



Department
for Transport

From the Minister of State
The Rt. Hon. John Hayes CBE MP

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Sir Edward Leigh and Adrian Bailey
The Automated and Electric Vehicles Bill Committee
House of Commons
London
SW1A 0AA

Dear Edward, Adrian,

I said that I would write to the Committee following Tuesday's useful and productive discussions. I thought it may be helpful to clarify the how the term 'know and ought reasonably to know' would work in practice.

Knowing and ought reasonably to know

As I have made clear within the Committee, based on discussions with manufacturers, we expect that manufacturers will inform the owners of cars when a safety update to vehicle software is needed, but in the overwhelming majority of cases these updates will be made automatically and over-the-air without the owner needing to do anything.

However, there may be a small number of potential situations where the owner may need to act to install a safety-critical update. Clause 4 has been designed to deal with this. The phrase "knows, or ought reasonably to know" has been carefully chosen to reflect the policy intention. It is sufficiently clear to enable a court to interpret the provision on the facts of a particular case.

The key point is that we are talking about situations involving updates that are critical to the safe working of the vehicle (as opposed, for

example, to an update to add extra radio stations to the car's entertainment system), where the insured person is using the vehicle when they knew or ought to have known that a safety-critical update was needed, thus putting themselves and others in harm's way.

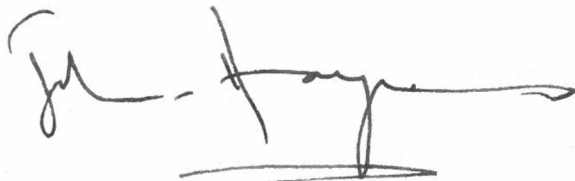
Even if the owner failed to act, this Bill will still ensure that injured third parties would continue to have access to quick and fair compensation. It is entirely possible that insurers would offer comprehensive policies that provide greater cover – just as they do now. We are creating a base level of protection for all road users.

Ultimately, the process of determining and apportioning liability in the event of an incident will remain the same as it is now, with the courts making judgments based on the facts.

This Bill does not provide the regulatory framework on safety and security, including the regulation of software standards. That framework will be developed within international standards and as part of our ongoing regulatory programme.

I hope the Committee finds this useful and informative.

Copies of this letter will be deposited in the Commons Library.

A handwritten signature in black ink, appearing to read 'John Hayes', with a horizontal line underneath.

THE RT HON JOHN HAYES CBE MP