

18 December 2020



Our ref: L/2/10/5G

Dear Consultee

**JOINT CONSULTATION PAPER  
AUTOMATED VEHICLES: CONSULTATION PAPER 3 – A REGULATORY FRAMEWORK FOR  
AUTOMATED VEHICLES  
LC CP No 253; SLC DP No 171**

We invite comments on proposals for the creation of law to govern automated vehicles. The proposals are set out in the third and final joint Consultation Paper from ourselves and the Law Commission of England and Wales. You can find it on our website at <https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/joint-projects/automated-vehicles/>, along with a summary and a press release

The Law Commissions are reviewing regulatory options for automated vehicles as part of a project commissioned by the Centre for Connected and Automated Vehicles which is an expert unit of the UK Government. Final recommendations are due to be published in late 2021. Previous consultations in 2018 and 2019 focussed on passenger safety, alongside civil and criminal liability, and automated road passenger services (both are accessible via the above link, together with analyses of responses).

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'. In contrast, however, an automated driving system may drive a vehicle with no human intervention, at least for part of its journey.

This paper builds on the work of previous consultations to present a provisional regulatory framework for the safe deployment of automated vehicles on British roads. The project aims to keep safety and technological advancement at the forefront of proposals, while also retaining the flexibility required to regulate for uncertain future development. Key proposals cover the approval and deployment of automated vehicles, the development of a safety assurance scheme and criminal liability

Consultation is critical in all of 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.

The Law Commission of England and Wales is co-ordinating the submission of responses and details of how to respond can be found at the start of the Consultation Paper and the summary. Where possible, we would prefer the electronic submission of comments and this can be done here: <https://consult.justice.gov.uk/law-commission/automated-vehicles-regulatory-framework>. Please note



that the consultation process for this project will conclude on **18 March 2021**; 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