



Automated Vehicles Bill – a briefing from the Association of Personal Injury Lawyers (APIL) - House of Lords Committee Stage – January 2024

LORD LIDDLE

52 After Clause 93, insert the following new Clause –

“Liability of insurers

Section 2 of the Automated and Electric Vehicles Act 2018 (liability of insurers etc where accident caused by automated vehicle) is amended as follows –

- (a) in subsection (1)(a), omit “when driving itself”
- (b) in subsection (2)(a), omit “when driving itself””

Briefing: APIL supports amendment 52, which would insert a new clause into the Bill. This new clause would remove the need for people to have to prove that an automated vehicle was “driving itself” if they have been injured and make a legal claim for compensation under Section 2 of the Automated and Electric Vehicles Act 2018. The requirement in the 2018 Act to have to prove that a vehicle was “driving itself” undermines the purpose of the provision, and risks making a legal claim for compensation more complicated, which is the exact opposite of what the provision is intended to achieve.

Section 2 of the 2018 Act allows people who are injured by an automated vehicle when it is “driving itself” to make a claim against the driver’s insurance. Without this provision, they would have to pursue a product liability claim against the manufacturer of the vehicle, and these claims can be costly and complex. If the Automated Vehicles Bill is passed by Parliament, this section will apply to automated vehicles if they are traveling while an authorised automation feature of the vehicle is engaged. To benefit from this provision, however, injured people would need to know, and prove, that an authorised automation feature was engaged, and the car was “driving itself” when the incident occurred. This might not be easy.

It is unlikely, for example, that an injured pedestrian or cyclist would be aware at the time of the incident that the vehicle had an authorised automation feature engaged, or that the vehicle is even capable of “driving itself”. This could lead to additional investigations during a legal claim to find out in what mode the vehicle was being driven, which could make a legal claim complex, and delay the payment of compensation which an injured person may desperately need as they recover from the injuries sustained in the incident.

This undermines the very purpose of Section 2 of the 2018 Act, which was introduced after the Government recognised the complexity of claims against vehicle manufacturers, which transport minister John Hayes referred to as “time-consuming and expensive, undermining the quick and easy access to compensation that is a cornerstone of our insurance system...”¹.

If this new clause is added to the Bill however, all an injured person or their solicitor would need to do to make a claim under Section 2 is to check if the vehicle involved in the incident is an authorised automated vehicle.

Schedule 2

LORD LIDDLE

38 Schedule 2, page 80, leave out lines 17 to 19

Briefing: APIL supports amendment 38, which is a consequential amendment. It which removes the interpretation of “driving itself”. This would no longer need to be added to the 2018 Act if amendment 52 approved.

About APIL

The Association of Personal Injury Lawyers (APIL) is a not-for-profit organisation which has campaigned for the rights of victims of negligence for more than 30 years. Our vision is of a society without needless injury but, when people are injured, a society which offers the justice they need to rebuild their lives.

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¹ <https://hansard.parliament.uk/commons/2017-10-23/debates/BDAB60DC-D67C-44CF-B0CB-9FBE8DAE3F30/AutomatedAndElectricVehiclesBill#>