

A very Modern Transport Bill

Lucy McCormick assesses what is likely to make it into the pioneering Bill and what high-flying tech is already being used by car manufacturers



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On 18 May 2016, the Queen travelled to the state opening of parliament in the traditional golden horse-drawn carriage. It was pleasingly incongruous to then hear her announce that her ministers 'will ensure the United Kingdom is at the forefront of technology for new forms of transport, including autonomous and electric vehicles'. This was a reference to the proposed Modern Transport Bill.

According to a recent government briefing, the Bill will include:

- Legislation to enable the future development of the UK's first commercial spaceports;
- New laws to make the UK ready to pioneer driverless cars; and
- New rules to bring safe commercial and personal drone flight a step closer for households and businesses.

More prosaically, the Bill is also intended to update ATOL, the

UK's financial protection scheme for holidays, which dates from before the boom in online holiday booking.

The element of the Bill that is causing the most speculation among lawyers is the proposal to create 'the world's first driverless car insurance legislation'. Details are sketchy at the moment, but some insight was given on 26 May 2016 by the roads minister, Andrew Jones MP.

Speaking to an audience of insurers, he explained that the government intended to amend the motor insurance provisions of the Road Traffic Act 1988. Compulsory motor insurance will be retained, but it will be extended to cover product liability, so that when a motorist has handed control to their vehicle, 'they can be reassured that their insurance will be there if anything goes wrong'. Where the vehicle is at fault, then the insurer will be able to seek reimbursement from the manufacturer. Jones emphasised that 'the vital point is that, for affected individuals, the insurance process will feel much the same.'

Further consultation on these changes to insurance law is expected over the summer. This is part of a wider set of reforms to UK law and practice to accommodate autonomous vehicles. Last year, the government published a code of practice for those wishing to test driverless vehicles on UK roads. The government also aims to review and amend domestic legislation by summer 2017 to accommodate driverless vehicle technology. This will include:

- Clarification of criminal and civil liabilities in the event of

an automated vehicle being in a collision (which would otherwise be dealt with on a case-by-case basis by the courts);

- Consideration of whether a higher standard of 'driving' should be demanded of vehicles operating in an automated mode than would be expected of a conventional driver;
- Possible changes to the MOT test to check that automation technology is maintained correctly;
- Potential revisions to the Highway Code to accommodate automated vehicle technologies; and
- Exploration of how the existing regulatory framework may be developed to ensure automated vehicle technologies are protected from possible cyber threats.

The government will liaise at an international level with the aim of amending international regulations – such as European 'type approval' and ISO standards – by the end of 2018.

Such developments are timely. Backed by ample public funding, trials are already afoot in several UK cities, notably:

- GATEway (Greenwich Automated Transport Environment), which has had its driverless shuttles out and about near the O2 arena in Greenwich since February 2016;
- The Venturer scheme, centred in Bristol, which will be testing its 'jeep-a-like' vehicles on the University of the West of England campus

in June 2016, with subsequent trials to follow in Bristol City Centre next year;

- UK Autodrive, based in Milton Keynes and Coventry, which plans to put its two-seater electric pods on public roads from late 2016; and
- Drive Me London, an eye-catching private scheme, which will involve a fleet of self-driving Volvo XC90 SUV's on public roads in London in early 2017.

Many quasi-autonomous features have already got off the drawing board and into our cars. For example, Traffic Jam Assist systems are already found in top-end BMW, Mercedes, Audis, and Fords. Such systems allow the on-board computer to take over the driving in wearisome stop-and-go traffic, using radar and video to stay in lane and choose speed, as long as the driver keeps one hand rested on the wheel. Tesla, a rather more niche manufacturer, has already taken matters further, providing existing owners with an option to update their cars with wide-ranging autopilot features.

It is easy to see why the government felt that legislating these developments was both prudent and urgent. Surprisingly, perhaps, the default position in the UK is that autonomous cars can be used on public roads today, provided that a 'driver' is present and takes responsibility for the safe operation of the vehicle. However, insurers, manufacturers, and drivers will all welcome the guidance of a detailed legislative framework – and are itching to see what makes it into the Modern Transport Bill. **SJ**