

**Response to Law Commissions' second consultation on Automated Vehicles  
(Law Commission Consultation Paper 245; Scottish Law Commission Discussion Paper 169)**

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Any personal email addresses and phone numbers have been excluded from this document.

Unanswered questions have been deleted from this document.

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What is your name?

Dean Hatton

What is the name of your organisation?

National Police Chiefs Council

Are you responding to this consultation in a personal capacity or on behalf of your organisation?

[Respondents chose from the following options: Personal response; Response on behalf of your organisation; Other.]

Personal response

**CHAPTER 3: OPERATOR LICENSING – A SINGLE NATIONAL SYSTEM**

***A single national scheme***

**Consultation Question 1** (Paragraph 3.82): Do you agree that Highly Automated Road Passenger Services (HARPS) should be subject to a single national system of operator licensing?

[Respondents chose from the following options: yes; no; other.]

Yes

A single national standard removes variation within a system and would therefore work well in this situation.

**Consultation Question 2** (Paragraph 3.86): Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

[Respondents chose from the following options: yes; no; other.]

Yes

Yes, but this should be minimum standards. Operators should be encouraged to achieve above minimum safety standards.

## **CHAPTER 4: OPERATOR LICENSING –SCOPE AND CONTENT**

### ***Scope of the new scheme***

**Consultation Question 3** (Paragraph 4.33): Do you agree that a HARPS operator licence should be required by any business which: (1) carries passengers for hire or reward; (2) using highly automated vehicles; (3) on a road; (4) without a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?

[Respondents chose from the following options: yes; no; other.]

Yes

Brings HARPS into line with existing business's.

**Consultation Question 4** (Paragraph 4.34): Is the concept of “carrying passengers for hire or reward” sufficiently clear?

Yes

### ***Exemptions***

**Consultation Question 5** (Paragraph 4.46): We seek views on whether there should be exemptions for community or other services which would otherwise be within the scope of HARPS operator licensing.

There should be no exemptions, all operators should be licenced to ensure standards are met and maintained. However, there could be an exemption to the cost or fee's associated with the licence regime for community or charity groups.

**Consultation Question 6** (Paragraph 4.54): We seek views on whether there should be statutory provisions to enable the Secretary of State to exempt specified trials from the need for a HARPS operator licence (or to modify licence provisions for such trials).

I do not have a strong view on this either way.

### ***Operator requirements***

**Consultation Question 7** (Paragraph 4.72): Do you agree that applicants for a HARPS operator licence should show that they: (1) are of good repute; (2) have appropriate financial standing; (3) have suitable premises, including a stable establishment in Great Britain; and (4) have a suitable transport manager to oversee operations?

[Respondents chose from the following options: yes; no; other.]

Yes.

I think these are basic requirements of any reputable business.

**Consultation Question 8** (Paragraph 4.73): How should a transport manager demonstrate professional competence in running an automated service?

There should be a requirement for a Transport Manager to demonstrate competence. Some effort should be made to construct an examination, leading organisations operating

traditional services must surely be able to provide insight and advice, as well as manufacturers providing technical knowledge.

Of course this process will develop over time and so it should.

### ***Adequate arrangements for maintenance***

**Consultation Question 9** (Paragraph 4.89): Do you agree that HARPS operators should: (1) be under a legal obligation to ensure roadworthiness; and (2) demonstrate “adequate facilities or arrangements” for maintaining vehicles and operating systems “in a fit and serviceable condition”?

[Respondents chose from the following options: yes; no; other.]

Yes

These are rudimentary requirements.

### ***Compliance with the law***

**Consultation Question 11** (Paragraph 4.124): Do you agree that HARPS operators should have a legal duty to: (1) insure vehicles; (2) supervise vehicles; (3) report accidents; and (4) take reasonable steps to safeguard passengers from assault, abuse or harassment?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 12** (Paragraph 4.125): Do you agree that HARPS operators should be subject to additional duties to report untoward events, together with background information about miles travelled (to put these events in context)?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 13** (Paragraph 4.128): Do you agree that the legislation should set out broad duties, with a power to issue statutory guidance to supplement these obligations?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 14** (Paragraph 4.133): We invite views on whether the HARPS operator licensing agency should have powers to ensure that operators provide price information about their services. In particular, should the agency have powers to: (1) issue guidance about how to provide clear and comparable price information?

[Respondents chose from the following options: yes; no; other.]

Yes

And/or (2) withdraw the licence of an operator who failed to give price information?

[Respondents chose from the following options: yes; no; other.]

Yes

***Who should administer the system?***

**Consultation Question 15** (Paragraph 4.138): Who should administer the system of HARPS operator licensing?

DVSA

***Freight Transport***

**Consultation Question 16** (Paragraph 4.140): We welcome observations on how far our provisional proposals may be relevant to transport of freight.

Licensing, safety and maintenance standards are equally relevant to the transportation of freight by 'highly automated' vehicles.

**CHAPTER 5: PRIVATELY-OWNED PASSENGER-ONLY VEHICLES**

***Setting a boundary between HARPS and private leasing***

**Consultation Question 17** (Paragraph 5.12): Do you agree that those making “passenger-only” vehicles available to the public should be licensed as HARPS operators unless the arrangement provides a vehicle for exclusive use for an initial period of at least six months?

[Respondents chose from the following options: yes; no; other.]

Yes

***Allocating responsibility for a privately-owned passenger-only vehicle: placing responsibilities on keepers***

**Consultation Question 18** (Paragraph 5.40): Do you agree that where a passenger-only vehicle is not operated as a HARPS, the person who keeps the vehicle should be responsible for: (1) insuring the vehicle; (2) keeping the vehicle roadworthy; (3) installing safety-critical updates; (4) reporting accidents; and (5) removing the vehicle if it causes an obstruction or is left in a prohibited place?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 19** (Paragraph 5.41): Do you agree that there should be a statutory presumption that the registered keeper is the person who keeps the vehicle?

Yes

**Consultation Question 20** (Paragraph 5.42): We seek views on whether: (1) a lessor should be responsible for the obligations listed in Question 18 unless they inform the lessee that the duties have been transferred?

Yes there should be a legal requirement for the onus to be on the lessor, unless it is explicitly 'signed' over to the lessee as part of the contract.

(2) a lessor who is registered as the keeper of a passenger-only vehicle should only be able to transfer the obligations to a lessee who is not a HARPS operator if the duties are clearly explained to the lessee and the lessee signs a statement accepting responsibility?

As above

### ***Will consumers require technical help?***

**Consultation Question 21** (Paragraph 5.47): Do you agree that for passenger-only vehicles which are not operated as HARPS, the legislation should include a regulation-making power to require registered keepers to have in place a contract for supervision and maintenance services with a licensed provider?

Other

Initially I would say yes, it may be that over time this could be relaxed to some degree as it becomes easier to update software for example.

### ***Peer-to-peer lending***

**Consultation Question 22** (Paragraph 5.53): We welcome views on whether peer-to-peer lending and group arrangements relating to passenger-only vehicles might create any loopholes in our proposed system of regulation.

Yes

Without closing the loophole you spoke about at paragraph 5.10 people could operate without a licence.

### ***Protecting consumers from high ongoing costs***

**Consultation Question 23** (Paragraph 5.60): We seek views on whether the safety assurance agency proposed in Consultation Paper 1 should be under a duty to ensure that consumers are given the information they need to take informed decisions about the ongoing costs of owning automated vehicles.

This is clearly complex and there will need to be a lot of learning captured.

Could it be compulsory to purchase a service plan? this could provide some security to consumers and protect against unknown costs.

## **CHAPTER 6: ACCESSIBILITY**

### ***Core obligations under equality legislation***

**Consultation Question 25** (Paragraph 6.31): We provisionally propose that the protections against discrimination and duties to make reasonable adjustments that apply to land transport service providers under section 29 of the Equality Act 2010 should be extended to operators of HARPS. Do you agree?

[Respondents chose from the following options: yes; no; other.]

Yes

### ***Specific accessibility outcomes***

**Consultation Question 26** (Paragraph 6.106): We seek views on how regulation could address the challenges posed by the absence of a driver, and the crucial role drivers play in order to deliver safe and accessible journeys. For example, should provision be made for:

(1) Ensuring passengers can board and alight vehicles?

[Respondents chose from the following options: yes; no; other.]

Yes

(2) Requiring reassurance when there is disruption and accessible information?

[Respondents chose from the following options: yes; no; other.]

Yes

(3) Expansion of support at designated points of departure and arrival?

[Respondents chose from the following options: yes; no; other.]

Yes

### ***Developing national minimum accessibility standards for HARPS***

**Consultation Question 27** (Paragraph 6.109): We seek views on whether national minimum standards of accessibility for HARPS should be developed and what such standards should cover.

### ***Enforcement mechanisms and feedback loops***

**Consultation Question 28** (Paragraph 6.124): We seek views on whether operators of HARPS should have data reporting requirements regarding usage by older and disabled people, and what type of data may be required.

[Respondents chose from the following options: yes; no; other.]

Yes

## **CHAPTER 7: REGULATORY TOOLS TO CONTROL CONGESTION AND CRUISING**

### ***Traffic regulation orders***

**Consultation Question 29** (Paragraph 7.23): We seek views on whether the law on traffic regulation orders needs specific changes to respond to the challenges of HARPS.

TROs are wide ranging and should be able to cope with the introduction of HARPS as they ultimately control the space in which vehicles operate, regardless of automation or otherwise.

### ***Regulating use of the kerbside***

**Consultation Question 30** (Paragraph 7.59): We welcome views on possible barriers to adapting existing parking provisions and charges to deal with the introduction of HARPS.

In particular, should section 112 of the Road Traffic Regulation Act 1984 be amended to expressly allow traffic authorities to take account of a wider range of considerations when setting parking charges for HARPS vehicles?

[Respondents chose from the following options: yes; no; other.]

Other

Section 112 of the Road Traffic Regulation Act 1984 applies to the identity of a driver, therefore it will require amending.

### ***Road pricing***

**Consultation Question 31** (Paragraph 7.86): We seek views on the appropriate balance between road pricing and parking charges to ensure the successful deployment of HARPS.

It should be possible to consider a road user charge where a vehicle is travelling empty. This would discourage unnecessary travel and make it more financially beneficial to remain parked until the vehicle is in use carrying passengers.

### ***Quantity restrictions***

**Consultation Question 34** (Paragraph 7.120): Do you agree that there should be no powers to impose quantity restrictions on the total number of HARPS operating in a given area?

[Respondents chose from the following options: yes; no; other.]

Yes

## **CHAPTER 8: INTEGRATING HARPS WITH PUBLIC TRANSPORT**

### ***The current system of bus regulation: HARPS as mass transit***

**Consultation Question 35** (Paragraph 8.92): Do you agree that a HARPS vehicle should only be subject to bus regulation if it:

(1) can transport more than eight passengers at a time and charges separate fares?

[Respondents chose from the following options: yes; no; other.]

Yes

(2) does not fall within an exemption applying to group arrangements, school buses, rail replacement bus services, excursions or community groups?

[Respondents chose from the following options: yes; no; other.]

Yes

**Consultation Question 36** (Paragraph 8.94): We welcome views on whether any particular issues would arise from applying bus regulation to any HARPS which transports more than eight passengers, charges separate fares and does not fall within a specific exemption.

**Consultation Question 37** (Paragraph 8.95): We welcome views on whether a HARPS vehicle should only be treated as a local bus service if it:

- (1) runs a route with at least two fixed points; and/or
- (2) runs with some degree of regularity.

Both points seem sensible.

**Consultation Question 38** (Paragraph 8.109): We seek views on a new statutory scheme by which a transport authority that provides facilities for HARPS vehicles could place requirements on operators to participate in joint marketing, ticketing and information platforms.

The key is to ensure there is a simple ticketing and charging system that is transparent and easy to understand.