



Scottish Law Commission

promoting law reform

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LAW COMMISSIONS' OPEN CONSULTATION INTO NEW RULES FOR UK'S SELF-DRIVING FUTURE

- Consultation launched into future rules for automated vehicles
- Findings will feed into the transport regulations of the next generation
- Consultation marks a major early milestone in the three-year review by the Law Commission of England and Wales and the Scottish Law Commission

The Law Commission of England and Wales and the Scottish Law Commission are launching the first of a series of public consultations about crucial legal reforms which will ensure the country is prepared for the introduction of automated vehicles.

This is an early milestone in a three-year review to examine any legal obstacles to the widespread introduction of self-driving vehicles and highlight the need for regulatory reforms.

The work will be crucial in examining how current driving laws – designed with traditional motoring in mind – can support the next generation of vehicles.

The consultation will ask a series of questions to examine the types of changes that may be required to ensure the country is ready for the introduction of automated vehicles.

This includes questions on if and how road rules should be adapted for automated vehicles, who would be responsible for accidents and how to ensure safety for passengers and the wider public.

The review is part of the Future of Mobility Grand Challenge set out in the Government's Industrial Strategy.

Law Commissioner Nicholas Paines QC said:

“Automated vehicles will have a transformative effect on how we take journeys, our standard of living and the wider economy.”

“We want to hear from stakeholders and the public about how to create an environment in which this technology can flourish whilst maintaining public safety.”

Caroline S Drummond, Commissioner at the Scottish Law Commission said:

“The UK could become a global hub for automated vehicles, supporting sustainable and inclusive economic growth across the country.

“This consultation is the first step to achieving this, and we look forward to hearing from a range of stakeholders how we can create a legal framework that allows this industry to flourish.”

Jesse Norman, Roads Minister, said:

“The UK is in the early stages of an exciting and profound set of changes in how people, goods and services move around the country.

“With automated driving technology advancing rapidly, it is important that our laws and regulations keep pace so that the UK can remain a world leader in this field. The important work launched today by the Law Commission should help to ensure that.”

To ensure the UK’s road laws and regulations are ready, the Commissions are asking key questions which will be vital for creating road rules that work safely for automated vehicles:

- How should we provide safety assurance for self-driving systems?
- Road rules have been developed for human drivers. How should they be adapted for automated vehicles so that they drive safely? For example, should an automated vehicle mount the pavement or cross a white line to let an emergency vehicle through, just like a human driver would in an emergency situation?
- Should we introduce a new Government agency to monitor and investigate accidents involving automated vehicles?
- Do we need to modify criminal and civil liability laws to ensure clarity and certainty in the law about who is accountable if things go wrong? This work builds on the government’s recent insurance reforms for automated vehicles.

ENDS

Notes for editors

Driving automation includes a broad range of technologies from cruise control to vehicles that drive themselves with no human intervention. These proposals are focused on automated driving systems which do not need human drivers for at least part of the journey.

The consultation will cover a variety of emerging issues including:

Safety as a priority

The Law Commissions are asking for views about:

- a new safety assurance scheme for automated driving systems
- the creation of an Accident Investigation Branch to investigate serious accidents involving automated vehicles so that lessons can be learnt and the safety systems improved
- whether additional training should be provided to users of automated vehicles
- whether automated driving systems should be backed by an 'entity' which would be responsible for its safety and compliance with road rules
- whether a new safety assurance agency should be responsible for monitoring the performance and roadworthiness testing for automated vehicles

Adapting road rules for artificial intelligence

Road rules have been developed for human drivers. How should they be adapted for automated vehicles so that they drive safely? For example, should an automated vehicle mount the pavement or cross a white line to let an emergency vehicle through, just like a human driver would in an emergency situation?

The proposals consider three key questions that will help determine how these types of rules will work:

- Should automated vehicles ever be allowed to mount the pavement?
- Should automated vehicles ever be allowed to exceed the speed limit within tolerances?
- Should automated vehicles ever be allowed to edge through pedestrians?

Criminal and civil liability

With the introduction of automated vehicles, questions arise about criminal and civil responsibility if things go wrong. The Commissions are consulting about amendments to the law to make it clear where responsibility lies.

If an automated driving system drives a vehicle in a way that would amount to a road traffic offence if done by a human driver, should the entity behind the system be subject to a system of regulatory sanctions?

Should the human user of an automated vehicle be shielded from criminal liability in those circumstances? Should they instead be responsible for their fitness to be in charge of the vehicle in circumstances where they will drive for part of the journey? What responsibilities should users of automated vehicles have?

In the area of civil liability, the Commissions are seeking views on aspects of the Automated and Electric Vehicles Act and the law of product liability.

Further information

If you have any media enquiries about this Preliminary Consultation Paper or interview requests, please contact Dan Popescu on: daniel.popescu@lawcommission.gov.uk or 07784 275513

The closing date to respond to the consultation is 8 February 2019.

More details can be found at <https://www.lawcom.gov.uk/project/automated-vehicles/>

The consultation can be found at <https://consult.justice.gov.uk/law-commission/automated-vehicles>.

About the Law Commissions

The Law Commission and the Scottish Law Commission are both non-political, independent bodies. They were set up by Parliament in 1965 to keep all the laws of their respective jurisdictions under review, and to recommend reform where needed.

About the Centre for Connected and Autonomous Vehicles

The Centre for Connected and Autonomous Vehicles is leading Government efforts on bringing automated vehicles to our roads, with investments worth over £200m in R&D and testing facilities, as well as a wide ranging domestic and international regulatory programme. The Law Commissions work will inform that programme.

FURTHER INFORMATION SECTION

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is the Hon Lord Pentland, a Court of Session judge. The other Commissioners are Kate Dowdalls QC, Caroline S Drummond, David E L Johnston QC, and Dr Andrew J M Steven. The Chief Executive is Malcolm McMillan.

2. Further information can be obtained by contacting Charles Garland, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131; email info@scotlawcom.gsi.gov.uk).

3. The paper will be available on our website at <https://www.scotlawcom.gov.uk> as early as possible on 8 November 2018.