

16 October 2019



Our ref: L/2/10/5G

Dear Consultee

**JOINT CONSULTATION PAPER
AUTOMATED VEHICLES: PASSENGER SERVICES AND PUBLIC TRANSPORT
LCCP No 245; SLCDP No 169**

We invite comment on the above mentioned joint Consultation Paper which has been published today. It is available on our website at <https://www.scotlawcom.gov.uk/publications/discussion-papers-and-consultative-memoranda/2010-present/>, together with a news release and a summary.

Along with the Law Commission of England and Wales we are currently examining options for the regulation of automated road vehicles on our roads. This project has been commissioned by the Centre for Connected and Autonomous Vehicles, and it is due to last for three years. The current paper is the second publication. It follows a joint preliminary Consultation Paper published in November 2018 (which is accessible via the link above, and an analysis of responses to it can be seen at <https://www.lawcom.gov.uk/project/automated-vehicles/>). The main theme was the safety of passenger vehicles.

There are various technologies which fall under the umbrella of driving automation. At present some assistance is available to human drivers, for example in the form of cruise control or parking assistance. This is sometimes known as 'assisted driving'. A driving automation system may, however, drive a vehicle with no human intervention, at least for part of its journey. In some cases there will require to be a human in place, whom we term a 'user-in-charge', but in other cases there will only be passengers (or indeed the vehicle may travel empty).

The current paper is concerned with self-driving vehicles which provide journeys to users who are purely passengers. We coin the term "highly automated road passenger services", or HARPS, for the new public transportation service which we envisage. It is a service which uses highly automated vehicles, ie ones without a human driver or user-in-charge, to travel with only passengers on board (or to travel empty, for instance on its way to pick up a passenger).

Consultation is critical in all our law reform projects to ensure that the final recommendations contained in our report would, if implemented, result in law which is just, principled, responsive and easy to understand. We would therefore be grateful to receive your views on any or all of the questions in this paper; they will be fully considered and analysed in the course of reaching our final conclusions.

As the Law Commission of England and Wales is co-ordinating the submission of responses, please send your comments to the address shown at the front of the paper. Where possible, we would prefer the electronic submission of comments. Please note that the consultation process for this project will conclude on **16 January 2020**; accordingly, we would be grateful if comments were submitted by then.



PLEASE NOTE THAT information about this joint Consultation Paper, including copies of responses, may be made available in terms of the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002. Any confidential response will be dealt with in accordance with these Acts and as stated at the front of the joint Consultation Paper. We may also attribute comments and publish a list of respondents' names.

More information about the work of the Commission can be found on our website at <https://www.scotlawcom.gov.uk/>.

Finally, should you wish to offer any comments on the way in which we conduct our consultation exercises, we would be pleased to hear from you.

Yours faithfully

MALCOLM McMILLAN

Chief Executive