



Centre for Connected  
& Autonomous Vehicles

**Pathway to driverless cars:**  
Consultation on proposals to  
support Advanced Driver Assistance  
Systems and Automated Vehicles  
Government Response

January 2017

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# 1. Introduction

## What we consulted on

- 1.1 Automated vehicle technology (AVT) will profoundly change the way we travel, making road transport safer, smoother, and smarter. We are on the pathway to driverless cars, where fully automated vehicles will transport people and goods to their destination without any need for a driver. The Government wants to secure the UK's position at the forefront of this change for the development, construction, and use of automated vehicle technologies.
- 1.2 Our first step on the pathway to driverless cars was to carry out a regulatory review, which concluded in February 2015 and demonstrated that testing AVT in the UK is already possible. The second step was to publish a Code of Practice to help testers understand how to comply with our laws, and the UK now already has one the best regulatory regimes for testing automated vehicles in the world.
- 1.3 The next major step required was to start tackling the domestic regulatory issues that could prevent British citizens and businesses from taking advantage of safe and approved advanced driver assistance systems (ADAS) and AVT as they come to market.
- 1.4 Therefore, on 11 July, the Centre for Connected and Autonomous Vehicles launched a consultation on a series of proposals to support ADAS and AVT. It ran for 9 weeks and closed on 9 September.

## What we proposed

- 1.5 The consultation comprised of three sections:
  - The first section focussed on our general approach to regulatory reform. We outlined that we plan to act in a rolling programme of regulatory reform, removing barriers to the introduction of ADAS and AVT where we can foresee them.
  - The second section made a series of proposals relating to insurance for automated vehicles. We proposed to extend compulsory motor insurance for automated vehicles to include product liability, alongside more detailed proposals concerning the 'state of the art' defence, public sector liability and hacking, among others.
  - The final section highlighted elements of the regulatory framework for driving implicated by the arrival of near-to-market ADAS. We asked for views on whether we should consider clarifications and amendments to these regulations and rules to facilitate the introduction of remote control parking, motorway pilot and platooning.

## Responses received

- 1.6 A wide range of organisations and individuals responded to questions concerning the Government's proposals:

<b>Total number of responses</b>	<b>428</b>
Responses from individuals	338
Responses from organisations	90
False responses <sup>1</sup> (and therefore discounted)	4

Of those organisations who responded:

<b>Type of Organisation</b>	<b>Number of Respondents</b>
Insurance Bodies	16
Law Firms	14
Road Safety Groups	7
Transport Groups	7
Manufacturers	5
Automotive Membership Groups	5
Police Groups	4
Driver Training Bodies	4
Local Authorities	3
Technology Firms	2
Unions	2
Motorcycling Groups	2
Cycling Groups	2
Services Firms	2

- 1.7 We also received responses from a number of other organisations, whose special interests focused on a wide range of subjects, including: Caravans, ADAS and AV Testing, Data, Parking, Freight, Logistics, Actuaries, Consultancies, Personal Delivery Devices, Fleet Management, Buses, Price Comparison, as well as an Advisory Public Body.

## Government decision

- 1.8 We received positive support from both automotive, road safety, legal and insurance bodies with regard to our proposed approach to regulating for new vehicle technologies in a rolling programme of reform. We also received majority support across industries for focussing on near to market technologies.
- 1.9 We will therefore continue to regulate in a rolling programme of reform. This will help to facilitate the introduction of innovative new technologies in a safe, agile and evidence-based manner for the benefit of UK consumers and business.

<sup>1</sup> False responses were those that claimed to be from organisations that had not in fact sent them. Following a verification process with the organisations in question we discounted these false responses.

- 1.10 With regard to proposals to change the compulsory motor insurance framework, the Government carefully considered the views received from all respondents and has concluded that we will proceed to make the minimum legislative changes required to enable the market to develop appropriate AV insurance products. However, in response to wider feedback from the automotive and insurance industries, as well as law firms, we have amended our insurance proposal. We will now extend compulsory motor vehicle insurance creating a single insurer model to protect victims where the AV causes a crash in automated mode. The victim will have a direct right against the motor insurer and the insurer in turn will have a right of recovery against the responsible party to the extent there is a liability under existing laws, including under product liability laws.
- 1.11 Based on the responses we received to the ADAS section of the consultation relating to Construction and Use Regulations and the Highway Code, having received support for the clarification of almost all of the highlighted rules and regulations, we will now continue policy development and plan to consult again on a set of specific proposals for amendment soon.

## Next steps

- 1.12 We will continue to regulate in a rolling programme of reform, working closely with industry to identify near to market ADAS so that UK citizens and businesses can take advantage of innovative vehicle systems as soon as they reach the market.
- 1.13 We will now take our insurance proposals for automated vehicles forward into the Modern Transport Bill, which is due to enter the Houses of Parliament in the New Year.
- 1.14 Based on respondents' feedback, we will continue policy development in considering changes to facilitate the introduction of ADAS. As a part of this process, we will consider consulting on specific amendment proposals for those rules and regulations we highlighted in this consultation.

## Further detail

- 1.15 The remainder of this document sets out the formal Government response to the consultation, together with a summary of the responses we received, and the rationale for the Government's decision.
- 1.16 The Government response should be read in conjunction with the corresponding consultation document, available on the gov.uk website<sup>2</sup>.

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/attachment\\_data/file/536365/driverless-cars-proposals-for-adas-and\\_avts.pdf](https://www.gov.uk/government/uploads/system/attachment_data/file/536365/driverless-cars-proposals-for-adas-and_avts.pdf)

## 2. Proposal

### What we proposed in the consultation document

#### Approach to regulatory reform

- 2.1 We identified that because there will be a transitional period in the arrival of new vehicle technology - where we will have a mixture of conventional cars, cars with increasingly sophisticated ADAS and ultimately, fully automated vehicles - the solutions for the distant future might not work now. Too much regulation or deregulation at an early stage could stifle progress. Instead, we detailed that where we can foresee issues, we plan to implement solutions.
- 2.2 We also noted that we are not proposing fundamental revisions at this stage and that our aim is to enable the safe use of these technologies in line with their capabilities. Therefore, as the driver will need to remain responsible throughout the journey at this stage, most current prohibitions (such as those for careless driving, as well as drug and drink driving) will remain in place.
- 2.3 By taking a step-by-step approach, and regulating in waves of reform, we will be able to learn important lessons from real-life experiences of driving of increasingly automated vehicles. We can then apply these lessons when considering what further changes will be required and are appropriate to allow the safe use of technology that is yet to be developed.
- 2.4 This will complement the lessons learnt from testing fully automated vehicles both on test tracks and public roads, providing the government with the evidence on which to support future policy decisions.

#### Insurance

- 2.5 Unlike ADAS, where the driver must monitor and remain ready to take control from the vehicle at all times, it is envisaged that in an AV, the driver will be able to disengage from the driving task, handing full control and responsibility to the vehicle when the Automated Driving Function (ADF) is active, without the need for the driver to intervene or monitor, for some, or all, of the journey. Whilst the ADF is active, the driver would, in effect, be a passenger<sup>3</sup>.
- 2.6 In contrast to many other countries, the UK motor vehicle insurance model is based on insuring the driver of the vehicle, rather than the vehicle itself. This approach has worked well for conventional vehicles (including vehicles with ADAS). In an AV, however, as the driver can be out of the loop, this approach begins to break down and gaps begin to appear in the UK motor insurance framework. We wish to make sure that the use of motor vehicles continues to be insured when AVs reach the market, which we expect to happen in five to ten years.
- 2.7 The innocent victim of a collision involving an AV faces a number of issues, and would be at a disadvantage, in terms of securing quick compensation, compared to a

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<sup>3</sup> In both this document and its corresponding Impact Assessment, ADF and AVT are used synonymously.

victim of a collision involving a conventional vehicle for a number of reasons:

- There would be no clear route to securing compensation, so they may have to take the vehicle maker to court, which could be time consuming and costly.
- Innocent third party victims might not be covered for collisions as a result of the automated vehicle and/or software failure.
- Drivers might not be covered in the event of the automated vehicle and/or software failure, so might not be insured when the AV is in control.

2.8 The rationale for Government intervention is to avoid these issues, and to ensure that motor vehicles continue to be properly insured, and innocent victims of collisions involving automated vehicles are compensated quickly. We also want to provide clarity to consumers and manufacturers of AVs around the insurance requirements that will be applicable when such vehicles become available, so as to reassure them that they would be properly insured.

2.9 Our initial proposal to solve these issues, which we identified in the consultation document, was to extend compulsory motor insurance to cover product liability to give motorists cover when they have handed full control over to the vehicle (i.e. they are out-of-the-loop). And, that motorists (or their insurers) rely on courts to apply the existing rules of product liability - under the Consumer Protection Act, and negligence - under the common law, to determine who should be responsible.

2.10 The Government has since changed this proposal in response to feedback received in the consultation. The rationale for making these changes can be found in more detail later in this consultation document.

### **Highway Code and Construction and Use Regulations - ADAS**

2.11 In this section of the consultation, we covered a range of proposals in relation to the Highway Code and Construction and Use Regulations. We did not propose amendments for all of the regulations and rules detailed in the consultation document, but we solicited views and opinions on those items we had highlighted. These items included both Highway Code Rules and Construction and Use Regulations implicated by the arrival of near to market ADAS, including remote control parking, motorway assist, and platooning.



## 3. Government decision

### Approach to regulatory reform

- 3.1 A large number of respondents across automotive, road safety and insurance bodies agreed that there are significant benefits to be realised through the arrival of automated vehicle technologies. Direct Line Group stated that they *'firmly believe that over the longer term there will be wide ranging benefits delivered by the development of Automated Vehicle Technology (AVT)'*. Representing over 1000 members and supporters, RoadPeace also identified that *'driverless cars offer the potential to greatly reduce the number of crash victims whilst also offering the chance to revise the insurance system so that it is fairer to victims'*.
- 3.2 The Government was also pleased to note the majority support for our proposed rolling programme of regulatory reform to enable the use of ADAS and AVT, and for focussing our efforts in wave one of that rolling programme on those technologies we expect to reach the market in the next two to four years. This broad support came from the insurance and automotive industry, as well as from road safety groups, with IAM Roadsmart, who represent 92,000 members, noting that a *'flexible rolling programme designed to keep abreast of technological developments and react quickly to them offers the best opportunity to strike the right balance between regulation and innovation'*. And on behalf of the automotive industry, SMMT noted that *'Step-by-step adjustments to the regulatory framework which draw upon an accurate understanding of public acceptance and use of new technologies will help ensure that regulation remains relevant and effective. A rolling regulatory review is, therefore, welcome.'*
- 3.3 A number of respondents who answered 'No', and some who answered 'Yes' to our proposal to focus on technology likely to reach the market in the next two to four years felt that we should consider a broader reform of the vehicle insurance system to take account of the *Vnuk* ruling and handle product failure for all vehicles, not just automated ones. We address these views under the insurance section below.
- 3.4 A small minority of respondents believed that the Government should be more ambitious and begin to make changes for future waves of technology now. However, due to the significant support we received for our step-by-step regulatory approach, we will continue to proceed on a rolling basis. As we stated in the consultation, acting for technologies when we do not know how they will perform risks delaying their arrival by regulating ineffectively, risking UK competitiveness. The Government does recognise the call for it to be ambitious, however – and will continue to work with industry to establish which technologies are near to market so that we are able to facilitate their safe introduction to UK roads as soon as they arrive to market.
- 3.5 Overall, we believe that we have taken the right approach of safely enabling technology that is near to market, thus keeping the UK vehicle market attractive for both consumers and industry, and this view was broadly supported by major representative groups for insurers, and vehicle manufacturers, as well as individual respondents.
- 3.6 Our approach is also inherently agile, and we can start the next wave of reform earlier if technological or other developments dictate that we should.

## Insurance

- 3.7 The Government's policy objective, as detailed in the consultation document, remains to ensure that the use of automated vehicles (AVs) is insured, so that the innocent victim of a collision involving an automated vehicle receives compensation quickly in line with longstanding practice in UK insurance and in compliance with the EU Motor Insurance Directive<sup>4</sup>. In doing so, we will also help to maintain the UK's leading approach to the development and commercialisation of Connected and Automated Vehicle (CAV) technologies, contribute towards enabling their sale and use in the UK, and realise the benefits they are expected to bring to safety, mobility, productivity, and journeys.
- 3.8 Having analysed consultation responses, the Government has decided to continue with proposals to legislate to create a new insurance framework for AVs to facilitate the arrival of new automated vehicle technology. A significant majority of respondents from all sectors agreed that Government should act to change the motor insurance framework to cater for the arrival of AV technologies.
- 3.9 However, we have changed our proposal in response to feedback that identified issues relating to the co-existence of product liability with the compulsory motor insurance framework. BLM Law, who represent a number of insurers, noted specifically that: *'Current product liability law and insurance practice have inherent restrictions which would not easily enable the underlying policy objectives in respect of motor accidents to be met.'* A number of other law firms made similar comments, and detailed a similar set of restrictions, including that:
- Product liability insurance is optional.
  - The terms of product liability insurance policies are not controlled in the same way as for road traffic policies.
  - Claims can only be made against a product liability policy during the first ten years of a product's lifespan.
  - The law underpinning product liability does not cover damage to the product which is caused by the product.
  - The influence of the Vnuk ruling in the European Court of Justice.
- 3.10 The Government recognises these specific issues with regard to product liability in a motor insurance context. However, we do not think it is a proportionate response at this stage to make any changes to product liability law to facilitate the arrival of what will initially be a small number of AVs in proportion to the whole vehicle fleet.
- 3.11 Instead, we now propose to supplement the compulsory motor insurance (Part VI of the Road Traffic Act 1988) to include the use of AVs, and establish a single insurer model, where an insurer covers both the driver's use of the vehicle and the AV technology.
- 3.12 This single insurer model would ensure that the driver is covered both when they are driving, and when they have activated the ADF. In the event of a collision while the

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<sup>4</sup> On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

ADF was active, the innocent victim (both inside and/or outside the vehicle) would be able to claim from the insurer.

- 3.13 When a crash is determined to have been caused by an AV, where the ADF was active, the insurer would be liable to pay compensation to the innocent third party victim. They would also pay out to the motorist if injured in the vehicle if the ADF were active. The insurer will only be able to exclude this liability to the injured AV motorist if the crash resulted from the motorist (i) having made unauthorised modifications to their vehicle's operating system, or (ii) failing to install required updates to the software for the vehicle's operating system. In addition, because the new statutory liability will be otherwise unconditional, the insurer will not be able to exclude payment of compensation to a victim if the AV caused the crash as a result of it being hacked.
- 3.14 Where the manufacturer is found to be liable, the insurer will be able to recover against the manufacturer under existing common law and product liability laws. It is possible that some cases will go to court, though over time we expect insurers and manufacturers will develop processes to handle most recovery claims quickly and easily. And, in any case, we do not consider it to be in a manufacturer's commercial interest to be unhelpful to insurers in determining liability or paying recovery claims; ultimately, insurers could potentially cease offering insurance products for the manufacturer's vehicles if their route to recovery was consistently blocked.
- 3.15 It is important to note that the insurers would only ultimately need to cover the cost of the claims that they would not be able to recover (e.g. if the manufacturer were to be able to successfully use the 'state of the art' defence under a product liability claim).
- 3.16 Our new proposal offers flexibility for industry to make their own decisions as to the insurance products they wish to offer and the arrangements reached between insurers and manufacturers within a framework that offers security to motorists and which will support a functioning market for automated vehicles.
- 3.17 A large majority of respondents, including the ABI and Thatcham's joint response, agreed that we should make amendments to the compulsory motor insurance framework to facilitate the arrival of automated vehicle technology – and we intend to proceed in introducing them.
- 3.18 We propose giving the Secretary of State the power to publish a list that will classify vehicles or type of vehicles that are to be regarded as AVs and are therefore subject to the new insurance requirement. The vehicles covered will be those that the Secretary of State considers fall within the definition of AV as set out in the Modern Transport Bill. This mirrors feedback received from a number of insurers and law firms that a system of classification and identification is essential to determine the vehicles to which the additional compulsory motor insurance cover must apply.
- 3.19 Regarding self-insurance, we will allow the crown and public sector to continue to self-insure their use. Where they choose to use AVs and self-insure, in the event of a collision they must pay compensation even if the ADF was active, and can recover costs, for example, from the responsible manufacturer, as appropriate.
- 3.20 This revised approach to our core proposal was supported by the ABI and Thatcham in their joint response to the consultation, noting that our policy objectives *'can best be achieved by requiring the extension of existing compulsory motor insurance legislation and terms and conditions (maintaining a "single policy" approach) and by creating associated statutory rights of recovery.'* BLM Law note similarly that we should *'retain current compulsory insurance arrangements for conventional driving*

*and for assisted driving that falls short of autonomous operation’ and ‘extend the scope of compulsory motor insurance to include fully automated driving’.*

- 3.21 The SMMT responded that they *‘agree with the spirit and rationale of the proposal that seeks to ensure an appropriate and effective redress [insurance] system is in place. This will allow for a smooth transition towards the use of AVT and help increase public confidence in them.’*
- 3.22 SMMT then detailed that *‘a majority of the automotive industry is in conditional agreement with the proposal to extend compulsory motor insurance to cover product liability for Level 4 or 5 vehicles. However, ‘several SMMT members do not agree with the proposal to extend compulsory motor insurance to cover product liability for Level 4 or 5 vehicles. Recourse through existing product liability laws is deemed sufficient.’*
- 3.23 In addition, SMMT also noted that the insurance proposal should allow for *‘sufficient flexibility in the market for different motor insurance models for autonomous vehicles to be offered within the single national framework set out in this proposal. For example, the Government should clarify that vehicle manufacturers are free to offer to take full liability should an accident occur while a vehicle is in fully autonomous mode, i.e. the driver, or user, is completely out of the loop’.*
- 3.24 The Government recognises the difference of opinion on this question in the automotive industry. Most significantly, the changes we have made to the proposals for insurance for AVs do not undermine the shared desire of SMMT’s members for Government to provide a motor insurance framework fit for the arrival of automated vehicles. We still intend to take proposals forward. Instead, what our changes do is address those minority industry views that the extension of compulsory motor insurance to include product liability is not required. They do this by mandating only that there must be a single insurer, and that the product covers ADF operation. The new proposal also addresses those industry concerns around flexibility by only acting to create a framework that will satisfy our overarching policy objectives; within this framework industry are free to act to offer whichever products they wish. This includes the freedom for vehicle manufacturers to offer to take full liability if an incident occurs in their AV, should this be something they wish to pursue.

## Advance Driver Assistance Systems: Highway Code and Construction and Use Regulations

- 3.25 In this section of the consultation, we asked for views on clarifications and amendments to specific Construction and Use Regulations and Highway Code Rules that are implicated by the arrival of near to market ADAS.
- 3.26 We will now take forward policy work on each of these areas and intend to consult further on more detailed amendment proposals soon. We were pleased to note that there was significant support for amending almost all of the regulations and rules we highlighted, from both individuals and organisations. The only exceptions to this were Construction and Use Regulation 109 relating to prohibiting drivers to view TV/display screens displaying information that is not related to the driving task, while driving; and Highway Code Rule 126 on separation distances to cater for the arrival of platooning technologies.
- 3.27 Regarding Regulation 109, a large majority of respondents from the automotive industry and road safety groups did not think we should amend this regulation before

the arrival of AVT. The Government agreed with this position in the consultation document and will take respondents' views into account whilst developing subsequent proposals.

- 3.28 A majority of respondents disagreed with our proposal to consider amending Highway Code Rule 126 on two second separation distances to facilitate the introduction of platooning technologies. Respondents gave a wide variety of reasons for this opposition. Reasons included that there did not yet exist an evidence base for the safety of the technology and therefore that changing the rule at this stage would be unsafe; a belief that there should be guidance for other road users on how to interact with platoons before any changes are made to the Highway Code to facilitate their arrival; and that there should not be separate guidance for different road users, as they believed was implied by our consultation.
- 3.29 Unite the Union and the National Union of Rail, Maritime and Transport Workers focussed on the safety of the vehicle systems. Unite stated that *'Unite does not believe that benefit or safety of advanced driver assistance systems and advanced vehicle technologies has been proven'*. Safety is a core consideration in the development of government policy for connected and autonomous vehicles. In the UK in 2015, human error was involved in 85.7% of all reported road incidents, and automating the driving task has the potential to deliver significant improvements on this. We expect increasingly sophisticated ADAS and AVT to continue to deliver significant road safety benefits for motorists in the UK.
- 3.30 The Government recognises the responses received with regard to Rule 126 and intends to conduct a series of controlled platooning trials in the near future. We hope to use the evidence gathered as a part of these trials to inform our thinking as to whether any changes to Rule 126 are appropriate to facilitate the safe arrival of this technology as a part of our wider rolling programme of regulatory reform.

### **Distinction between ADAS and AVT**

- 3.31 A number of respondents focussed on the importance of the distinction between ADAS and AVT in the role of the driver. The Institute and Faculty of Actuaries (IFoA) noted that *'the consultation paper implies that there is a clear distinction between an assisted driving world and an automated driving world. This may be true in theory, but in practice the boundary between the two is much less well-defined.'* BLM Law and the ABI and Thatcham, as well as a large number of other insurers and law firms, also stressed the importance of making a clear distinction between AVs (in which the driver is out of the loop) and ADAS (where the driver is in the loop) to ensure that motorists are clear about what their responsibilities are when using this technology, and that they must retain full attention when using any driver assistance systems, however advanced.
- 3.32 Relatedly, the National Associations Strategic Partnership, comprised of the Approved Driving Instructors National Joint Council (ADI NJC); the Driving Instructors Association (DIA); the Driving Instructors Scottish Council (DISC) & the Motor Schools Association of Great Britain (MSA GB) focus on the need for proper driver education and stress that *'education about the role and responsibility of assisted or automated vehicle technology is delivered alongside any new vehicle or infrastructure innovation and embed in drivers the vital knowledge that they cannot abdicate management of the vehicle or the drive, regardless of the level of automation provided'*.

- 3.33 The Government agrees that it is vital that motorists are fully aware of their responsibilities when in any form of ADAS or AVT and will take this feedback into account when continuing its policy development on proposals for near to market ADAS. Policy development will specifically take into account the differences in the role of the driver between ADAS and AVT. Safe use of new vehicle technologies is a priority for Government in facilitating its introduction on UK roads. We also recognise that driver education has an important role to play in ensuring motorists know how to safely use innovative new vehicle technology.

## Other issues raised during the consultation

### Call to review the entire compulsory motor insurance framework

- 3.34 A number of respondents asked us to use this consultation as an opportunity to review the entire compulsory motor insurance framework.
- 3.35 Professor Robert Merkin QC, Lloyd's Professor of Commercial Law, University of Exeter and Nicholas Bevan, solicitor, noted that, *'We propose the repeal of Part VI Road Traffic Act 1988 [along with] all associated regulatory provision... and the reformulation of the entire corpus of our national law provision for protecting the compensatory entitlement of third party victims...'* The Insurance Law Research Group, University of Southampton, among others, also noted that *'the whole motor insurance framework should be overhauled and both motor insurance and automated transport should be introduced in their own Act...'*
- 3.36 This consultation provides us with the opportunity to focus explicitly on the implications of the arrival of AVT for the existing compulsory motor insurance framework. In line with our wider regulatory approach, we want to make the minimum changes required at this stage to create a framework fit for the arrival of automated vehicles. Changes we make now to the insurance framework do not necessarily exclude any action we might take at a later stage to further address compulsory motor insurance.

### Data

- 3.37 The importance of a data sharing framework that underpins our insurance proposal for automated vehicles was stressed by a large number of law firms and insurers, as well as both the SMMT and the ABI and Thatcham. The ABI and Thatcham noted that *'If insurers are not confident that they will have access to appropriate data to settle a claim fairly, it will undermine the development of a competitive market for insuring automated driving.'* And the SMMT note in addition that *'Data collected in a black box will be crucial for objectively determining liability'*. The IFoA, among a number of other respondents also note that *'We believe it will be vital to clarify who owns or can access data on both driver behaviour and the functioning of vehicle technology'*.
- 3.38 The Government recognises the importance of a data sharing framework to underpin our proposed changes to the compulsory framework for motor insurance. As we noted in the consultation document:

*'2.23 Data will clearly be required to determine whether the driver or the vehicle was responsible for any collision, such as establishing who was in control at the time of the incident. This is likely to come from in-vehicle data recorders. Many vehicles*

*already have data recorders fitted, although the data collected is not accessible without special equipment.*

*2.24 We expect that the out-of-the-loop motorway driving vehicles that are coming to market soon will have an event data recorder fitted. There are inevitably different views as to what data is essential and of course data protection and privacy considerations are important. It seems likely that data recorders would be regulated on an international basis, like most vehicle technologies. We will participate fully in this debate, equipped with views from the UK manufacturing and insurance industries, evidence from the various trials taking place and the first automated technologies that are coming to market.'*

3.39 In addition to the above points, the Information Commissioner's Office raised the issue of data protection:

*'It is likely that data generated by the devices will constitute 'personal data' for the purposes of the DPA. Personal data must be processed in accordance with the DPA and the eight data protection principles.'*

And that whilst

*'Data recorders themselves will be subject to international regulation, it should be noted that the collection, storage, transmission, analysis and other processing of the data they generate will be subject to data protection law.'*

3.40 Further to the data position stated in the consultation document, the Government recognises that it is important to establish an appropriate framework for the transmission, storage and processing of data from CAVs. We are developing evidence around the complex issues associated with data protection and governance to inform policy, in addition to participating in the relevant international fora such as the EU Collaborative ITS Platform and at United Nations Economic Commission for Europe (UNECE).

## **Personal Delivery Devices**

3.41 Starship Technologies Limited submitted a response to the consultation noting the omission in our regulatory programme of consideration for personal delivery devices; or, more specifically, self-propelled semi-autonomous 'last mile delivery devices.' In line with our wider approach to regulatory reform, the Government will continue to act to remove barriers to the development and deployment of automated vehicle technologies as and when there is a clear evidence base to support doing so. We welcome a continued dialogue with all organisations who wish to develop and deploy automated vehicle technologies in the UK.

## **Employer Liability**

3.42 A number of respondents noted that we have not made any provision for employer liability in our proposals. CCAV and the Department for Transport will continue to liaise with DWP and HMT to review the clarification of employer liability provision.

## **Vulnerable Road Users**

3.43 Two cycling bodies, the London Cycling Campaign and Cycling UK, as well as the Road Danger Reduction Forum and motorcycling body Motorcycle Action Group,

responded to stress that the regulatory programme needs to take into account the needs of vulnerable road users. Specifically, it was noted by Cycling UK that they *'believe that the advent of this technology presents the opportunity to review whether a presumed liability civil compensation system...is more appropriate as we move towards increasingly automated vehicles. That question should be addressed as we commence this journey as it is fundamental to important issues concerning vehicle and VRU interaction, and questions of liability and compensation.'*

- 3.44 The Government is fully committed to creating a safe environment for all road users. Everyone has a part to play, from central and local government, service providers, the police and road users themselves and all road users have a duty to use the road network in a safe and responsible manner. The Highway Code contains an entire section entitled *"road users requiring extra care"* which aims to educate and remind drivers of the needs of more vulnerable road users such as cyclists<sup>5</sup>. Our approach to regulation for ADAS and AVs is focussed on the safe introduction of new vehicle technologies – regulating only for the next wave of tried and tested technology that is about to come to market.

### **International Regulation**

- 3.45 Kennedy's Law noted that the UK is a signatory to and ratified the Geneva Convention on Road Traffic 1949 (Geneva Convention) – and a signatory to the Vienna Convention on Road Traffic 1968 (Vienna Convention). This means that the UK is still bound by the Geneva Convention and can voluntarily follow, but is not obliged to follow, the Vienna Convention.
- 3.46 The Government can confirm that it is actively working with our international partners to ensure that the global frameworks for road safety and cross-border traffic in the 1949 Geneva, and 1968 Vienna Conventions on Road Traffic support CAVs.

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<sup>5</sup> <https://www.gov.uk/road-users-requiring-extra-care-204-to-225>



# Annex A: List of Responding Organisations

MJ Quinn  
Commuter Cars  
Fleetlynx Ltd  
DMG Delta Ltd  
Underwoods Solicitors  
The Royal Society for the Prevention of Accidents (RoSPA)  
Research & Innovations Group Ltd  
The Police National Legal Database  
Kia Motors (UK) Limited  
Gwent Police  
Irwin Mitchell LLP  
Transport Planning Society (TPS)  
Police Scotland  
HERE  
Driving Instructors Association  
Hugh James Solicitors  
FirstGroup Plc - UK Bus  
Parliamentary Advisory Council for Transport Safety (PACTS)  
International Underwriting Association of London  
ITS United Kingdom  
Brake, the road safety charity  
Approved Driving Instructors National Joint Council (ADINJC)  
Express Solicitors Ltd  
HORIBA-MIRA  
Unite the Union  
RSA Group  
Transport for Greater Manchester  
The Motor Insurers' Bureau  
National Union of Rail, Maritime and Transport Workers  
British Insurance Brokers' Association

Insurance Law Research Group, University of Southampton  
Ordnance Survey  
Starship Technologies Limited  
Motorcycle Action Group  
The Caravan Club  
Transport Research Laboratory  
Swiss Re  
CAVT Ltd  
Transport Systems Catapult  
Federation of British Historic Vehicle Clubs Ltd  
Volvo  
West Yorkshire Police  
RAC Foundation  
Association of Personal Injury Lawyers  
RAC  
Allianz  
DAC Beachcroft LLP  
Forum of Insurance Lawyers  
Civil Justice Council  
Stewarts Law  
Leeds City Council  
SMMT  
BLM  
AA  
Lloyd's Market Association  
Kennedys Law  
Liverpool Victoria  
UPS  
Nissan  
Transport for London  
RoadPeace  
Mills Reeve  
Institute and Faculty of Actuaries  
Association of British Insurers and Thatcham Research  
Direct Line Group  
BMF

uSwitch  
Cycling UK  
Hill Dickinson LLP  
Zurich Insurance  
Ageas  
Venturer  
AXA UK  
Aviva  
IAM Road Smart  
Keoghs LLP  
Weightmans LLP  
Nicholas Bevan Consultancy  
Forum of Complex Injury Solicitors  
Orbit City Lab  
British Parking Association  
South Yorkshire Safer Roads Partnership  
Road Danger Reduction Forum  
Freight on Rail  
ICO  
London Cycling Campaign  
National Associations Strategic Partnership  
Campaign for Better Transport  
Epwin Group  
Accelerate Driver Training