**Department for Transport and Centre for Connected and Autonomous Vehicles**

**Automated vehicles: statement of safety principles**

**A response by the Association of Personal Injury Lawyers**

**September 2025**

## Introduction

APIL welcomes the opportunity to respond to the Department for Transport's and Centre for Connected and Autonomous Vehicles' call for evidence on the Statement of Safety Principles.

Several studies indicate that driver error is the primary cause of road collisions in the UK.[1] Given the part human error plays in road traffic collisions, APIL supports the automation of vehicles and believes innovation will improve road safety in the long term. The UK's Transport Research Laboratory (TRL) estimates that the expected mix of automated and non-automated vehicles on the roads by 2040 could lead to 22% fewer collisions.[2] The United States Safe System Approach recognises that humans make mistakes and aims to ensure that the deployment of technologies improves vehicle safety, such as automated features, through designing technology to prevent certain crashes from occurring in the first place and to mitigate death and serious injuries when a crash occurs.[3]

It is fundamental that the laws in place ensure that those who are injured in a collision get the redress they need quickly, simply, fairly and at proportionate cost. We understand that the focus of this consultation is on the Automated Vehicles Act 2024 (AV Act 2024), however, we maintain our concerns with the liability regime established in the Automated and Electric Vehicle Act 2018 (AEVA). The AEVA introduces strict liability in certain circumstances, meaning that a person who has been injured as a result of a collision with an automated vehicle can recover their losses from the motor insurer without needing to prove fault on the part of the driver. However, as currently worded, this provision will only be available for vehicles being driven fully autonomously, which would create difficulties for injured claimants in establishing liability, given that the burden of proof lies with the claimant and they have no way to establish whether the vehicle was being driven in autonomous mode at the time. APIL remain disappointed that our concerns over this have not been heeded previously.

We agree that the safety principles should be used pre-deployment, post-deployment and when undertaking annual assessments on the overall performance of self-driving vehicles. We believe that the evaluation of safety should be data-driven at all stages, based on data metrics to assess whether the introduction of those vehicles is having a positive impact on road safety.

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[1] https://www.autonomousvehicleinternational.com/news/safety/driver-error-is-the-leading-cause-of-road-collisions-in-the-uk-ons-data-suggests.html
https://www.smmt.co.uk/wp-content/uploads/2024/07/CAM-The-UK-economic-market-opportunities-report.pdf page 9

[2] Automated Driving Systems: Understanding Future Collision Patterns
https://www.trl.co.uk/publications/automated-driving-systems--understanding-future-collision-patterns

[3] https://www.transportation.gov/safe-system-approach

**Statement of safety principles**

We are disappointed that the call for evidence does not include a draft of the statement of safety principles. It is difficult to provide meaningful or informed input without having a clear understanding, or at a minimum, a draft or outline of what the safety principles will be.

Our primary concerns with automation are that injured people can access an effective system of redress when an injury occurs, and that appropriate safety measures are in place to ensure that only vehicles with a positive safety case are deployed.

We believe that there is a need for clear and objective metrics to measure safety. This could include, for example, a comparison between the estimated rate of injuries per billion passenger miles travelled as a key metric to objectively assess the safety of autonomous vehicles. This would require testing in different environments, considering that the injury-collision rate per mile travelled for human drivers is higher on rural roads and urban roads compared to motorways.

We are concerned that the safety principles may be open to opinion and a range of interpretation. A data-driven assessment would be more effective and objective to determine if any use of automation reduces or increases casualty rates. Without data, decisions could be based on underlying assumptions and result in higher levels of casualties. A data-driven process could also be speedier and avoid the need for committees and the uncertainty of human interpretation. There is one key metric which applies, which is the rate of incident(s) resulting in injury per number of miles driven. The safety principles should centre on this overwhelmingly important measure. Care must be taken to ensure that any other criteria do not detract focus from that single key measure.

**Road traffic litigation and access to compensation**

It is crucial that those injured through no fault of their own are able to access vital compensation for the injuries sustained and other losses resulting from the accident. APIL is concerned that the government has failed to acknowledge the challenges the current liability regime for automated vehicles poses to claimants. No consideration appears to have been given to the position of the injured claimant if the provisions under section 2 of the AEVA remain unchanged. We maintain that the existing liability provisions are too narrow and should be extended to cover all vehicles with automated features, regardless of whether they were operating autonomously at the time of the collision. The requirement in the current law for the claimant to prove that the automated vehicle was being driven in autonomous mode is unjustified and disproportionate.

The current definition of automated vehicles also excludes a significant number of semi-automated vehicles already in use on UK roads, particularly those that require any form of monitoring (for example, vehicles equipped with automated lane keeping systems or traffic-aware cruise control) do not fall within the definition of ALKS where the vehicle lane keeps without the need for supervision.

APIL is concerned that, in the future, a large number of claimants who have sustained serious and/or life-changing injuries will not be able to access compensation if the liability provisions are not amended. These claimants may instead be forced to pursue complex and costly product liability claims under the Consumer Protection Act 1987, which would often not be viable due to their extremely high costs.

APIL strongly recommends an amendment to the classification of self-driving for the purposes of establishing liability under section 2 of the AEVA. A vehicle should be classified

as self-driving if the vehicle is certified as capable of operating autonomously. If it is capable of driving itself, then it should be assumed that it is driving itself when the collision occurs, unless the insurer proves otherwise. The defendant/driver/user-in-charge/responsible organisation should carry the burden of proving otherwise.

APIL is concerned that the provisions in section 2 of the AEVA will create new legal issues and disputes in practice regarding whether strict liability applies or whether the vehicle was not being driven autonomously at the time of the collision. If these problems are not addressed, there will be a huge impact on the rights of individuals claiming compensation for their injuries where they are involved in a road traffic collision that is not their fault.

Without a comprehensive strict liability regime, establishing liability would be more complicated and require complex and expensive investigation and collection of technical data on collisions. It would be extremely hard for claimants and their personal injury lawyers to have access to data that would prove who was at fault at the time of the collision or whether it was a culpable hardware/software failure. The manufacturer or insurer would always be in a better position to access data than the injured person, who has the burden of proving the guilt of the other party. We believe that comprehensive strict liability is an effective way to correct the imbalance and prevent disputes. Otherwise, this will generate a burden of costly litigation and inhibit access to justice, squandering the opportunity for a step-change improvement that automated vehicles offer.

In recent years, reforms to the civil justice system have assumed that cases can be litigated proportionately and with modest fixed costs, but the way the regimen of strict liability is being implemented may fundamentally undermine those reforms due to additional unnecessary complexity and cost.

Strict liability should certainly apply in respect of any incident arising from the use of an automated vehicle on a road causing injury to a vulnerable road user such as a pedestrian, cyclist, or motorcyclist. The cost and delays from liability litigation will result in savings overall, as well as an improvement in efficiency

**Standard of safety**

We have submitted in previous responses on this matter that the standard of safety for self-driving vehicles should be “overall, safer than the average human driver”.[4] We reiterate that this is the most appropriate standard to assess the safety of automated vehicles. We believe that the main aim of the introduction of self-driving vehicles should be to improve road safety. If the standard of safety remains the same, there are no guarantees that autonomous vehicles can have a beneficial impact. “Overall, safer than the average human driver” is the most appropriate standard to assess the safety of automated vehicles. It will also be useful in demonstrating to the public, who will initially be cautious of the safety of automation, how beneficial automation will be in improving safety for road users by reducing human error and inattention, eliminating deliberate rule-breaking and ensuring more consistency in complying with the highway code.

**Measuring performance under the general monitoring duty**

[4] Automated Vehicles: Consultation Paper 3 – A response by the Association of Personal Injury Lawyers https://www.apil.org.uk/files/pdf/ConsultationDocuments/3953.pdf
Connected and automated mobility 2025: realising the benefits of self-driving vehicles - A response by the Association of Personal Injury Lawyers
https://www.apil.org.uk/files/pdf/ConsultationDocuments/4107.pdf

APIL strongly agrees that identifying and monitoring safety outcomes and broader measures of safety risk should be key requirements for the annual general monitoring duty established under the AV Act 2024. It is essential that the monitoring takes place annually without delay to ensure timely evaluation of safety performance and trends.

As noted in the call for evidence, data sharing requirements between the regulator and organisations responsible for the vehicles will be crucial to the appropriate assessment of outcomes. We reiterate that the impact of automated vehicles can only be effectively assessed if the process is driven by data collection and analysis.

We believe that the government should commission or fund further research and data collection to evaluate the general impact of automation on road safety. There is a need for clear and objective metrics to measure safety, including, for example, a comparison between the estimated rate of injuries per billion passenger miles travelled as a key benchmark to assess the safety of autonomous vehicles. We agree with the safety outcomes proposed in the call for evidence, namely the number of collisions involving automated vehicles and the health impacts on victims. Collisions or other incidents involving injury should be a key metric. Without adequate data available, it will be challenging for regulators to make sound decisions. This will take proactive investment by regulators in the collection, analysis and curation of data to ensure reliable data is available.

We also agree with the proposals to measure the frequency of traffic infractions, near misses and evidence of erratic or risky vehicle behaviour. Evaluating the performance of vehicles and determining recurrent faults in certain models post-deployment is key to the prevention of injuries. There must be an effective mechanism to deal with AVs that fail to abide by existing traffic laws and a statutory method to take up traffic infractions with the manufacturers of the AV in question in order to swiftly rectify issues.

**Vulnerable road users/ equality and fairness principles:**

We support the inclusion of an equality and fairness principle within the statement of safety principles. Vulnerable road users, such as pedestrians and cyclists, need to be safeguarded against the possible risks of automation, particularly in urban environments where there will be co-existence between non-automated and automated vehicles. There is likely a higher prevalence of road users with protected characteristics among vulnerable road users.

In line with our recommendation for government commissioned research and data analysis, we believe that it should explicitly assess how automated vehicles impact individuals with protective characteristics and vulnerable road users. This will ensure an understanding of whether these individuals are going to benefit or be disproportionately affected by automated vehicles.

Any questions about this response should be directed to

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