

Automated Vehicles Team
Law Commission of England and
Wales and the Scottish Law
Commission

By email only

(automatedvehicles@lawcommission.gov.uk)

Wednesday 31 March 2021

Dear Jessica,

Law Commissions' Automated Vehicles: Consultation Paper 3

I am writing to you in relation to the Law Commissions' Consultation Paper 3, which seeks views on a regulatory framework for automated vehicles.¹

Unfortunately, due to resource constraints, the Equality and Human Rights Commission (the **Commission**) was not in a position to respond more formally to this consultation, but we appreciate your continued focus on how to embed

¹ Law Commission of England and Wales & Scottish Law Commission, [Automated Vehicles: Consultation Paper 3 – A regulatory framework for automated vehicles](#).

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accessibility and inclusivity into any new regulatory framework for automated vehicles.

As we highlighted in our full response to Consultation Paper 2,² we believe that this focus is required to ensure compliance with the domestic (Equality Act 2010) and international (Convention on the Rights of Persons with Disabilities) frameworks.

We welcome Consultation Question 6, which highlights that any new regulator of automated vehicles would be subject to the Public Sector Equality Duty (**PSED**). Whilst the general duty of the PSED contained in s 149, Equality Act 2010 applies equally across Great Britain, specific duties vary across the three nations, which is relevant when considering the geographical remit of any new regulator.³

We would encourage the Law Commissions to consult our Technical Guidance on the PSED in England, Scotland and Wales for further advice on how public sector bodies and those exercising public functions should comply with their legal duties.⁴

² Equality and Human Rights Commission (Feb 2020), [Our response to the Law Commission and England and Wales, and the Scottish Law Commission consultation on automated vehicles.](#)

³ This links into the devolution point we flagged in our consultation response: as above, para 26.

⁴ Equality and Human Rights Commission, [Technical guidance.](#)

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We also welcome Consultation Question 42, which makes a provisional proposal for the creation of an accessibility advisory panel to ensure that the proposed national minimum standard ‘actively promotes accessibility and takes into account the lived experience of disabled and older persons.’ The proposal suggests that the Commission should be one of the members of this panel.

Any advisory panel needs to be focussed on meaningful early engagement with representatives for and with older and disabled people, in the spirit of co-production, as highlighted by our recent research.⁵ The Commission would appreciate being kept informed of the development of this proposal to see how we can best contribute to its success.

Thank you for your continued engagement with the Commission.

Yours sincerely,



Alasdair MacDonald

Director, Equality and Human Rights Commission

⁵ Equality and Human Rights Commission Research Report (December 2020), [Accessible public transport for older and disabled people in Wales](#).

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