

**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?

John McNicol

What is the name of your organisation?

Nova Modus Ltd

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

Response on behalf of organisation

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.]

Yes

NVM is in broad agreement with this statement, but note that the safety envisaged by vehicles "safely driving themselves" in AEVA is not exclusively dependent on the vehicle, or on the ADS, but is inextricably linked to the Operational Design Domain (ODD) for the

vehicle, and the specifics of the "circumstances or situations" in which it has been proven to be safe, and so been approved to drive.

Approved for self-driving on UK motorways, is very different from self-driving at low speed in car parks.

To qualify as a self-driving vehicle, it must be said to be within the ODD (routes, traffic, weather etc.) for which it has been programmed, and in which it has been shown to safe.

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.

Are people with profound hearing loss held liable for harm they unwittingly cause when (for example) other road users sound a horn or ring a bell on a cycle in accordance with The Highway Code and other Traffic regulations?

Governments should certainly encourage developers of self-driving features to consider suitability for, and use by, people with profound hearing loss and other disabilities as part of policies for social inclusivity. No doubt many developers are planning and will plan these features to address as many applications and as wide a market as possible.

However it seems to be an unfair burden on AV developers if this is an additional legal requirement to classify as a self-driving vehicle, i.e. only if it enables a user-in-charge with profound deafness.

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.]

Yes

NVM is in broad agreement with this statement, but note that the safety envisaged by vehicles "safely driving themselves" in AEVA is not exclusively dependent on the vehicle, or on the ADS, but is inextricably linked to the Operational Design Domain (ODD) for the vehicle, and the specifics of the "some circumstances or situations" in which it has been proven to be safe.

In determining whether a vehicle is sufficiently safe to "safely drive itself" the specialist regulator advising the Secretary of State **MUST ALSO CONSIDER THE ODD** - the routes, traffic conditions, and weather etc. - in which the vehicle/systems have been proven to be safe.

It is more than likely that some types of vehicles could be classed as self-driving **ONLY** on motorways, and others **NEVER** on motorways and dual carriageways.

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.]

As safe as a human driver who does not cause a fault accident

There seems a difficulty in defining the standard of competent and careful human drivers. Like-for-like tests of the AV against selected 'competent and careful' drivers in various scenarios (corner cases) seems feasible as part of the AV Type Approval process. It would take many years, and be a huge cost, to collect the driving data required to statistically prove AV systems are overall better than a select group of 'competent and careful' drivers.

In addition to the long timeframe and substantial cost of collecting the data to prove statistically that AVs are 'overall safer than an average driver', this approach squanders an important opportunity to significantly improve road safety and reduce injuries and deaths.

Although there will always be circumstances not captured by the rules, and scenarios will not catch all context aspects, it seems to us that a standard for 'no fault accident' (higher than as good as a good driver) is the only approach that will be robust against the future certainty of legal claims and lawsuits against AVs.

Consultation Question 5 (Paragraph 5.120)

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

ALARP is an attractive approach to enabling trials and early deployments, aligning well with other (more established) sectors, and leveraging the judgment of safety experts to advise the Secretary of State what is 'reasonable' safety for self-driving vehicles within their ODD.

However, there is still so little experience on what is 'reasonable' (costs, the burden of proving safety, risk mitigations) for widespread deployment of AVs, ALARP seems unworkable over the short to medium term.

Like-for-like tests of the AV against selected 'competent and careful' drivers in various scenarios (corner cases) seems feasible as part of the AV Type Approval process.

As stated in both Q1 and Q3, the most effective way legislators and regulators can make AVs as safe as reasonably practicable, is not to focus solely on the vehicle and its ADS, but ensure the ODD supported by its safety case is ALWAYS included alongside the AV in legislation, regulations, and guidance.

In this and previous consultation papers, much is said about approval of the ADS and categorization as self-driving, but the ODD supported by a Safety Case for specific use cases and deployments is much less prominent.

Consultation Question 6 (Paragraph 5.121)

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

From the perspective of equality of risk, Type Approval and in-use safety assurance must ensure that an AVs Safety Case and ODD make appropriate consideration of protected groups and vulnerable road users.

Although AV's may reduce the number of professional driving jobs (although there is currently a substantial global shortage of HGV drivers), it is surely beyond the scope of regulators to interfere in the market to protect such occupations against the progress of technology?

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.]

Yes

As noted previously (Question 1 and others), it is easy to overlook the absolute necessity of specifying the ODD alongside the specifics of the AV and the ADS in order to assess whether an AV is safe.

Unlike the largely self-certified vehicle type approval process, some independent testing will be needed.

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.

Consulting with road users and to other groups could potentially lead to an ever-expanding requirement, eventually making approval impossibly complex, costly, and long; especially if on-road testing of all the scenarios is the requirement. If demonstration by virtual simulation of the AV in most of the scenarios is allowed as safety evidence, some of this cost and timescale burden can be ameliorated. Even so, an appropriate set of scenarios must be tested by actual vehicles on real roads. An approval authority should be responsible for making the selection of scenarios to be tested in the real world. Perhaps choosing the 'corner case' scenarios expected to be challenging, or maybe at random.

Nevertheless, ensuring equality of safety for all road users (Question 6) demands the actual felt experience of road users (rather than solely a developer or manufacturer perspective) is sought and considered. The approval authority will need to manage the addition of more approval requirements as a result of the consultation.

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.]

Other

It is not clear that regulatory approval of an ADS - separately from the AV in which it is installed - has any benefit to the public. But Automated Vehicles that are not accepted and authorized as safe should be prohibited.

However, approval of every update and version of an automated driving system, will severely constrain developers and is in absolute conflict with the government's policy of encouraging AV development and testing, and actually deploying AVs, in the UK.

The existing framework for trials and testing - even advanced testing on public roads - seems to both work well, and be well respected internationally. Reference the DfT Code of Practice and insurance cover based on Safety Case.

It seems clear any new exemption procedure will add additional bureaucracy, time and costs above the current situation which we consider unnecessary.

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.]

Other

You note that an ADS is a vehicle SYSTEM - hardware and software - to drive a vehicle. AV describes the VEHICLE containing an ADS.

A government stamp of approval on an ADS certainly supports the commercial interests of the UK's ADS developers (Section 8.32). But it is not clear that there is any public benefit from a "national ADS approval scheme" - i.e. approval of the ADS separately from the pre-deployment approval of the actual AV in which the ADS is installed.

Vehicle makers are free to select an ADS provider (or develop their own in-house) and have the choice of international Type Approval (under UN Regulation) or GB Type Approval only applicable in the GB. Per Section 8.21, an ADS developer can submit a vehicle (that they have NOT been involved in manufacturing) with their ADS installed for GB Type Approval of the VEHICLE = the AV containing the ADS.

Approving only the ADS is the wrong approach, benefiting commercial ADS providers and increasing the risks of potential harm to the public. The only way to assure public safety is through Type Approval of the Vehicle containing the ADS which is based on a Safety Case including an appropriate ODD.

To avoid confusion and protect the safety of the public, the government should establish a domestic scheme to approve AUTOMATED VEHICLES for use on roads in Great Britain (a “national AV approval scheme”).

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.]

Other

Refer to the answer to Q10. Although there is a commercial benefit to developers of approving only the ADS, there is no benefit to the public. Indeed the resulting opportunities for safety incidents, casualties and deaths, caused by incorrect installations and variations between base vehicles significantly increase the risk to the public compared to approval of vehicle. So the following is a better approach.

1. an Automated Vehicle approval scheme should be established through regulation under the Road Traffic Act 1988, without further legislative reform;
2. an Automated Vehicle should be defined as a combination of software, hardware and sensors (the ADS), which HAS BEEN installed in a “type” of vehicle;
3. when an Automated Vehicle is approved, the approval should include specifications for:
 - a. the type of vehicle in which the ADS HAS BEEN installed; and
 - b. how the ADS HAS BEEN installed within the vehicle;

In this approach, where an ADS is installed in a pre-registered vehicle, by default an example vehicle will be submitted to the regulator for approval of both the ADS and the installation.

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.

See answers to Q10 & Q11 - approving only the ADS is the wrong approach to improve public safety. This is implicitly accepted in 8.39 where, as part of an appeal, the examiner re-examines the VEHICLE.

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.]

Other

Note again that the classification of an AV as self-driving must be constrained to operation only within the ODD which is part of an approved Safety Case (per Q1 & Q3).

Note again that approving a Safety Case is inextricably dependent on the details of the actual vehicle in which the ADS installed (per Q10 & Q11). It is equivalent to approving the automated vehicle.

Apart from supporting the commercial interests of ADS developers, we see no public or safety benefit in the two step approval process. A single step approval process, would be simpler, quicker and cost less for the UK government, AV makers and ADS developers. We wholeheartedly endorse such approval by the UK safety regulator and classification as self-driving (UIC or NUIC) if the submitting ADSE stands behind the Safety Case (including ODD) and takes responsibility.

In regard to 4c, we note that most (UK-based) ADS developers are small companies, some start-ups, and are much less likely to have sufficient funds to respond to notices, to pay fines, and organize recalls of vehicles in which their ADS is installed, than conventional OEMs and vehicle makers.

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

We note that requiring classification in addition to international type approval (section 8.47) has the potential to create an additional barrier to companies looking to develop, build, sell, or operator AVs in the UK. This needs to be considered further in the light of international plans for approving AVs.

Nevertheless these regulation-making powers are very sensible.

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?

Agreed. As noted in Q10 & Q11 & Q12. A process against categorization seems very sensible.

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.

Allowing deployment in limited numbers seems sensible to manage the potential for harm to society at large. The precedent is the restriction on the number of vehicles to be produced as part of small-series approval etc.

At scale, malfunctioning ADS software, emergent behaviour revealed only by extended operation in the real world, and cyber vulnerabilities in a large fleet of (likely connected) AVs can produce traffic chaos, loss, injury and death. Knock-on effects include the traffic management authorities, the police, the justice system becoming overwhelmed.

We assume that the regulator that classifies vehicles as self-driving would be advised by the authority responsible for assuring their in-use safety on whether to increase or reduce the number deployed.

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.]

Yes

To take advantage of improving ADS technology including in response to experience (miles driven, user feedback, type and number of incidents), to leverage likely enhancements to off-board support through connectivity (e.g. from traffic management systems, automated and remote vehicle monitoring), and in the face of the certainty of cyber threats and attacks, continuous monitoring of AVs is an absolute necessity to assure their continued safety.

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.]

Yes

Such a safety regulator must have the power to require software (and map) updates and other enhancements to the AV, and to demand adherence to the ODD for which it has been approved, and to rescind a self-driving classification if necessary.

Further, it seems reasonable to require the ADSE to prohibit further operation of the AV in a way analogous to current police powers to 'impound' vehicles stopped for having unfit drivers or being unroadworthy.

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.)

2. The safety of every single connected vehicle, the safety of all its occupants and of all the other road users in its vicinity, is entirely dependent on the cyber security of its electric and electronic systems.

The pre-deployment approval scheme must include a thorough assessment of cyber security and resilience of the AV. This is often well-controlled however, AVs only accessed by

manufacturers and developers at specific sites are much less vulnerable than vehicles in use.

Continuous assessment of cyber security and resilience must be a key aspect of ongoing assurance of safety in use.

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.]

Single body

This is mostly dependent on the costs and time involved in establishing or the upskilling two UK government agencies (VCA & DVSA?) compared to one.

A single body for in-use safety assurance and incident investigation (See Q25) would be a closer fit in terms of in-depth understanding of the operation of ADSs and AVs.

However, last year's CAV Cyber Feasibility Studies, part-funded by CCAV through Zenic and Innovate UK, looked into establishing a Cyber Security Centre of Excellence (CSCE). NVM managed both the ResiCAV project (Horiba MIRA, Thales WMG, BT, AESIN, OCC CFMS) and the CAVShield project (Honda, IBM, Toshiba, Bristol University, Nexor) and both stressed the urgent need for continuous monitoring of the cyber resilience of the CAV fleet.

If a government scheme were to establish continuous cyber monitoring (by a CSCE or otherwise) in the same timeframe as the in-use safety assurance authority, it might be most cost-effective to combine these two agencies.

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)?

A regular (annual?) Advisory Committee of industry and authority experts seems sensible.

There may also be role for academic involvement to maintain awareness of future technology in ADS developments (e.g. sensors with enhanced range, machine learning analysis of software, equipment, driving behaviour) and improved virtual testing of AVs (e.g. by simulation - Bristol Robotics Lab and WMG)

There is also a case for a duty to consult internationally not only on emerging approaches to regulation of AVs, but also to learn from AV failures (and successes) globally. This engagement would contribute strongly to promotion of the UK as a good place to develop and test and deploy AVs.

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.]

Yes

In the early decades of adoption/deployment of AVs, it will be vital to consolidate the collection and understanding of issues, infractions, and incidents (see Q25) involving AVs into a single authority with the expertise to understand the technologies, behaviour, and limitations of AVs. If dealing with these problems is spread widely over multiple bodies, none will develop the capability, if ever. The in-use safety assurance authority must (rapidly) become a Centre of Competence.

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.]

Informal and formal warnings, Fines, Redress orders, Compliance orders, Suspension of authorisation, Withdrawal of authorisation

The in-use safety assurance regulator could have a power to REQUIRE an ADSE to attendance at a restorative conference, not just recommend.

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.]

Yes

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.]

Yes

Specialist investigation is vital for public safety and confidence in those cases where the complex interaction between developing technology and non-ideal road scenarios has a bad outcome.

The specialist incident investigation unit should not be tasked with allocating responsibilities (blame) but their remit would be s to determine the facts - what went wrong. It is for others (e.g. criminal or civil courts) to determine if an offence has been committed when presented (e.g. by the police) with evidence.

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

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. Issues requiring clarification of acceptable practice for AVs include

- mounting the pavement;
- exceeding speed limits;
- edging out into heavy traffic;
- making (low speed) progress amongst pedestrians (Section 1.13)
- sharing of public (pedestrian) space with pedestrians, cyclists, (low AV speed, weight, warning signals);
- automated parking in marked bays, on-street, around electric charging facilities.

2. A wide range of road user, cyclist, and pedestrians groups should be supplemented with AV users: transport operators, street care companies (cleaning, security), freight and local delivery companies. It is also important that planners, builders of roads and custodians of the build environment (e.g. councils, residential and business park owners) are represented to understand difficulties with current AV deployments and best practice for future environments. The police, the fire and ambulance services, must also provide their safety and enforcement perspectives. Plus 1 or 2 AV developers.

3. Although initially a forum at the national level, it could be very helpful to circulate meetings around the UK, both to encourage much wider public engagement and to 'experience the impact' on specific real-world situations, road and development plans, etc. Local councils may be suitable hosts for such itinerant meetings.

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.]

Other

The duties of the user-in-charge should be properly set out in legislation, including a consolidated, comprehensive list of duties.

Clearly being a user-in-charge of an AV may demand different driver training, and perhaps even enhanced testing. Being the UIC outside but in 'direct sight' of the vehicle whilst the ADS is driving is a significantly different skill than driving a vehicle 'behind the wheel'. So direct sight may be acceptable for low speed parking operations within a few metres.

But this needs to be constrained further than the current definition, potentially by describing the scenario and speed of operation (i.e. specifying the ODD).

As an example: a UIC could be 'in direct sight' of an AV, but be following it at 70mph on a motorway. This would seem to be legal under this definition, but almost certainly unsafe if the UIC receives a transition demand.

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

Assuming the UIC has been appropriately training and tested, they should re-acquire the legal obligations of a driver. The "offer and confirm" protocol would make a clear demarcation of legal liability when the UIC takes back control.

If the UIC fails to respond to such a transition demand (offer but not confirmed) it is only an assumption that AVs will be able execute a safe minimum risk manoeuvre and achieve a minimal risk condition. The capability of assessing multiple courses of action and their respective risks is very unlikely to be deployed on AVs for many years, decades. NVM believes there is an URGENT NEED for a formal framework that an AV can determine MRM and MRCs but this is a HUGE GAP in the research.

Stopping in lane or on double red lines would be offences for which a non-responding UIC should be liable, but this seriously understates the potential risks to the safety of the UIC, any passengers, other road users, pedestrians etc. Flexing legal consequences depending on actual harm done could be seen as learning at the expense of casualties and fatalities.

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.

NVM agrees. A person with a provisional licence should be able to act as a user-in-charge, but only when accompanied by an approved driving instructor in an AV fitted with dual controls.

However, we note that this provision should be restricted to a 'car' but to other types of AVs as well.

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.]

Yes

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.]

Other

In the absence of "knowingly allowed themselves" if all passengers are guilty of a criminal offence, this must put a specific duty on ADSEs or AV Operators to inform buyers and users of their responsibilities.

In addition this would seem to have significant potential for considerable public confusion as they would have to distinguish their different legal position if (for example) they were picked up by a self-driving vehicle requiring a UIC, rather than a self driving vehicle that does not require a UIC.

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.

See comments on Q32.

There seems to be significant potential for considerable public confusion around whether the vehicle needs a UIC or not. For example, the public often do not distinguish between the legally distinct licensed taxi and a private hire vehicle.

How would the public know that a UIC was required by law? Would this put a duty on ADSEs or AV Operators to indicate on the outside of the vehicle which type of AV it is?

It can easily be imagined that a private hire company (Addison Lee? Uber?) might operate both UIC and NUIC types of AVs.

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

The defence will clearly depend on the opinion of expert witness.

This suggests a need for a capability to replicate the offence in a virtual simulation environment and compare with responses from competent and careful drivers.

A specialist AV accident investigation agency could own and operate such a facility, in a similar way to simulation by air accident investigators.

Another data-driven approach would be based on pre-deployment simulation testing of ADSs. Such simulations (e.g. by the Bristol Robotics Lab in the Capri and ROBOPILLOT projects) are able to differentiate incident scenarios that can and cannot be 'rescued' by competent and careful drivers.

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.]

The user-in-charge should be liable for some but not all of the offences listed

A user-in-charge could be expected to be liable for roadworthiness of conventional mechanical aspects (as they are now) but is unlikely to be trained and competent to install software and confirm it's correct operation. (Section 13.78) Also note the likely operational

requirement for software system checks, managing cyber vulnerabilities and protection against cyber attacks, and ensuring calibration of sensors as part etc.

These must be a duty of the ADSE to ensure correct and safe operation.

Based on experience in the MultiCAV project (where AVs are being procured by one entity and operated by another), bus drivers are able to make limited roadworthiness checks (a "daily work around") but AV suppliers (ADSEs) must be responsible for the technical maintenance. Each party's different responsibilities must be explicitly described in a contract between ADSE and the Operator and/or UIC(s). A vague 'joint responsibility' will encourage finger-pointing court cases in the event of an incident.

A regulation-making power to adapt the offences seems reasonable, starting with a full list of roadworthiness conditions that are the responsibility of the UIC user-in-charge and those that are the responsibility of the ADSE.

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.]

Yes

Yes. See comments on Q35.

Additionally, the regulation-making power to clarify which failings are the responsibility of the UIC, must specify which entity HAS the responsibility for failings that are NOT down to the UIC (ADSE and/or Operator).

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.]

Yes

Neither operation by a UIC, or by a remote human driver, should be categorized as self-driving.

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”.

The current AEVA 2018 definition of self-driving is too vague in several respects.

As already noted, the definition of self-driving MUST include a description of the ODD (routes, types of traffic, weather conditions etc.) in which that AV has been shown, by a suitable Safety Case, to operate safely within.

Remote assistance and support for AVs should provide additional capabilities and improved safety, and many ADSEs and Operators will likely support their AVs in this way.

However, reliable and robust connectivity to deliver such assistance, that covers all routes and operating areas is clearly unachievable in all but the most constrained environments.

Even though the Safety Case for a few special AV deployments (e.g. a localized car park) might rely on such remote assistance/support, it is sensible to amend the general definition of self-driving to EXCLUDE AVs that NEED to be monitored by an individual inside, in sight, or remotely, to support their Safety Case(s).

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.]

Yes

NVM agrees. Existing operators of passenger (and freight) services will have substantial experience and expertise and should not be effectively excluded from operating NUIC vehicles.

However, the wording "ADSE vouches for the design of the system" (Section 13.81) is not adequate. Using the common understanding of "design", the safe design of something - particularly something so very dependent on evolving software and advancing technology - is not the same as its actual safety.

The ADSE must ensure the design is safe, but not just the design. The ADSE ensures the actual AV is safe and requests Type Approval with a Safety Case appropriate for its ODD.

The recent Boeing 737 Max disasters are a case in point.

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.

See comments to Q38. It would seem a good understanding of the technologies used on their NUIC vehicles would be necessary. So it seems unreasonable to make it a legal requirement for Operators to have a specific single individual to demonstrate professional competence. Since the NUICs are approved for use by a Safety Case - in a suitable ODD - it seems reasonable to demonstrate professional competence through a safety management system.

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.]

A licensed operator should be subject to some but not all of the listed duties

It is reasonable for an Operator of UIC and NUIC AVs to be under a duty to supervise the vehicle, but UNreasonable to make it a legal requirement to supervise remotely, relying on connectivity, or in real time (e.g. specifying unrealistic timeframes for status updates).

See response to Q38. It is UNFAIR to effectively exclude existing Operators from operating AVs. In exactly the same way, it is unreasonable to make Operators legally responsible for complex technical maintenance including safety-critical updates and cybersecurity. This must be an enduring duty on the ADSE entity standing behind the safety of their AVs.

Based on experience of the MultiCAV project, this ongoing duty is very likely to be a key element of Operators' contracts with ADSEs to buy or lease the AVs.

This is common practice with operators contracts for existing vehicles. Of course, some Operators may (eventually) have the capability to, and see commercial benefits in, carrying this legal duty.

So there should be a legal duty, but it could be fulfilled by EITHER Operator or ADSE. In licensing agency would be responsible for ensuring the update & cyber duties will be met.

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.]

Yes

A regulation-making power by which some of these duties could be transferred to a registered keeper or owner, should also include the possibility to transfer some of these duties - notably the complex technical maintenance such as safety-critical updates, cyber security, and calibration of sensors to other competent professional entities.

These obviously include the ADSE as noted our response to Q40 above.

Maintenance of vehicles is sometimes sub-contracted to third parties. For example a vehicle manufacturer's authorized dealer network. So competent professional entities should not be prohibited from providing complex technical maintenance to AVs to fulfil this specific legal duty. Such third parties should of course be under contract to the Operator or ADSE to provide these legally required services.

Consultation Question 42 (Paragraph 13.116)

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

Accessibility standards for public transport services are already well defined, and new types of AVs for HARPS should develop in parallel with conventional vehicles.

There is a need for research on whether the absence of a driver in a NUIC constitutes a some level of discrimination, presenting more of a barrier for those with disability to access public transport services.

A human non-driving assistant would effectively eliminate such a barrier. But legally requiring such a human assistant in order to meet disability legislation would certainly add cost to the service and may make it commercially non-viable.

Such a requirement would also squander the opportunity to provide new AV services to include those with disabilities and improve social inclusion.

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.]

Yes

Per our response to Q42 above. The Advisory Panel should be able to specify, if not commission, research into whether the absence of a driver in a NUIC constitutes a some level of discrimination, presenting more of a barrier for those with disability to access public transport services.

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

The technical capabilities of AVs is increasing rapidly, so absence of a driver in a HARPS AV is becoming more feasible every day. However the physical design of vehicles is not advancing at the same rate. It seems sensible to re-consult with the Advisory Panel to review the state of the art and the latest evidence from research on an annual basis.

Consultation Question 43 (Paragraph 13.133)

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

Although there are doubtless challenges in funding and timescale to upskill the Traffic Commissioners to have the technical capabilities required to make judgements about AVs, it will be quicker and cost less than to establish, fund and populate an entirely new entity.

We also agree that a new in-use safety assurance regulator lacks the experience of dealing with public transport issues, operators, etc. for very many decades.

So we agree that the Traffic Commissioners are the best fit and note that, in the short to medium term, deep technical expertise of AVs can be provided by the VCA, DVSA, CAM Testbed UK and several others.

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

But the distinction between senior and junior employees seems very vague.

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.

It seems necessary that these non-disclosure and misleading information offences apply to both the pre-deployment Type Approval regulator and to the in-use safety regulator.

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.

It seems sensible that the ADSE should be legally required to present information in a clear and accessible form, ideally following some guidance, template, example, by the regulator. We assume this is to both the Type Approval regulator and to the in-use safety regulator if different.

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

A broad approach that makes express reference to the critical systems would avoid the need to list all types of equipment and mechanisms (15.8).

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.

If it is an existing offence to tamper with, deface, or remove traffic signs, traffic signals, road markings under section 22A of the RTA 1988 (See Q49), this seems sufficient to cover the self-driving case.

It is impractical to demand owners and operators of road infrastructure (e.g. councils, Highways England) or communication infrastructure (MNOs) to adapt their road designs, or invest in specific equipment, to support AVs.

So it seems unreasonable to extend the tampering offence to any external infrastructure specifically required for operating AVs. Please refer to the classification of self-driving as an AV that does not need and does not rely on external support or assistance (i.e. above and beyond the infrastructure provided for conventional manually driven vehicles).

We do note that AVs in some specific ODDs may be supported by dedicated local infrastructure including signs, signals, etc. But tampering with, defacing, or removing such infrastructure seems a local issue (perhaps under damage to property laws?).

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

See answer to Q48 above.

Notwithstanding Section 15.42 "public safety would be best served by a tailored statutory offence which eliminates any uncertainty as to the treatment of deaths or serious injury

resulting from wrongful interference SPECIFICALLY with AVs." It seems unfair to treat tampering with AVs differently from conventional vehicles, or other machinery come to that. It can be imagined that the public might not easily distinguish between an AV and a conventional vehicle in many cases. A special punishment for these specific vehicles seems unfair.

An aggravated offence of wrongfully interfering with a any vehicle, the road, or traffic equipment contrary to section 22A of the Road Traffic Act 1988, where the interference results in death or serious injury, seems to be sufficient and should not require an explicit extension to the special category of AVs, nor or to special infrastructure to support them.

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.

Without subsequent clarification of the existing Section 22A "without lawful authority OR reasonable cause" very much suggests they would be alternatives rather than cumulative. Using a new AV-specific offence to clarify or correct this seems to be using such a new offence (which does not seem necessary see Q49) for the wrong purpose.

A better approach would be clarify this when updating RTA1988 for AVs so that installation of software (and perhaps calibration of sensors?) requires BOTH "lawful authority" AND "reasonable cause".

In which case a specific "approved work" defense is not necessary.

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.]

Yes

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.]

Yes

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

Product liability law should be reviewed to take account of the challenges of emerging technologies. However, the costs and responsibilities for this review are not clear and timescales are certainly not defined.

With AV technologies and commercial models evolving rapidly, but no prospect of a timeline for this, it seems irresponsible to delay a specific review of the situation for AVs.

When recommending future legislation for AVs, it is surely prudent to recommend a review of product liability law for specifically AVs?

CHAPTER 17: ACCESS TO DATA

Consultation Question 55 (Paragraph 17.65)

We provisionally propose that:

(1) for a vehicle to be classified as self-driving, it needs to record the location as well as the time at which the ADS is activated and deactivated;

(2) the Government should work within the UNECE to ensure data storage systems for automated driving record these data; and

(3) any national system to approve an ADS should require these data to be collected, subject to safeguards.

Do you agree?

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

Yes

Consultation Question 56 (Paragraph 17.71)

We provisionally propose that legislation should impose a duty on those controlling AV data to disclose data to insurers, where the data is necessary to decide claims fairly and accurately.

Do you agree?

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

Yes

Consultation Question 57 (Paragraph 17.81)

We provisionally propose that:

- (1) initially, DSSAD data from self-driving vehicles should be stored for three years; and
- (2) the issue should be reviewed in the light of experience.

Do you agree?

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

Yes

Consultation Question 58 (Paragraph 17.95)

We provisionally propose that:

- (1) when an ADSE applies for categorisation of its vehicle types as self-driving, it should present the regulator with details on how data will be recorded, stored, accessed and protected;
- (2) the regulator should only categorise a system as self-driving if it is satisfied that that the ADSE has systems to abide by its obligations under the GDPR.

Do you agree?

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

Yes