

UK Seeks to Legislate Liability For Autonomous Vehicles

March 14, 2017

As the capabilities and prevalence of autonomous vehicles increase, governments continue to attempt to address the consequences that flow from an increasingly autonomous environment. A recently introduced bill in the United Kingdom, the [Vehicle Technology and Aviation Bill](#), considers how insurance should adapt to a driverless future so that persons injured by vehicles operating in autonomous mode, including the "driver", can recover from the insurer and are not forced to pursue what could be a lengthy and complicated product liability action.

In the UK, insurance is primarily driver-centric – drivers are required to carry insurance to cover injury or damage to third-parties arising out of a driving related incident. Changes to this regime are required to ensure that in circumstances where there is no "driver", coverage to third-parties will remain available.

The Vehicle Technology and Aviation Bill proposes to address this issue by ensuring that where an accident is caused by an autonomous vehicle driving itself, liability will rest with an insurer or the vehicle's owner. Where a vehicle is insured, liability will rest with the insurer. Where a vehicle is uninsured, liability will rest with the vehicle's owner. The consequences of a decision to engage the autonomous capabilities of a vehicle in situations where it is not appropriate to do so will rest with the person in charge of the vehicle who made the decision to do so.

Significantly, this Bill demonstrates an intent to ensure that liability for accidents involving driverless vehicles in automated mode will remain, at least at first instance, within the existing motor vehicle insurance scheme. This means that injured parties will not have to sue the manufacturers and technology companies in order to recover. However, the insurer who pays out the injured party would still have the option of trying to recover against the manufacturers based on product liability. While the intent of the Bill seems directed at protecting injured parties, it may also have the indirect effect of protecting manufacturers of autonomous vehicles and related technology companies.

This Bill has recently passed Second Reading on March 6, 2017. The Bill is next scheduled to be considered by MPs in a Public Bill Committee by March 23, 2017.

By

[Robert L. Love](#), [John Hunter](#)

Expertise

[Insurance Claim Defence](#), [Products Law](#), [Automotive](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.