

Autonomous Vehicle Regulation in the UK Takes a Tentative Step Forward

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PRACTICES Autonomous Transportation

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As autonomous technology advances, it is clear that current legislation and regulations will need to be updated to enable this new technology to operate safely on our roads, seas and airspace. On 26 January 2022 an important step was taken within the UK as the Law Commission of England and Wales and the Scottish Law Commission published their [Automated Vehicles joint report](#) with recommendations for a new regulatory framework to govern the introduction and continued safe use of automated vehicles on UK roads.

The report makes a wide range of recommendations for what is required in order for autonomous vehicles to be legal and operate safely on UK roads. Most notably, their recommendations include:

- A need for a clear definition of what is “self-driving” and what is “assisted driving”, including making it an offence to commercially sell anything as “self-driving” when not authorised to do so;
- The creation of a “User-In-Charge” and a “No User-In-Charge”, with the former being required to be present in the vehicle in almost all situations where an autonomous vehicle is used in public in order to take over if there is a “transition demand”;
- The government to develop a clear safety standard that all autonomous vehicles must meet before being authorised to drive on UK roads;
- The creation of a new regulator for in-use safety and regulations prior to being authorised on UK roads to ensure the continuing safety and legal compliance of self-driving vehicles;
- The creation of a duty of candour for companies and their senior management operating in this area to allow all involved to learn from mistakes; and
- Updates to offences, including the creation of a defence for accidents where drivers have taken over the autonomous vehicle due to a transition demand but have not fallen below the standards of a competent and careful driver.

With other countries and industry bodies currently in the consultation phase or developing their own autonomous regulations, and with the UK seeking to be a market leader in the world of autonomous technology, it will be interesting to see how far the report recommendations are mirrored /adopted for non-road autonomous transportation (for example in relation to the allocation of liability) as well as to see the role the recommendations will play in facilitating a safe near term introduction (with continued safe operation thereafter) of “self-driving” vehicles on the UK roads.