

Embargoed until 00.01 on Wednesday 16 October 2019

Law Commissions looks to future with self-driving vehicles

- Law Commissions publish proposals on the regulation of highly automated vehicles that operate without a driver (or “user-in-charge”)
- Potential benefits include reduced congestion and traffic accidents, and improved accessibility for disabled people
- This is the Law Commissions’ second consultation paper published on potential future regulation for automated vehicles, and is a major milestone in the three-year review commissioned by the Centre for Connected and Autonomous Vehicles

The UK is one step closer to self-driving cars that can pick-up and ferry passengers without a human driver.

This consultation forms part of a three-year project commissioned by the UK Government’s Centre for Connected and Autonomous Vehicles. The Law Commission of England and Wales and the Scottish Law Commission (the Law Commissions) are reviewing driving legislation to prepare for the introduction of self-driving vehicles on UK roads.

The second consultation paper focuses on how completely automated trips might be supplied to the public in vehicles that can travel empty or only with passengers and no driver or user-in-charge. We refer to these as Highly Automated Road Passenger Services (HARPS).

Benefits and challenges of self-driving passenger-only vehicles

The introduction of self-driving vehicles carrying only passengers has the potential to create significant societal benefits by reducing the necessity to own a car. The benefits could include:

- Reduced congestion as people share self-driving vehicles and use them in combination with existing public transport.
- Improved safety; through sensors, data sharing, safer driving behaviour and faster-than-human reaction times, HARPS could substantially reduce the number of people killed on British roads.
- Increased accessibility for older people and disabled people; HARPS could provide accessible services that are more affordable than current alternatives. This could allow older people and disabled people, especially those on low incomes, to travel more.
- Reduced car parking that can allow space currently ceded to parking to be reclaimed, for example for cycle lanes.

On the other hand, there are potential challenges that may arise from the introduction of these vehicles if effective regulation is not in place. These include:

- Traffic being blocked, if a self-driving car freezes when confronting unexpected weather conditions or unknown obstacles (including, possibly, leaves or plastic bags).
- Reduced accessibility for those who rely on a driver to assist them, for example by helping them into the vehicle or accompanying them from their door.
- Increased congestion if many self-driving vehicles are introduced before private car use has reduced. This will be compounded if HARPS drive around empty, waiting to be utilised.

Self-driving cars have the potential to revolutionise travel in the UK. Establishing an effective legal framework can help increase the likelihood of societal benefits and reduce the risk of potential downsides from the introduction of self-driving vehicles carrying only passengers. This is why the Law Commissions have today proposed a new regulatory regime aimed at ensuring HARPS are safe, accessible and meet wider transport goals set by local and central Government.

The Law Commissions' consultation paper asks a series of questions to examine the types of changes that may be required to regulate HARPS. These include:

- Whether HARPS should be subject to a new, single, national system of operator licensing?
- If so, what obligations should fall on HARPS operators? For example, we consider obligations relating to maintenance, remote supervision and the reporting of accidents.
- Who should these obligations fall on when a passenger-only vehicle is privately-owned?
- How can we ensure that HARPS are accessible?
- What regulatory tools should be used to control congestion and cruising?
- How should HARPS be integrated with public transport?

A full list and further details of the areas which the Law Commissions are consulting on can be found in the embargoed summary document which is attached to this email.

Nicholas Paines QC, Commissioner at the Law Commission of England and Wales said:

“Self-driving cars have the potential to revolutionise mass transit by enhancing safety, efficiency and accessibility.”

“Responses to our consultation are vital for ensuring that our proposed regulatory framework will allow the full potential of self-driving cars to be realised, and we hope as many people as possible will respond.”

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

“Our aim is to ensure that these new self-driving cars are safe and can help to meet the objectives set by local and central Government.”

“Self-driving vehicles could make a particularly big difference for people who are currently unable or unwilling to drive. It is essential that the views of disabled and older people are considered from the start. We invite views from a wide range of stakeholders on how such services should be regulated to achieve these aims and benefit society as a whole.”

George Freeman, Minister for the Future of Transport said:

“We are on the cusp of a quiet revolution in the technology of transport and mobility. Automated navigation and digital control technology have the potential to transform the way traffic is managed, improving road safety, reducing congestion and pollution and improving accessibility for people with mobility issues.

“The UK is a world leader in this technology and Government is investing over £250 million to support industry research and trials to ensure the technology is introduced onto our roads in the safest way.

“We also intend to lead the work in setting the right regulatory standards. That’s why we are conducting a major Regulatory Review on the Future of Mobility and recently launched a new project to create the world’s first safety scheme for self-driving vehicles, CAV PASS, and have commissioned the Law Commissions to look into the legal and regulatory requirements for this technology.

“I welcome the Law Commissions’ second consultation into self-driving vehicles, as we continue to explore how this exciting technology could benefit the whole of society.”

ENDS

Notes for editors

This paper looks at the use of self-driving vehicles to provide journeys to users who are purely passengers.

In the first consultation paper published in November we considered how the law could help ensure automated vehicles are safe as determined by a safety assurance scheme. We also looked at civil and criminal responsibility if things go wrong. That paper introduced the concept of a “user-in-charge”: a person that is qualified and fit to drive, and located inside or in line of sight of the vehicle. The user-in-charge would not be a driver when automated driving is correctly engaged. Instead their role would be to take over driving in planned circumstances or from a stop. We suggested some automated vehicles would only be authorised for use with a user-in-charge This consultation paper builds on our previous work and focuses instead on how completely automated trips might be supplied to the public in vehicles that can travel empty or only with passengers and no driver or user-in-charge. We refer to these as Highly Automated Road Passenger Services (HARPS).

In the language of our first consultation paper, we consider vehicles that can be used without a user-in-charge. In other words, there is no person in the vehicle with legal responsibility for its safety.

A full list of the issues that are covered in this consultation paper can be found in the attached summary.

Further information

If you have any media enquiries about the 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 16 January 2020.

More details will be available at <https://www.lawcom.gov.uk/project/automated-vehicles/> from 00.01 Wednesday 16 October 2019.

The consultation will be available found at <https://consult.justice.gov.uk/law-commission/automated-vehicles> from 00.01 Wednesday 16 October 2019.

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 (CCAV) works across the UK Government to support the safe development and deployment of connected and automated vehicles (CAVs). CAVs could change the way we travel, making road transport safer, smoother and more accessible to those with mobility issues. CCAV is working to develop the domestic and international legal frameworks to support CAV deployment. The Law Commissions' review will inform this work.