



Department
for Transport

Baroness Drake CBE
Chair, Constitution Committee
House of Lords
London
SW1A 0AA

Lord Davies of Gower
Minister for Maritime, International and Security

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000
E-Mail: lord.davies@dft.gov.uk

Web site: www.gov.uk/dft

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Dear Baroness Drake,

I would like to thank you and the Constitution Committee for your letter on the 5th December 2023 regarding the Automated Vehicles Bill.

The Constitution Committee raised concern that the power contained in Clause 5 of the Bill to make authorisation requirements by way of regulations is of constitutional significance because it is novel and wide-ranging.

The authorisation requirements under Clause 5 will contain detailed, prescriptive technical requirements applicable to various use-cases and may require regular updates. As a result, we do not recommend that these regulation-setting requirements are upgraded to affirmative procedure.

In developing the power outlined in Clause 5 of the Bill, we sought to adopt an approach consistent with the Road Traffic Act 1988 (RTA1988). In RTA1988, regulation-setting requirements and processes for vehicle type approval are done via negative procedure, and affirmative procedure is used only where there are criminal offences applying to individuals. We understand the approach employed by RTA1998 has been effective and is therefore apposite for automated vehicle legislation.

I hope this addresses the Committee's concerns and I would be happy to meet to discuss the Bill and your recommendation further if this would be helpful.

LORD DAVIES OF GOWER