

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

Please note that this consultation response has been reproduced from information entered on the Citizen Space online portal.

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

Unanswered questions have been deleted from this document.

What is your name?

Stephen Mason

What is the name of your organisation?

retired Barrister

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

Consultation Question 39: Is there any other issue within our terms of reference which we should be considering in the course of this review?

I am not sure if consideration has been made regarding disclosure and proof where an accident occurs, as in the case of Bookout in the USA, where software code took over the vehicle and took it to top speed and killed and injured people.

For more information on this particular case and a detailed discussion in general, see: Stephen Mason and Daniel Seng, editors, *Electronic Evidence* (4th edn, Institute of Advanced Legal Studies for the SAS Humanities Digital Library, School of Advanced Study, University of London, 2017), available as open source here: https://humanities-digital-library.org/index.php/hdl/catalog/book/electronic_evidence

The Case Protective Order was published with the agreement of the judge: *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*, Case Number: 8:10ML2151 JVS (FMOx), 15 *Digital Evidence and Electronic Signature Law Review* (2018) 98 – 119, at <https://journals.sas.ac.uk/deeslr/issue/view/528>

Are you also aware of the article: Roger Kemp, *Autonomous vehicles – who will be liable for accidents?*, 15 *Digital Evidence and Electronic Signature Law Review* (2018) 33 – 47

Stephen Mason