

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM
(MEMORANDUM NUMBER 3)**

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. Specifically, this supplementary Memorandum relates to the requirement in SO 29.2(iii)(b) to lay such a memorandum in relation to a Bill that by virtue of amendments tabled by a Minister of the Crown makes relevant provision for the first time.
3. The Automated Vehicles Bill (“the Bill”) was introduced in the House of Lords on 8 November 2023. A Legislative Consent Memorandum was laid on 24 November 2023: <https://senedd.wales/media/50zh3svv/lcm-ld16168-e.pdf>. A supplementary Memorandum was laid on 13 February 2024: <https://senedd.wales/media/piifovo1/lcm-ld16333-e.pdf>.

4. The Bill’s passage so far has been:

House of Lords:

1 st reading	8 November 2023
2 nd reading	28 November 2023
Committee stage	from 10 January 2024
Report stage	6 February 2024

House of Commons:

1 st reading	20 February 2024
2 nd reading	5 March 2024
Committee stage	from 19 March 2024

5. The Bill can be found at: <https://publications.parliament.uk/pa/bills/cbill/58-04/0190/230190.pdf>

Policy objectives

6. 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.
7. 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.

8. 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

9. 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.
10. 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.
11. 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.
12. 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

Amendments tabled at Commons Committee stage making provision for which consent is required

13. The UK Government has tabled the following amendments to clauses 40 and 93, as requested by the Welsh Government, making provision requiring Senedd consent:

- Clause 40 permits the Secretary of State to make regulations requiring a chief officer of police or local highway and traffic authorities listed in subsection (3) to report relevant incidents that occur within their area of authority. The authorities include the Scottish Ministers and local authorities in Wales, but not the Welsh Ministers. We believe the omission of the Welsh Ministers may have been an oversight. The amendment will add the Welsh Ministers to the list of authorities in Clause 40(3) of the Bill, in effect bringing the Welsh Ministers in their capacities as highways authority and traffic authority, within the ambit of the power in Clause 40.

Clause 40, page 26, line 37, at end insert—

“(ca) the Welsh Ministers (in their capacity as highways authority or traffic authority);”

- 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. The UK Government has agreed to our request to table amendments 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 the power in the amendments for the Welsh Ministers would enable us to work effectively with the UK Government on this:

Clause 93, page 67, line 17, at end insert “for an area in England”

Clause 93, page 67, line 17, at end insert—

“(1A) The Welsh Ministers may by regulations make provision requiring a traffic regulation authority to provide prescribed information about a relevant traffic regulation measure for an area in Wales.”

Clause 93, page 67, line 20, leave out “for an area in England”

Clause 93, page 67, line 34, leave out “Secretary of State” and insert “person making them”

Delegation of powers

14. The amendments set out above confer an additional delegated power on the Welsh Ministers to make regulations (clause 93). 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.

UK Government view on the need for consent

15. The UK Government's view accords with the Welsh Government's.

Reasons for making these provisions for Wales in the Bill

16. The amendments do not alter my view that the relevant provisions in the Bill can only be made by way of primary legislation, and that the following circumstances apply:

- 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

17. The amendments do not affect my view that administrative costs to the Welsh Government arising from the permitting system set out in the Bill could be met from within existing budgets.

Conclusion

18. For the reasons set out above, it is my view that it is appropriate to deal with the provisions included in this memorandum in this UK Bill.

Ken Skates MS

Cabinet Secretary for North Wales and Transport

5 April 2024