

**Response to Law Commissions' third consultation on Automated Vehicles
(Law Commission Consultation Paper 252; Scottish Law Commission Discussion
Paper 171)**

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What is your name?

Paul Bates

What is the name of your organisation?

PrimeConduct Ltd

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

Personal response

CHAPTER 4: SELF-DRIVING AND HUMAN INTERVENTION

Consultation Question 1 (Paragraph 4.114)

We provisionally propose that:

(1) a vehicle should not be classified as self-driving if, with the ADS engaged, the user-in-charge needs to monitor the driving environment, the vehicle or the way it drives;

(2) it is nevertheless compatible with self-driving to require the user-in-charge to respond to a clear and timely transition demand which:

- (a) cuts out any non-driving related screen use;
- (b) provides clear visual, audio and haptic signals; and
- (c) gives sufficient time to gain situational awareness;

(3) to be classified as self-driving, the vehicle must be safe enough even if the human user does not intervene in response to any event except a clear and timely transition demand.

Do you agree?

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

No

Item 3 there should be no exception. A vehicle is either self driving or it is not. Where the user is involved in decision making process then the individual takes some responsibility for the events that occur including good or bad outcomes.

Assisted driving capabilities are assistance and should not be classified as some form of self driving as this is misleading and will be misunderstood by the general public.

Consultation Question 2 (Paragraph 4.115)

We welcome views on whether self-driving features should be designed to ensure that they can be used by people with hearing loss.

With care. The problem is that additional information that is either audible or visual can be distractions. A radio playing is as much as distraction as a mobile phone and a mobile phone is as distracting as someone else in the vehicle talking to the driver. This is why we are asked not to talk to bus drivers while the vehicle is in motion because it is distracting. This is also true of private vehicles.

CHAPTER 5: HOW SAFE IS SAFE ENOUGH?

Consultation Question 3 (Paragraph 5.118)

We provisionally propose that the decision whether a vehicle is sufficiently safe to “safely drive itself” should be made by the Secretary of State, as informed by advice from a specialist regulator.

Do you agree?

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

No

The system of regulators in the UK have not shown themselves to be effective or knowledgeable. There is insufficient accountability or scrutiny of regulators who are only quizzed by commons select committees which are made up of people who have no expertise in the area of the regulator.

Consultation Question 4 (Paragraph 5.119)

We welcome observations on which of the following standards is most appropriate when assessing the safety of automated vehicles:

- (a) as safe as a competent and careful human driver;
- (b) as safe as a human driver who does not cause a fault accident;
- (c) overall, safer than the average human driver.

[Respondents chose from the following options: as safe as a competent and careful human driver; as safe as a human driver who does not cause a fault accident; overall, safer than the average human driver; none of the above.]

none of the above

Software is rarely written well, Microsoft being the most well known example. Every patch release is only evidence of the lack of testing of the initial release. If I am going to put my life in the hands of software I need far more reassurance about the testing meaning that the statements above are too broad and need to be far more specific about standards of testing and capability. Joe Public cannot afford the legal system so leaving it to the courts only means a course of action for the wealthy.

Consultation Question 5 (Paragraph 5.120)

We welcome observations on how automated vehicles can be made as safe as reasonably practicable.

Testing in the real world environment is a bit like our approach to air travel. Air travel is safe because of the number of people who have died. This approach is reactive and not proactive and appears to be an embedded behaviour of lazy legislation.

Testing should be designed against the archive of accidents that have happened to determine whether a software managed vehicle can behave as well or better than the drivers of vehicles that have had accidents. A panel of experienced drivers alongside support from the Advanced Drivers organisation should use their own experience and the record of accidents from police and insurers.

Consultation Question 6 (Paragraph 5.121)

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

Not relevant equality is the role of the Equality Commissioners

CHAPTER 7: ASSESSING SAFETY PRE-DEPLOYMENT

Consultation Question 7 (Paragraph 7.99)

We provisionally propose that:

- (1) safety assessment should use a variety of techniques;
- (2) manufacturers/developers should submit a safety case to regulators showing why they believe that the automated driving system is safe;
- (3) regulators should:
 - (a) provide guidelines for what is in the safety case;
 - (b) audit the safety case;
 - (c) prepare guidance for manufacturers and developers on preferred standards; and
 - (d) carry out at least some independent tests.

Do you agree?

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

No

Surely you are aware of the issues with the Boeing 737 Max. No self certification or self developed evidence is acceptable.

Regulators in the UK have shown no particular competence in the areas they are supposed to be regulating.

The Air Accident Investigation organisation being an exception but their role is to investigate after an accident, however the rigour they apply would seem appropriate prior to certification of a vehicle in order to proactively save lives and limit accidents.

Consultation Question 8 (Paragraph 7.100)

We seek views on whether an approval authority that intends to use a scenario database as part of the testing procedure should consult road user groups on the range of scenarios to be included.

Road User Groups as well as a panel of experienced drivers who have experienced the real world of driving.

Safe driving is about being aware of the actions and likely behaviours of other drivers and constantly reviewing the escape route when someone in front of you does something stupid. Near Misses are not recorded but it is the near misses that humans are capable of handling that software needs to take account of. Do you know how to slide a car sideways to avoid an accident on a motorway ? Have you ever had to drive on the dirt and stones 2 centimetres from the motorway crash barrier ?

Driving is understanding the feel of the vehicle in differing conditions, and what it will and will not do. Before you get the wrong idea, I stick to speed limits or less where required.

CHAPTER 8: INITIAL APPROVALS AND CATEGORISATION – PROPOSALS

Consultation Question 9 (Paragraph 8.17)

We provisionally propose that:

- (1) unauthorised automated driving systems should be prohibited; and
- (2) this should be subject to an exemption procedure by which the Secretary of State may authorise unauthorised systems to be used in tests and trials.

Do you agree?

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

Yes

Consultation Question 10 (Paragraph 8.25)

We provisionally propose that:

- (1) the Government should establish a domestic scheme to approve automated driving systems (ADSs) for use on roads in Great Britain (a “national ADS approval scheme”);
- (2) manufacturers should have a free choice to apply for approval under either the UNECE system of international type approvals or through the national scheme;

(3) developers should be able to submit an ADS for national approval, even if they are not responsible for manufacturing the whole vehicle.

Do you agree?

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

No

The entire machine and its software combined must achieve type approval. The physical design of a vehicle compared to another make them behave differently.

Consultation Question 11 (Paragraph 8.43)

We provisionally propose that:

(1) an ADS approval scheme should be established through regulation under the Road Traffic Act 1988, without further legislative reform;

(2) an ADS should be defined as a combination of software, hardware and sensors, which can be installed in a “type” of vehicle;

(3) when an ADS is approved, the approval should be accompanied by specifications for:

(a) the type of vehicle in which it can be installed; and

(b) how the ADS is installed within the vehicle;

(4) where an ADS is installed in a pre-registered vehicle, an example vehicle should be submitted to the regulator for approval of the installation.

Do you agree?

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

Yes

Consultation Question 12 (Paragraph 8.44)

We invite observations on the appeal process in regulation 19 of the Road Vehicles (Approval) Regulations 2020, including:

(1) how it works in practice; and

(2) how well it is suited to the proposed national ADS approval scheme.

Too slow - needs to be completed in days not months

Consultation Question 13 (Paragraph 8.71)

We provisionally propose that:

(1) once an ADS has received type approval at either international or domestic level, an Automated Driving System Entity (ADSE) would need to submit the vehicle to the UK safety regulator for categorisation as able to safely drive itself;

(2) the safety regulator should make a recommendation to the Secretary of State for how the vehicle should be classified;

(3) it should be open to the safety regulator to recommend that an ADS-enabled vehicle is classified in one of three ways: as not self-driving but driver assistance; as self-driving only with a user-in-charge; or as self-driving without a user-in-charge;

(4) the safety regulator should only recommend classification as self-driving (either with or without a user-in-charge) if it is satisfied that:

(a) an ADSE is registered as taking responsibility for the system;

(b) the ADSE was closely involved in assessing safety and creating the safety case; and

(c) the ADSE has sufficient funds accessible to the regulator to respond to improvement notices, to pay fines and to organise a recall.

Do you agree?

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

No

Self driving with a user in charge is not self driving. The vehicle is either self driving or it is not.

Consultation Question 14 (Paragraph 8.77)

We provisionally propose that a new legislative framework should provide regulation making powers to specify:

(a) who should assess whether a vehicle is capable of self-driving;

(b) the procedure for doing so; and

(c) criteria for doing so.

Do you agree?

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

Yes

Consultation Question 15 (Paragraph 8.78)

We seek views on whether the new legislation should include provisions for appeals against a categorisation decision. If so, should these be similar to those in regulation 19 of the Road Vehicles (Approval) Regulations 2020?

DK

Consultation Question 16 (Paragraph 8.83)

We seek views on whether the regulator that classifies vehicles as self-driving should have power to allow their deployment in limited numbers, so as to gather further data on their safety in real world conditions.

Absolutely not. This thinking that having a few people die is Ok is ridiculous. Vehicles must be tested with rigour away from the public road until there is certainty they are safe.

CHAPTER 10: ASSURING SAFETY IN USE

Consultation Question 17 (Paragraph 10.82)

We provisionally propose that legislation should establish a scheme to assure the safety of automated driving systems following deployment, giving scheme regulators enhanced responsibilities and powers.

Do you agree?

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

Other

It really depends on what the powers are bearing in mind the failure of regulators in the UK to hold their responsible areas to account. If certification is rigorous and independent then there is a fair chance although experience of the airline industry would suggest that a lot of people have to die before anyone wakes up.

Consultation Question 18 (Paragraph 10.83)

We provisionally propose that the enhanced scheme should give regulators the following responsibilities and powers:

(1) scheme regulators should be responsible for comparing the safety of automated and conventional vehicles using a range of measures;

(2) to do this the regulator should have power to collect information on:

(a) leading measures (instances of bad driving which could have led to harm) and

(b) lagging measures (outcomes which led to actual harm);

(3) regulators should have power to require an ADSE:

(a) to update software where an update is needed to ensure safety and continued compliance with the law;

(b) to keep maps up-to-date, where an AV relies on maps to ensure safety and compliance with the law;

(c) to communicate information about an ADS to users in a clear and effective way, including where necessary through training.

Do you agree?

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

No

Clearly a software driven car cannot be badly driven. The passenger in the vehicle has nothing to do with what is going on. Updating the software after the event is just another example of don't care regulation ie how many people have to die before it is fixed reliance on maps is a nonsense. The road conditions in front of you change at a rate than cannot possibly be compensated by map updates. Lorry crashes bridge collapses and road closed - how are you going to update the map in the one minute that follows.

Radio is a hostile environment. This was the first lesson I learnt when joining a big mobile operator. Radio cannot be relied on to save lives - it can help - it cannot be relied on.

Consultation Question 19 (Paragraph 10.84)

We welcome views on the following issues:

(1) Should scheme regulators be empowered to approve software updates that apply only within the UK, without requiring the manufacturer to return to the original type approval authority?

(2) Should the scheme should also deal with cybersecurity?

(3) Are other powers needed? (Note that data is discussed in Chapter 17.)

1. No
2. Yes
3. Yes

Anyone inside the Home Office Cyber Unit will show you how to hack and cause problems. If someone can, anyone can.

Consultation Question 20 (Paragraph 10.100)

Should the authority administering the scheme to assure safety while automated vehicles are in use be kept separate from type approval authorities (as is already the case)? Alternatively, should both functions be combined in a single body?

[Respondents chose from the following options: single body; separate bodies; other.]

Separate bodies

Consultation Question 21 (Paragraph 10.101)

What formal mechanisms could be used to ensure that the regulator administering the scheme is open to external views (such as duties to consult or an advisory committee)?

1. Don't use commons committees to scrutinise they have no idea what they are doing and don't have the expertise
2. Independent panel of skeptical experts

CHAPTER 11: INVESTIGATING TRAFFIC INFRACTIONS AND COLLISIONS

Consultation Question 22 (Paragraph 11.24)

We provisionally propose that a statutory scheme to assure AVs in-use should:

- (1) investigate safety-related traffic infractions (such as exceeding the speed limit; running red lights; or careless or dangerous driving);
- (2) investigate other traffic infractions, including those subject to penalty charge notices;
- (3) if fault lies with the ADSE, apply a flexible range of regulatory sanctions.

Do you agree?

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

No

Fine the software company 1% of global revenue - it's the only way to achieve safety

Consultation Question 23 (Paragraph 11.53)

We provisionally propose that the regulator which assures the safety of AVs in-use should have powers to impose the following sanctions on ADSEs:

- (1) informal and formal warnings;
- (2) fines;
- (3) redress orders;
- (4) compliance orders;
- (5) suspension of authorisation;
- (6) withdrawal of authorisation; and
- (7) recommendation of attendance at a restorative conference.

Do you agree?

[Respondents chose from the following options: informal and formal warnings; fines; redress orders; compliance orders; suspension of authorisation; withdrawal of authorisation; recommendation of attendance at a restorative conference.]

Withdrawal of authorisation

you are playing with people lives - stop playing

Consultation Question 24 (Paragraph 11.54)

We provisionally propose that the legislation should provide the regulator with discretion over:

- (1) the amount of any monetary penalty; and
- (2) the steps which should be taken to prevent re-occurrence of a breach.

Do you agree?

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

No

mandatory 1% of global revenue for each offence judgement by court that an offence has occurred and the penalty is fixed - guilty 1% not guilty 0%

Breach equals potential loss of life - you are putting us in the hands of software companies who have a constant record of failure

Consultation Question 25 (Paragraph 11.69)

We provisionally propose that a specialist incident investigation unit should be established:

- (1) to analyse data on collisions involving automated vehicles;
- (2) to investigate the most serious, complex or high-profile collisions; and
- (3) to make recommendations to improve safety without allocating blame.

Do you agree?

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

No

no if the car is being driven by software then the software is to blame unless someone has hacked it - which by the way they will

Consultation Question 26 (Paragraph 11.82)

We provisionally propose that the UK Government should establish a forum for collaboration on the application of road rules to self-driving vehicles.

Do you agree?

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

Yes

just try a bit harder not to hire old school buddies or mates from the club which you normally do

Consultation Question 27 (Paragraph 11.83)

We welcome views on:

- (1) the issues the forum should consider;
- (2) the composition of the forum; and
- (3) its processes for public engagement.

1. Why do this ?
2. advanced drivers association
2. any anti-autonomous driving group that might exist - they will at least provide the balance
2. any experienced competent drivers (over 35 driven a lot for at least 17 years)
3. annual public evidence forums to capture real world experience

CHAPTER 12: THE USER-IN-CHARGE

Consultation Question 28 (Paragraph 12.24)

We provisionally propose that that the user-in-charge:

(1) should be defined as an individual in position to operate the controls of a vehicle while an ADS is engaged and who is either in the vehicle or in direct sight of the vehicle; and

(2) is not a driver while the ADS is engaged, and would not be liable for any criminal offence or civil penalty (such as a parking ticket) which arises out of dynamic driving.

Do you agree?

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

No

An autonomous driving system has no driver only passengers.

Only the software company and the manufacturer of the vehicle can be liable it is just a matter of English and logic

Consultation Question 29 (Paragraph 12.37)

We provisionally propose that following the end of the transition demand period:

(1) the user-in-charge should re-acquire the legal obligations of a driver, whether or not they have taken control of the vehicle; and

(2) if, following a failure to respond to a transition demand, the vehicle stops in a manner which constitutes a criminal offence, the user-in-charge should be considered a driver and should therefore be liable for that offence.

Do you agree?

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

Other

this is too difficult to define - once you are a passenger you are a passenger

If the scenario is assisted driving then the driver is in control the whole time

Handover from autonomous to driver controlled could only realistically happen at a point where the vehicle has come to a stop in a safe place where you are legally allowed to stop and that does not include the hard shoulder of a motorway

Consultation Question 30 (Paragraph 12.45)

We seek views on whether a person with a provisional licence should be allowed to act as a user-in-charge, if accompanied by an approved driving instructor in a vehicle with dual controls.

no either the driver is in control or the autonomous car is in control - this is not a grey area for the sake of appeasing some lobby group

Consultation Question 31 (Paragraph 12.53)

We provisionally propose that legislation should create new offences of:

- (1) using an automated vehicle as an unfit or unqualified user-in-charge; and
- (2) causing or permitting the use of an automated vehicle by an unfit or unqualified user-in-charge.

Do you agree?

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

No

NO - I don't understand how an English speaker with any modicum of logic could even ask this question

An autonomous car can perfectly accept a drunk passenger in the same way a taxi can. An autonomous car can accept a nine year old.

The car is in control or it is not

Consultation Question 32 (Paragraph 12.59)

We provisionally propose that persons carried without a user-in-charge should be guilty of a criminal offence.

Do you agree?

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

No

One is tempted to be abusive at this point. So I get into a shared autonomous car with a few mates and we are drinking beers because it is an autonomous car - there is no designated driver because it is an autonomous car - it drives itself.

So Uncle Police Officer stops car and says (by the way how does a police officer wave down an autonomous car ?) anyway and says "Who's is in charge ?" and the chorus of response is "Bill Gates"

BTW : I recommend you never get in a car with M\$ software running it as it will always be in the middle of a software update caused by failure to test the software properly.

Consultation Question 33 (Paragraph 12.60)

We seek views on whether the new proposed offence of being carried without a user in-charge should only apply if the person:

- (1) knew that the vehicle did not have a user-in-charge; and
- (2) knew or ought to have known that a user-in-charge was required.

the software is in charge this case does not arise

Consultation Question 34 (Paragraph 12.66)

We provisionally propose that a user-in-charge who takes over control of the vehicle:

(1) should be considered a driver; but

(2) should have a specific defence to a criminal offence if, given the actions of the ADS, a competent and careful driver could not have avoided the offence.

Do you agree? If not, we welcome views on alternative legal tests.

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

Yes

Assumes that there is a clear mechanism to disable the autonomous software which is a really difficult thing to achieve bearing in mind all the necessary security protocols

Consultation Question 35 (Paragraph 12.94)

We provisionally propose that the user-in-charge should be liable for criminal offences which do not arise from the dynamic driving task, including those related to:

(1) insurance;

(2) maintaining the vehicle in a roadworthy condition (including installing safety critical software updates);

(3) parking;

(4) duties following accidents to provide information and report accidents to the police; and

(5) ensuring child passengers wear seatbelts.

Do you agree?

[Respondents chose from the following options: yes, the user-in-charge should be liable for all offences not arising from the dynamic driving task; the user-in-charge should be liable for some but not all of the offences listed; no, the user-in-charge should not be liable for any offences; other.]

No, the user-in-charge should not be liable for any offences
the software is in charge and the software company alongside the manufacturer is liable -
you cannot have liability for something that you have no control over
everyone in an autonomous car is a passenger
it is not logical that a person would be liable for actions performed by another party in this
case software designed and activated by a software company and a manufacturer

The only possible liability would occur where a person takes over by somehow disabling the
software - a task beyond the capability of most of the population especially at 30mph or
beyond

Consultation Question 36 (Paragraph 12.95)

We provisionally propose that the legislation should include a regulation-making power to clarify those roadworthiness failings which are (and those which are not) the responsibility of the user-in-charge.

Do you agree?

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

Other

If I buy an autonomous car and put it on my drive I am responsible for some parts of the maintenance such as oil, tyres and brake wear but nothing that the software controls if the software understands tyre wear, tyre pressure, brake wear, and 1000 other sensors on a car then the software bears responsibility for those items it can or does control

Software determines that tyre tread is below minimum legal then it would only go to a persons selected tyre dealer and nowhere else

CHAPTER 13: REMOTE OPERATION: NO USER-IN-CHARGE VEHICLES

Consultation Question 37 (Paragraph 13.67)

We provisionally propose that:

- (1) where an individual is exercising latitudinal and longitudinal control (steering and braking) over a vehicle remotely, that should not be regarded as a form of “self-driving”; and
- (2) where lateral and longitudinal control are exercised by an ADS, all other forms of remote operation should be regulated as “self-driving”.

Do you agree?

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

No

1. a person is in control either by physically touching the steering wheel or by a James Bond (Pierce Brosnan) control - in either case the person is in control - see hacking comments earlier
2. either the ADS is in control or it is not

We welcome views on whether the current definition of when a vehicle “drives itself” under the Automated and Electric Vehicles Act 2018 should be amended to deal with some forms of remote operation which may involve a degree of “monitoring”.

a person is in control either by physically touching the steering wheel or by a James Bond (Pierce Brosnan) control - in either case the person is in control – see hacking comments earlier

The 2018 Act needs to be repealed as a pile of uneducated nonsense

Consultation Question 38 (Paragraph 13.86)

We provisionally propose that:

- (4) the regulation of self-driving vehicles should distinguish between an Automated Driving System Entity (which vouches for the design of the system) and an operator (responsible for the operation of individual vehicles);
- (5) all vehicles authorised for use on roads or other public places with no user-in charge should either:
 - (a) be operated by a licensed operator; or

(b) be covered by a contract with a licensed operator for supervision and maintenance services;

(6) it should be a criminal offence to use a NUIC vehicle on a road or other public place unless it is operated by a licensed operator or is covered by a contract with a licensed operator for supervision and maintenance services.

Do you agree?

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

No

This is neither English or logical

Windows software functions on a variety of hardware platforms and crashes all the time. Do we hold the manufacturer accountable or Microsoft.

I operate the windows laptop but I am not accountable for the software crashing in the middle of presentation to private investors.

there is no such thing as a licensed operator. Are you even listening to yourselves when you write these questions. There is no such thing as a user-in-charge of an autonomous vehicle.

If i buy an autonomous vehicle and i put it on my drive and while I am asleep it decides to go wandering because the software was provided by some Californian company employing twenty somethings who don't care and know nothing then how could I possibly be responsible. My example may be extreme and demonstrate some prejudices but it gets to the heart to the matter - I own it but I am not in control of it.

Consultation Question 39 (Paragraph 13.92)

We welcome views on whether NUIC operators should be required to demonstrate professional competence through a safety management system, as set out in a safety case.

DK

Consultation Question 40 (Paragraph 13.108)

We provisionally propose that, irrespective of the nature of the vehicle, a licensed operator should be under a duty to:

(1) supervise the vehicle;

(2) maintain the vehicle;

(3) insure the vehicle;

(4) install safety-critical updates and maintain cybersecurity; and

(5) report accidents and untoward events (as defined by the regulator).

Do you agree?

[Respondents chose from the following options: yes, a licensed operator should be subject to all the listed duties; a licensed operator should be subject to some but not all of the listed duties; no, a licensed operator should not be subject to any of the listed duties; other.]

No, a licensed operator should not be subject to any of the listed duties

Already made it clear why this idea is nonsense

Consultation Question 41 (Paragraph 13.109)

We provisionally propose that legislation should include a regulation-making power by which some or all of these duties could be transferred to the registered keeper or owner, if it was shown that it was appropriate to do so.

Do you agree?

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

No

Already made it clear why this idea is nonsense

Consultation Question 42 (Paragraph 13.116)

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

just let me know what roads they are on so the rest of us can use other roads

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?

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

No

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

Consultation Question 43 (Paragraph 13.133)

We welcome views on who should administer the operator licensing scheme.

no person give it to a piece of software out of Seattle and all will be well

CHAPTER 14: CRIMINAL OFFENCES BY ADSES AND THEIR SENIOR MANAGERS

Consultation Question 44 (Paragraph 14.107)

We provisionally propose that:

- (1) it should be a criminal offence for an ADSE to omit safety-relevant information or include misleading information when putting a vehicle forward for classification as self-driving or responding to information requests from the regulator;
- (2) the offence should apply to senior managers (where it was attributable to the manager's consent, connivance or neglect);
- (3) the offence should not apply to more junior employees;
- (4) the offence should carry a higher sentence if it is associated with a death or serious injury;
- (5) the offence should be prosecuted in England and Wales by either the regulator or the Crown Prosecution Service and in Scotland by the Procurator Fiscal.

Do you agree?

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

Yes

Consultation Question 45 (Paragraph 14.108)

We seek views on the following proposed offences.

Offence A: non-disclosure and misleading information in the safety case

When putting forward a vehicle for classification as self-driving, it would be a criminal offence for the ADSE to

- (1) fail to provide information to the regulator; or
- (2) provide information to the regulator that is false or misleading in a material particular where that information is relevant to the evaluation of the safety of the ADS or the vehicle.

The ADSE would have a defence if it could show that it took reasonable precautions and exercised all due diligence to prevent the wrongdoing.

The penalty would be an unlimited fine.

Offence B: non-disclosure and misleading information in responding to requests

When a regulator requests specific information from an ADSE (whether before or after deployment), it would be a criminal offence for the ADSE to

- (1) fail to provide information to the regulator; or
- (2) provide information to the regulator that is false or misleading in a material

particular

where that information is relevant to the evaluation of the safety of the ADS or the vehicle.

The ADSE would have a defence if it could show that it took reasonable precautions and exercised all due diligence to prevent the wrongdoing.

The penalty would be an unlimited fine.

Offence C: offences by senior management

Where offence A and/or offence B committed by a body corporate is proved—

(3) to have been committed with the consent or connivance of an officer of the body corporate; or

(4) to be attributable to neglect on the part of an officer of the body corporate, then that officer is guilty of the offence.

An officer includes any director, manager, secretary or other similar officer or any person who was purporting to act in any such capacity.

We see this as equivalent to offences under the Human Medicines Regulations 2012 and General Product Safety Regulations 2005, which carry a penalty of a fine and/or a maximum two years' imprisonment.

Offence D: aggravated offences in the event of death or serious injury following non-disclosure or provision of misleading information to the AV safety regulator

Where a corporation or person commits Offences A to C, that offence is aggravated where the misrepresentation or non-disclosure:

(5) related to an increased risk of a type of adverse incident; and

(6) an adverse incident of that type occurred; and

(7) the adverse incident caused a death or serious injury.

We see this as equivalent to the offence of causing death by dangerous driving, which carries a penalty of an unlimited fine and/or a maximum of 14 years' imprisonment.

fixed penalty 1% of global revenue not subject to any mitigation by a judge

Consultation Question 46 (Paragraph 14.109)

We welcome views on whether an ADSE should be under a duty to present information in a clear and accessible form, in which safety-critical information is indexed and signposted.

yeah I always signpost my input - really.....

CHAPTER 15: NEW WRONGFUL INTERFERENCE OFFENCES

Consultation Question 47 (Paragraph 15.10)

We provisionally propose that legislative amendment should clarify that the tampering offence in section 25 of the Road Traffic Act 1988 applies to anything that is physically part of a vehicle and any software installed within it.

Do you agree?

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

Yes

but it won't stop it happening - rather than writing laws about what you should not do why not spend the same money on working out how to proactively stopping it from happening

??????

Consultation Question 48 (Paragraph 15.11)

We welcome views on whether the tampering offence should apply to external infrastructure required for the operation of the AV.

how far away do you to go - so if I tamper with a router in Austin Texas to hack a car in Wolverhampton ... am I tampering with external infrastructure

Cmon guys this is 2021 not 1968

Consultation Question 49 (Paragraph 15.53)

We provisionally propose that there should be an aggravated offence of wrongfully interfering with an AV, the road, or traffic equipment contrary to section 22A of the Road Traffic Act 1988, where the interference results in an AV causing death or serious injury, in:

(1) England and Wales; and

(2) Scotland.

Do you agree?

[Respondents chose from the following options: yes, in both England and Wales and Scotland; in neither jurisdiction.]

Yes, in both England and Wales and Scotland

Consultation Question 50 (Paragraph 15.55)

We provisionally propose that the appropriate mental element for the aggravated offence is intent to interfere with a vehicle, the road or traffic equipment.

Do you agree?

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

Yes

Consultation Question 51 (Paragraph 15.62)

We seek views on whether an approved work defence for repair or maintenance operations authorised by a vehicle manufacturer or Automated Driving System Entity is desirable.

nope

CHAPTER 16: CIVIL LIABILITY

Consultation Question 52 (Paragraph 16.24)

We provisionally propose that the way the Automated and Electric Vehicles Act 2018 deals with contributory negligence and causation is:

- (1) adequate at this stage; and
- (2) should be reviewed by the UK Government in the light of practical experience.

Do you agree?

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

No

so your view is that until enough people die we should just wait and see - I suggest you all quit and go have a serious conversation with your mothers
the Act is entirely inadequate and based on wrong thinking

Consultation Question 53 (Paragraph 16.32)

We provisionally propose that measures should be put in place to compensate the victims of accidents caused by uninsured AVs.

Do you agree?

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

Other

an AV will always be insured as it has to be insured by whatever controls it which is the software and unless insurance is paid and certificate is uploaded to the vehicle it won't move
– OBVIOUSLY

Consultation Question 54 (Paragraph 16.47)

We provisionally propose that:

- (1) product liability law should be reviewed to take account of the challenges of emerging technologies;
- (2) any review should cover product liability as a whole, rather than be confined to automated vehicles;

it should not, therefore, form part of this project on automated vehicles.

Do you agree?

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

Other

if anything is learnt here which I doubt from the tenor of the questions then learnings here would be useful elsewhere