

Climate Action & Sustainability

It's time we got on the right track with self-driving' cars

Anyone who has spent hours on long motorway journeys will respond to the idea of an Automated Vehicle (AV) doing the work for you. In the real world, AVs have been developed more with an eye on improved road safety than convenience. A recent joint Law Commission report on AVs is aimed squarely at safety and makes seventy-five recommendations on a legal and regulatory framework for the safe development and deployment of AVs. But are the recommendations fit for purpose?

One of the challenges is the incorrect marketing of 'self-driving' vehicles when they are no such thing. There has in fact been a strict system of approval for AVs in the UK since the first legislation was introduced in 2018. But this has not prevented some conventional vehicles with automated features (adaptive cruise control for instance) being advertised erroneously as self-driving.

One laudable Law Commission recommendation is for tighter control of the terminology allowed in the marketing of both AVs and conventional vehicles. This measure would put the UK one step ahead of other countries. It is critical that consumers and users are aware of the capabilities - and limits - of their vehicles.

Currently, victims of incidents involving insured AVs do not need to prove a fault when seeking damages for injuries caused by an AV operating in autonomous mode. The Law Commission put forward a proposal for extending this concession to uninsured AVs and recommended an insurer of last resort for AVs. This highlights a critical blind spot in the initial AV legislation.

Although protection is being extended, the recommendations do not cover conventional vehicles with automated features. Liability in this area remains unclear. In addition to confusion in the marketing of AVs, the victims of incidents involving a malfunctioning automated feature within a conventional car may also face confusion and disappointment. The Law Commission's recommendations do not refer to this anomaly, and victims of this category will remain subject to the UK's out-dated consumer protection legislation. Reform and clarity are urgently needed, as technology out-paces legal development by a country mile. This ageing consumer law was designed for the appliances of the 1980s and is unsuitable for the more complicated challenges arising from AI and other emerging technologies.

Europe has already moved to address these concerns. New draft product liability legislation in the EU, expected later this year, will deal specifically with intangible products such as software. As the Law Commission recognises, the government needs to follow suit and to review the way that product liability applies to new technologies. There is time to get the right laws in place; AVs will not be ubiquitous for years. But this process of turning the juggernaut needs to start now.



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