

Law Commissions' consultation on automated vehicles: a regulatory framework for automated vehicles

OVERVIEW

This is a public consultation by the Law Commission for England and Wales and the Scottish Law Commission.

The consultation questions are drawn from our third consultation paper published as part of a review of automated vehicles. For more information about this project, visit:

<https://www.lawcom.gov.uk/project/automated-vehicles/>

In the consultation paper, we make provisional proposals for a new regulatory system, examining the definition of “self-driving”; safety assurance before AVs are deployed on the road; and how to assure safety on an ongoing basis. We also consider user and fleet operator responsibilities, civil liability, criminal liability and access to data.

We recommend that consultees read the consultation paper, which can be found on our websites:

<https://www.lawcom.gov.uk/project/automated-vehicles/> and

<https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/joint-projects/automated-vehicles>

A shorter summary is also available on the same pages.

We are committed to providing accessible publications. If you require this consultation paper to be made available in a different format please email:

automatedvehicles@lawcommission.gov.uk.

ABOUT THE LAW COMMISSIONS:

The Law Commissions are statutory bodies created for the purpose of promoting law reform. The Law Commissions are independent of Government. For more information about the Law Commission of England and Wales please visit <https://www.lawcom.gov.uk/>. For more information about the Scottish Law Commission please visit <https://www.scotlawcom.gov.uk/>.

PRIVACY POLICY

Under the General Data Protection Regulation (May 2018), the Law Commissions must state the lawful bases for processing personal data. The Commissions have a statutory function, stated in the 1965 Act, to receive and consider any proposals for the reform of the law which may be made or referred to us. This need to consult widely requires us to process personal data in order for us to meet our statutory functions as well as to perform a task, namely

reform of the law, which is in the public interest. We therefore rely on the following lawful bases:

- (a) Legal obligation: processing is necessary for compliance with a legal obligation to which the controller is subject;
- (b) Public task: processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Law Commission projects are usually lengthy and often the same area of law will be considered on more than one occasion. The Commissions will, therefore retain personal data in line with our retention and deletion policies, via hard copy filing and electronic filing, and, in the case of the Law Commission of England and Wales, a bespoke stakeholder management database, unless we are asked to do otherwise. We will only use personal data for the purposes outlined above.

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We may publish or disclose information you provide us in response to our papers, including personal information. For example, we may publish an extract of your response in our publications, or publish the response in its entirety. We may also share any responses received with Government. Additionally, we may be required to disclose the information, such as in accordance with the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002. If you want information that you provide to be treated as confidential please contact us first, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic disclaimer generated by your IT system will not be regarded as binding on the Law Commissions. The Law Commissions will process your personal data in accordance with the General Data Protection Regulation, which came into force in May 2018.

Any concerns about the contents of this Privacy Notice can be directed to:
enquiries@lawcommission.gov.uk.

About you

What is your name?

Nicky Lidbetter and Dave Smithson

What is the name of your organisation?

Anxiety UK

Are you responding to this consultation in a personal capacity or on behalf of your organisation? (Please select only one item)

Personal response

Responding on behalf of organisation

Other

If other, please state:

Please note, due to time constraints and the length of this consultation document, we have chosen to respond to only questions 6 and 42 since these felt the most relevant and pertinent to our particular beneficiary group.

What is your email address? (If you enter your email address then you will receive an acknowledgement email when you submit your response.)

[REDACTED]

If you want the information that you provide in response to this consultation to be treated as confidential, please explain to us why you regard the information as confidential. As explained in our privacy notice, we will take full account of your explanation but cannot give an assurance that confidentiality can be maintained in all circumstances.

[REDACTED]

The definition of self-driving (Chapters 2 to 5)

Consultation Question 6 (Paragraph 5.121)

We welcome practical suggestions for how AV regulators can fulfil their public sector equality duty.

Please share your views below

Our concern is that those with anxiety will not wish to travel via AVs because of the fear that they cannot ask a person driving the vehicle to stop in the event of a panic/anxiety attack and needing to get off and obtain assistance. As such, we would expect regulators to consider this matter fully and have implemented a solution which would be acceptable to those with panic and anxiety and indeed those with other hidden disabilities. E.g. override facility installed in all AVs and this being widely publicised and explained to those with anxiety disorders.

We would also expect there to be appropriate representation on key decision making groups from a range of patient groups including those representing the needs of those with anxiety disorders (there needs to be a payment system put in place to enable this to happen because often such orgs have small staff teams and scarce resources and therefore will not be able to attend without this being in place).

When promoting AVs, regulators/other appropriate bodies need to ensure that their publicity materials include examples of those with anxiety disorders using AV services with specific reference given to adaptations given as to how the service has been made accessible for this group and demonstrating that AV operators have a clear understanding of the needs of those with anxiety disorders.

Remote operation: no user-in-charge vehicles (Chapter 13)

Consultation Question 42

We welcome views on how accessibility standards for Highly Automated Road Passenger Services (HARPS) might be developed.

Please share your views below

We would advocate that representatives from a range of patient organisations are included in any advisory panels e.g. anxiety disorder orgs, other hidden disability orgs and condition-specific charities who really understand the needs of their client group.

We provisionally propose that:

- (1) an accessibility advisory panel should be formed to include:
 - (a) the Equalities and Human Rights Commission; and
 - (b) representative groups for disabled and older persons;
- (2) the Secretary of State should be obliged to consult with the accessibility advisory panel prior to setting any national minimum standards on HARPS;
- (3) there should be a duty to periodically re-consult the accessibility advisory panel at set intervals to ensure requirements keep pace with developing evidence of technical feasibility and changing needs.

Do you agree?

Yes No Other

Please expand on your answer.

We welcome views on what the set interval for periodically re-consulting the accessibility advisory panel should be.

Please share your views below

Initially every year until the technology is well established; thereafter every 2-3 years. If there are any major changes in the legislation affecting AVs, this should also instigate re-consultation.