

### Consultation Question 1.

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?

*Yes on all counts.*

*(1) Any confusion about this must be avoided. So the user in charge should not be held accountable when the ADS is engaged.*

*(2) This is a reasonable suggestion as for such demands timing is not a liability in the same way as other types of decision making but we would emphasise that any person not wholly engaged in the situation is going to be less alert and therefore potentially hazardous in responding to certain situations so this should only be used for tasks which are of negligible risk. The House of Lords inquiry into CAVs received evidence to suggest that 'In simulated emergencies, up to a third of drivers of AVs did not recover the situation, whereas almost all drivers of manual cars in the same situation were able to do so.'*

### Consultation Question 2.

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

*It is imperative that driverless vehicles are created with the entire community in mind as an alternative to those who feel that driving is not an option for those with particular needs a self-driving vehicle creates a greater opportunity for independent living.. As those with hearing loss may very likely fall into this category TfWM would support features enabling this.*

### Consultation Question 3.

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?

*Yes this is a national decision and should be made based on evidence and specialist input however we would welcome strong definition and transparency of what a regulator and specialist consider to be the criteria for safe to self drive.*

### Consultation Question 4.

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.

*The most appropriate would be standard c – whereby the ADS is safer than the average human. Anything less than this would defeat the object of the replacing human drivers in the long term. Both A and B are fairly subjective in description and whilst a certain level of error will always exist it is imperative that automated vehicles do not result in a continuation of current issues but in progress. However we recognise that in order to get to this stage it is imperative to test existing technology – so shorter term b would be acceptable but we ought to be striving towards c. Choosing b could have implications with respect to public perception as any failure by an automated service is seen as unacceptable.*

#### Consultation Question 5.

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

*Vehicles must be tested and thoroughly assessed at all stages by the manufacturers, the operators and those involved in implementation and those responsible for all components and regular maintenance must be mandatory. In addition infrastructure and roads must be thoroughly tested for suitability for AVs where they are permitted for use.*

*It is imperative that we analyse data gathered about serious collisions and near misses and that we aim to make improvements where necessary. This data must be shared between all adopting this technology so we can benefit through collaborating and learning from others adopting this technology.*

*Observed, evidences testing on real-world testbed could assist in proving safety against a wide range of driving situations.*

#### Consultation Question 6.

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

*It should be the responsibility of AV regulators to ensure that any new products have undertaken a full equalities impact assessment and most importantly that safety testing has been performed to ensure that the product is fit for purpose not only for the average human but for those of different gender, age and those with disabilities. This must be demonstrated prior to approval.*

*In addition to testing, equalities groups should also be consulted at all stages of implementation – but most important prior to introduction not just in terms of those using the vehicle but the impact of that vehicle on other road users with specific needs.*

### Consultation Question 7.

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?

*Yes but also for (3) guidelines must make it very clear what minimum compliance looks like to ensure all manufacturers produce safety assessments that are fit for purpose.*

### Consultation Question 8.

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.

*This would certainly be valuable to ensure compliance and equal standards between manufacturers.*

### Consultation Question 9.

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?

*Yes with appropriate supervision and monitoring in place.*

### Consultation Question 10.

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?

*It is not clear whether this is necessary. The UNECE scheme already has high standards and there is risk of wasting valuable resources repeating that which is unnecessary. Should we have grounds to challenge aspects of the UNECE scheme then it may be worth reviewing but at this stage it is difficult to see how this would add any benefits.*

### Consultation Question 11.

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?

Yes

### Consultation Question 12.

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.

### Consultation Question 13.

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?

*Yes on all counts*

#### Consultation Question 14.

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?

*Yes to all*

#### Consultation Question 15.

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?

*Yes, it would be appropriate to allow for appeals similarly to those in regulation 19 in this case.*

#### Consultation Question 16.

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.

*Yes but local transport authorities should be consulted about this as we will be able to provide insight and expertise depending on the area. The regulator should also be aware that restricting numbers could be anti-competitive if one supplier can use their product and another cannot.*

#### Consultation Question 17.

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?

Yes

#### Consultation Question 18.

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?

*Yes on all counts*

### Consultation Question 19.

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.)

*Vehicles are not only used in the UK suggesting software should be approved wherever it is used. Breach of cyber security poses a significant safety risk and needs to be dealt with. Other power may be needed for software as well as flexibility as software updates may occur frequently over the air and can significantly change the operation of a vehicle and therefore its safety.*

### Consultation Question 20.

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?

*As safety is paramount it is imperative that both of these functions are not compromised. Keeping these functions separate is therefore probably the most ideal scenario to avoid anything being overlooked.*

### Consultation Question 21.

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)?

*It is important that expertise of road safety groups, equalities and others with the relevant knowledge be taken into consideration. Advisory committees would be useful in this case.*

### Consultation Question 22.

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?

*Yes to all – but it is important that such infractions are fully investigated and monitored – particularly in the early phases of these vehicles being introduced. Sanctions should also ensure bans with immediate effect where vehicles show patterns of infractions posing safety risks.*

### Consultation Question 23.

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?

*Yes to all*

### Consultation Question 24.

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?

*It is difficult to answer this as with driverless vehicles, fines and monetary penalties will only be necessary where there is negligence on the part of the ADSE. Where this is the case perhaps the penalties should not only be monetary but also include suspension to ensure safety is upheld.*

### Consultation Question 25.

We provisionally propose that a specialist collision 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?

*Yes to all*

*We would also extend this to include not only AV collisions but all serious, complex and high profile collisions if this would allow for learning and improve safety.*

### Consultation Question 26.

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?

Yes

### Consultation Question 27.

We welcome views on: (1) the issues the forum should consider; (2) the composition of the forum; and (3) its processes for public engagement.

*The forum should certainly include local transport authorities with expertise on every day roads which these vehicles will be used on.*

### Consultation Question 28.

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

(1) should be defined as an individual in a 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?

*Yes in theory – unless the cause was that the user in charge failed to correctly activate the ADS for any reason, or had the capacity to override this decision and failed to. This may depend upon the level of automation.*

### Consultation Question 29.

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?

*Yes – as expressed in my previous response to question 28*

### Consultation Question 30.

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.



*In theory this should be acceptable but it is difficult to imagine where this could prove useful to the provisional licence holder as compared to in manually controlled vehicle. Also it is unclear what the value of any driving license would be – given how different the experience of being a user in charge would be to driving manually.*

### Consultation Question 31.

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?

Yes

### Consultation Question 32.

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

*Whilst in the short term this seems logical it is imperative that autonomous vehicles are able to serve those in the community who are unable to drive as a result of disabilities etc in the long term. It may be that longer term, a user in charge becomes more redundant and it is important that we continue to monitor advances in technology at that point. There would also be challenges associated with proof that the person knew this requirement therefore the vehicle needs to make it clear if it needs a user in charge.*

### Consultation Question 33.

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.

*Yes but it must be very clear where responsibility lies. In previous consultations it has been acknowledged that the user in charge may be remote in certain instances. The proposal here would be most applicable where privately owned AVs are concerned.*

### Consultation Question 34.

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.

*Yes – but it needs to be given thought as to what evidence would be necessary given this circumstance. It is important to recognise that the user in charge may have decreased response time should the ADS act unpredictably. The liability in this instance should lie with the ADS manufacturer or operator.*

### Consultation Question 35.

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?

*Yes to all*

### Consultation Question 36.

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?

*Yes this is important to ensure safety and prevent negligence which may pose risks to the public. Examples may include road blockages or hazardous parking of vehicles.*

### Consultation Question 37.

We provisionally propose that:

- (1) where an individual is exercising lateral 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?

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”.

(1) Yes

- (2) *This would be legally challenging as the moment the vehicle is “self driving” the liability changes – and there may be situations where other functions required by the user are necessary for safety. Therefore in these instances it needs to be clear where the liability lies. If there is negligence from the user in charge the blame must lie with them.*

### Consultation Question 38.

We provisionally propose that:

(1) 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);

(2) 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; (3) 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?

*Yes to all. Responsibilities of ADSE and the operator must be made clear and not lead to ambiguity which may result in negligence and safety issues. As technology advances however the NUIC vehicle conversation may need to be explored again as it is not beyond the realms of impossibility that a user in charge for these vehicles may become redundant.*

#### Consultation Question 39.

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.

*Yes this would be a good way to ensure that safety standards are upheld, but minimum standards must be made clear to operators to avoid any differentiation of interpretations.*

#### Consultation Question 40.

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?

*Yes to all but clarity is needed under these headings – for example how do they maintain cyber security?*

**Consultation Question 41.** 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?

*Yes but as privately owned vehicles do not serve the general public there may be some differences between the requirements necessary.*

#### Consultation Question 42.

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

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?

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

*As stated in our response to paper 2 we also strongly suggest that the existing standards in place for public service vehicles should also be applied to HARPS in addition to taxis, private hire and PSV services.*

*HARPS have the potential to bring many benefits to those with disabilities and who do not drive and as these groups may become reliant on these modes in the future it is important to ensure that legislation reflects promoting their inclusion so we support the proposed advisory panel being established. We would go further to stress that there are other vulnerable groups not referred to here including low income groups, women, children/parents and the BAME community some of whom are also statistically less likely to drive currently and more reliant on bus services – so it is imperative to also consult with these groups. It is also important to include representatives of different types of disability including those with upper body limitations and mental/sensory disabilities.*

*We suggest that as reasonable adjustments are highly dependent on the human interface that finding a different approach for HARPS that does not discriminate will be challenging – making consultation with these groups all the more important. Many of our community's most vulnerable users of public transport are heavily reliant on support from a human interface to aid them and give them the confidence to plan their journey. The human interface can also be an integral feature of the public transport experience to prevent social isolation.*

*Both audio and visual information and support must be available on HARPS services.*

*We stated in our last response that HARPS vehicles carrying over 8 passengers will be subject to bus legislation, so clarification is needed as to whether this will include free travel for those carrying an ENCTS (English National Concessionary Travel Scheme) pass. The ENCTS pass provides independence to many elderly and disabled people, and should bus routes be replaced with HARPS it is vital that those currently benefitting do not lose out.*

*In terms of regularity of consultation it is imperative that not only are these discussions arranged on a regular basis but that these groups are consulted prior to any changes introduced to vehicles being introduced to market.*

### Consultation Question 43.

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

*TfWM would argue that local transport authorities or combined authorities are best placed to determine licensing but it is paramount that there are minimum national safety and security standards which must be adopted on a national level.*

*As is the case for taxi and PHV licensing and for buses, it is imperative that we learn from the issues of the past where inconsistent standards were able to result in inappropriate and unsafe behaviour and vast discrepancies between different regions. However it is still local transport authorities who have the*

*best expertise of what will work in their given area and it is important that they are about to respond as appropriate for the area and in a way that does not undermine the local mandate.*

#### Consultation Question 44.

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?

- (1) Yes we agree
- (2) Yes this would be the most appropriate
- (3) Yes unless there is substantial evidence that the junior employee was deliberately acting against the advice of superiors for any reason. However this is unlikely under most circumstances and managers must be responsible for signing off and not neglecting their responsibility onto junior employees.
- (4) Yes but it needs to be made clear what the sentences are for specific offences
- (5) Yes

#### Consultation Question 45.

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— (1) to have been committed with the consent or connivance of an officer of the body corporate; or (2) 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: (1) related to an increased risk of a type of adverse incident; and (2) an adverse incident of that type occurred; and (3) 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.

*Offence A: Yes however there is a need for the regulator to provide minimum reporting standards to ensure that ADSEs are aware of what is expected of them and the penalties for not complying*

*Offence B: Agreed for the most part – however the unlimited fine may result in a lack of consistency so thought should be given as to how penalties are decided and how this is kept consistent for all scenarios.*

*Offence C: Yes this would be the most appropriate providing there is no evidence to the contrary that in the given scenario, the offence was completely out of control of this senior person*

*Offence D: Yes*

#### Consultation Question 47.

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?

Yes

#### Consultation Question 48.

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

*Yes particularly as this will be perhaps the most important infrastructure where decision making is concerned.*

#### Consultation Question 49.

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?

Yes

#### Consultation Question 50.

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?

*Yes but it may be difficult to find evidence as to the motive of the person in question.*

### Consultation Question 51.

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.

*No view from us.*

### Consultation Question 52.

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?

*Yes as stated before it is important to continue to review the process as technology is likely to rapidly advance in this area. TfWM would support the motion of building upon experience gathered as we begin trialling and implementing these vehicles.*

### Consultation Question 54.

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?

Yes

### Consultation Question 56.

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?

Yes

### Consultation Question 57.

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?

*This data may be of high importance to regulators and transport officers in understanding the risk associated with these vehicles and monitoring how this changes over time. Reviewing in light of experience is important as it may be decided that this data would be useful kept for a longer time period.*

### Consultation Question 58.

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?

*Yes to both*