



HOUSE OF LORDS

Select Committee on the Constitution

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Lord Davies of Gower
Department for Transport
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By email

5 December 2023

Dear Lord Davies,

Automated Vehicles Bill [HL]

I write on behalf of the Constitution Committee about the Automated Vehicles Bill. In our view the Bill raises the following issue of constitutional interest.

Clause 5 contains a power for the Secretary of State to establish “authorisation requirements” through regulations subject to the negative procedure. Although similar powers, for example a power under s54(1) of the Road Traffic Act 1998, are subject to negative procedure we consider the power in clause 5 constitutionally significant in particular because authorisation is also central to determining whether the human inside the vehicle should be immune from offences relating to how that vehicle is driven. We note that specific provision in relation to authorisation is made in clause 3 and that authorisation requirements are elaborated upon in clause 6. Nonetheless, the power to make authorisation requirements by way of regulations strikes us as novel and broad and, as such, of constitutional importance. We recommend that it should be subject to the affirmative procedure.

Yours sincerely,

Baroness Drake CBE
Chair of the Constitution Committee