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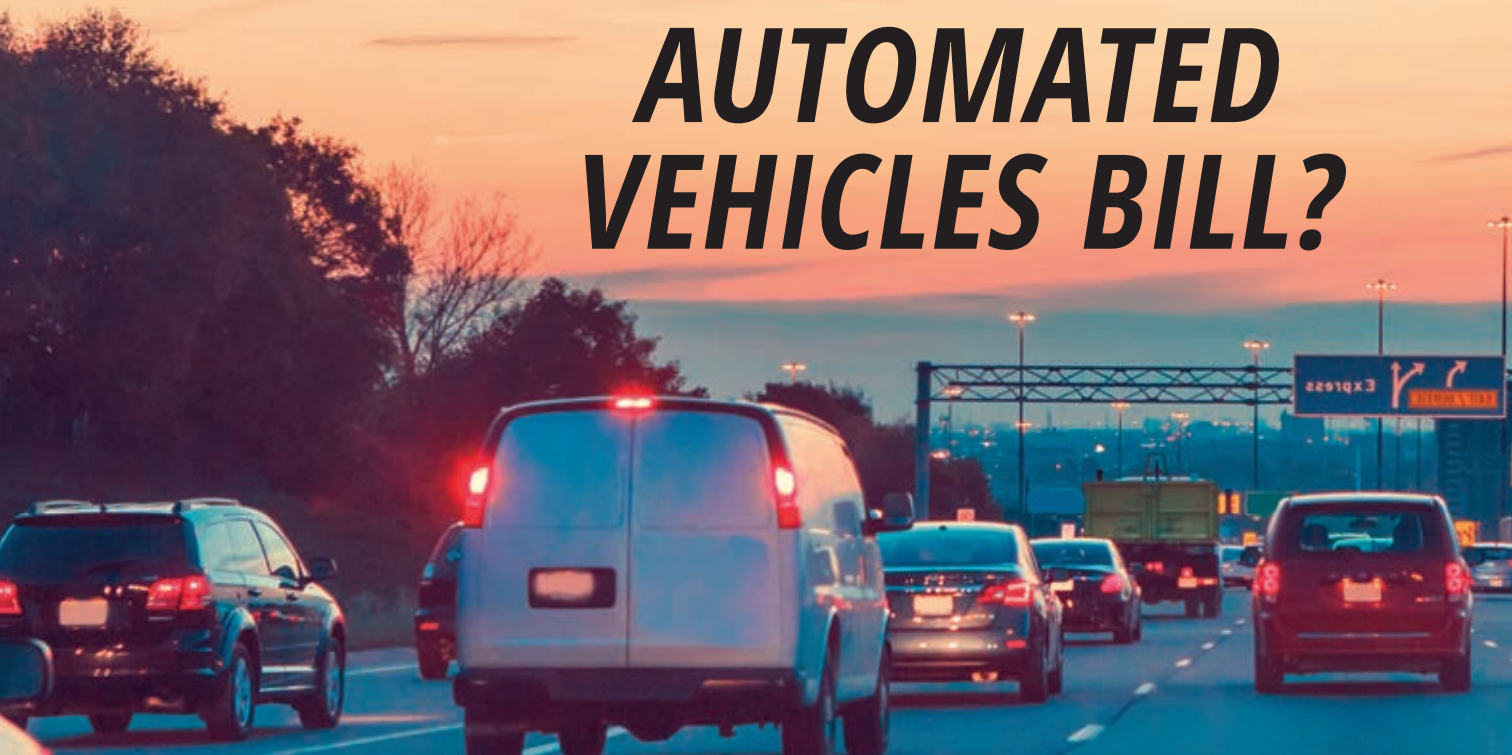
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What is the **AUTOMATED VEHICLES BILL?**



Announced in the King's Speech on 7 October 2023, and at the time of writing, making its way through the House of Commons, the *Automated Vehicles Bill* (the *Bill*) aims to 'unlock a transport revolution by enabling the safe deployment of self-driving vehicles'¹.

The *Bill* prescribes a new and comprehensive legislative framework for self-driving vehicles, which will include updating existing laws as the technical level of detail will be dealt with through secondary legislation². The provisions within the *Bill* will affect a wide range of stakeholders including local authorities, the police, manufacturers and insurers, and ultimately consumers. Most of the measures apply to Great Britain, apart from the *Digitalising Traffic Regulations Order* measure, which applies to England only.

Context

During the last five years various public consultations and calls for evidence have explored the numerous legal and regulatory issues and questions presented by self-driving. The joint review by the Law Commission of England and Wales and the Scottish Law Commission

into the framework required for the safe deployment of this technology on Britain's roads has featured prominently in that timeline³⁻⁴. Comprised of three detailed public consultation papers, the review was limited to road vehicles, focusing on passenger rather than goods delivery vehicles and operation on the existing road network in Britain.


Covering considerable ground and drawing on the expertise of an extensive and varied list of consultees from different sectors and industries, the Law Commissions formulated 75 recommendations³⁻⁴ for reform, which were set out in their joint report published in January 2022. The *Bill* marks an important step in taking these recommendations forward.

Impact on local authorities

Clause 40

Included within the framework are obligations on local authorities, particularly in the context of provision of information and data.

The Government's policy paper *Automated Vehicles Bill: policy scoping notes*¹ provides that *Clause 40* of



The *Automated Vehicles Bill* aims to deliver one of the most comprehensive legal frameworks in the world for self-driving vehicles.

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Key measures within the *Bill* reflect the central aims of providing a rigorous safety framework, consumer protection and ensuring clarity on legal liability.

the *Bill* 'enables the Secretary of State to make regulations that will require the police or specified local authorities to provide information on incidents involving self-driving vehicles occurring in their area'. Such information being necessary to enable the Secretary of State 'to ensure effective in-use regulation'.

It is anticipated that both the police and local authorities will have an important role to play, as they are likely to 'hold information relevant to the identification and investigation of incidents involving self-driving vehicles'. The policy paper, however, adds that the scope of such requests will be limited by regulations to 'information the authority has obtained in the performance of their existing functions' and 'regulations will aim to minimise the burden on police and local authorities'.

Traffic regulation orders (TROs)

In 2020 the Department for Transport (DfT) prepared a report⁵ on TROs and associated data. This included a recommendation to create a legal mandate

requiring all local authorities to confirm by a certain date that all TROs would be digitalised.

The Government has accepted this recommendation and local authorities will be required to send the legal orders they make (for example, to set speed limits, close roads and designate parking bays) to a central publication platform. It is expected that this will become mandatory towards the end of 2025 or early 2026, which should provide local authorities with sufficient time to prepare.

Resource will need to be allocated to keeping this book of data accurate for local authorities and within the central database. As set out in the background briefing notes to the King's Speech, 'this data will be used to create a digital map of the road network to support the safe operation of self-driving vehicles' and 'will also help make parking easier for all drivers, providing better information like the location and availability of parking spaces'.

However, local authorities may be exposed to comparison with other local authorities as the data they share on the database may be disclosable. Regulatory ►



bodies will also be looking at safety and after the event analysis of car accidents. Potential risks for local authorities could arise should there be arguments that the street structure and layout, signage, and road markings either caused or led to the accident.

Preparation

Local authorities will need to provide data in line with a data model and standards the DfT will publish. The DfT has designed a publication platform and a statutory instrument will list the mandatory data that must be sent to this platform. A consultation exploring this topic further is envisaged following Royal Assent of the *Bill*.

In the meantime, local authorities should consider:

- 1 How are *TROs* currently recorded and where is the data stored? Is this in a digital format?
- 2 What resource is required to ensure data fits any data model or standards provided by the DfT?
- 3 What resource will be required to ensure data remains up-to-date and accurate?
- 4 Local authorities who have outsourced maintenance and management of highways might want to discuss who manages the *TRO* database.

The Government launched a consultation on *TROs* in 2022 but its final response is yet to be published. This document may provide further insight on the future of digitalisation and maintenance of a database in respect of *TROs*.

Is the *Bill* a government priority and how likely is it to receive Royal Assent?

Pausing the previously announced *Transport Bill* in October 2022 prompted some concern that the UK's position among the leading jurisdictions for self-driving technology may be at risk. Had the Government not sought to progress legislation and regulation of self-



driving vehicles at this juncture, stakeholders may have considered taking research and development and testing of this emergent technology to other jurisdictions.

As well as recognising the potential safety benefits of emerging technology, the Government has highlighted the opportunities for the UK economy, pointing to 'the huge growth potential of this sector', which could enable the creation of 'a UK market of up to £42 billion' and '38,000 skilled jobs by 2035'.

As a primary aim is to strengthen the UK's position as a global leader in self-driving technology, the *Bill* may rise up the list of priorities ahead of the 2024 General Election. While the *Bill* may pass through the parliamentary scrutiny process and receive Royal Assent before the General Election, the Government may pursue other priorities. A change in the ruling party following a General Election also presents uncertainty. Even with Royal Assent there's no guarantee secondary legislation will be taken forward.

Long-term implications

Self-driving vehicles have the potential to significantly change people's travelling habits and views on vehicle ownership. This could have far reaching implications for local authorities. The introduction of self-driving

Taxi-bots

Research⁶ has suggested that taxi-bots (ride sharing) could reduce the number of vehicles on the road by 90% (or 65% during peak hours). In October 2023, the Government awarded local authorities and regional transport operators a share of £1.3 million to study the feasibility of self-driving mass transit solutions across the UK⁷.



Self-driving vehicles have the potential to significantly change people's travelling habits and views on vehicle ownership.

vehicles in the transport landscape and its evolution over time will require local authorities to consider and monitor what bearing this may have on existing and new infrastructure, planning for new building developments (including the impact on land requirements), and maintenance standards in carriageways.

People may be willing to commute longer distances if they can work or relax while they travel, which could potentially increase urban sprawl. This could have negative implications on the countryside if planning is not actively managed. New developments may be envisaged which have a focus on self-driving vehicles and a reduction of space for home parking on the basis that people will not own their own vehicles but instead make use of self-driving shared-use vehicles.

The potential reduced need for car parks would increase the availability of land in city and urban areas for other uses, but could also impact a valuable revenue stream for local authorities.

The technology has the potential to improve road safety and reduce accidents. For organisations running a fleet of vehicles, this represents a welcome opportunity to reduce associated costs. However, new risks may emerge, for example if TROs are not accurate and kept up-to-date.

While there are still significant hurdles to overcome, progressing the legal and regulatory framework through the introduction of the *Bill* brings the prospect of self-driving vehicles in the UK a step closer. There are of course several other components also required to make this a reality. As this journey continues, it will be important for local authorities to monitor and consider what legal obligations they will have and any potential risks arising.

Despite the developments, there remains an absence of primary legislation on other transport initiatives, including installation of additional electric vehicle charging points and classification of e-scooters. These are all issues that local authorities await clarity on to enable them to develop their long-term transport plans. ●

References

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