



Department  
for Transport

Lord Tunncliffe  
House of Lords  
London  
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**Lord Davies of Gower**  
Minister for Maritime, International and Security

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05 December 2023

Dear Lord Tunncliffe,

### **Automated Vehicles Bill 2<sup>nd</sup> Reading – Follow Up Letter**

Following the recent 2<sup>nd</sup> Reading debate on the Automated Vehicles Bill held on 28 November, I am writing to provide further clarity and detail on the points you raised in the debate and address questions where through time constraints and volume of issues, I could not respond directly in my closing speech.

#### **Safety Investigation- Independent Inspectors**

You raised a question of whether the independent inspector should have a non-legally binding power to independently report to Parliament on the effect and safety of automated vehicles on Britain's roads.

The Bill makes provision for two types of incident investigation – (1) for regulatory purposes and (2) for independent safety investigative purposes.

The in-use regulatory scheme will undertake investigations to determine whether, and in what form, regulatory sanctions should apply. These investigations will be undertaken in the name of the Secretary of State.

Investigations by independent inspectors, who will be appointed by the Secretary of State but act independently, will not be able to make determinations of blame or liability for any relevant incident, however they will still be able to investigate and provide statements of fact regarding the cause of an incident.

The inspectors will have statutorily protected investigative independence and operate from within the structure of the DfT. This means that even though the inspectors will be ultimately answerable to the Secretary of State for Transport - just as existing investigation branches already are - their

investigatory functions and the integrity of their findings will be statutorily protected by provisions enabled through the Automated Vehicles Bill.

No single person or organisation can influence an inspector in any way, as this would undermine the fundamental principles of safety investigation. Clause 68 requires the inspector to report any findings of an investigation to the Secretary of State, and regulations made under clause 68(3) may make provision for the publication of such a report.

In addition, clause 38 requires the Secretary of State to publish a report on the overall performance of self-driving vehicles, including their performance against the Statement of Safety Principles (provided for in clause 2); Parliament will be able to review this on an annual basis.

### **Discussions with Trade Unions**

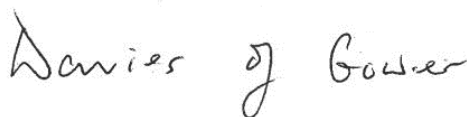
You also asked what discussions had been held with trade unions on these proposals.

The Law Commissions conducted three wide-ranging public consultations. As part of their consultations the Law Commissions met with and received input from Unite the Union and received formal responses to consultations from the Scottish Trades Union Congress.

Based on these discussions and responses, the Law Commissions took many of the comments and concerns from Trade Unions on board, which were ultimately reflected in the recommendations and in the final provisions of the Automated Vehicles Bill - for example, embedding accessibility as part of permitting process for automated passenger services. We expect trade unions to contribute to any future consultations on the secondary regulations enabled by this Bill.

Once again, I thank you for your interest on these issues and for their participation in the debate. Please do not hesitate to get in touch with my office to request further information.

I will place a copy of this letter in the Library of the House.

A handwritten signature in cursive script that reads "Davies of Gower".

**LORD DAVIES OF GOWER**