Road Traffic Accidents and Collisions – What about Autonomous Vehicles?

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The King's Speech in November 2023 addressed one of the highly sought-after progressions in Artificial Intelligence in the UK – autonomous/driverless vehicles. It was announced that the Government would agree to a new Automated Vehicles Bill, anticipated to be one of the most comprehensive legal frameworks for self-driving vehicles anywhere in the world.

But as with all vehicles, there is an inherent risk of injury that does not disappear when the person behind the wheel is taken away.

The law relating to autonomous vehicles

So, what happens when these vehicles are involved in an accident and people get hurt?

Section 2(1) of the Automated and Electric Vehicles Act 2018 provides that;

Where –

1. *an accident is caused by an automated vehicle when driving itself on a road or other public place in Great Britain,*
2. *the vehicle is insured at the time of the accident and*
3. *an insured person or any other person suffers damage as a result of the accident; the insurer is liable for that damage.*

This Act imposes strict liability on insurers to be held accountable for the damage (including personal injury) resulting from an accident caused by an automated vehicle when driving itself.

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So what does this mean?

For road traffic accidents caused by a vehicle 'when driving itself', the injured person need not prove fault on another party to bring a compensation claim, meaning that the 'liability' element of a related personal injury claim is automatically satisfied, allowing injured people more accessible access to justice.

The impact of the Automated Vehicles Bill

The Bill is currently at the Committee stage in the House of Lords and is expected to add further clarity to the law on autonomous vehicles and make it easier to identify liable parties where accidents occur.

One of the key provisions already clarified by Parliament concerns the requirement for injured people to prove the vehicle was '*driving itself*' at the time of the incident. Parliament confirmed last week that when someone is injured by an automated vehicle, they will not be required to know and prove that the vehicle was '*driving itself*' at the time of the accident. In the first instance, claims can be made against the insurers; it is then for the insurers to determine whether the claim is covered by conventional third-party or self-driving insurance.

How could this impact you?

Whilst there is increasing awareness of vehicles with self-driving capabilities within the public domain, the Secretary of State's delay in publishing a list of autonomous vehicles to be covered by the Act highlights the fact that very few autonomous vehicles are currently on the road.

Of course, it is not just accidents occurring under these conditions that give the green light for a compensation claim.

Road Traffic Accident Claims

In the year ending 2023, thousands of people suffered severe injuries as a result of road casualties, with over 1600 fatalities reported up to the end of June in the UK.

Being involved in a road traffic accident as a driver, passenger, cyclist, or pedestrian is distressing. The implications of being involved in a serious incident can affect you every day, impacting your health by causing physical injuries, your finances if you are unable to work for any period and, potentially, your mental health.

It is difficult to know what to do following an accident. The likelihood is you are shocked, potentially hurt and facing the inconvenience of a car that might no longer work. The AA provides helpful information on its website and offers a checklist of what to do following an accident.

If you have been involved in a road traffic accident and have suffered considerable injuries as a result, the team

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at Lester Aldridge can assist you in bringing a claim for compensation. Generally, we will need basic details from you, including the details of your insurers, the name, address and insurer for the third-party vehicle, details of how the accident happened, and what injuries you have sustained. We will then advise you whether we can assist.

The Personal Injury team at Lester Aldridge has extensive experience dealing with high-value road traffic claims. Some examples of cases we have recently won are:

- Six-figure settlement for a client who was knocked over in a car park, leading to complicated orthopaedic injuries;
- Six-figure settlement for a client struck at speed while riding her electric bike. Our client suffered a complex multi-fragmentary fracture, ultimately requiring surgery;
- Six-figure settlement for a client thrown from a moving vehicle, causing multiple internal and orthopaedic injuries.

Fiona Brooke, one of the team's experienced personal injury solicitors and a Legal 500 "Recommended Lawyer", says:

"A client who has been involved in an RTA is not only injured, sometimes seriously, but they also have the added stress of the loss of their vehicle, their inability to work and how they are going to afford rehabilitation treatment, amongst other things. My role is to immediately liaise with not only their insurers regarding their vehicles, but also contact the Defendant's insurers as soon as possible to organise rehabilitation at their expense. Early intervention for both of these elements reassures clients that we are there to help them through what is always a very difficult and upsetting time."

Contact

Our Personal Injury team are happy to discuss your concerns free of charge and without obligation. Please get in touch with us at online.enquiries@LA-law.com or 0344 967 0791.

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