

All Party Parliamentary Group for Connected and Automated Mobility Minutes

Date: Wednesday 17 March 2021

Time: 10:00-11:15

Location: Virtual, Microsoft Teams

Minutes

Introduction to APPG meeting

- **Background:** Chair Ben Everitt MP shared an overview of the previous APPG meeting. He highlighted prior meeting themes including the technical aspects of Connected and Automated Mobility (CAM), insurance, and legislative frameworks.
- **Overview:** Everitt set the agenda for the meeting and introduced the external speakers:
 - Jessica Uguccioni - Automated Vehicles Review Lead Lawyer, Law Commission of England, and Wales
 - Nicholas Paines QC - Commissioner, Law Commission of England and Wales.
 - Connor Champ - Lawyer, Law Commission of England and Wales.
 - Elizabeth Connaughton - Legal Assistant, Scottish Law Commission.
 - David Bartos- Commissioner, Scottish Law Commission.
- Everitt also welcomed APPG Officers Baroness Randerson and Lord Berkeley to the meeting and Parliamentarians Stephen Metcalfe MP and Gagan Mohindra MP.

Presentation 1 by Law Commission

Nicholas Paines QC - Commissioner, Law Commission of England and Wales

- **Introduction:** Briefly introduced the Law Commission, and its consultation on the comprehensive regulatory framework for self-driving vehicles.
- **Consultations:** Focussed on the trajectory of the Law Commission's consultations and covered the importance of the current consultation.
- **Lead:** Paved way for presentation on the meaning of self-driving and how safe is safe enough presentation.

Jessica Uguccioni - Automated Vehicles Review Lead Lawyer, Law Commission of England and Wales

The meaning of self-driving and how safe is safe enough

- **Self-Driving:** Highlighted the overall meaning of self-driving. Provided a succinct overview of the issues involved and key background to participants.
- **Automation:** Noted that Automated Lane Keeping (ALK) mechanisms rely on an individual to takeover. Clarified the demarcation of responsibility, suggesting vehicles must be capable of dealing with the full range of situations that could pop up. The legal status of the driver should then be subject to change from the user-in-charge status.
- **Risk:** Called for the distribution of risk to be fair.
- **Criminal Responsibility:** Highlighted the concept of user-in-charger moving away from criminal responsibility for dynamic driving, moving to a safe systems approach to make sure we are not "blaming the human".

- **Legislation:** Called for a robust legislative framework to allow transparency and accountability. Highlighted the need for a safety assurance scheme.
- **Political Decision:** Highlighted the overall importance of Government in making political decisions on this matter.

Questions and Answers

- **Stephen Metcalfe MP:** What interests me is we are seeing more automation including a new generation of vehicles. Is there a tipping point where the driver is not engaging enough to be considered in charge? The transition interests me where this technology becomes “common”.
 - **Jessica Uguccioni:** Noted that the key word here is “Driver Management”. The transition demand requires time—and has to be done in a way that escalates in alerts. That is a challenge to bring people back into the loop. Outlined that changes to criminal responsibility will be a key challenge that will require a societal shift.
- **Attendee:** How will we propose to handle changes in the 'safe enough' analysis over time in the face of cyber incidents or other emergent properties. To be usable we would need to know that the liability framework would be stable, but it is not obvious that it would be acceptable to continue to operate systems that were safe yesterday, but which have become unable to support that assertion.
 - **Jessica Uguccioni:** Been in touch with the lead on CCAV on cyber and cyber resilience and noted that the Law Commission were working closely on the subject. However, she noted this question would be further answered in the following presentation but that developing the evidence base is crucial.
 - **Nicholas Paines:** Noted that the terms of reference exclude cyber security and the next presentation would focus on safety overall.
- **Attendee:** Bringing people "back into the loop" implies there's a loop to bring them back into. Can you clarify your user in charge concept for a fully automated vehicle where the occupant (or not) is just a passenger??
 - **Connor Champ:** Outlined that he would touch on that in the next presentation.
 - **Jessica Uguccioni:** On systematic problems, noted that the safety assurance scheme would provide safety. Highlighted that the user in charge status is the fundamental difference in this scheme.
- **Nicholas Paines:**
 - **Comment:** Noted that, worldwide, “we [the UK] are the only entities” looking at disassociating the person who maybe in the driving seat while an automated driving seating system is engaged from the driver. Some legal entities are still proposing that the person is still the driver in an automated system. He was keen to hear stakeholder reactions on this matter.

Presentation 2 by Law Commission

Ongoing safety monitoring, no-blame safety culture and the importance of data

Connor Champ - Lawyer, Law Commission of England and Wales and Elizabeth Connaughton - Legal Assistant, Scottish Law Commission

- **Safety Assurance Scheme:** Proposed an enhanced statutory scheme to assure AVs in-use.

- Highlighted that this would provide regulators with power to require an Automated Driving System Entity (ADSE) to update software where needed to ensure safety and compliance with the law; keep maps up to date for safety and compliance; communicate information to users clearly and effectively and collect further information to compare the safety of automated and conventional vehicles.
- **Actions for Parliament:**
 - Setting up specialist incident investigation unit for AVs.
 - Regulating for necessary access to data and other safety critical information needed to allow the safety scheme to function and allocate responsibility.
- **Safety Culture:** Highlighted that moving towards “no-blame” safety culture focussed on learning from collisions, infractions and near-misses and is supported by regulatory sanctions against ADSEs e.g., warnings, fines, suspension, or withdrawal of authorisation.
- **Data:** AV must record the location and time at which ADSE is activated and deactivated to aid incident investigation. Additionally, the presentation:
 - Called for Data Storage System for Automated Driving data to be stored for three years to reflect civil limitation periods.
 - Noted a duty to disclose data to insurers was necessary to decide claims fairly and accurately.

Questions and Answers

- **Attendee:** Some ADSE deployments will depend on off-board sensing to become aware about its operating conditions (i.e., ODD). How do you see aspects of product liability being applied to a situation where the AV (manufactured by an OEM) was performing OK but the infrastructure on which it depended on ODD awareness was inaccurate? As a result, if the AV had a crash (being outside its ODD), who would be responsible. There is an aspect of cyber intervention in this also.
 - **Jessica Uguccioni:** Highlighted that they have focused on a no blame scheme and as pointed out something could pop-up which is why are emphasising in-use monitoring.
 - **Jessica Uguccioni:** The incident or emergent property you describe would mean the system is no-longer safe. The in-use monitoring scheme could help notice this promptly and take appropriate action, which may be suspending use of the vehicle or other similar vehicles/fleets. We talk about the range of regulatory sanctions in chapter 11 of the consultation.
- **Stephen Metcalfe MP:** As we move to more system where there is more autonomy do you think there is enough expertise in the regulatory body to provide this. How will the regulators handle the shift from driver-in charge to someone else in charge?
 - **Connor Champ** Outlined that the key is the safety case approach. The regulator will have special incident investigation unit which would aid the overall shift.
 - **Jessica Uguccioni:** In general, outlined that this is a safety case approach. Although the technology is safe needed a higher approach to know the unknown.
- **Attendee:** There are various innovative UK-based ADSEs - such as Oxbotica who today already have a fleet of AVs driving around Oxford. Trialling new software in real-world conditions is an important pre-cursor to certification, approval or even software updates. Can you confirm that the changes envisage by the Law Commission are about production systems and that ADSEs will be able to continue testing and trialling prototype software under either an exemption OR under the existing CCAV Code of Practice?

- **Jessica Uguccioni:** Grey area between testing and deployment. Need to see how to safeguard the public with deployment however continue with testing.

Final Comments

- **David Bartos:** The Law Commission is delighted to see the APPG dealing with these matters and thanked for the opportunity to present.
 - Highlighted 18 March deadline. Report on the framework expected to be published by the end of the year.
- **Ben Everitt MP:** Noted next steps looking at how to legislate on the subject going forward. Upcoming APPG meetings could look in more detail at the technology side such as third-party data and tech.
- **Lord Berkeley:** Highlighted the importance of understanding all road users and micro mobility as part of the equation.
- **Stephen Metcalfe MP:** Called for a video of how the technology has been developed and how safety testing might work going forward.

Meeting closed (11:15)