

## FOIL


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# Stalling self-driving vehicles?

 On 18th March 2018, a lady was killed in the USA by an Uber self-driving vehicle. Footage shows the driver of the vehicle looking away from the road for much longer than she was looking at it.

On 23rd March 2018, again in the USA, another fatality - whilst in Autopilot mode, a Tesla vehicle collided with a concrete barrier, killing the driver. It has been reported that the driver's hands were not detected on the wheel for six seconds prior to the impact.

Perhaps the common denominator in both accidents was the human being who was meant to be in control of the vehicle. Some say that humans should be removed from the equation and that there should be a swift move to full automation. But that would ignore the glaring question as to why, in both cases, the technologies failed to stand up to the real-world situations, which they have presumably been designed to deal with.

But even if the technology could achieve a swift and full move to automation, it probably should not do so - the legal framework is not yet in place. The Centre for Connected and Autonomous

Vehicles has asked the Law Commission to undertake a review of the UK's legal framework for automated vehicles. That project started last month and is due to take three years. Notably, however, data protection and privacy, and theft and cyber security, will fall outside the scope of their report (although those things will '...inform the Law Commission's review...', whatever that might mean and however that might be manifested). I think that many in both the London insurance market and the motor insurance market would say that those issues need looking at too.

Perhaps something of a lead could be taken from the Americans on that front, who are still debating their 'SELF DRIVE' Act. Whilst not everyone there seems to be satisfied with it, as well as dealing with vehicle testing and safety, it also contains provisions relating to data ownership (and deletion), privacy and cybersecurity.

With the Law Commission's final report not due until March 2021, Chancellor Philip Hammond's desire to have autonomous vehicles on Britain's roads by 2021 may need looking at again. ●

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