

Open consultation

Rules on safe use of automated vehicles on GB roads

Published 28 April 2021

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Foreword

Our recovery from the COVID-19 pandemic has given us a once in a generation chance to rethink the way people, goods and services move around the UK. It is essential that we take this opportunity to be bold and ambitious in addressing the big questions facing the future of transport, helping the nation to build back better. We are already making great strides in decarbonising journeys, in building more resilient infrastructure and in increasing access to transport across the UK.

But there is more we can do. That is why I am challenging my department to take advantage of the cutting-edge innovations in transport being pioneered here in the UK, such as automated vehicle (AV) technology that has the potential to power the next global transport revolution.

The potential societal benefits of the technology in the UK are vast. New zero-emission self-driving bus, taxi and delivery services could make public transport greener, cheaper, more efficient and more accessible. The technology could improve rural communities' access to important services, helping deliver essential goods to people's doors, giving everyone better access to education, to work or simply allow them to see friends and family more often. And it could make our roads safer, reducing human errors that can lead to accidents and collisions.

As well as providing improved transport for all, the technology could also deliver huge economic benefits. The market in the UK could be worth as much as £42 billion by 2035, capturing around 6% of the £650 billion global market, and creating approximately 38,000 new jobs.

However, none of these potential benefits will be realised without public confidence that AVs are safe, secure and ultimately a benefit to society. That is why the UK is developing regulation, investing in innovation and skills, and engaging the public to create a thriving AV sector.

With recent technological advances, automated vehicles are no longer a far-off dream but instead a close reality. Early forms of commercially available automation are primed to enter the market within the next year and we have taken proactive steps to encourage these innovations while ensuring their safe and responsible introduction.

Automated Lane Keeping Systems (ALKS) will be the first commercially available system designed to enable the driver to safely hand over control to the vehicle. This document sets out our proposed regulatory changes to support its safe use on British roads. It also confirms our plans to enable more ambitious use of this technology, with the research and development necessary to do so safely.

This consultation on ALKS marks a significant but early step towards bringing the benefits of automated vehicles to UK roads. This government will continue to work closely with industry and academia to make the UK the best place in the world to develop and safely deploy advanced automated vehicle technologies, so that we can all share in the benefits of greener, safer and more reliable journeys.

Rachel Maclean MP

Parliamentary Under Secretary of State for Transport

Introduction

Automated vehicle technology is set to play a major role in the transport revolution happening today across the UK, helping to improve transport across the nations by making everyday journeys safer, more flexible and more reliable. The UK's open regulatory regime, world-class research base, and industry and government investment in automated vehicle technology, have made the UK one of the

global leaders in its development. This consultation aims to ensure that the UK's first steps towards the introduction of automation to the mass market are done so in a way that is safe, clear on driver responsibilities and supportive of innovation.

The UK has played a vital role in developing international regulations to support the introduction of increasing automation, in particular through Department for Transport's (DfT's) work at the United Nations Economic Commission for Europe (UNECE). The ALKS regulation was endorsed in March 2020, starting the process to allow vehicles fitted with this technology to come to market. ALKS will be the first approved system designed to perform the dynamic driving task instead of the driver, under certain conditions. ALKS is an important first step towards the development of systems with higher levels of autonomy.

The ALKS regulation sets out the technical requirements for ALKS, but certain aspects of its use require further consideration at a national level. In our call for evidence on the safe use of Automated Lane Keeping System (<https://www.gov.uk/government/consultations/safe-use-of-automated-lane-keeping-system-on-gb-motorways-call-for-evidence>), launched in August 2020, we sought views on:

- ensuring the safe use of ALKS, including whether ALKS met the definition of automation in the Automated and Electric Vehicles Act 2018 (<https://www.legislation.gov.uk/ukpga/2018/18/contents/enacted>) (AEVA)
- ensuring fair delegation of responsibility between the driver and the vehicle
- performing activities other than driving when the system is engaged
- using the system at higher speeds

The Law Commission (<https://www.lawcom.gov.uk/>) for England and Wales and the Scottish Law Commission (<https://www.scotlawcom.gov.uk/>) are conducting a review of driving legislation to enable the safe deployment of automated vehicles on our roads. In December 2020, they launched their third consultation paper (<https://www.lawcom.gov.uk/project/automated-vehicles/>), drawing together proposals made in their first and second papers. Work to prepare the UK for the introduction of ALKS is separate to wider efforts to build a comprehensive regulatory framework for AVs. Nonetheless, the Law Commissions and DfT have worked closely to ensure learning is shared and both benefit from responses to each consultation. DfT's proposals on listing methodology mirror the Law Commissions' proposals for a 2-step categorisation process and ALKS has provided a useful model for testing the Law Commissions' early proposals.

The Law Commissions will produce their final recommendations at the end of 2021.

This document proposes changes to The Highway Code (<https://www.gov.uk/guidance/the-highway-code>) to support the safe use of ALKS and to ensure clear responsibility between the driver and the vehicle. We seek views on these changes from a wider range of respondents including academia, representative organisations, industry and the public.

Consultation on the rules on use for Automated Lane Keeping Systems

In our call for evidence (August 2020) (<https://www.gov.uk/government/consultations/safe-use-of-automated-lane-keeping-system-on-gb-motorways-call-for-evidence>), we sought views on proposed changes to The Highway Code designed to enable the safe use of automated vehicles. Generally, these changes intended to ensure that fair delegation of the human driver to the automated vehicle was balanced against the residual responsibility of that driver to respond to a transition demand.

This consultation specifically seeks views on the wording changes for The Highway Code.

The Highway Code

The August 2020 call for evidence asked questions relating to The Highway Code. It asked about amendments to Rule 150 and what role The Highway Code could play in clarifying to drivers their required responsibilities, for example, responding to a transition demand.

On the basis of responses to the call for evidence, and the step-change that the expected introduction of the first legally recognised automated vehicles represents, we have decided to make a more ambitious amendment to The Highway Code, coinciding with the code's 90th year anniversary.

Automated vehicles no longer require the driver to pay attention to the vehicle or the road when in automated mode, except to resume control in response to a transition demand in a timely manner. This shift in driver responsibilities needs to be clear and requires more than amendments to individual rules.

We, therefore, propose the addition of a new section to The Highway Code, clearly articulating expectations for users of automated vehicles. This section will bring together the relevant rules for AVs. This change will bring the code up to date with the modern era, reflecting the changing technology available on our roads.

This approach will ensure drivers understand what they can and cannot do in an automated vehicle, including the need to resume control when requested by the vehicle.

Respondents also highlighted the need to educate drivers beyond The Highway Code in response to the third question. We make proposals for further work in the call for evidence: summary of responses and next steps (<https://www.gov.uk/government/consultations/safe-use-of-automated-lane-keeping-system-on-gb-motorways-call-for-evidence>).

Amendments to The Highway Code – a new section for automated vehicles

Automated vehicles can perform all the tasks involved in driving, in at least some situations. They differ from vehicles fitted with assisted driving features (like cruise control and lane-keeping assistance), which carry out some tasks, but where the driver is still responsible for driving. If you are driving a vehicle with assisted driving features, you **MUST** stay in control of the vehicle.

Automated vehicles are vehicles that are listed by the Secretary of State for Transport. While an automated vehicle is driving itself, you are not responsible for how it drives, and you do not need to pay attention to the road. But you must follow the manufacturer's instructions about when it is appropriate to engage the self-driving function.

If the vehicle is designed to require you to resume driving after being prompted to, while the vehicle is driving itself, you **MUST** remain in a position to be able to take control. For example, you should not move out of the driving seat. You should not be so distracted that you cannot take back control when prompted by the vehicle.

You are still responsible for the vehicle being in a roadworthy condition, having a current MOT test certificate if applicable, and being taxed and insured.

These proposed changes to The Highway Code have the following legal basis:

Section 3, Road Traffic Act 1988.

Section 1, Automated and Electric Vehicles Act 2018.

Regulation 104, The Road Vehicles (Construction and Use) Regulations 1986

Question

We ask whether respondents are satisfied that the proposed wording below achieves the outcomes articulated above for The Highway Code? And if not, why?

Assessment of impacts from changes to The Highway Code

Officials have considered the potential impacts of these changes. The changes simply clarify the expected role of the driver of an automated driving system when it is driving itself (for drivers, other road users and enforcing officers), so no impacts are foreseen. In the case of incidents, there will be a need to determine if the vehicle was driving itself to decide the appropriate actions.

Question

Do you have concerns about the impacts of the proposed changes to The Highway Code? Why?

How to respond

Responders to the consultation may respond in various ways. Our preferred method would be for you to complete the download form (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/consultation_response_form_data/file/851/safe-use-rules-for-automated-vehicles-av.odt) and either:

- email consultation@ccav.gov.uk

or

- post to:

Automated Vehicles Consultation
Centre for Connected and Autonomous Vehicles
33 Horseferry Road
London SW1P 4DR

However, you may also email or post your comments directly.

What happens next?

Our plan is:

1. after this consultation has closed, officials will analyse responses and prepare a summary of responses by summer 2021
2. we intend to lay amendments to The Highway Code in Parliament by the end of 2021 to ensure the UK is ready for the introduction of ALKS on Great Britain's (GB) roads

We are not aware of any manufacturers seeking to bring vehicles fitted with ALKS to GB roads prior to the end of 2021, their use will be possible once they obtain GB whole vehicle type approval.

These changes apply to England, Wales and Scotland, in line with part 1 of the Automated and Electric Vehicles Act 2018. We have kept Northern Ireland informed of the changes and will continue to engage with them on use of automated vehicles.

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