

Parliamentary Bureau – Supplementary Legislative Consent Memorandum

Automated Vehicles Bill (UK legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

Automated Vehicles Bill

2. This Bill was introduced in the House of Lords on 8 November 2023.
3. An LCM was lodged by Mairi McAllan, then Cabinet Secretary for Transport, Net Zero and Just Transition on 20 December 2023 and supported by Fiona Hyslop, then Minister for Transport. A supplementary LCM was lodged on 29 February 2024 by Fiona Hyslop, Cabinet Secretary for Transport.
4. The Automated Vehicles Bill implements the recommendations of a 4-year review of the regulation of automated vehicles (“AV”) carried out jointly by the Law Commission of England and Wales and the Scottish Law Commission. The Explanatory Notes to the Bill state that “[i]t is intended to set the legal framework for the safe deployment of self-driving vehicles in Great Britain”. The regulation of AV involves provision about both the design of vehicles and also driver liability and traffic management.
5. The Bill is comprised of 7 Parts and 6 schedules:
 - Part 1 and schedules 1 and 2 – Regulatory scheme for automated vehicles
 - Part 2 and schedule 3 – Criminal liability for vehicle use
 - Part 3 and schedule 4 – Policing and investigation
 - Part 4 and schedule 5 – Marketing restrictions
 - Part 5 and schedule 6 – Permits for automated passenger services
 - Part 6 – Adaptation of existing regimes
 - Part 7 – General provision
6. The original LCM indicated that the Scottish Government was not in a position to recommend a position on consent at that point. The supplementary LCM sets out the Scottish Government’s consent position on the provisions of the Bill as introduced, as well as in relation to subsequent amendments to the Bill.
7. The supplementary LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament’s consent to the relevant provision in this Bill, with the exception of clause 50. In relation to clause 50, the Scottish Government does not recommend consent as this clause provides the Secretary of State with the power to change and/or clarify existing regulations (including devolved regulations) without a mechanism to seek the consent of or consult with the Scottish Ministers or Scottish Parliament.

Designation of lead committee

8. The relevant provision in the Bill falls within the remit of the following committees:
- Net Zero, Energy and Transport Committee – the relevant provision relates to the regulation of vehicles. The committee's remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition. Following the Cabinet reshuffle in February, there is now a Cabinet Secretary for Transport who is responsible (amongst other things) for national transport strategy, public transport policy, and roads and road safety. It is understood that, despite the change to Cabinet Secretary responsibilities, committee responsibilities remain the same.
 - Criminal Justice Committee – the Bill makes provision in relation to criminal offences and criminal liability. The committee's remit is to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs. The Cabinet Secretary is responsible (amongst other things) for justice reform, justice system and criminal law procedure.
9. Of these, the remit of the Net Zero, Energy and Transport Committee appears more relevant due to the focus on permitting and regulation of automated vehicles. This committee is also leading on the original LCM. However, formal designation of this committee as lead committee does not preclude any other committee whose remit is engaged from considering the LCM if it so wishes.
10. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

11. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Net Zero, Energy and Transport Committee as lead committee on the supplementary LCM. A draft Bureau motion is set out below.

Parliamentary Business Team
February 2024

Draft Parliamentary Bureau motion:

Designation of Lead Committee – That the Parliament agrees that the Net Zero, Energy and Transport Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum relating to the Automated Vehicles Bill.