



UK'S AUTOMATED VEHICLES ACT 2024

Self-driving vehicles could be on British roads as early as 2026 after the UK's Automated Vehicles Act (the Act) was enacted on 20 May 2024, although it is not yet fully in force as most of the provisions will be brought in by secondary legislation. As described below, the widespread adoption of AVs in Great Britain (GB)¹ could bring significant positive change to the logistics industry.

¹ The Act does not extend to Northern Ireland (NI) which has its own separate Highway Code, based on the GB version but with some differences. NI road safety legislation is generally brought into line with that in the rest of GB, but this is not always the case. The NI Department for Infrastructure may bring in legislation to update the NI Highway Code with provisions for AVs in the future, but at present there is no plan in place for this.

The Act aims to position GB at the forefront of the self-driving technology industry and is largely based on recommendations made in a joint report published in 2022 by the Law Commission of England and Wales and the Scottish Law Commission (the **Joint Report**).

We published a briefing in February 2022 outlining the legal reforms proposed in the Joint Report.²

Road safety is a cornerstone of the Act. With 88% of road collisions currently resulting from human error, the introduction of automated vehicles (**AVs**) to British roads is expected to reduce significantly the number of deaths and injuries from drink driving, speeding, tiredness and inattention.³ The Act also seeks to clarify questions of legal accountability when AVs are involved in traffic infractions⁴, establishes broad information-gathering powers, and enhances consumer protection against misleading marketing on AVs.

Safety standards

The Act will lean significantly on secondary legislation and governmental guidance, the most important being the Secretary of State's 'Statement of Safety Principles' following consultation with bodies representing the interests of AV manufacturers, road users and road safety.

The Act requires that the Statement of Safety Principles is framed to ensure that:

- authorised AVs (i.e. vehicles that have been authorised for use as AVs by the Secretary of State) will achieve **a level of safety equivalent to, or higher than, that of careful and competent human drivers**; and
- **road safety in GB will be better as a result** of the use of authorised AVs on roads than it otherwise would be.

To obtain authorisation AVs will have to undergo a self-driving test to show

that they are capable of travelling autonomously, i.e. the vehicle is being controlled by its own equipment and not by a driver, and the driver is not monitoring the vehicle with a view to immediately intervening in driving it.

Authorisation regime

The Act introduces an authorisation regime for AVs which can either apply to individual vehicles or cover all vehicles of a particular type. Each authorisation will identify the self-driving features of the authorised AV and can impose requirements on a designated 'authorised self-driving entity' (**ASDE**) which it must meet to maintain the authorisation. ASDEs will be AV developers or software suppliers, rather than the individual users, and it will be their responsibility to ensure that authorised AVs continue to satisfy the self-driving test.⁵

Authorisations can be varied, suspended, or withdrawn at any time if:

- an authorisation requirement is not being met for the authorised AV;
- the authorised AV has committed a traffic infraction; or
- the authorised AV no longer satisfies the self-driving test.

Authorisations can also be suspended or temporarily varied if the Secretary of State suspects that grounds for withdrawal have been met.

The Secretary of State must keep a public register of AV authorisations, and must amend the register to reflect any variations, suspensions, or withdrawals of authorisations as soon as possible after they take effect. The Secretary of State must also keep ASDEs informed of any changes in authorisation.

Legal accountability

The Act makes a distinction between authorised AVs that are fitted with 'user-in-charge' (**UiC**) features and those that have 'no-user-in-charge'

(**NUiC**) features. This distinction is based on a recommendation in the Joint Report that when a self-driving feature is engaged, the individual in the driving seat should become a 'user-in-charge' rather than a 'driver', and legal accountability should shift from the individual in the driving seat of the authorised AV to the party that is in control of the relevant automated driving system.

User-in-charge (UiC)

UiC journeys are those where an authorised AV drives itself, but retains the functionality to require an individual in the driving seat to take back control of the vehicle where necessary. Specifically, the Act states that UiC journeys will be those in which:

- the authorised AV has engaged an authorised UiC feature, and the individual in the driving seat is not controlling the vehicle but is in a position to exercise control of it;
- the authorised AV can make 'transition demands' which require a UiC to assume control of the vehicle within a certain transition period; and
- the authorised AV must be capable of safely handling situations where a UiC fails to assume control within the transition period (for example, by pulling to the side of the road and stopping).

In the main, a UiC will be granted immunity from offences arising from the way in which a vehicle is driven whilst an authorised UiC feature is engaged, and ultimate responsibility will lie with the ASDE. One exception to this is when an offence is committed after a transition demand has been issued and the consequent transition period has ended. It should be noted that "*the way in which a vehicle is driven*" includes elements such as signals and lighting, but does not include the condition or qualifications of the UiC, for which the UiC will be criminally

² HFW. *Automated Vehicles – No time to be asleep at the wheel*. Available at: [Automated Vehicles - No time to be asleep at the wheel - HFW](#)

³ Department for Transport. *Self-driving vehicles set to be on roads by 2026 as Automated Vehicles Act becomes law*. Available at: [Self-driving vehicles set to be on roads by 2026 as Automated Vehicles Act becomes law - GOV.UK \(www.gov.uk\)](#)

⁴ Under section 44(2) of the Act, a vehicle "commits a traffic infraction" if, while an authorised automation feature of the vehicle is engaged, the vehicle does anything that would, were an individual in control of it—(a) amount to the commission of an offence by that individual, or (b) cause a person to become liable to a penalty charge under an enactment relating to road traffic.

⁵ There is no indication yet whether the self-driving test will take the form of regular testing as part of, or in place of, MOTs for regular vehicles. How the Secretary of State will determine whether a vehicle satisfies the self-driving test, and how regularly they will check whether vehicles continue to satisfy the self-driving test, may well be provided for in secondary legislation.

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liable. UiCs would also retain other duties typically attributed to ‘drivers’ such as obtaining insurance, ensuring vehicle roadworthiness, and ensuring that passengers under the age of 14 wear seatbelts or appropriate child restraints.⁶

During periods when a UiC has assumed control of an authorised AV, they will become a ‘driver’ (i.e. the UiC journey terminates) and the authorised AV will be treated as a conventional vehicle, thus existing traffic legislation will apply. The approach to driver-assistance features (e.g. automatic emergency braking, active cruise control, lane-keeping assist) also will be unchanged, and drivers will be liable for incidents arising while such features are engaged.

No-user-in-charge (NUiC)

NUiC journeys, conversely, are those which do not require a UiC, i.e. an individual sitting in the driving seat, and the authorised AV drives itself for the whole journey. All occupants of the vehicle are merely passengers during the journey and, in some cases, it may not be possible for the vehicle to be traditionally driven, as it may not have a steering wheel or other conventional controls.

Specifically, the Act states that NUiC journeys are those in which:

- the authorised AV has engaged an authorised NUiC feature; and
- there is no individual in the vehicle who is exercising control of it.

NUiC journeys must be overseen by a ‘licensed no-user-in-charge operator’, to be designated by the Secretary of State. These operators will be responsible for the safe operation of the vehicle, ensuring that the vehicle is insured, and detecting and resolving issues during the journey (e.g. breakdowns). Ultimately, as with UiC journeys, i.e. where a UiC has not assumed control of an authorised AV, legal liability for incidents arising from the way in which the vehicle is driven will lie with the ASDE.

Information-gathering powers

Under the new legislation, the government will have considerable information-gathering powers for monitoring and investigations. The Act states that regulated bodies under the Act, i.e. ASDEs and licensed no-user-in-charge operators, must nominate an individual who will be responsible for the provision of relevant information.

Information may be required by the government for:

- assessing whether a regulatory requirement is being met by a regulated body;
- investigating whether, how or why an authorised AV has committed a traffic infraction;
- assessing whether an authorised AV continues to satisfy the self-driving test;
- investigating a suspected offence by a regulated body of false/ withheld information relevant to vehicle safety, or of an aggravated offence where death or serious injury occurs.

The Act also provides for the compelling of further information through interviews and in-person attendance, and allows the government to share relevant information with overseas authorities to assist with international investigations.

Monitoring and investigations

The Act imposes a general monitoring duty on the government. The Secretary of State is required to make arrangements to monitor and assess the general performance of

⁶ It is a legal requirement for all passengers to wear a seatbelt (provided one is fitted and they do not have an applicable medical exemption) but typically a ‘driver’ is responsible only for ensuring that they themselves are wearing a seatbelt, and that any passengers under the age of 14 are wearing seatbelts or appropriate child restraints. For passengers aged 14 and above, the responsibility to ensure they are wearing a seatbelt is their own.

authorised AVs, and must write up its conclusions in an annual report.

The government must also appoint statutory inspectors, with the main purpose of identifying, improving our understanding of, and reducing the risks of harm arising from the use of authorised AVs. Such inspectors will have powers to investigate certain incidents involving authorised AVs, to compel the provision of information, to enter and search premises, and to direct road traffic. Obstructing inspectors' investigations will constitute a criminal offence.

Marketing restrictions

The Act includes provisions regulating the marketing of road vehicles, including AVs, following concerns that misleading marketing could cause consumers to believe that a vehicle is fully self-driving when it actually only includes driver-assistance features or relies on UICs. A number of fatal traffic incidents in recent years have been linked to drivers believing their vehicles to be more autonomous than they in fact were.

To this end, the Act prohibits promotional communications that would be likely to confuse consumers *"as to whether a vehicle that is not an authorised AV is capable of travelling autonomously, safely and legally on roads or other public places in Great Britain"*.⁷

Certain terms, expressions, symbols, and marks are reserved for the marketing of authorised AVs, and vehicles will have to meet the high standard of the self-driving test to be marketed as such. A breach of marketing restrictions will constitute a criminal offence, and liability can attach to relevant entities as well as their corporate officers.

Penalties

The Act provides for a range of civil sanctions to be used against regulated bodies if they fail to comply with, amongst other things, authorisation requirements or information provision obligations.

- **Compliance notices** may be issued to ensure that regulated bodies comply with regulatory requirements in the future, or to avoid the future commission of traffic infractions by authorised AVs for which an ASDE is responsible;
- **Redress notices** may be issued to rectify, mitigate, or compensate for loss, damage, inconvenience or annoyance suffered by road users as a result of an infraction committed while an ASDE was responsible.

The Secretary of State may issue a monetary penalty to a regulated body that has failed to comply with a compliance notice or redress notice, the amount of which is to be determined by future regulations.

Failure to comply with the information provision obligations in the Act will be a criminal offence. Specific offences will cover:

- the **withholding of information, or the provision of false or misleading information**, relevant to vehicle safety (maximum term of imprisonment of **five years**);
- an aggravated offence where, due to the failure to provide information, a vehicle is involved in a dangerous incident and **death or serious injury occurs** (maximum term of imprisonment of **14 years**).

Legal liability lies with the relevant regulated body, but can also attach to an individual nominated to provide information or to a senior manager who *"consents to or connives in"* the failure to provide information.⁸

The Act also sets out new traffic offences relating to AVs (e.g. using a vehicle without a driver or licensed oversight, or using an authorised AV in a dangerous state) and amends various offences in the Road Traffic Act 1988 to apply to incidents arising from the use of authorised AVs.

Implications for logistics industry

By introducing a regulatory, legal and safety framework, the Act opens the door for the safe commercial development of AVs, the widespread adoption of which in GB could bring significant positive change to the logistics industry. Logistics could also act as an important test bed for vehicle development.

As we noted in our February 2022 briefing, we may soon see self-driving technology used to control freight vehicles on the motorway during the 'middle miles' of their journey.⁹ Motorway driving occurs at controlled speeds and involves infrequent turns or lane changes, so this would be the simplest area in which to develop the relevant artificial intelligence (AI). Companies that develop or use AI systems in conjunction with authorised AVs in GB will have to ensure that they are promoting the five core principles of the UK's AI regulatory framework, namely (i) safety, security and robustness; (ii) appropriate transparency and explainability; (iii) fairness; (iv) accountability and governance; and (v) contestability and redress.¹⁰

In the longer term, the chief potential benefits of using authorised AVs in logistics are as follows:

- **Time and costs.** Authorised AVs will travel at the optimum speed, apply the optimal level of braking, and choose the fastest travel routes, reducing fuel costs and 'wear and tear', and maximising efficiency;
- **Lower emissions.** Reduced fuel consumption will mean lower emissions, reducing the environmental impact of the logistics sector;
- **Safety.** Authorised AVs will achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers, thereby reducing the risk of accidents due to human error;
- **Driver shortage.** Authorised AVs will reduce the reliance

⁷ Section 79(1)(e) of the Act.

⁸ Section 27(1)(c) of the Act.

⁹ HFW. *Automated Vehicles – No time to be asleep at the wheel*. Available at: [Automated Vehicles - No time to be asleep at the wheel - HFW](#)

¹⁰ Department for Science, Innovation & Technology. *A pro-innovation approach to AI regulation*. Available at: [A pro-innovation approach to AI regulation - GOV.UK \(www.gov.uk\)](#). We published a briefing in April 2024 discussing the UK's AI regulatory framework, available at: [European Parliament Approves Landmark Artificial Intelligence Act - HFW](#)



on human drivers, or dispense with them altogether in certain circumstances, which would alleviate the current driver shortages;

- **Upskilling labour.** In conjunction with the previous point, and considering maintenance and repair requirements, higher skilled and well-paid job opportunities should arise from the use of authorised AVs;
- **Continuous operation.** Authorised AVs will not be constrained by the need to take rest breaks or work within contracted working hours, so can cover greater distances in a shorter time, further improving efficiency;
- **Warehousing operations.** Authorised AVs used in warehousing operations (e.g. automated stackers, forklifts, and pallet trucks) will further reduce costs and improve safety and efficiency.

The logistics industry has the opportunity to be dynamic and innovative in its utilisation of self-driving technology. In the more distant future, it is possible that authorised AVs monitored from remote control rooms could form the backbone of the industry, being utilised at many stages of the supply chain, from shunting within distribution centres, main-haul trunk haulage through to end customer delivery.

Next steps

The Act is a technical framework piece of legislation, with much detail to follow in regulations. On 8 May 2024, Lord Davies of Gower, Parliamentary Under Secretary of State at the Department for Transport, stated that over the coming months, the government would launch “a comprehensive programme of secondary legislation, building the new regulatory framework piece by piece”.

The current estimated timeline for implementation is as follows:

- regulations on misleading marketing will be consulted on later in 2024;
- regulations for digitising traffic regulation orders will be consulted on in autumn 2024 and could come into force in spring 2025;
- the Statement of Safety Principles will be consulted on in 2025, with preparatory work starting in 2024; and
- detailed regulations establishing the authorisation, operator licensing and in-use regulation functions will then follow.

The full impact of the Act therefore may not be felt for some time. The change of government following the recent UK general election could delay the above timeline, although it is notable that the Automated Vehicles Bill largely

received cross-party support during its parliamentary journey to Royal Assent. In any event, businesses involved in the manufacturing, software supply, or general use of AVs should familiarise themselves with relevant provisions of the Act in good time to ensure that they are prepared for, and compliant with, the new legislation.

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