



Informing Progress - Shaping the Future

FOIL Update 20th November 2023



Who knows where autonomous vehicles are going?

On 31 October 2023, FOIL hosted an event at the London offices of Kennedys' titled "Who knows where autonomous vehicles are going?" We were joined by three speakers: Jamie Hodsdon (OXA); Niall Edwards (Kennedys) and Tom Leggett (Thatcham Research).

Jamie Hodsdon covered the event's first question: "Where are we with the technology?". OXA sees the practical application of autonomous vehicular technology in various specified circumstances, e.g., low-speed, transportation, closed-loop journeys and self-driving vehicles. The technology is already very advanced internationally and moving forward the technology is almost ready. However, the question is "What is acceptable to the public"? Jamie hoped we would see a revised automated Vehicle Bill announced in the King's speech. The industry and government have been adopting a very collaborative approach to achieve these results. One of the key questions is "How safe is safe enough?". A long-term conversation for the Law Commission has focused on both reactive safety and preventative safety. Reactive safety must be robust to failure and communication/component failure and be able to identify failure rate. Preventative safety is very different depending on real consensus across the industry. The "careful and competent" driver is the legal concept, but this is subject to public opinion and in all probability, greater safety standards are going to be expected of automatic vehicles.

Context is key – where the automated vehicle technology is to be developed and the difference between individual safety and aggregate safety, maybe the activity benefits will not be visible for some time and will depend upon the data. DFT research reveals that public perceptions show that the reality of AV technology is boring and that the exception rather than the rule is what tends to affect public responses.

Niall Edwards covered the following questions: (1) Where are we with the regulations in the UK?; (2) Who will be liable if there is an accident? In 2017, Kennedys undertook a public survey which revealed that 98% of all plane travel was automatic, nevertheless, the public perception is that this remains dangerous even to this day. The Automated Vehicle Bill should be mentioned in the King's speech but the Automated and Electric Vehicles Act 2018 is the current regulatory instrument. Looking forward to the new legislation, it will need to distinguish between advanced driver assistance, such as intelligent cruise control and fully automated driving. Driving safety standards will need to be developed with the Secretary of State and various stakeholders. The concept of "transition demand", where a driver can handover to self-drive, and then take back control will need to be addressed. On the issue of safety, the Law Commission believes that the public's consensus is that safety standards must be at least as good as those of a human operator, namely a careful and competent driver.

Tom Leggett picked up the final question "If there is an accident, how do insurers make sure that they can see the data that tells them what went wrong?". Presently, there is no obligation upon the software companies to share the data in national law, and accordingly, it is hoped that we will see further guidance and clarification on this in the hopefully forthcoming AV Bill. All parties need to establish clarification and very clear definitions of what data is to be produced and disclosed and how long after a material incident. The disclosure of various types of data is currently a difficulty and is creating problems moving forward. The challenge of bundling data is also ensuring that all necessary data is sufficiently crashproof and survives any collision or incident.

Originally, the driving force for the development of automatic vehicles was both safety and increased access to mobility for the general public. However, factors have changed, and in the future, we may see standards and requirements of vehicle licensing develop to incorporate automatic vehicle technology in private vehicles. In closing, three soundbites were delivered from our speakers –

Jamie - "Automated vehicles are no longer science-fiction, the technology is tangible and realistic now."

Niall - "From a legal perspective, we seek clarification within the King's speech of the 2018 Act and this will be a significant first step forward."

Tom - "... We are witnessing cautious steps forward into a world of coordination to enable safe and sustainable adoption of automatic vehicles."

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