

Scottish Courts and Tribunals Service



Development and Innovation Directorate
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By email to:

automatedvehicles@lawcommission.gov.uk

19 February 2021

Our Ref:

Your Ref:

Dear Sir/Madam

Law Commissions' consultation on Automated Vehicles: Paper 3

I refer to the above consultation to which I respond on behalf of the Scottish Courts and Tribunals Service (SCTS). The response is submitted by the SCTS acting in its role to provide efficient and effective administration to the courts and tribunals and does not include the views of the Judiciary.

The SCTS responded to the initial consultation on 18 December 2018 and as before cannot comment on the majority of the questions posed in the latest consultation as these do not directly affect the SCTS. However, a number of the proposals may affect the SCTS in particular those set out in questions 12, 15, 23, 24, 31, 32, 34, 35, 38, 44, 45 and 47 to 49.

The introduction of new (or amended offences including aggravated offences), how they are to be enforced (or prosecuted) and thereafter the imposition and recovery of penalties may impact the SCTS in relation to:-

- court time and relative court programming;
- associated staff and accommodation resources;
- costs involved in relevant IT changes.

In addition, where it is proposed that the regulator may issue fines, the SCTS would wish to be kept informed of the policy development in the context of enforcement of those fines should these proposals be taken forward.


The SCTS also notes that Q.23 proposes that the regulator should have the power to issue a number of sanctions such as redress orders, compliance orders and suspension (including withdrawal) of authorisations. It is not clear from these

proposals whether an appeal is to be made available against a decision of the regulator and if it is would such an appeal be suited to the provisions of Regulation 19 of the Road Vehicles (Approval) Regulations 2020. As the policy develops in this area and if it is considered that any such appeal is to be a judicial process this would also impact on the SCTS as set out in the above bullet points.

The SCTS would be grateful if we could be kept informed of the progress of the consultation and for the opportunity to contribute to any impact assessment or financial memorandum, at the appropriate time, as part of any legislation that may be taken forward.

If you need any further information, please let me know.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mark Kubeczka', written in a cursive style.

Mark Kubeczka

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Legislation Implementation Team
Tel: ██████████