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Submitted to Law Commission issues paper on remote driving
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About you

What is your name?

Name:
Matthew Levine

What is the name of your organisation?

Enter the name of your organisation:
Institute and Faculty of Actuaries

Are you responding to this issues paper in a personal capacity or on behalf of your organisation?

Response on behalf of organisation

If other, please state::

What is your email address?

Email:
matthew.levine@actuaries.org.uk

What is your telephone number?

Telephone label:

If you want the information that you provide in response to this consultation to be treated as confidential, please explain to us why you regard the information as confidential. As explained in our privacy notice, we will take full account of your explanation but cannot give an assurance that confidentiality can be maintained in all circumstances.

Please explain to us why you regard the information as confidential :

Chapter 2: What is "remote driving"

Q1: Do you agree with the following tentative definitions?

Not Answered

Not Answered

Not Answered

Please expand on your answer: :

Chapter 3: The current law: construction and use

Q2: Do uncertainties surrounding construction and use provisions cause difficulties in practice? We are particularly interested in whether uncertainties over regulations 104, 107 or 110 are delaying trials or making it more difficult to obtain insurance.

Please share your views below::

Q3: Are the various exemptions easy to navigate, or do they put any unnecessary obstacles in the way of trialling new forms of vehicle?

Please share your views below::

Q4: We seek views on whether any particular construction and use provisions should be maintained in the interests of safety, even for trials and demonstrations.

Please share your views below: :

Chapter 4: Civil liability

Q5: Is remote driving likely to cause victims undue delay and expense in claiming compensation; or could it defeat claims altogether?

Please share your views below::

The IFoA considers that the fair and smooth compensation of victims of road traffic accidents is an important part of any legislative reforms in relation to civil liability. We therefore consider that measures should be put in place to compensate, fairly and smoothly, the victims of accidents caused by insured and uninsured remotely driven vehicles.

It is important that such measures do not lead to unnecessary delay in the delivery of compensation. The level of compensation should be the same as that received by victims of road traffic accidents in other circumstances. As the fault and hence liability may lie with one or more parties involved in the remote driving ecosystem, we consider it important that disputes over fault/liability do not lead to delays or under compensation of victims.

The IFoA does not have a view on who should fund the compensation for victims of accidents for uninsured remotely driven vehicles, but careful thought should be given to the intended and unintended impact on the AV and Remote Driving ecosystems of the selected funding mechanism.

The IFoA has recently commissioned a report from consultancy WPI Economics* which sets out a framework for considering when it might be appropriate for there to be interventions by policymakers in the insurance and reinsurance markets to improve the availability and affordability of cover.

* Time for a Re-think?: Risk in Insurance Markets <https://actuaries.org.uk/media/4phmlrpr/ifo-main-report-220817.pdf>

Chapter 5: The safety challenges of remote driving

Q6: We have identified that any system to regulate beyond line-of-sight driving needs to consider the following:

Not Answered

Please expand on your answer::

Q7: If remote driving fails (through loss of connectivity, for example), how sophisticated would a risk mitigation system need to be? Would it effectively need to be an automated driving system, and regulated as such?

Please share your views below::

Chapter 6: Remote driving from abroad

Q8: We welcome views on how the problems raised by remote driving from outside the jurisdiction can be addressed.

Please share your views below::

Q9: Should remote driving on roads in Great Britain from outside the UK be prohibited?

Not Answered

Please expand on your answer::

Chapter 8: Approaches in other jurisdictions

Q10: We would be grateful if stakeholders could inform us about their experience of how remote driving is regulated abroad.

Please share your experience below::

Chapter 9: Short-term reform

Q11: Should the Road Vehicles (Authorisation of Special Types) (General) Order 2003 be amended?

Not Answered

Please expand on your answer: :

Q12: Should any provisions of the CCAV Code of Practice relating to remote driving be added to the Highway Code?

Not Answered

Please expand on your answer::

Q13: Are changes needed to construction and use regulations to enable the safe introduction of remote driving?

Not Answered

Please expand on your answer::

Chapter 10: Regulation in the longer term

Q14: To distinguish clearly between organisational and individual responsibilities, should the organisation behind remote driving be referred to with new terminology, as an Entity for Remote Driving Operation (or ERDO)?

Not Answered

Please expand on your answer::

Q15(1): Should primary legislation make it an offence to drive (or cause or permit a person to drive) a vehicle beyond line of sight unless the vehicle is overseen by a licensed ERDO?

Not Answered

Not Answered

Please expand on your answer::

Q16: To obtain a licence, should an ERDO be required to show that it:

Please expand on your answer: :

Q17: Should an ERDO be required to submit a safety case to show how it will operate remotely driven vehicles safely?

Not Answered

Please expand on your answer::

Q18: Should an ERDO face criminal offences where misrepresentations and non-disclosure in the safety case have implications for safety?

Not Answered

Please expand on your answer::

Q19: Should an ERDO be under a duty:

Please expand on your answer::

Regarding Q19(4), the IFoA's view is that if the ERDO will largely be responsible for the safety and risk management of remote driving it is logical that they should be the party that is required to be responsible for the insurance.

We would be concerned if an ERDO could transfer this responsibility to another party.

Q20: To claim compensation should a person:

Not Answered

Not Answered

Please expand on your answer: :

As mentioned in our response to Question 5, we think option (1) could lead to delays (for example lengthy – and costly – litigation) and difficulties in receiving compensation. We believe that option (2) is preferable in terms of delivering smooth and fair compensation, and this option would also be consistent with the AEVA 2018.

Q21: Should the regulator have power to impose a range of sanctions on an ERDO, including improvement notices, civil penalties and (in serious cases) withdrawal of licence?

Not Answered

Please expand on your answer::

Q22: Should the regulator have powers to inspect remote operation centres, both in the event of a problem and more generally?

Not Answered

Please expand on your answer::

Q23: Should the law provide individuals who drive beyond line of sight with:

Not Answered

Not Answered

Please expand on your answer::