



HOUSE OF LORDS

Delegated Powers and Regulatory Reform
Committee

6th Report of Session 2023–24

Post Office (Horizon System) Compensation Bill

Automated Vehicles Bill [HL]: Government Response

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The Delegated Powers and Regulatory Reform Committee

The Committee is appointed by the House of Lords each session, most recently on 8 November 2023, and has the following terms of reference:

- (i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;
- (ii) To report on documents and draft orders laid before Parliament under or by virtue of:
 - (a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,
 - (b) section 7(2) or section 19 of the Localism Act 2011, or
 - (c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

- (iii) To report on documents and draft orders laid before Parliament under or by virtue of:
 - (a) section 85 of the Northern Ireland Act 1998,
 - (b) section 17 of the Local Government Act 1999,
 - (c) section 9 of the Local Government Act 2000,
 - (d) section 98 of the Local Government Act 2003, or
 - (e) section 102 of the Local Transport Act 2008.

Members

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Lord Goodlad

Lord Hendy

Baroness Humphreys

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The Earl of Lindsay

Lord McLoughlin (Chair)

Lord Rooker

Registered Interests

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <https://www.parliament.uk/hlregister>. The Register may also be inspected in the Parliamentary Archives.

Publications

The Committee's reports are published by Order of the House in hard copy and on the internet at www.parliament.uk/hldprrcpublications.

Committee Staff

The staff of the Committee are Jen Mills (Clerk) and Kiran Kaur (Committee Operations Officer).

General Information

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at <http://www.parliament.uk/business/lords/>.

Contacts for the Delegated Powers and Regulatory Reform Committee

Any query about the Committee or its work should be directed to the Clerk to the Delegated Powers and Regulatory Reform Committee, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number is 020 7219 3103. The Committee's email address is hldelegatedpowers@parliament.uk.

Sixth Report

POST OFFICE (HORIZON SYSTEM) COMPENSATION BILL

1. This money Bill contains no delegations of legislative power.

AUTOMATED VEHICLES BILL [HL]: GOVERNMENT RESPONSE

2. We considered this Bill in our 3rd Report of this Session.¹ The Government have responded by way of a letter from Lord Davies of Gower, Minister for Maritime, International and Security for the Department for Transport. The response is printed at Appendix 1.

¹ Delegated Powers and Regulatory Reform Committee, *3rd Report* (Session 2023-24, HL Paper 26)

APPENDIX 1: AUTOMATED VEHICLES BILL [HL]: GOVERNMENT RESPONSE

Letter from Lord Davies of Gower, Minister for Maritime, International and Security for the Department for Transport, to the Rt Hon. the Lord McLoughlin CH, Chair of the Delegated Powers and Regulatory Reform Committee

I would like to thank you and the Delegated Powers and Regulatory Reform Committee for publishing your report on the Automated Vehicles Bill and its recommendations.

I would like to take the opportunity at this stage to address your recommendations on Clauses 50 and 91 of the Bill.

The intention of Clause 50 is to give the power to provide clarity or change responsibilities of the user-in-charge in case of uncertainty, and in case in the future the technology has evolved to a point that the automated driving system can take on more responsibilities. The clause does not provide a general power to amend existing legislation and alter the substance of existing criminal offences. It only enables regulations to clarify or set out how existing legislation, including offences in that legislation, apply to a user-in-charge.

In our view, the applicability of a piece of legislation to users-in-charge is a matter of very confined interest and is unlikely to raise issues of such importance as to necessitate the same degree of scrutiny as the creation of that legislation in the first place.

We are also concerned that requiring the parliamentary procedure for regulations under Clause 50 to mirror the procedure applicable to any secondary legislation being amended would undermine the power's purpose. As explained above, the Clause 50 power is intended to serve as a straightforward route to changing and/or clarifying how existing offences apply to a user-in-charge, where necessary. If any amendments had to be made subject to the same procedure as the original instrument, there would be no real benefit in using the power to change or clarify how legislation applies to a user-in-charge, versus using the original power under which the secondary legislation was made (if still available).

On this basis, we consider it is appropriate for regulations under Clause 50 to be subject to the negative procedure where the legislation being amended is not primary legislation. We do not think it is possible nor practical to identify all the legislation that may need to be amended by this power on the face of the Bill, in the time available.

The intention of Clause 91, as set out in the Delegated Powers Memorandum and Policy Scoping Notes, is to grant the Secretary of State a power to make regulations to amend type approval legislation to create, alter or remove type approval requirements in respect of automated vehicles.

There is no intention to use Clause 91 to create or amend offences and penalties as we are content with how enforcement currently works via the relevant domestic regulations. In any event, we do not view the clause as conferring the power to also create or amend offences and penalties as detailed by the Committee, given that use of the power in such a way is not expressly permitted on the face of the clause.

On the Committee's recommendation on Clause 36, the Government is considering this carefully and I will write to the Committee ahead of Report Stage with a more detailed response to this recommendation, outlining any further amendments we may make to the Bill as a result of your report.

In the meantime, we are grateful to the Committee for its considerations, which I know will inform our scrutiny of the Bill at Committee stage and I would of course be happy to meet to discuss the Bill.

8 January 2024

APPENDIX 2: MEMBERS' INTERESTS

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