

**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?

John Parkin

What is the name of your organisation?

University of the West of England, Bristol

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 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

I have a query in relation to part 4. My understanding is that a person has a 'right to pass and re-pass on the public highway'. Beyond this right for a person, I am not sure what the legality would be of an empty vehicle moving along the highway, even with a remote supervisor. Without a person in the vehicle, there would be legal right for that vehicle to move linked with a 'person passing and re-passing'. Is there some other legal provision that either currently, or in the future is planned, in order to allow for such devoid-of-human vehicle passage?

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.

I think it does.

Forgive me if I missed discussion of this point in the consultation, but at Section 73 of the Traffic Management Act 2004 there is provision for moving traffic offences to be enforced by local authorities. The specific moving offences are identified in Schedule 7 Part 4. The Act provides for the relevant national authority to make regulation to give these powers to local authorities, and make amendments to the listing at Schedule 7 at Part 4.

I would think that consideration should be given to Section 73 and Schedule 7 part 4 in relation to HARPS.