the use of automated vehicles. 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 relation to regulated bodies;
 - providing for a permitting system for automated vehicles which carry passengers.

9. The Bill has seven parts:
 - Part 1: Regulatory scheme for automated vehicles
 - Part 2: Criminal liability for vehicle use
 - Part 3: Policing and investigation
 - Part 4: Marketing restrictions
 - Part 5: Permits for automated passenger services.
 - Part 6: Adaption of existing regimes
 - Part 7: General provision

Provisions in the Bill for which consent is required.

10. **Clause 40** of the Bill impacts on devolved matters by conferring reserved functions on devolved Welsh authorities (local authorities in Wales), and therefore requires the Senedd's consent. 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. We believe the omission of the Welsh Ministers may be an oversight and we are discussing this with the UK Government.

11. **Clauses 82, 83, 84, 85, 87, 88, 89, 90 and 97 of, and Schedule 6 to, the Bill** are within the Senedd's legislative competence, and therefore require the Senedd's consent, as they relate to the licensing of taxis, taxi drivers, private hire vehicles, private hire vehicle drivers and private hire vehicle operators.

12. Clause 82 gives the appropriate national authority (the Welsh Ministers) the power to grant a permit to a person for the purpose of providing an automated

passenger service. The Welsh Ministers are given the power to grant a permit in Wales 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 will be responsible for granting permits in England, Scotland, and Wales (for the avoidance of doubt, this aspect of the provision would not, in our view, be within the Senedd's competence, because public service vehicle operator licensing is reserved).

13. Where a permit holder is providing an automated passenger service where services may be provided under the permit, the vehicle is not to be treated under relevant legislation as a hackney carriage, private hire vehicle or public service vehicle (clause 83).
14. There are civil sanctions where permit conditions are breached (clause 84) and requirements to be satisfied before a permit is granted (clauses 85 and 87, which requires Senedd consent, and clause 86, which does not).
15. Schedule 6 to the Bill confers powers on the Welsh Ministers, as the appropriate national authority for taxis and private hire vehicles permits, to issue civil sanctions in relation to those permits.
16. Clause 88 provides that the conditions attached to a permit may include conditions as to the collection and sharing of information, including sharing with the appropriate national authority (the Welsh Ministers), other public authorities, and private businesses including vehicle manufacturers and insurers. There are protections for information obtained under permit conditions providing for the sharing of information.
17. Clause 89 confers certain regulation-making powers on the appropriate national authority in relation to the varying, renewing, suspending or withdrawing of permits.
18. Clause 90 is an interpretation provision which stipulates that the Welsh Ministers are the appropriate national authority for taxi and private hire vehicle permits in Wales.

Delegation of powers

19. As described above, the Bill includes delegated powers for the Welsh Ministers in clauses 82 and 90.
20. Clause 97 provides that before making regulations, the person making them must consult with such representative organisations as that person thinks fit. Regulations made by the Welsh Ministers are to be made by statutory instrument; may make consequential, supplementary, incidental, transitional, or saving provision, different provision for different purposes or areas, and provision that allows for the exercise of discretion; and are subject to the negative procedure.

21. We are exploring whether amendments could be made to clause 93, which 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, to confer the equivalent power on the Welsh Ministers in relation to Wales. Clause 93 is intended to facilitate the availability of digital information which can be used by automated vehicles, or indeed other vehicles with electronic driver assistance features, to comply with rules set out in legislation such as Traffic Regulation Orders. 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.

UK Government view on the need for consent

22. The UK Government's explanatory notes for the Bill indicate that the Legislative Consent Motion process [sic] is engaged for clauses 40, 82-89, and Schedule 6. This substantively accords with the Welsh Government's view.

Reasons for making these provisions for Wales in the Bill

23. The relevant provisions in the Bill can only be made by way of primary legislation. I have considered the First Minister's principles for recommending consent to provisions in UK Bills and consider that the following circumstances apply in this case:

- 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.

Financial implications

24. There may be administrative costs to the Welsh Government arising from the permitting system set out in the Bill, but it is anticipated that these could be met from within existing budgets.

Conclusion

25. For the reasons set out above, it is my view that it is appropriate to deal with the provisions included in this memorandum, apart from clause 40 as currently drafted, in this UK Bill.

26. I will provide a further update to the Senedd on the discussions with the UK Government in respect of clauses 40 and 93 in due course.

Julie James MS
Minister for Climate Change
November 2023