



Informing Progress - Shaping the Future

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Analysis: The Automated Vehicles Act

The Automated Vehicles Act represents a significant milestone in the regulation of automated vehicles in the UK. As this transformative technology continues to evolve, the Act aims to establish a robust legal framework for the safe implementation of self-driving cars. This article provides an analysis of the Act's provisions and omissions.

Liability and Insurance: Shifting the Burden

One of the central pillars of the Automated Vehicles Act is the imposition of liability on insurers for accidents caused by automated vehicles. This provision, outlined in Section 2(1) of the Automated and Electric Vehicles Act 2018 (AEVA), represents a significant departure from traditional liability models. Whilst the AVA adds little in this respect to what was established by AEVA, it does flesh out the regulatory measures necessary to make this shift possible.

Under the framework originally laid down by the AEVA insurers' liability for autonomous vehicles was created and the AVA seeks to build on this principle if an accident is caused by an automated vehicle while operating in self-driving mode, the insurer is automatically liable for any resulting damages, including personal injury claims to include the 'user in charge' of the automated vehicle itself, subject to a statutory right of recovery against the vehicle and/or systems manufacturer.

Safety and Compliance: Rigorous Standards

To ensure the safe deployment of automated vehicles, the Act mandates that these vehicles meet stringent safety and compliance standards before being allowed on public roads. These standards include comprehensive technical assessments and approvals for safety, cybersecurity, and adherence to British laws and regulations.

Companies operating automated vehicles will be subject to ongoing obligations to ensure their vehicles remain safe and compliant throughout their operational lifecycle. This includes regular

software updates, maintenance, and reporting of safety related data and incidents. Furthermore, there will be continuous monitoring, and this is seen as an important breakthrough.

Injury Claims: Streamlining the Process

The liability framework introduced by the AEVA Act significantly simplifies the process for injured parties to claim compensation in the event of an accident involving an automated vehicle.

Data and Evidence: Leveraging Technology

Automated vehicles will be equipped with a vast array of sensors, cameras, and data recording systems, which can provide crucial evidence in the event of an accident. This data can help investigators determine the cause of the incident, assign liability, and support injury claims.

The Act requires companies operating automated vehicles to report safety-related data and incidents, ensuring transparency and accountability. The Act provides sanctions for non-compliance with these rules.

This data can be invaluable in establishing the circumstances surrounding an accident and supporting injury claims, and it will be crucial that subsequent regulations allow insurers unfettered access to a determined post-collision dataset.

Potential Challenges and Future Developments

While the Automated Vehicles Act represents a significant step forward in addressing the legal and regulatory challenges posed by automated vehicles, several potential challenges remain.

Manufacturer Responsibilities

Obtaining authorisation will be a complex undertaking, as manufacturers must demonstrate that their automated driving systems meet stringent safety and performance standards. They must provide extensive data and evidence to regulatory bodies, undergoing thorough scrutiny and testing. Only after satisfying these requirements can a vehicle be officially designated as an automated vehicle under the Act's provisions.

This meticulous approach is a necessary step to ensure the highest levels of safety and accountability for self-driving technology. As more manufacturers navigate the authorisation process successfully, the number of approved automated vehicles is expected to grow, allowing the full impact of the Act's provisions to be realised on UK roads.

Hacking & Cybersecurity Threats

The Act recognises the potential risks posed by hacking and cyber threats to self-driving vehicles. During parliamentary debates concerns were raised about the dangers of malicious actors gaining unauthorised access or control over autonomous vehicles, which could compromise safety and even potentially use them as weapons. The act aims to address these risks through provisions enabling data sharing between manufacturers and relevant authorities to identify security breaches, as well as expected future regulations setting cyber security standards that autonomous vehicles must meet.

Furthermore, cybersecurity experts warn that the increasing connectivity and autonomous capabilities of modern vehicles expand their attack surface and make them vulnerable to a range of

cyber threats, from data theft to remote hijacking. As self-driving cars become more prevalent, they may represent an attractive target for hackers due to the potential for causing physical harm and disruption. Robust cybersecurity measures, including secure software updates, encryption, and penetration testing, will be crucial to mitigating these risks and ensuring the safe deployment of autonomous vehicles under the new legal framework.

Marketing restrictions

The AEVA introduces marketing restrictions to prevent consumers from being misled about the vehicles self-driving capabilities. It prohibits the use of certain designated terms by conventional vehicles that could cause confusion for consumers regarding the vehicle's ability to drive itself, though these are not specified in the primary legislation. Using a restricted term to market a non-authorized vehicle could result in an unlimited fine or up to two years imprisonment. The Act also creates an offence of marketing that could confuse consumers about whether a non-authorized vehicle can drive autonomously. These restrictions are aimed to protect consumers by preventing overstated marketing claims about driver assistance features in conventionally driven vehicles that still require human monitoring.

Conclusion: The Road Ahead for Automated Vehicles

While the Automated Vehicles Act is a significant step forward, it represents just the beginning of the journey towards widespread adoption of self-driving cars. Extensive consultation and secondary legislation will be required to flesh out the critical details and regulations governing this transformative technology.

Data will play a pivotal role, with robust security measures and mandated sharing of post-collision data essential for enhancing safety and transparency. Manufacturers must prioritize security by design from the outset.

Moreover, the transition from conventional to automated driving demands careful consideration. Vehicles must have contingency plans to reach a minimal risk condition or "safe harbour" if the human driver fails to regain control when required. Ensuring a seamless handover between machine and human is paramount.

Perhaps most crucially, a "whole of life" approach to safety is needed, extending well beyond the initial design and manufacturing phases. Over-the-air software updates, standardised diagnostics, self-calibration capabilities, and efficient safety recall procedures will be vital to maintaining optimal performance and addressing emerging issues throughout the vehicle's lifecycle.

While challenges remain, the Automated Vehicles Act lays the regulatory groundwork for the UK to be a global leader in a rapidly growing global market. With continued collaboration between policymakers, industry, and the public, we can navigate the road ahead and unlock the profound safety, environmental, and mobility benefits that self-driving technology promises.

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