

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

AUTOMATED VEHICLES BILL [*LORDS*]

First Sitting

Tuesday 19 March 2024

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
CLAUSES 1 TO 37 agreed to.
SCHEDULE 1 agreed to.
CLAUSES 38 TO 45 agreed to, one with an amendment.
SCHEDULE 2 agreed to.
CLAUSES 46 TO 49 agreed to.
CLAUSE 50 under consideration when the Committee adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 23 March 2024

© Parliamentary Copyright House of Commons 2024

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chairs: SIR GEORGE HOWARTH, † MARTIN VICKERS

- | | |
|---|---|
| † Aiken, Nickie (<i>Cities of London and Westminster</i>) (Con) | † Newlands, Gavin (<i>Paisley and Renfrewshire North</i>) (SNP) |
| † Browne, Anthony (<i>Parliamentary Under-Secretary of State for Transport</i>) | † Saxby, Selaine (<i>North Devon</i>) (Con) |
| † Carter, Andy (<i>Warrington South</i>) (Con) | † Vara, Shailesh (<i>North West Cambridgeshire</i>) (Con) |
| † Esterson, Bill (<i>Sefton Central</i>) (Lab) | Wakeford, Christian (<i>Bury South</i>) (Lab) |
| † Fuller, Richard (<i>North East Bedfordshire</i>) (Con) | † Warman, Matt (<i>Boston and Skegness</i>) (Con) |
| † Harrison, Trudy (<i>Copeland</i>) (Con) | † Western, Andrew (<i>Stretford and Urmston</i>) (Lab) |
| † Lightwood, Simon (<i>Wakefield</i>) (Lab/Co-op) | Whitley, Mick (<i>Birkenhead</i>) (Lab) |
| † Millar, Robin (<i>Aberconwy</i>) (Con) | Simon Armitage, Kevin Candy, Leoni Kurt, <i>Committee Clerks</i> |
| † Mohindra, Mr Gagan (<i>South West Hertfordshire</i>) (Con) | |
| † Morris, Grahame (<i>Easington</i>) (Lab) | † attended the Committee |

Public Bill Committee

Tuesday 19 March 2024

(Morning)

[MARTIN VICKERS *in the Chair*]

Automated Vehicles Bill [Lords]

9.25 am

The Chair: I have a few preliminary announcements. Members should send their speaking notes to hansardnotes@parliament.uk. Please switch electronic devices to silent. I remind Members that tea and coffee are not allowed during sittings.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication.

Ordered,

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 19 March) meet—

- (a) at 2.00 pm on Tuesday 19 March;
- (b) at 11.30 am and 2.00 pm on Thursday 21 March;
- (c) at 9.25 am and 2.00 pm on Tuesday 16 April;
- (d) at 11.30 am and 2.00 pm on Thursday 18 April;

2. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 37; Schedule 1; Clauses 38 to 45; Schedule 2; Clauses 46 to 54; Schedule 3; Clauses 55 to 66; Schedule 4; Clauses 67 to 81; Schedule 5; Clauses 82 to 84; Schedule 6; Clauses 85 to 100; new Clauses; new Schedules; remaining proceedings on the Bill;

3. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 18 April.—(*Anthony Browne.*)

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Anthony Browne.*)

The Chair: We will now begin line-by-line consideration of the Bill. The selection and grouping list for today's sitting is available in the room. It shows how the clauses and selected amendments have been grouped for debate. Amendments grouped together are generally on the same or similar issues. Please note that the decisions on amendments do not take place in the order in which they are debated, but in the order that they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment and on whether each clause should stand part of the Bill are taken when we come to the relevant clause.

A Member who has put their name to the lead amendment in a group is called first. Other Members are then free to catch my eye to speak on all or any of the amendments in the group. A Member may speak more than once in a single debate. At the end of a debate on a group of amendments, I shall call the Member who moved the lead amendment again. Before they sit down, they will need to indicate whether they wish to withdraw the amendment or seek a decision. If any Member wishes to press any other amendment in a group to a vote, they will need to let me know in advance.

Clause 1

BASIC CONCEPTS

Bill Esterson (Sefton Central) (Lab): I beg to move amendment 19, in clause 1, page 2, line 6, leave out “an acceptably safe standard” and insert—

“a high standard of safety”.

The Chair: With this it will be convenient to discuss the following:

Amendment 20, in clause 1, page 2, line 7, leave out “an acceptably” and insert “a very”.

This amendment is intended to probe the meaning of “acceptably” with regards to the risk of automated vehicles committing traffic infractions.

Clause stand part.

Bill Esterson: It is a pleasure to see you in the Chair, Mr Vickers, for our consideration of this Bill, which I think it is fair to say has broad, cross-party parliamentary support. It will be encouraging over the next however many hours we are in Committee to look at the potential to strengthen it.

There is huge potential for the economy in the safe transition to automated vehicles, but it is important that we recognise that this remains a largely undeveloped technology and we are trying to predict what will happen in the future. In our deliberations, it will be important that we try to set the strongest possible framework for what is likely to be needed. The detailed work of the Law Commission gives us a good start, and what we have been presented with from the Lords improves on that work.

Amendments 19 and 20 in my name relate to the critical area of safety: they seek to set in primary legislation the strongest possible safety standards. They would amend the standard of safety from “acceptably safe” to “high”, and amend the definition of “legally” to refer to “very low risk” rather than “acceptably low risk”. That is important because we are trying to anticipate what might happen and to minimise the risks and potential problems.

When similar amendments were debated in the Lords, the Government's response was that such

“phrases...are open to...interpretation.”—[*Official Report, House of Lords*, 10 January 2024; Vol. 835, c. 63.]

It occurs to me to ask: if things are open to interpretation, who is going to decide? Invariably, that will mean going to the courts. We are trying to minimise the potential for that to happen.

The Government were quite happy to accept the amendment to the phrase “careful and competent driver”—we very much welcome that, which will reduce the number of things that are open to interpretation—so I wonder why they were not prepared in the Lords to accept amendments similar to these. Perhaps the Minister will answer that question in his response.

“Careful and competent” itself was only established in case law; it is not in statute. That is being left to the courts as well, and is open to further interpretation. We will return to that point with later amendments, because we are trying to minimise the risks of leaving things open to interpretation. This is a good example of where an advisory council, which was the subject of much debate in the Lords, could make recommendations to

address the uncertainties that exist in legislating for the unknown, in the way that we are invariably having to do with primary legislation for technology that is yet to be developed.

I would be grateful for the Minister's response on these points. The amendments attempt to reduce the risks of leaving things open to interpretation. We want the highest possible standards set out as early as possible to enable this technology to be developed as safely as possible.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is pleasure to serve with you in the Chair, Mr Vickers. I thought it would be helpful for the Committee to start with some good news. The SNP and Scottish Government are generally supportive of the Bill and I will not seek to detain the Committee over the course of however many days we debate it with superfluous speeches, reading out explanatory notes and so on, until we get to clause 50, which I will get my teeth into—I am sure the Minister will be aware of that. However, I reserve the right to intervene in support of any of Labour's amendments, which I am doing now, or indeed when I think the Minister is talking cobblers, which hopefully he will not be doing.

That is the good news. With that, I very much look forward to the Minister's answer about what actually is acceptably safe.

Grahame Morris (Easington) (Lab): I rise to ask a short question to the Minister and to support my Front-Bench colleague, my hon. Friend the Member for Sefton Central.

I have the pleasure and privilege of serving on the Transport Committee, along with the hon. Member for Paisley and Renfrewshire North. To reinforce the point that my hon. Friend made, there is broad, cross-party support for the concept, but the widely held assumption that self-driving vehicles will prove safer than human drivers is not a given.

Having looked at the whole issue in some detail, the Select Committee produced an excellent report, which I recommend to members of this Committee. It was published on 15 September last year, and one of its conclusions is:

“Optimistic predictions are often based on widespread self-driving vehicle usage that is decades away, or assertions about human error that ignore other risks”—

for example, changing weather conditions. It continued:

“Safety must remain the Government's overriding priority as self-driving vehicles encounter real-world complexity. Given this, we question the Government's proposed ambition that self-driving vehicles must be as safe as a competent and careful human driver.”

The Committee felt that that was

“too weak and too vague”

and called on the Government to

“set a clearer, more stretching threshold.”

I will come back to this in my contribution on clause stand part, but I just wanted to put that to the Minister and to reinforce the points made by the Opposition Front Benchers.

The Parliamentary Under-Secretary of State for Transport (Anthony Browne): I thank the shadow Minister, the hon. Member for Sefton Central, for his comments at the beginning. I agree that there has been a large amount

of cross-party support for the Bill, as was shown on Second Reading, and I appreciate the work done in the House of Lords to strengthen it. When we come to the clauses on which there is agreement, I will try to move as rapidly as possible so that we can spend more time on the clauses to which amendments are proposed.

The shadow Minister set out that the Bill is quite unusual because we are legislating for an industry that does not exist. Things are moving rapidly, but fully self-driving cars may be decades away, as the hon. Member for Easington said. However, we need to prepare for that now and try to think of all the different future scenarios.

Before coming to the amendments, I want to put something on the record about clause 1, because it is fundamental in setting out the concepts underpinning the Bill. It defines what it means for a vehicle to travel autonomously—in other words, without human-controlled monitoring with a view to safety-critical interventions. It establishes that that can be achieved through a vehicle having one or more self-driving features, and that those features can be specific to locations and circumstances. For example, it may have a motorway chauffeur feature that can drive the vehicle only on dual carriageways, or an urban delivery feature that operates in a specific geographic area.

More significantly, the clause introduces the self-driving test—the principle that there is a threshold of safe and legal operation above which the vehicle can be considered legally self-driving. That will be set out in more detail in the statement of safety principles introduced by clause 2, which we will come to shortly. We all share the ambition that automated vehicles should be as safe as possible; that is why in the Lords we inserted the statement that they should be as safe as a “careful and competent” human driver.

Before I deal with the amendments, I want to refer to the points that the hon. Member for Easington made. As I am sure he knows, I have read the Select Committee's report, which is very good and insightful. Eighty-eight per cent of collisions—we are not meant to say “accidents”—involve some form of human error, whether people are speeding, not paying attention, distracted by the kids in the back, looking at their phone, angry or drunk. Self-driving vehicles do not do that. A careful and competent driver will have a far lower rate of accidents than an average human driver.

Grahame Morris: I am familiar with the statistics, and the Minister is absolutely correct, but I think we have to stretch our minds and think of scenarios that a competent human driver can reasonably anticipate. An example would be anticipating the movements of a blind or partially sighted person. We know that a blind person, because it is part of their training, tends to stick to the kerbs and corners. I am not convinced as yet that autonomous vehicles have the algorithms or knowledge to differentiate, so we have to set the bar—the standard—as high as possible.

Anthony Browne: I thank the hon. Member for that comment. I think he is right to say that autonomous vehicles at the moment probably cannot distinguish between blind or partially sighted pedestrians and ones who are not, but what we are setting out in the Bill is the

[Anthony Browne]

statement of safety principles in the abstract, with the ambition that automated vehicles are as safe as a careful and competent driver. What that means will be set out as a result of detailed consultation with—as we now set out in the Bill—road users, road safety groups and the industry. Concerns about whether a self-driving vehicle can interpret whether a pedestrian is blind or not would come in at that level of detail, rather than in the ambition that we have here.

Robin Millar (Aberconwy) (Con): Does the Minister agree that the Bill is not trying to solve all the challenges or deal with all the problems that we know come with autonomous vehicles or artificial intelligence, but is trying to create a framework within which those problems can be tackled effectively and safely?

Anthony Browne: My hon. Friend is spot on; that is the entire point. We are creating a framework with a lot of flexibility in it because, as various Members have noted, this is moving technology. If we look back in 20 years' time to where we are now, we will say, "Oh, that was very basic." Things will change: technology will change; our understanding of the technology will change; and our understanding of how humans interact with the technology will change. That is why it is really important, as my hon. Friend said, that we keep the legislation flexible so that we can advance it.

Simon Lightwood (Wakefield) (Lab/Co-op): I wonder whether the Minister has considered whether it would be better to start with a stricter level of safety and then, as we get used to the technology and understand its limitations, perhaps look to reduce it to the levels that are proposed.

Anthony Browne: I thank the hon. Gentleman for that comment. The Law Commission, whose work feeds into all this, recommended three standards of safety, and we have chosen the highest. There is a risk that, if we set the bar far too high, it will be impossible for the industry to develop in the first place. There is a balance that needs to be struck.

Robin Millar: I thank the Minister for giving way again; he is being generous with his time. Does he agree that it is easy to ban stuff, and that an over-regulatory approach is anathema to the development of the kinds of solutions that we are hoping will address these issues in due course?

Anthony Browne: I agree with my hon. Friend. It is very easy for Governments to ban things, but we need to nurture the industry so that it grows, because there are huge opportunities to reduce road fatalities and injuries overall, and to improve road safety overall, if we get this right. Indeed, that is the overriding reason why we are interested in this area: it is not about making it more convenient for different groups of people, or whatever; it is about improving road safety. There are arguments about accessibility and about economic growth, but it is road safety that is really important. If we get it wrong by banning the technology or making it too difficult, we will miss opportunities to improve road safety.

Shailesh Vara (North West Cambridgeshire) (Con): Does the Minister also agree that, if we were to ban the technology, with the direction that it is going globally, other countries would lead the way? We would miss out on the opportunity to have more jobs, more innovation and more finance coming to this country because we would have allowed other countries to progress with the technology while we were stifling it.

Anthony Browne: Absolutely. Clearly, this is an industry that is developing globally, and we want to be part of that. I think that we all recognise that there are huge economic opportunities here, as well as opportunities for improving road safety. There is a risk that, if we set the standard far too high right at the beginning, the industry will not be able to develop and we will lose out to countries that are more flexible in their approach.

Grahame Morris: Will the Minister give way?

Anthony Browne: I will, although I am conscious that I need to make headway at some point.

Grahame Morris: I am grateful. That is quite an important point about regulation and not banning things, but can we just be cognisant of what has happened recently where we have taken a more laissez-faire attitude, such as in relation to pedicabs or the electric cycles that are littering the pavements?

Nickie Aiken (Cities of London and Westminster) (Con): Hear, hear.

Grahame Morris: Nobody wants to ban them completely, but if we had taken a harder line at the outset on the framework in which they operate, many of those problems could have been avoided. That is all that we on the Opposition Benches are saying.

Anthony Browne: I thank the hon. Member for his comments, and I appreciate the support that there is in the Committee for the regulation of pedicabs. The problem with pedicabs was that there was no regulation; it was a free-for-all, basically. That is indeed why we are legislating here to create a regulatory framework. It is really quite detailed legislation that builds on at least three years' work by the Law Commission of England and Wales and by the Scottish Law Commission. I absolutely agree that we need regulation, but it is a question of getting the balance exactly right.

9.45 am

Turning to amendments 19 and 20, which were tabled by the hon. Member for Sefton Central, I certainly support the ambition that we want to make safety high. However, I think that there is a risk that his proposals misinterpret why we are using the term, "acceptably safe standard". Again, this was discussed at length by the Law Commission, and we are just following its recommendations. One might think that the word, "acceptable", in the English language means that it is not as good. In fact, the wording means that the level of safety is acceptable both for the Government and for the public. We can define what the acceptable level is: that will be set out in the statement of safety principles. Our ambition is the level of a competent and careful

driver. As time goes on and the technology progresses, what is acceptable to the Government and the public may become higher and higher—and we will be able to set that higher and higher by revising the statement of safety principles. Having the same safety principle define what is, and is not, acceptable gives us a clear definition of what exactly we want, which is not open to varied interpretation.

The phrase “high standard of safety” and the “very low” risk of committing an infraction are problematic. How do we define “very low”? How do we define “high standard”? As the shadow Minister said, that would be open to court interpretation. The proposed wording does not give the precision that the Bill already offers in saying that safety should be acceptable, given that what is acceptable is set out in the statement of safety principles. We already have a backstop for safety in terms of ambition and the “careful and competent” standard required by the safety principles. The amendments leave far too much leeway and interpretation for the court. By being precise about what is and is not acceptable in the statement of safety principles we will be able to ensure that they are the right safety standards.

Bill Esterson: We have had an unexpectedly wide debate on the first group of amendments. I welcome the contributions by hon. Members. I am sure that all our debates will be similarly robust.

I am grateful to my hon. Friend the Member for Easington for explaining what we are trying to do. Red herrings were being put forward: no one is trying to ban automated vehicles by saying that we should have the highest possible safety standards. I hope that Government Members might reconsider the way in which they framed their interventions.

Robin Millar *rose*—

Bill Esterson: I hope that the hon. Member for Aberconwy will agree with me that we want the highest possible safety standards.

Robin Millar: I am happy to clarify my remarks. The reference to banning stuff is actually a euphemism for an over-regulatory approach.

Bill Esterson: I am going to look up the word “ban” a bit later and see whether “euphemism” appears next to it. I am grateful to the hon. Gentleman for clearing that up. As I said in my opening remarks, the Government rightly accepted the phrase “careful and competent” in the Bill in the Lords. It is about putting a clear statement of intent in the regulations on the importance of safety in a so-far undeveloped technology. The comments by my hon. Friend the Member for Easington on the current concerns about where technology has reached were well made. What we want to do is remove the fear, risk and elements of concern.

On the point made by the right hon. Member for North West Cambridgeshire, absolutely, we want to make the most of this technology for economic purposes. The figures from the Society of Motor Manufacturers and Traders demonstrate that there will be something like 300,000 jobs between now and 2040, and £66 billion added to GDP. We very much want to make the most of those opportunities.

I suggest that having strong safety principles and the safest industry in the world is one of the ways in which we achieve exactly that goal. Having credibility, and the reputation for developing technology that is usable anywhere and is very safe, will be part of delivering the economic benefits. The expression, “careful and competent”, is not defined in statute; it is subject only to case law. The phrases “very low risk” and “a high standard of safety” are not defined. I completely accept those points. What is important is that we set out the intention in this legislation for the courts, which may well have to adjudicate at some point. That is why these amendments were important. I have listened to what the Minister said, and at this stage I do not feel that there is merit in pushing the amendments to a vote. However, I hope that he and other Members will take on board the fact that we are trying to set out our intention with as strong an opposition as possible in this framework legislation—yes, for secondary legislation, whenever that comes, but also for the courts, if they have to adjudicate. I will happily not press the two amendments in this group.

Grahame Morris: Forgive me, Mr Vickers—are we having the clause stand part debate now? May I contribute to that?

The Chair: Yes, you can speak now.

Grahame Morris: It is a pleasure to serve under your chairmanship, Mr Vickers. I had the great pleasure of your company on the High Speed Rail (Crewe - Manchester) Bill Committee.

There are a couple of key issues in the Bill, and safety is one of them. Of course, the other major element is insurance liability. I think it is reasonable to discuss that and consider the implications. I do not want to regurgitate the explanatory notes, but clause 1 would establish a self-driving test and make provision for the Government to classify a vehicle with features that meet the test as an autonomous vehicle. The clause states that a vehicle would satisfy the self-driving test if it has at least one feature that would

“allow it to travel autonomously”.

The Minister described some of those features: motorway driving and parking features, and others.

Importantly, to travel autonomously, a vehicle would be required to do so “safely”—

“to an acceptably safe standard”—

and “legally”—

“with an acceptably low risk of committing a traffic infraction.”

The Minister referred to the Law Commissions for England and for Scotland, explained how the definition was arrived at, and cited the 75 recommendations and so on. However, the Opposition and many organisations believe that we must hold autonomous vehicles to the highest level of safety standards because it is important to gain the confidence of the public so that they can feel comfortable interacting with them.

I thank the Transport Committee Clerks and organisers who arranged for a number of Committee members to have a ride in an autonomous vehicle with Wayve yesterday. I have been fortunate to do that on a couple of occasions with the Transport Committee, and there are obvious signs of improvement. However, it is a

[Grahame Morris]

confidence issue—for safety reasons, there was a driver there who could intervene, and we only did a little circuit from Whitehall over Westminster bridge past St Thomas’s and Lambeth Palace, and back past Parliament Square. Even though there was no intervention from the safety driver, there is the issue of how someone would feel if there was no driver present. It is psychological—one must have the confidence to do that.

I was in an autonomous bus quite recently with the hon. Member for Paisley and Renfrewshire North. It is a confidence issue. One cannot underestimate the public’s willingness to engage with this technology if that confidence is not there. Part of the argument we are making with amendments 19 and 20 is to try to ensure that we have the highest possible level of public confidence and trust.

As I mentioned earlier, the Transport Committee’s findings were published in its report on self-driving vehicles on 15 September. The Committee expressed concern about the assumption that self-driving vehicles will automatically be safer than human drivers. We said that that is not a given. Rigorous safety measures must be an overriding priority for self-driving vehicles as they are faced with the complexities and unpredictable nature of real-world driving.

I draw the Minister’s attention to the definitions of “safety” and “legally” in clause 1(7)(a) and (b), which I have just mentioned. They define “safety” as only

“to an acceptably safe standard”,

while “legally” means

“with an acceptably low risk of committing a traffic infraction.”

The Opposition and many organisations do not believe that those provide adequate protections for drivers, passengers and pedestrians, and they are unlikely to achieve the improvement in road safety that the introduction of AV technology could deliver. I support amendments 19 and 20, tabled by my hon. Friend the Member for Sefton Central and Labour spokespeople, which propose to

“leave out ‘an acceptably safe standard’ and insert ‘a high standard of safety’”,

as well as

“leave out ‘an acceptably’ and insert ‘a very’”,

when referring to the low level of a traffic infraction. I would like to add that that is a position supported by Cycling UK, as stated in the written evidence submitted to the Committee.

While we accept that self-driving vehicles could potentially reduce casualties—we learned yesterday and in previous examples that the traffic management systems do not allow those vehicles to speed, so there would be less speeding than with human drivers—there are others factors to consider. During the Transport Committee inquiry which led to the “Self-driving vehicles” report, Becky Guy from the Royal Society for the Prevention of Accidents told us that, while many collisions involve human error, there were often other contributory factors. That was a view shared by the Parliamentary Advisory Council for Transport Safety, which said that accidents attributable to humans are often caused by poor road and vehicle design and difficult driving conditions, such as rapidly changing weather conditions. Therefore, we cannot rely on the omission of human error to improve the safety of our roads. We must hold AVs to a high

standard of safety with a very low risk of committing a traffic infraction by supporting amendments 19 and 20. Without those amendments, there is a risk that the safety standards for AVs will not be strong enough.

Anthony Browne: As I set out in my response to the hon. Member for Sefton Central, when he was making the case for the amendments, there is not a sufficient appreciation of the word, “acceptable”. I know that in English it can sound a bit vague, but it means what is acceptable for the public and Parliament as expressed through the statement of safety principles. I completely agree with the point made by the hon. Member for Easington that we need to bring the public with us and it is about confidence—absolutely.

Trudy Harrison (Copeland) (Con): Would it be helpful to set out how we have already embraced elements of self-driving in transport? For example, I doubt there will be a driver in this place who does not rely on anti-lock braking systems when using their car. Self-parking is now quite common and autopilot is used when we are flying across the skies. Driverless trains are in operation, as are Starship robots. There are already elements of self-driving provisions on our roads that we have come to accept. I think it would be helpful if the Minister could perhaps set out how the sensory equipment in those vehicles—the lidar, the radar and the sonar—is so much more powerful than the human eye and other aspects of human sensory facilities. In addition, perhaps he could set out that human error is often the cause of accidents in this country.

Anthony Browne: I agree that technologies are evolving all over the place in lots of different modes of transport, and we are at the beginning of a revolution. I think that self-driving cars are probably a different order of magnitude.

Grahame Morris: That is driver assistance.

Anthony Browne: Yes, as the hon. Member for Easington said, that is slightly different, but the technologies are related. Self-driving cars are of a different order of consideration because there is literally no human there and the cars may travel at speed, so we absolutely have to ensure that they are as safe as possible.

10 am

It is in the statement of safety principles that we need to set out in detail what is and is not acceptable. I completely agree that we need to bring the public with us, which is why the Secretary of State and I have met a wide range of road user and road safety groups, including Cycling UK, which the hon. Member for Easington mentioned. We committed to continue consulting it, and indeed under the Bill we will engage with road user groups, road safety groups and the industry to ensure that everyone is happy with the safety standards. That will be set out in detail in the statement of safety principles.

The acceptable standard will be clear in law when it is set out in the statement of safety principles. A lot of this debate, and the debate on Second Reading, is really about what should be in the statement of safety principles, which will come after this Bill is enacted.

Bill Esterson: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1 ordered to stand part of the Bill.

Clause 2

STATEMENT OF SAFETY PRINCIPLES

Bill Esterson: I beg to move amendment 21, in clause 2, page 2, line 15, at end insert

“and, if so, the locations, types of location or circumstances in which those criteria are met.

(1A) The principles must set out how the Secretary of State will assess the potential safety impacts on different types of road user when assessing the locations, types of location or circumstances in which a vehicle is capable of travelling autonomously and safely, having particular regard to the safety of those road users who might be most at risk.”

The Chair: With this it will be convenient to discuss the following:

Amendment 11, in clause 2, page 2, line 19, after “safety” insert

“and the safety of pedestrians”.

Amendment 22, in clause 2, page 2, line 19, leave out “better” and insert

“significantly better for all road users”.

Amendment 18, in clause 2, page 2, line 20, at end insert—

“(2A) The statement must include the Government’s intended definition of “careful and competent human drivers”.”

This amendment would require the Government to publish a definition of “careful and competent human drivers” as part of the statement of safety principles.

Bill Esterson: We now come to the statement of safety principles. We have tabled three amendments in this group to strengthen the support that we anticipate will be beneficial when secondary legislation is introduced, and to give confidence not just to the courts, but to consumers and investors so that they can make the most of the economic opportunity. This is a similar point to the one we made in the debate on clause 1.

The Government described similar amendments tabled in the Lords as “ambiguous”—they said that the amendments to clause 1 were open to interpretation. I simply make the point that they were content to accept the change to “careful and competent” despite the fact that that is not set out in statute, so why strengthen safety in that way but not in this one?

These amendments have the backing of Cycling UK, which my hon. Friend the Member for Easington mentioned, and for similar reasons. Cycling UK says that we need

“a step-change in road safety”,

not just a marginal improvement. It continues:

“a slight improvement in overall road safety could actually mask a worsening in safety for pedestrians, cycle users and other non-motorised road users, providing this is offset...by an improvement in safety for motor vehicle occupants. We do not believe this is acceptable.”

I agree that there has to be an improvement for all road users. A similar point applies to all four amendments in this group.

We need the definition to avoid reliance on the ambiguity to which the Government themselves refer. We are trying to strengthen the definition with these amendments. Amendment 18, which requires the publication of a definition of “careful and competent human drivers” to address exactly that concern about the lack of precedent and the reliance on case law, has the support not just of the groups that I have mentioned but of the Road Safety Foundation and the SMMT, the industry body.

“Careful and competent” was first used in the Road Traffic Act 1988, but it was not defined. Currently, it can be judged only against case law, so at this stage we want to tighten up these areas, not because we want to make things more difficult, but because we are trying to anticipate as far as possible what is to come, and we want to create the strongest possible framework as we finalise the primary legislation. I look forward to the Minister’s response on these matters, and I commend the four amendments that I tabled with my hon. Friend the Member for Wakefield.

Grahame Morris: I want to support my hon. Friend the Member for Sefton Central. As the Minister alluded to in a previous debate, clause 2 requires the Secretary of State to lay a statement of safety principles before Parliament, having consulted the relevant autonomous vehicle manufacturers, road users and safety groups first.

I recognise that the principles will be developed following the passage of the Bill, as the Minister said, but it is apparent that clear direction is needed for those principles in the primary legislation. It is also important that the safety principles are subject to frequent review—I think the Minister said that will happen—and consultation as the technology and roll-out of AVs is expanded over the coming years. The statement of safety principles must be clear, rigorous and informed by the needs of all road users and pedestrians, especially disabled people.

Gavin Newlands: I thank my friend from the Transport Committee for giving way. On that point, was he as concerned as I was in the debate on the previous clause when the Minister said that we do not want to make the safety regulations over-onerous at the outset of the industry in case we allow it to take off elsewhere rather than the UK? That is a bit of a warning sign for me.

Grahame Morris: I am inclined to agree, and I think it is a bit of a red herring as well. Language is important. I know the Minister said that “acceptable” has a legal meaning according to the Law Commission, but the point I was trying to make in the previous debate is that this is all about public confidence and perception, and what is acceptable to you, Mr Vickers, may not be acceptable to someone else.

We have to ensure that standards are as high as possible. It is certainly not anyone’s intention on the Opposition side to put off investment or scare it away; the potential is enormous. What we are trying to do is ensure that the legislative framework is not so prescriptive that it has a negative effect, but that it sets a standard that can be emulated by the rest of the world. I know we will come back to standards, European comparators and so on, so I will press on.

[Grahame Morris]

Clause (2)(2)(a) establishes a safety ambition that self-driving vehicles should be expected to

“achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers”.

We heard that in the debate on clause 1. In my view, that safety ambition lacks clarity, and I ask that we clarify the meaning of a careful and competent driver in the Bill. “Careful and competent” is difficult to adjudicate, and the comparison should be made with a driver who is supported by existing assisted systems, fitted as standard to new vehicles. The assessment of automated vehicle safety must take into consideration all road users and how they will interact when engaging with AVs, especially if they operate in ways that would be considered unconventional when compared with a human driver.

I do not know whether you have been following some of the international events, Mr Vickers, such as the AV trials in Australia. The computer programming and the autonomous control systems are programmed to anticipate various scenarios, including how a pedestrian or another road user, such as a cyclist, will react. What defeated the trial in Australia was the unpredictable nature of kangaroos crossing the highway, because they do not cross in a straight line, but zig-zag and bounce about, which caused all manner of problems with the response of the AVs. We have to anticipate scenarios such as that and set the standards and framework accordingly.

The safety ambition needs to take into consideration both incident frequency and incident severity when assessing safety performance. There needs to be a clearly defined capability and operational constraint for systems, to ensure that users understand their roles and responsibilities when using or owning an automated vehicle. That is especially important in evolving technologies where there are transitions between the automated driving systems and the user in charge—the hon. Member for Copeland mentioned driver assistance systems—but also as new technologies develop and users are increasingly removed from the driving task.

We must also consider disabled people. Autonomous vehicle systems must be developed with an understanding of pedestrians with sight loss and their needs, which may differ from those of sighted people. As I mentioned earlier, people with sight loss will move around the built environment differently and use building lines, kerbs and tactile pavements for navigation. The increasing number of non-standard road layouts could present challenges to automated vehicles in inaccessible environments such as shared spaces and roadway. Floating bus stops, for example, may cause all sorts of problems, being away from the pavement across a cycle lane.

The movement of pedestrians with sight loss may prove especially difficult for autonomous vehicles to predict. That is why I, like various groups representing people with disabilities, including the Guide Dogs for the Blind Association and the Royal National Institute of Blind People, believe that the consultation process on the safety principles must be strengthened. As this is a recent technology that could develop in different ways, it is sensible to review the principles in the medium term to determine their effectiveness. I think the Minister has indicated that he is going to do that.

Amendment 21 stipulates that the principles must set out the assessment of the safety impact of AVs on different types of road users in different types of locations where the vehicle is travelling, which would be a reasoned improvement to the Bill. I am disappointed that Lords amendment 28, which was tabled by the noble Lord Liddle and would have created an advisory council, was defeated by the Government. It is disappointing that the Government did not accept that amendment as the Government proposals in amendment 5 really do not go far enough, even though they do ensure some level of consultation. I will leave it at that.

Anthony Browne: I thank the hon. Members for Sefton Central and for Easington for their contributions.

Clause 2 does indeed relate to the statement of safety principles. I do not know whether the hon. Member for Easington was suggesting that we include in primary legislation a requirement for kangaroo-detection technologies in cars. I have not been to Easington recently, so I do not know how many kangaroos they have there. I jest; the hon. Gentleman made a lot of very sensible points, although they are not for this stage of the process but for the statement of safety principles. The level of detail he was talking about will come at that stage. As I have said before, and as is in the legislation, we will consult with road user groups and road safety groups. We have already done so, and we committed to them to carry on that process.

I want to make it clear that we think the amendments are unnecessary because they are, in effect, already in the legislation. We share the ambition completely: autonomous vehicles should obviously be safer for all road users, and particularly for vulnerable road users, including partially sighted pedestrians, cyclists, equestrians and so on. However, that is actually already clear in the legislation. As with the highway code, references to road safety already legally apply to all road users, including the groups that I mentioned. The Government have already committed in the policy scoping notes that the statement of safety principles should be fair and equal and apply to all road users so that some are not advantaged at the expense of others. We have already committed to that.

10.15 am

To go back to the comments made by the shadow Minister, the hon. Member for Sefton Central, about it not being clear what a careful and competent driver is, that is set out in the Road Traffic Act 1988, in the highway code and in the guidance for the Driver and Vehicle Standards Agency. A body of work sets out what a careful and competent driver is. Again, in the statement of safety principles we can give a lot more detail on exactly what is required.

The points raised in the amendments, such as those about assessing locations, are already included in the legislation. We share the ambition, but the amendments are not necessary.

Bill Esterson: I welcome the support for and analysis of the amendments from my hon. Friend the Member for Easington. I wondered whether we were missing something about kangaroos in Easington.

Grahame Morris: They have wallabies in Derbyshire.

Bill Esterson: I am glad he has now clarified that. He is right that we have to anticipate perhaps not kangaroos but—

Grahame Morris: People who are inebriated, for example.

Bill Esterson: He is giving me other examples from a sedentary position. He is right to raise the concern.

The Minister said that the points are accepted by the Government, which I welcome, but if they are accepted, why are they not in the Bill? However, he has said that in Committee, so that will have to be sufficient for now.

I will come back to what he said about the definition of “careful and competent”. Given that we have case law and that the definition was first used in 1988 in the Road Traffic Act, as he says, I would think it possible to have a definition now against which future secondary legislation and decision making in the event of road traffic incidents could be judged. I do not understand why he has not made that clearer. As a result, I will not press amendments 21, 11 or 22 to a vote, but will test the opinion of the Committee on amendment 18. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 18, in clause 2, page 2, line 20, at end insert—

“(2A) The statement must include the Government’s intended definition of ‘careful and competent human drivers’.”—(*Bill Esterson.*)

This amendment would require the Government to publish a definition of “careful and competent human drivers” as part of the statement of safety principles.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 1]

AYES

Esterson, Bill	Newlands, Gavin
Lightwood, Simon	
Morris, Grahame	Western, Andrew

NOES

Aiken, Nickie	Millar, Robin
Browne, Anthony	Mohindra, Mr Gagan
Carter, Andy	Saxby, Selaine
Fuller, Richard	Vara, rh Shailesh
Harrison, Trudy	Warman, Matt

Question accordingly negated.

Bill Esterson: I beg to move amendment 12, in clause 2, page 2, line 21, after “must” insert “—

- (a) hold a public consultation on a draft statement;
- (b) ”.

The Chair: With this it will be convenient to discuss the following:

Amendment 13, in clause 2, page 2, line 21, leave out from “consult” to end of line 22 and insert

“representatives of road user groups and other groups whose safety or other interests may be affected by the application of the principles.”

This amendment is designed to probe the consultation provisions.

Amendment 14, in clause 2, page 3, line 6, at end insert—

“(9A) The statement must be reviewed and subject to the same consultation as outlined in subsection (3)—

- (a) after being in force for five years;
- (b) every five years thereafter.”

Clause stand part.

Bill Esterson: With this series of amendments we are keen to probe the consultation on the development of the statement of safety principles. It is a very important part of the legislation and I am pleased that the Government accepted the principle of publishing the statement of safety principles at the outset. However, the technology will continue to evolve, so it seems clear that the statement of safety principles should be subject to review and public consultation at a decent interval. Our amendments are designed to ensure that there is a sensible, five-year timeframe for each of the reviews by Parliament and that the work is carried on in the public domain. The Government have said that that will happen informally, but we believe it important to have it confirmed in the legislation so that there is a guarantee.

The Government say they anticipate consulting a wider group than those they have previously mentioned. They said publicly in the House of Lords that that group will include members of the public, academia, trade unions and other representative bodies. We would like commitments on all those points, to which we will return with some of our other amendments. The Minister in the Lords said that

“it remains the case that this is a particularly uncertain policy area with a rapidly developing industry”—[*Official Report, House of Lords*, 10 January 2024; Vol. 835, c. 81.]

Does that not highlight the need for ongoing consultation, parliamentary scrutiny and an ongoing review of the statement of safety principles? Putting that on the face of the Bill is the way to guarantee that it happens.

Grahame Morris: I rise to speak in support of the amendment. May I ask questions of the Minister, and back up the arguments of my hon. Friend the Member for Sefton Central, my colleague on the Opposition Front Bench? We are talking about safety principles. In an earlier debate he mentioned the advisory committee. I know we are not debating them yet, but I have been looking at some of the new clauses. It has been suggested that on the advisory council there are: representatives from consumer groups; organisations representing drivers; road safety experts; relevant businesses, such as automobile manufacturers; vehicle insurance providers, because that is a key issue; providers of delivery and public transport services; the trade unions, because it is possible that many individuals will be displaced or that there are issues around deployment; the police and other emergency services; highway authorities, because there is the issue of the digitalisation of the data for autonomous vehicles; groups representing people with disabilities; and groups representing other road users, such as cyclists and pedestrians.

If the safety principles are to operate, it is important that we get this right. The Minister has said that it is a moveable feast, and that the Government will set the ambition but the standards would be amended—presumably improved—as time goes on. I do not want to sound like a broken record, but when the Transport

[Grahame Morris]

Committee was looking at that aspect of the proposals we received evidence from a number of witnesses, including the motor manufacturers.

David Wong from the Society of Motor Manufacturers and Traders had concerns, when looking at safety principles, about the definition of “competent and careful”. Many organisations are not confident that that is precise enough. David Wong stressed that his organisation agreed with the terms and the ambition. Professor Siddhartha Khastgir from the University of Warwick said it would be difficult to translate the

“abstract concept into something that can be implemented by engineering”.

A number of the witnesses that the Committee heard thought that the Government’s ambition was too lax, and that a more stretching target should be set. That is quite interesting. We were talking about perception, and Ed Houghton from DG Cities told the Committee that when researching public attitudes to self-driving vehicles, he asked participants, “How much safer does it need to be for you to want to use autonomous vehicles over the long term?” People said that it needed to be twice as safe, or 10 times as safe, for them to use it. That is the level of expectation that consumers have, and we should recognise it. It has to be the best that it can be before they will be able to trust it and buy into it.

Safety has to be at the heart of the Bill if the public are to trust the technology and enable the UK to become a world leader in AV technology.

Anthony Browne: Clause 2 relates to the statement of safety principles, which we have previously discussed. I will not go over that again, other than to reiterate that a lot of the issues that are being discussed now and in the various roundtables that we have had with road safety groups and so on are valid issues, but they are issues that need to be addressed as we get into the detail of the statement of safety principles.

On amendments 12 and 13 about consultation, we have already committed to consulting with road users, road safety groups, and businesses in the industry. The statement of safety principles will be subject to public consultation. We fully expect that the wide-ranging views of the public, businesses, academia and other representative bodies will be able to feed into that consultation.

Grahame Morris: Can the Minister give some clarification on the composition of the advisory committee, or is that still a matter that the Government are considering?

Anthony Browne: We have committed within the legislation to consult with road users, road safety groups and businesses in the industry—and others will be able to feed in. We did not want to be more specific about exactly which groups, because they change over time; they merge, they close down, and new ones open up. We did not want to bind our hands and say that it must be exactly those groups, but they are broad, representative groups.

We are in full agreement that we have to take the public with us. It would be wrong for the Government to proceed in a way that did not bring road safety

groups with us. The ambition here is to make roads safer. It is in the Bill that AV should be safer than the average human driver and will improve road safety. That is the whole point of the legislation.

Robin Millar: The Minister makes a good point about the importance of talking to members of the public, but of course one of the main drivers—if the Committee will forgive the pun—for change and the introduction of autonomous vehicles is industry, and the use of vehicles in very specific spaces, such as quarries, farms and such. A lot of effort is going into developing the intelligence and the decision-making capability of machines in that space. Has the Minister also consulted with the bodies that might represent drivers affected by such vehicles, such as trade unions?

Anthony Browne: I am very happy to discuss this with trade unions; I have not done so yet. I agree that it is important for all those affected to input into the process. That is primarily road users, as they are the ones most directly affected.

10.30 am

Grahame Morris: Could the Minister give a little more clarification on the composition of the advisory committee? Will highways authorities be represented? I know the Minister said that over time more organisations would be involved, but given that the digitalisation of the information will be key and there are issues about that, it would seem sensible to have them represented on the committee.

Anthony Browne: I am happy to give a commitment that I will consult with highways authorities, but we are not going to move beyond road user groups, road safety groups and businesses in the industry as the statutory consultees, with the full expectation that the full range of groups that are interested in this issue will be able to have input. As I have said, the statement of safety principles will be subject to public consultation.

The hon. Gentleman mentions highways authorities. The Department for Transport talks at every level almost every single day with highways authorities about almost every single issue. They are well versed in all this. This will be subject to public consultation, so I am not sure what amendments 12 and 13 would add.

On amendment 14, I have said that I would be amazed if a future Government did not review this, because the technology is changing. It is highly unlikely that we will get this right first time and that it will never be changed, but I do not think it is right to bind the hands of a future Government on the timing of the review, and the need to conduct one every five years. We might find that there are lots of problems earlier on and want to review things beforehand, or that everything is going amazingly well in five or 10 years—if we complete the review every five years—and everyone is very happy with it, and then we would be doing a formal review of something that everyone was happy with. It is far better not to bind the hands of future Governments.

There is also a requirement within the legislation for a duty of monitoring by the Secretary of State on the application of the statement of safety principles. That will be published every year.

Robin Millar: Yesterday, I and several other hon. Members had the opportunity to go in autonomous vehicles around parts of Westminster. The point was made that the system the cars use is a learning system, in contrast to some systems that have been used in other countries, which are rules-based. The point of having a review at a fixed point in time is not to see whether the rules that are written today still work in five years, because we are talking about systems that have the ability to learn well in advance of any review.

Anthony Browne: I agree totally with my hon. Friend. As somebody who is very interested in artificial intelligence and who has also gone round in the Wayve car, but around Kings Cross, I was very impressed at the way that the vehicle is learning as it goes along. I asked whether it recognised speed bumps, and it learned that itself; drivers slow down for speed bumps and the AI learned that was something it needed to do.

This is clearly going to change a lot. I have been around Government long enough—not very long, but long enough—to know that it is not good governance to bind the hand of future Governments with precise requirements to do this at this time and that at that time. When the time comes, it could be completely inappropriate. It is far better to trust whoever the future Government are that if there is a need for a review, they will conduct a review. It is unimaginable that they would not.

A monitoring duty is imposed on the Secretary of State to follow how closely the statement of safety principles is working and whether any issues arise. I really do not think we need to set out a five-year review clause that may not be appropriate.

Bill Esterson: Holding a review is not binding the hands of any future Government. Setting a timeframe on it is definitely not binding their hands; it is actually just putting in a sensible provision for the future. My understanding of the way that the legislature operates is that one cannot bind the hands of a future Government anyway.

Anthony Browne: The Government would then have to pass primary legislation in order to not do a review. If we end up in a situation where everyone is happy with the statement of safety principles—I think this will be a very long way away, I have to say—we would have officials coming to the Minister at the time, whoever that was, saying, “We have to do a review of the statement of safety principles, even though everyone’s completely happy with it, because it is in primary legislation and we’re not allowed to break the law.” Yes, absolutely, we could pass a new piece of primary legislation at some point in the future saying, “We don’t need to do a review,” but why create that work? Why bind a future Government?

Bill Esterson: Well, I think that a review that says, “Everything is going very well, Minister,” is not something to be worried about, but there we are.

Anthony Browne: Reviews do take a lot of work. They are done properly; they are not done on the back of an envelope. A whole process has to be set up. It requires a

lot of work from civil servants and a lot of input from wider stakeholders. It is unimaginable that there will not be various reviews in future, because the technology will be moving on, as we have discussed, but doing a review of something where there is wide acceptance that there is no need for a review—as has happened in other areas of my responsibility—creates a lot of work for no end benefit. It is not good legislating to set down in primary legislation that a future Government must do that.

Bill Esterson: Well, it is an interesting view. I think “every five years” is far from onerous.

Turning to some of the other points made in the debate, we have deliberately left a wide definition in amendment 13, where we use,

“representatives of road user groups and other groups whose safety or other interests may be affected by the application of the principles.”

That is not setting in stone exactly which organisations should be part of the consultation; it is important that we all recognise that. As time goes on, the nature—the exact identity—of those groups will change, and our amendment very much reflects the realities. I was concerned that the Minister had not discussed the legislation with the trade unions, which I think he said. I hope that he rectifies that very quickly. The TUC, I am sure, will be very happy to talk to him, and Unite the union is another one.

Anthony Browne: In this role I have talked to unions about many different things, although not about this legislation yet. However, the Law Commission, in its three-year review of the legislation, did consult directly with the unions, and they have had input into all of this legislation that we have taken forward.

Bill Esterson: Okay. I hope that the Minister will rectify that apparent omission promptly. As I say, amendment 14 is not binding the hands of Government at all. Holding a review is an important part of the future process, and I hope that the Government will reflect on that. The Minister said that the Government intend to hold reviews; I just do not understand why he is not prepared to put that into the legislation. However, on this occasion I will accept the Minister’s word on that. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2 ordered to stand part of the Bill.

Clause 3

POWER TO AUTHORISE

Simon Lightwood: I beg to move amendment 25, in clause 3, page 3, line 17, at end insert—

“(1A) An automated vehicle may be authorised for use in non-road public locations under subsection (1) as long as the Secretary of State is satisfied that the authorisation will not impact the accessibility of the locations to existing users, including pedestrians.”

This amendment would enable the Secretary of State to authorise vehicles such as for use in public places other than roads (such as automated mobility scooters and delivery robots on pavements, for example) as long as the impact on accessibility has been considered.

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Clause 4 stand part.

Amendment 17, in clause 5, page 4, line 24, at end insert—

“(5) An authorisation requirement may require purchasers of relevant vehicles to be provided with a demonstration of any authorised automated features under section 4 at the point of sale.”

This amendment would mean that sellers of automated vehicles may be required, under the terms of their authorisation requirement, to demonstrate automated features to potential purchasers.

Clause 5 stand part.

Amendment 16, in clause 6, page 5, line 10, at end insert—

“(6) Authorisation requirements must include a requirement for authorised self-driving entities to publish an equality impact assessment.”

This amendment would require authorised self-driving entities to publish equality impact assessments, reporting on the potential impact of their vehicles on, for example, those with protected characteristics and other road users.

Clauses 6 to 9 stand part.

Amendment 24, in clause 94, page 68, line 20, at end insert—

“or a delivery robot vehicle.”

This amendment would add delivery robots to the definition of “authorised automated vehicle”.

New clause 4—*User-in-charge: reaction times*—

“Within two years of the passing of this Act, the Secretary of State must commission, and lay before Parliament a report of, a study into the reaction times of users-in-charge of automated vehicles when receiving an instruction to take full control of an automated vehicle and their ability to react safely to the relevant situation.”

This new clause would require the Secretary of State to commission a study into the ability of users-in-charge of automated vehicles to retake control of a vehicle when necessary.

Simon Lightwood: It is a pleasure to serve under your chairmanship, Mr Vickers. Amendment 25 seeks clarity on whether the authorisation of pavement robot vehicles can be within the scope of the Bill, and ensures that the safety of other road users is not negatively affected.

The amendment questions whether the Bill includes regulation for delivery robots. It is an opportunity for colleagues to consider whether we have thought about how the framework might be different from that for the automated vehicle framework and how it would be the same. This could well be a key missed opportunity in the Bill, and investment could be taken elsewhere if we lose out on economic gains because of the grey areas and lack of clarity. Pavement use is a grey area because the robots contain motors and a pavement is legally defined as part of the road. This question is within the Bill’s scope, yet clearly the regulation of vehicles that primarily use the pavement must be different from the regulation for those that use roads.

Pavement robots need clear regulation—for example, to ensure that they do not negatively affect disabled people, or that they are regulated only on pavements that are wide enough. Asda and Wayve have an ongoing trial of delivery services, and Starship already serves communities in Milton Keynes, Northamptonshire, Bedfordshire and West Yorkshire—in fact, I have visited a site in the Wakefield constituency. The DFT plans to

conduct research on pavement use, but if primary legislation is needed to enact what comes from the findings the issue may remain unresolved for years, meaning that the UK will continue to fall behind other nations and lose critical investment opportunities.

As I have seen in my Wakefield constituency, there is a lot of potential in the principle of delivery robots. They deal with the final mile from where the lorry drops off its load to when the parcel gets to the individual dwelling. I find them particularly good for people in my constituency who are socially isolated. Using electric robots for that last mile rather than diesel vans, as often happens currently, has the potential to make a big contribution to our net zero commitments.

Starship has called for the regulation of the sector, because the lack of regulation has the potential to impact on investment decisions. In fact, Leeds City Council and Cambridge City Council did a survey that showed between 75% and 93% approval of the service provided by Starship Technologies. Between the Lords Minister and the Commons Minister there seem to be some crossed wires as to whether robot delivery vehicles are within the Bill’s scope, so some clarity on that would be good.

Amendments 17 and 16 and new clause 4 aim to improve transparency on the impact of AVs, to ensure that the public are properly informed and to increase Parliamentary scrutiny. Amendment 17 would mean that the sellers of automated vehicles might be required to demonstrate how each of the automated features were engaged and disengaged. That is critical in terms of transparency. Amendment 16 would require authorised self-driving entities to publish an equality impact assessment to assess the impact on other road users—including, crucially, disabled people.

New clause 4 would require the Secretary of State to commission a study on the transition period in respect of users in charge, to be laid before Parliament. The insurance company AXA has said that there is still debate over how long it would take for a user in charge not only to take back control but to understand their surroundings, fully re-engage with the driving task and react safely to an obstacle that the self-driving vehicle was incapable of dealing with.

Overall, the amendments and new clause 4 would provide greater transparency and reassurance to consumers, which I am sure Members will agree is crucial, and nowhere more so than in respect of the safety of AVs for all road users. In chapter 5.7 of its report, the Law Commission states that equality impact assessments must be published, but there is no reference to such assessments anywhere in the Bill. There is, then, a need for clarity on transition demands. The policy scoping notes, and the Minister on the Floor of the House, committed to equity of impacts, so why is that not on the face of the Bill, given that the Minister knows how important it is? I look forward to the Minister’s response.

Grahame Morris: I want to make a few points in support of my Front-Bench colleague, my hon. Friend the Member for Wakefield. As he rightly said, clause 3 would enable the Government to authorise a vehicle as an automated vehicle if it met the self-driving test and if other authorisation requirements were met. That is both a safety and an insurance issue, so it is fundamental to what the Bill is intended to achieve.

10.45 am

I would like the Minister to note the concerns of the insurance industry, which supports increased visibility of the automated vehicle authorisation process. That should include not only a view of vehicles that have been authorised, but transparency on how authorisation requirements differ for different automated driving features, software updates and systems upgrades.

The hon. Member for Copeland mentioned some currently available features that enable remote parking, cruise control on motorways and so on. Those are driver-assist systems, not fully-automated ones, but it is perfectly conceivable that over time some could be upgraded to make vehicles fully autonomous. The legislation has to anticipate that, and it has to be transparent. That is also what the insurance industry wants.

There will also be a challenge if software updates become more prevalent—vehicles previously not certified as automated could then be deemed to be so via an over-the-air update. That would pose a significant challenge to the insurance industry because the risk profile of the vehicle could change in an instant. If that were widespread, it would add significant uncertainty to the insurance risk and the insurance book. Obviously, it is vital for the owners of vehicles to have adequate insurance cover for their own vehicles, members of the public and other road users. Furthermore, there will be different approaches to how automation is brought to the market. There will be additional concerns if automation is distributed on a subscription basis, which would make underwriting and understanding the true risk of a vehicle more challenging.

Hon. Members have mentioned the Starship robot delivery system in Milton Keynes, which is very good. However, apart from crossing the road, the robots basically operate on pavements. Again, the Bill needs to address and define that issue in terms of what is acceptable. I encourage the Government to work with the insurance industry to create an appropriate system of information sharing and to allow for increased visibility for all types of automated vehicle authorisations, to prevent insurance issues from arising.

Amendment 25, moved by my hon. Friend the Member for Wakefield, seeks to ensure that pedestrians, especially disabled people, are not negatively impacted by AVs in public spaces—such as the aforementioned delivery robots using pavements. Those types of vehicles must be authorised only when it is proven that AVs will not have a negative impact on accessibility.

To conclude, we need more visibility and scrutiny of the authorisation of AVs to ensure that insurers can do their jobs and that disabled people are not disadvantaged.

Anthony Browne: I am grateful for the contributions of Opposition Members. As the hon. Member for Wakefield said, a couple of amendments are about delivery bots. I declare an interest: Starship operates in my constituency, in the town of Cambourne. It is incredibly popular, and I love seeing the robots tootling about the pavements; they are the subject of much local interest and fascination.

Bill Esterson: Do they have names?

Anthony Browne: I do not know whether they have names. The hon. Gentleman has stumped me there, but it is a good idea.

As the hon. Member for Wakefield recognised in his comments, the legislation already covers pavements—the definition of roads or highways covers pavements, driveways and so on, including other accessible public areas. That could be used for the regulation of pavement bots, if desired.

I agree that there is a grey area, but the issue opens up many other issues outside the scope of the Bill: how we regulate the use of pavements, or what sort of vehicles we want or do not want on them. At the moment, mobility scooters or vehicles are allowed on the pavement, with a maximum speed of, I think, 4 mph. Such vehicles involve a whole range of issues to do with what pedestrians might expect or not on pavements, which should be subject to carefully thought-through legislation.

The issue with the delivery bots is that they are not regulated as road vehicles—they do not have licence plates and are not subject to any of the requirements made of road vehicles—so there is a risk that they would be caught by legislation that most people would think inappropriate. That raises so many issues, but they are outside the scope of the Bill. We will have to address them in some other way. I agree that there is a grey area, but this is not the way to deal with it.

Bill Esterson: The Minister points out that the bots are unregulated. What are the Government's plans, if any, to regulate to address the anomaly? It is pretty implicit in what he says that there is a need for regulation. When and where will it happen? If not here, where?

Anthony Browne: I will write to the shadow Minister.

On amendment 17, the hon. Member for Wakefield mentioned the requirement for sellers of self-driving vehicles to demonstrate features to prospective buyers. The legislation includes requirements to communicate with end users. There is a requirement on ASDEs—I do not think that we have mentioned authorised self-driving entities yet. ASDEs are authorised to sell the technology for self-driving cars, and they will be required to communicate with end users.

There are multiple troubles with requiring someone selling a vehicle to demonstrate to the person buying it. One issue is that the person buying a vehicle will often not be the person using it, and what matters is the demonstration to the user. Imagine someone buying a vehicle on behalf of a car club, for example, or a private sale: someone selling their car might not be qualified to give demonstrations of the technology to someone else. It is far more appropriate for the ASDE, whose technology it is, to do that. As I said, the Bill already requires ASDEs to communicate with end users about how the technology works. That covers this issue. Amendment 17 would have too many unintended consequences.

Grahame Morris: I am grateful to the Minister for giving way; he is being generous. If the ASDE in North America, say, is doing the sale and the updates remotely, will the legislation still be binding and apply to it and its liabilities? I am thinking of the insurance risk.

Anthony Browne: It absolutely would. To be authorised, the ASDE is required to be competent and financially sound. Clearly, the legislation needs to be binding on the ASDE wherever it is, or we could not regulate or authorise it.

[Anthony Browne]

New clause 4 is about transition demands, as we call them, although I do not think the hon. Member for Wakefield used that term in the new clause. It is important to get the right timing for transition demands. The Bill already requires a robust approach to ensuring that the user in charge—the transition demand relates to the user-in-charge feature; it goes back to them taking control from the self-driving feature—can respond safely to a transition demand and that they are aware of their responsibilities. As the hon. Member mentioned, we are already doing research on this fast-moving area, but ultimately what transition demand is appropriate depends on the use case: it might be different for someone driving on the motorway compared with someone doing some urban driving or operating a taxi or delivery vehicle.

How the transition demand works should be set out in the authorisation of the ASDE. Again, we are getting more and more data on the matter, and research is being done. It needs to be flexible because it depends on the individual case, so I do not think there is a need to set out in law that there should be research on it. Essentially, the new clause is unnecessary.

Simon Lightwood: Clearly, the only way we can have absolute clarity on the robot issue is to put it in the Bill and reference the inclusion of delivery vehicles specifically. There is potentially a mistake in terms of getting in the way of future investment and economic gains because of the grey area that continues to exist. We have had no clarity from the Government on when they may look at the issue further.

I thank my hon. Friend the Member for Easington for his comments regarding the insurance industry. Again, the amendments were there to give that transparency and clarity to that industry and to disabled groups. I will not be pushing any of the amendments to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 3 ordered to stand part of the Bill.

Clauses 4 to 9 ordered to stand part of the Bill.

Clause 10

REGISTER OF AUTHORISATIONS

Bill Esterson: I beg to move amendment 23, in clause 10, page 7, line 21, at end insert—

“(1A) The register referred to in subsection (1) must be made available online.”

This amendment would mean that the register of automated vehicle registrations is available online.

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Clause 11 stand part.

Bill Esterson: Amendment 23 requires that a register of automated vehicle registrations is available online. The Government have to maintain a public register, but there is no commitment to its being online. The reason for the amendment comes from the insurance industry. As AXA puts it, the insurance industry requires clarity

on the information that will be published to ensure that it is fit for purpose for insurance underwriting purposes. That matters because delays in accessing data could lead to long and expensive cases and an increase in insurance premiums.

I am sure that we are only too aware of how much motor insurance premiums have gone up in this country in the past few years; anything we could do to minimise the risk of that happening with new technology must be a good idea. I would be grateful to hear the Minister's response to the request, which comes directly from the insurance industry, to try to avoid such delays by having a register that gives them access to information as quickly as possible.

Anthony Browne: I confirm that we will not put the register just on bits of paper and lock them in a cupboard somewhere. It is a reasonable request that the register should be online. I confirm that, in line with the usual expectations around official Government documents, we will manage the register online, so the amendment is unnecessary.

Bill Esterson: I am pleased to hear that the register will be online. It is a shame; the Minister so nearly got there at the end by saying that he accepted the amendment—and then he did not. We will have to take his word for it, but it is a bit odd for him to say that it will be available online but that he is not prepared to put that in writing. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

11 am

Clause 10 ordered to stand part of the Bill.

Clauses 11 to 23 ordered to stand part of the Bill.

Clause 24

FALSE OR WITHHELD INFORMATION RELEVANT TO VEHICLE SAFETY

Question proposed, That the clause stand part of the Bill.

The Chair: With this, it will be convenient to discuss clause 25 stand part.

Anthony Browne: We are making such fantastic progress; I thought I ought to speak on some of the clauses, for the record.

Clause 24 is about the duty of candour requirement on regulated bodies, such as the ASDEs and the no-user-in-charge operators, to provide accurate information to Government. The issue is particularly important because it has been raised with me in many different environments and has been a concern in other jurisdictions. If we are to get the technology right, it is essential that we learn from the process. However, that can happen only if the companies in the industry are completely open with the Government and investigators with the information they have. If they see anything going wrong, they should be completely frank and open about it. That has not always happened in other countries and it has caused problems.

The duty of candour is not new—there are similar things in the pharmaceutical industry—but it is incredibly important that the companies developing the new technology know the expectations on them to be completely open and frank with the public. That is the only way we will have improvements and advance the technology.

Grahame Morris: This is an important part of the Bill. Is the Minister in a position to share with us the discussions with the insurance industry? It is a key issue that, if a vehicle is autonomous and is being driven in autonomous mode, the liability presumably rests not with the passenger or the driver but with the provider—the manufacturer and the software provider. The Transport Committee met a number of industry representatives, who flagged to us the difficulty of quantifying the risk, as well as the need for candour in identifying whether the issue is systems failure or driver error because the driver intervened with the system. Is the Minister in a position to enlighten us?

Anthony Browne: The hon. Gentleman makes a valid point; indeed, I have met representatives of the insurance industry about it. There are two points about the Bill that are relevant. One is that it creates the powers to set up independent investigators. Whenever there is an incident or a collision, they will investigate what the cause was and what the lessons to be learned from it are. That is a really important process in terms of improving the technology and ensuring that things that go wrong do not happen again.

The hon. Gentleman made a valid point on insurance. If there is an accident, the insurance industry first needs to know if the vehicle was in self-driving mode and who is liable. Is it the ASDE or the driver? Secondly, it needs to know what actually went wrong. There are therefore provisions in the Bill to require the regulated entities—the ASDE or the no-user-in-charge operator—to provide data to third parties such as insurance companies. Obviously, we protect the data privacy of individuals, and nothing in this legislation changes the data protection rules. However, the point is absolutely valid: we need to ensure that the data is available to investigators and insurance companies.

Question put and agreed to.

Clause 24 accordingly ordered to stand part of the Bill.

Clauses 25 to 27 ordered to stand part of the Bill.

Clause 28

WARRANTS FOR ENTRY, SEARCH AND SEIZURE

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clauses 29 to 33 stand part.

Anthony Browne: I will make a brief point about the clauses, because they will be a source of concern for many people. It is therefore good to put on the record that the clauses give the investigators and authorities powers not just to do thorough investigations of data, as we just talked about, but to enter and search premises to take away materials and so on. We must ensure that

we have full powers to really understand what has gone wrong, if and when something goes wrong, so these clauses ensure that the investigators have all the powers they could possibly need to do that.

Grahame Morris: The vital point was made on Second Reading that there should be proper investigations—I am sure the insurance industry would be vociferous about this—where the owner or operator of a vehicle has carried out modifications or not maintained the vehicle adequately—it may be tyre wear or brake pad removal. Even though it is an autonomous vehicle and is not being driven by a human driver, the human owner has responsibility for maintaining it in a roadworthy condition. Presumably, if that was the cause of the accident, the investigators would be able to determine that and apportion blame and liability.

Anthony Browne: Again, the hon. Gentleman makes a lot of very valid points based on his time on the Transport Committee. Cars that have the no-user-in-charge feature must have a licensed operator, and the form and details of the licence will depend on exactly how the vehicle operates and its use case. For a fleet of taxis of the type that Waymo has in America, the NUICO—the no-user-in-charge operator—will be responsible for the maintenance of the vehicles, including the tyre wear and the brake pads, and for ensuring they have not been tampered with.

If it is an individual driver with their own car—this is a long, long way down the line, and I do not think anyone expects this to happen in the next few years—it might be reasonable to expect them to be responsible for the tyre wear and the maintenance. If they make any modifications that nullify the action of the self-driving feature, they would have liability for that. We would not expect the no-user-in-charge operator to be responsible for the day-to-day maintenance of the car, but they would be responsible if something goes wrong when the vehicle is in no-user-in-charge mode.

Question put and agreed to.

Clause 28 accordingly ordered to stand part of the Bill.

Clauses 29 to 37 ordered to stand part of the Bill.

Schedule 1 agreed to.

Clause 38

GENERAL MONITORING DUTY

Bill Esterson: I beg to move amendment 26, in clause 38, page 25, line 35, at end insert—

“(3A) A report published under subsection (3) must be laid before both Houses of Parliament.”

This amendment would require reports containing the Secretary of State’s conclusions on the monitoring and assessment of automated vehicle performance to be laid before both Houses of Parliament.

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Clause 39 stand part.

Government amendment 1.

Clause 40 stand part.

Bill Esterson: This amendment requires that the reports containing the Secretary of State's conclusions on the monitoring and assessment of automated vehicle performance be laid before both Houses. It addresses the points about insurance and operator responsibility that my hon. Friend the Member for Easington made in relation to an earlier clause. We need a guarantee that those running automated vehicles are continuing to keep the vehicles in the state that they were in and are maintaining and updating them appropriately.

We are pleased to say that, in the Lords, the Government changed the statement of safety principles from being subject to the affirmative procedure to being subject to the negative one to improve accountability to Parliament, and we ask that something similar be done to increase parliamentary scrutiny of the monitoring and assessment of automated vehicle performance.

Anthony Browne: The Secretary of State commits in the clause to monitor, and to publish annually their assessment of, the application of the statement of safety principles. Everyone who is interested in it will have access to it, including parliamentarians, so, again, the amendment is unnecessary.

Bill Esterson: I accept the Minister's assurance that, although he is not going to follow the affirmative principle, he is going to make the assessment available to us. With that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

11.15 am

Clause 38 ordered to stand part of the Bill.

Clause 39 ordered to stand part of the Bill.

Clause 40

POWER TO REQUIRE REPORTS FROM POLICE AND LOCAL AUTHORITIES

Amendment made: 1, in clause 40, page 26, line 37, at end insert—

“(ca) the Welsh Ministers (in their capacity as highways authority or traffic authority);”—(*Anthony Browne.*)

This amendment brings the Welsh Ministers, in their capacities as highways authority and traffic authority, within the ambit of the power in clause 40.

Clause 40, as amended, ordered to stand part of the Bill.

Clauses 41 to 45 ordered to stand part of the Bill.

Schedule 2 agreed to.

Clauses 46 to 49 ordered to stand part of the Bill.

Clause 50

POWER TO CHANGE OR CLARIFY EXISTING TRAFFIC LEGISLATION

Gavin Newlands: I beg to move amendment 9, in clause 50, page 33, line 18, after “that –” insert—

“(za) is not an Act of the Scottish Parliament;

(zb) is not an instrument made under an Act of the Scottish Parliament;

(zc) is not an Act or Measure of Senedd Cymru;

(zd) is not an instrument made under an Act or Measure of Senedd Cymru;”

This amendment would mean that the Secretary of State could not amend legislation of the devolved administrations for the purposes of changing or clarifying traffic legislation in respect of automated vehicles.

The Chair: With this it will be convenient to discuss the following:

Amendment 7, in clause 50, page 33, line 22, at end insert—

“(4) The Secretary of State must obtain and lay before Parliament the written consent of the Scottish Government to make regulations under this section which amend—

(a) an Act of the Scottish Parliament,

(b) any instrument made under an Act of the Scottish Parliament.

(5) The Secretary of State must obtain and lay before Parliament the written consent of the Welsh Government to make regulations under this section which amend—

(a) an Act or Measure of Senedd Cymru,

(b) any instrument made under an Act or Measure of Senedd Cymru.”

This amendment would require the Secretary of State to obtain the consent of devolved governments before exercising the Clause 50 power in relation to devolved legislation.

Amendment 8, in clause 50, page 33, line 22, at end insert—

“(4) The Scottish Government may, by regulations, make provision for the purpose of changing or clarifying whether, how or in what circumstances an Act of the Scottish Parliament or any instrument made under an Act of the Scottish Parliament applies to the user-in-charge of a vehicle.

(5) The Welsh Government may, by regulations, make provision for the purpose of changing or clarifying whether, how or in what circumstances an Act or Measure of Senedd Cymru or any instrument made under an Act or Measure of Senedd Cymru applies to the user-in-charge of a vehicle.”

This amendment would extend the Clause 50 power to ministers of the devolved administrations.

Clause stand part.

Gavin Newlands: It is safe to say, Mr Vickers, that I was not expecting us to get to clause 50—[*Laughter.*] Luckily, I have a speech that I prepared earlier. The Cabinet Secretary for Transport in the Scottish Government and the operations manager of Transport Scotland are giving evidence on this very issue in the Scottish Parliament this morning. If I can pad this out until 11.25 am, I will be able to bring some quotes to the Committee before we leave our deliberations on the amendments and clause 50.

I rise to speak to amendments 9, 7 and 8 in my name and those of my colleagues in Plaid Cymru. As I mentioned on Second Reading and briefly at the start of the sitting—it is very unusual for me or anyone else from the SNP to stand up during the deliberations on any Bill to say this—the devolved Administrations have for the most part worked happily with the UK Government on getting this Bill right for everyone across these isles, in line with the co-operative working between the Scottish Law Commission and the Law Commission of England and Wales over the past couple of years. So it is disappointing, to say the least, that the UK Government appear to have ditched that view when drafting clause 50.

The devolved powers that are properly the preserve of the Scottish Parliament are quite clear, yet this clause would unilaterally overturn that settled state and instead place the Scottish Parliament and Government under the auspices of the Secretary of State for Transport and

his or her colleagues. Since devolution and the reconvening of the Scottish Parliament in 1999, it has been agreed among all parties that consent is required from Holyrood when the UK Government seek to legislate in devolved areas.

Grahame Morris: This is an interesting point. There are a number of Bills whose provisions apply only to England or to England and Wales, and I have always thought there was an anomaly in terms of territorial extent and application. If someone is driving an autonomous vehicle, it seems slightly bizarre to have a different regulatory regime if they go over the border into Scotland or Wales. However, the hon. Gentleman is absolutely right, and on page 12 of the explanatory notes I have highlighted in green the part that says:

“There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned.”

I am interested to hear the hon. Gentleman say that there has not been that consultation.

Gavin Newlands: I am grateful for the hon. Gentleman’s intervention. Of course, if there is any diversion between the regulations, the Scottish regulations will be better than any brought forward by DfT. I joke, but the Scottish Government—and presumably the Welsh Senedd—have been in discussions about this for a long time. In fact, the issues the Scottish Government have with clause 50 were recognised by the UK Government themselves. I say that not just because of the facts the hon. Gentleman pointed out in the explanatory notes, but because the Government themselves have said that clause 50 will require legislative consent. This is not the Scottish Government being uppity; the UK Government themselves have said that legislative consent would be required, but they have now ditched that approach and seek to implement clause 50 without seeking any legislative consent from the Scottish Parliament.

What has happened says so much about the Government’s approach to devolution in recent years and completely overturns that principle of devolution. Either we have devolution or we do not—it is not for the Government to

pick and choose which parts of legislation devolution is applied to. Devolution should apply in those areas that are not listed in the Scotland Act 1998. It is simple as that, yet the Government seem to want to change the rules and move the goalposts at will to stymie devolution at almost every turn. They snatch power from a democratically elected Parliament and Government and give it to a Minister of the UK Government, who it is fair to say currently have zero mandate in Scotland. That may change come a future election, but at this point this Government have no real mandate in Scotland, and yet they seek to override the will of the elected Parliament of Scotland.

The amendments in my name and those of Plaid Cymru colleagues would remedy that democratic deficit by placing a statutory obligation on the Secretary of State to obtain consent from the Scottish Parliament and/or the Senedd before legislating in areas that are not properly theirs to legislate in. The Scottish Government have made it clear throughout the consultation and drafting process that working across borders on issues such as this—as alluded to by the hon. Member for Easington, who serves with me on the Transport Committee—is undoubtedly good sense, benefiting the automated vehicle sector and ultimately all consumers across these isles.

Grahame Morris: The hon. Gentleman’s contribution is completely valid. I am slightly perplexed by this issue, so I will be interested in what the Minister has to say about the Government’s consultations with the Scottish Parliament, the Welsh Senedd and the Northern Ireland Assembly, for that matter. For the system to work, we need to bear in mind the key point about digitalising traffic regulation orders. What will happen? People will drive from England into Scotland and vice versa, but the Bill gives the Secretary of State the power to make regulations to require traffic regulation orders to be provided by traffic regulation authorities—

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o’clock.

