

Consultation on proposed changes to
the laws governing powered mobility
scooters & powered wheelchairs
(DfT-2010-10)

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1. Consultation letter

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Dear Consultee

CONSULTATION ON PROPOSED CHANGES TO THE LAWS GOVERNING POWERED MOBILITY SCOOTERS & POWERED WHEELCHAIRS

The Department for Transport (DfT) is seeking your views on proposed changes to the legislation covering powered mobility scooters and powered wheelchairs (referred to as "invalid carriages" in legislation).

The aim of any reforms taken forward following this consultation will be to deliver cost-effective improvements to the safety of mobility vehicle users, pedestrians and other road users, while supporting continued mobility for disabled people.

In this letter and in the attached consultation document, "invalid carriages" will be referred to as "mobility vehicles", to use a more contemporary term.

The main legislation governing this area is the Chronically Sick and Disabled Persons Act 1970 and the Use of Invalid Carriages on Highways Regulations 1988 (statutory instrument 1988 No 2268, "the 1988 Regulations").

The 1988 Regulations are now over twenty years old. A "Review of Class 2 and Class 3 Powered Wheelchairs and Powered Scooters (Invalid Carriages)" was

published on behalf of the DfT in 2005. We refer to this throughout as “the 2005 Review”. It can be viewed on the Department’s website at www.dft.gov.uk/transportforyou/access/tipws/pwps/

The recommendations made by the 2005 Review are set out in the “Introduction” section of the consultation document attached to this letter.

Given the steady increase in the number of mobility vehicles in recent years, changes to the rules that govern them may be required.

This consultation therefore seeks preliminary views from stakeholders on a series of possible reforms to the regulation of these vehicles and their users, many of which were recommended in the 2005 Review.

Once the response to this consultation has been considered, further detailed consultations will be needed on specific legal or regulatory proposals.

Action requested from you

DfT would welcome your views on the questions set out in this consultation and any other comments you may wish to make.

Please note: this consultation is separate from the DfT consultations published on 5th January 2010 concerning the use of small one person Electric Personal Vehicles (EPVs) on public roads and cycle tracks (reference DfT 2010-01) and concerning issues relating to electrically-assisted pedal cycles (EAPCs) (reference DfT 2010-02).

Consultation documents

Electronic copies of the consultation package are available on the DfT website www.dft.gov.uk/consultations.

Paper copies can be obtained by e-mailing your postal address to mobilityvehiclesconsultation@dft.gsi.gov.uk or by writing to me at the address above.

If you think an organisation or individual not included on the list of consultees at Annex 2 should receive a copy of the consultation please pass a copy on.

Yours sincerely

Terry Deere

2. Executive summary

Invalid Carriages, or mobility vehicles as we will refer to them in this consultation, provide a vital means to independence for people with reduced mobility. There are two types of mobility vehicle:-

- one type is the mobility scooter. This is intended to help those with reduced mobility. It is a vehicle that is being used increasingly by people, often older people, who have difficulty with walking or standing for long periods of time, but who would not necessarily consider themselves disabled; and
- the other is the powered wheelchair. This is generally essential for everyday mobility. It is frequently the disabled person's only means of getting around.

These two types of vehicle are treated as one in current legislation.

There is evidence that the use of mobility vehicles is growing. While mobility vehicles are not solely used by older people, the likelihood of an increasingly ageing population means that the trend is set to continue.

With the growth in use of mobility scooters has emerged a growing concern about safety, both for the users of mobility vehicles, and for pedestrians and other road users. Allied to this is the possibility (addressed in a separate consultation) of highway space being shared with other small electric personal vehicles that are designed to carry one person.

The evidence indicates a very low incidence of injury linked to mobility vehicle use. But concerns have been expressed to Ministers about whether the design standards for mobility scooters remain appropriate and whether we have the right kind of controls on who can own and use these vehicles. Through this consultation, therefore, we are seeking general views on some possible reforms to the existing legislation that governs the use of these vehicles.

We have met key stakeholders to discuss possible options for change. This has helped us to formulate the questions to be asked in this public consultation. Mobility scooters, and particularly powered wheelchairs, have become more sophisticated. So it seems sensible to review the issues of their design, how they are used and how they interact with pedestrians and with other modes of transport.

The aim of any reforms taken forward following this consultation will be to support continued mobility for disabled people while delivering cost-effective improvements to the safety of mobility vehicle users, pedestrians and other road users.

3. Consultation paper

Introduction

1. The Chronically Sick and Disabled Persons Act 1970 (the primary legislation), defines an “invalid carriage” as “a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability”. In this consultation document, “invalid carriages” will be referred to as “mobility vehicles”, to use a more contemporary term.
2. The classification, design and use of these vehicles are governed mainly by the Use of Invalid Carriages on Highways Regulations 1988 (Statutory Instrument 1988 No 2268, “the 1988 Regulations”). Other relevant legislation includes the Road Vehicles Lighting Regulations 1989 (Statutory Instrument 1989 No 1796), the Road Vehicles (Registration and Licensing) Regulations 2002 (Statutory Instrument 2002 No 2742) and the Medical Devices Regulations 2002 (Statutory Instrument 2002 No 618).
3. The 1988 Regulations divide mobility vehicles into three main categories. Those categories are “Class 1”, “Class 2”, and “Class 3” invalid carriages:-
 - “a “Class 1 invalid carriage” means an invalid carriage which is not mechanically propelled;
 - a “Class 2 invalid carriage” means a mechanically propelled invalid carriage which is so constructed or adapted as to be incapable of exceeding a speed of 4 miles per hour on the level under its own power;
 - a “Class 3 invalid carriage” means a mechanically propelled invalid carriage which is so constructed or adapted as to be capable of exceeding a speed of 4 miles per hour but incapable of exceeding a speed of 8 miles per hour on the level under its own power”.
4. Only Classes 2 and 3 are under consideration in this consultation.
5. Examples of a powered wheelchair and a mobility scooter can be seen at Annex 3.

6. The legislation currently treats these types of vehicle as the same, even though they are used by different groups of people and for different purposes. The consultation will seek your views on whether they should be treated separately within the legislation. In responding to this consultation, you may be asked to give separate views on wheelchairs or scooters.

The 2005 Review

7. In 2005, the Department carried out an internal review into the use of Class 2 and Class 3 mobility vehicles. We refer to this throughout as “the 2005 Review”. It can be viewed on the Department’s website at www.dft.gov.uk/transportforyou/access/tipws/pwps/
8. The review was undertaken to provide the Department with a clearer view of the number of mobility vehicles in the UK, the environment in which they are used and the number of incidents that were involved.
9. The 2005 Review made the following recommendations:-
 - There should be improvements to both the provision of advice to potential users when purchasing a vehicle, and training on its use; it is suggested that both could be best provided at the point of sale. It is also recommended that an agreed training programme should be developed, together with guidance on the type and content of advice to purchasers.
 - Class 2 and Class 3 vehicle users should be required to have third-party insurance.
 - Such research as is necessary should be undertaken to determine the design requirements for the safe carriage of a child on a vehicle. This research should also consider what the maximum age or size of the child should be. The development of vehicles designed to carry two persons (adults) should be kept under review, but no change in the regulations should be made at present.
 - Existing maximum speed limits of 4mph in pedestrian environments should remain.
 - Existing maximum speed limits for Class 3 vehicles should also be continued but should be kept under review.
 - Work should be started to devise a simple fitness to drive assessment, which should include an eyesight test, ability to control the vehicle and a measure of cognitive / judgment abilities.

- Equipment requirements for Class 3 vehicles should remain as at present. Consideration should be given to requiring Class 2 vehicles to have comparable equipment if they are to be used on the road.
- Current regulations on permitted users should remain, subject to consideration of the issue of cognitive impairment.
- Road Traffic Act sections dealing with driving under the influence of drugs or alcohol and the use of mobile 'phones should be applied to Class 2 and 3 vehicles.
- Research should be undertaken into the safety or otherwise of vehicles using cycle ways and bus lanes.
- The exemption from Vehicle Excise Duty should continue, but the requirement to display a certificate and to register the vehicle should be re-examined. If no clear benefits can be shown, these requirements should be removed. If there are real benefits, the requirements should be enforced.
- No action is recommended with respect to hybrid / petrol engine vehicles, although it is noted that there were safety concerns relating to the use of petrol-engine vehicles, particularly on pavements and in other pedestrian environments.
- There may be a case for a new classification for "off-road" vehicles, but further consideration of what regulations should be applied to these vehicles is needed.
- There should be definitive guidance made available that explains the distinction between 2-wheeled vehicles, including scooters and other largely recreational devices, and 3- and 4-wheeled Class 2 and 3 mobility vehicles.
- An appropriate body (the British Healthcare Trades Association, for example) should assist buyers in researching best value for money, and in comparing the cost and standards of service of different outlets.

- 10.** Although the research identified a range of possible reforms to the legislation on mobility vehicles, and suggested some possible future areas for research, its overall conclusion was that mobility vehicles did not at that time pose a significant safety risk to their users or to other road users. As a result, regulatory reforms were not seen as a priority. We were not persuaded at that time that the suggested reforms would deliver benefits which were proportionate to the additional costs and burdens which could be imposed.
- 11.** However, since 2005 the policy environment has moved on. Stakeholders have expressed continuing and recently growing concerns

over the safety of, in particular, mobility scooters, and especially the risks they pose to pedestrians. These concerns relate both to the design of these vehicles – including their weight and the presence of external, projecting fittings – and to the difficulty of securing redress when accidents do occur.

12. Although – to the best of our knowledge - serious collisions with pedestrians are thankfully rare, the design features of mobility scooters mean that when they do occur they can have significant consequences. Collisions will typically involve the lower leg, and can cause fractures, especially in older pedestrians. Because of the weight of these vehicles, people may be knocked down; this can compound the injuries to their legs with fractures of their hips and injuries to their arms, chest and head.
13. We have received representations from stakeholders arguing that better design and safety features could improve the safety of these vehicles; others have made the case for powered wheelchairs to have a higher unladen weight limit because they could then incorporate more features that could help people with acute clinical needs.
14. In part, perceptions that these vehicles are now causing a more serious risk to safety may be linked to a growth in the number of these vehicles. At the time the 2005 review was carried out, it was estimated that there were around 70,000 to 100,000 powered mobility vehicles. More recent survey estimates from the National Travel Survey suggest that there could now be up to 330,000 people who have the use of a mobility vehicle.

Possible reforms

15. The aim of any reforms taken forward following this consultation will be to support continued mobility for disabled people while delivering cost-effective improvements to the safety of mobility vehicle users, pedestrians and other road users.
16. The consultation therefore seeks views on options to take forward some of the recommendations set out in the 2005 review. The consultation also seeks views on other issues that might be linked to safety - the additional issues of unladen vehicle weight limits, the minimum age to use a Class 3 vehicle and vehicle registration.
17. At this stage we are seeking general views from stakeholders about the need for reform and about the proportionality of some of the possible measures we could take. Once the responses to this consultation have been considered, further detailed consultations may be needed on specific legal or regulatory proposals.

- 18.** The following sections set out a series of issues relating to the legal classification, design, regulation and use of mobility vehicles. In each section, we begin by setting out the background to the issue and then offer a specific question for consultation on which we would welcome your views.

Section A: Legal classification of mobility vehicles

Invalid carriage

- 19.** “Invalid carriage” is the legal term that is used in the primary legislation to describe Class 1, 2 and 3 mobility vehicles; but stakeholders have told us that that term is now widely considered outdated and offensive. An amendment to primary legislation would be required to change this term.

Question 1: Do you think that the term “invalid carriage” should be replaced with a different term?

Vehicle classification

- 20.** The Use of Invalid Carriages on Highways Regulations 1988 divides mobility vehicles into three main categories. Those categories are “Class 1”, “Class 2”, and “Class 3”:-
- “a “Class 1 invalid carriage” means an invalid carriage which is not mechanically propelled;
 - a “Class 2 invalid carriage” means a mechanically propelled invalid carriage which is so constructed or adapted as to be incapable of exceeding a speed of 4 miles per hour on the level under its own power;
 - a “Class 3 invalid carriage” means a mechanically propelled invalid carriage which is so constructed or adapted as to be capable of exceeding a speed of 4 miles per hour but incapable of exceeding a speed of 8 miles per hour on the level under its own power;”.
- 21.** We are seeking views on whether we should seek to make amendments so that the legislation uses terminology that is acceptable to the public and so that it clearly defines the vehicles and their uses.

Question 2: If you think the term “invalid carriage” should be replaced, what term do you suggest should replace it?

Question 3: Do you think that the terms “Class 2” and “Class 3” should be replaced by more descriptive terms such as “slower speed mobility vehicle” for the Class 2 and “faster speed mobility vehicle” for the current Class 3?

Wheelchairs and scooters

- 22.** The 2005 review indicated that, within Class 2 and 3 vehicles, there was approximately an 80:20 split between powered mobility scooters and powered wheelchairs. There are also seen to be different uses of mobility scooters and wheelchairs.
- 23.** Users of mobility scooters tend to have difficulty with walking, or standing, for long periods, but would not necessarily consider themselves to be disabled. A mobility scooter is seen as being a convenient alternative to public transport, which is still considered by many to be inaccessible. It is also seen as a replacement for the private car, for shorter distances, when the user no longer feels confident enough to drive.
- 24.** Users of powered wheelchairs, however, are more likely to rely on their wheelchairs for everyday mobility, around the home as well as outdoors. Many of these will have their wheelchairs provided on loan through the NHS, for example, to meet clinical needs.
- 25.** At the moment, the legal framework for mobility vehicles does not make a distinction between mobility scooters and powered wheelchairs. One consequence of this is that it is more difficult than it would otherwise be to develop a modernised regulatory framework for mobility scooters, because doing so might make it more difficult for users of motorised wheelchairs to get around. For this reason, we think there may be a case for seeing the two types of vehicle as separate legal entities.

Question 4: Do you think the legislation should make a distinction between mobility scooters and powered wheelchairs?

Section B: Design standards for mobility vehicles

Maximum speed capability

26. The consensus among stakeholders, supported by our 2005 review, is that there is no case for changing the current 4mph speed limit on the footway. However there are issues over the continuing appropriateness of the 8mph limit for Class 3 vehicles.
27. Allowing vehicles capable of higher speeds to be designed would have obvious benefits in terms of reduced journey times for scooter users. It would arguably also be consistent with the arrangements for other vehicles on the carriageway (such as push bikes) which are capable of travelling at higher speeds. However some stakeholders are concerned about the safety implications of allowing faster mobility vehicles into the general mix of traffic. Views on whether to permit people to drive these vehicles at greater than 8mph are requested in paragraph 55 on maximum permitted speed.
28. Currently there are vehicles on the market that are capable of speeds greater than 8mph. These can be used on private land, but, because the 1988 Regulations state that the vehicle should be **incapable** of exceeding 4mph / 8mph, these vehicles fall outside the regulations and so are not permitted to be used on the carriageway or footway. A change in the regulations might allow vehicles that are technically capable of going faster than 8mph to be used on the roads, even if users were not allowed to exceed 8mph. This would allow people who use faster vehicles on private land, to use the same vehicles on the public roads. We would welcome views on these issues.

Question 5: Do you think that Class 3 vehicles should be designed to be capable of travelling at speeds higher than 8mph on the carriageway?

Question 6: If you think there should be a higher speed capability, what maximum speeds to do you suggest?

Weight limits for vehicles

29. The 1988 Regulations specify that the unladen weight of a Class 2 vehicle shall not exceed 113.4kg and that the unladen weight of a Class

3 vehicles shall not exceed 150kg. Weight limits are intended to protect the safety of other road users in the event of a collision.

30. Mobility vehicles, especially powered wheelchairs, have become more sophisticated since the 1988 Regulations came into force. Powered wheelchairs may include features which are essential to, or could improve a user's quality of life and which were unavailable previously, such as space to carry oxygen cylinders.
31. At the moment, mobility vehicles are defined in the Chronically Sick and Disabled Persons Act 1970 as vehicles which are constructed or adapted for use for the carriage of one person. While this is intended to be a safety control, it does constrain the mobility of some groups of people, including parents with babies or young children. The 2005 review therefore recommended that consideration be given to new designs that could enable disabled parents to safely carry babies and young children. Such designs may result in increased weight.
32. Surveys of the dimensions of occupied wheelchairs have shown a trend for increased weight between 1991 and 2005. But it has not been possible to tell whether this is because of heavier occupants, heavier vehicles or a combination of both.
33. Increased weight may also impact on the ability to use these vehicles on public transport, or for stowage in the back of a car.
34. We would welcome your views on weight limits.

Question 7: Do you think the current unladen weight limit is still appropriate?

Question 8: If you think the permitted unladen weight should increase, what should it increase to, and why?

Question 9: Should some mobility vehicles permit the carriage of a baby or a small child as a passenger?

Question 10: If you suggested changes in reply to questions 8 and 9 above, do you have evidence to support your suggestions? If you have evidence, what is it? Or do you believe that further research and trialling is needed before a decision is taken?

Safer vehicle design

35. The above paragraphs set out some reasons why we might want to consider raising the current weight limits for unladen mobility vehicles.

There are, however, concerns that any increase in weights could exacerbate the risk of injury, especially to children and frail older people. Whether or not unladen weight limits are changed, it has been suggested that designs could be altered (e.g. to remove external projections) or technology introduced (e.g. automatic stop devices), to reduce the likelihood of collision and to reduce the impact in the event of a collision.

Question 11: Do you think that technology is available that could reduce the likelihood of and severity of injury caused by a collision with a mobility scooter? If so, what technology do you have in mind?

Question 12: Should any increase in weight only be permitted if such technology is used?

Conspicuousness

- 36.** The 1988 Regulations state that a Class 2 or Class 3 invalid carriage, when on the carriageway of any road, shall comply with the requirements specified in the Road Vehicles Lighting Regulations 1984, as if it was a motor vehicle.

- 37.** The Road Vehicles Lighting Regulations 1984 have since been replaced by the Road Vehicles Lighting Regulations 1989 (Statutory Instrument 1989 No 1796). Those 1989 Regulations require that Class 2 vehicles be fitted with lamps and reflectors only when being used on the public road. Class 3 vehicles, which are primarily for use on the carriageway, are to be fitted with a front lamp, a rear lamp or reflector, direction indicators and, when travelling on a dual carriageway, a hazard warning lamp.

- 38.** Class 2 vehicles are primarily for use on the footway. But in rural areas they may be used on the carriageway if there is no footway present.

Question 13: Do you think that additional requirements should be imposed to make mobility vehicles more conspicuous to help to improve the safety of the mobility vehicle user and the safety of other road users?

Question 14: If you do think that additional requirements should be imposed, what do you suggest?

Section C: Users of mobility vehicles

Minimum age

- 39.** The 1988 Regulations stipulate that the minimum age for using a Class 3 vehicle on the public highway is 14 years. Some stakeholders have suggested that this limitation is unnecessary. They have also suggested that it is inconsistent with the arrangements for pedal cycles - there is no minimum age for pedal cycles. However legislation on electrically assisted pedal cycles (EAPCs) does set a minimum age of 14 years. (In our parallel consultation on small electric personal vehicles, we consider whether there should be a minimum age). In this consultation we are seeking views on the advantages and disadvantages of allowing people under the age of 14 to use mobility vehicles. This includes seeking your views on the balance between safety concerns and potential additional mobility benefits.

Question 15: Do you think that the minimum age of 14 when a person may use a Class 3 vehicle should be kept the same, removed or lowered?

Question 16: If you think the minimum age should be lowered, what do you suggest it be lowered to?

Information, training and fitness to drive

- 40.** Currently there are no requirements for mobility vehicle users to undertake training or to undergo any assessment of their ability to use a vehicle. The law requires only that a person should be “suffering from some physical defect or physical disability” in order to use a mobility vehicle.
- 41.** The 2005 review recommended that advice and information is provided to enable a disabled person to select a mobility vehicle that would best meet their needs. The review suggested we keep the requirement that “a person should be suffering from some physical defect or physical disability”. It also recommended that we should add information about cognitive and visual ability. The review therefore recommended that a simple assessment of fitness to drive be developed.
- 42.** Some stakeholders believe that reforms such as these could increase the confidence and ability of users of mobility vehicles, and increase the safety of users of mobility vehicles and other road users. However, there is little evidence that mobility scooter users pose significant safety

risks to themselves or others. An assessment process might therefore appear disproportionate, costly and cumbersome.

43. In this consultation we are seeking views on whether we should develop more detailed proposals for a fitness to drive assessment. And if so, which aspects of fitness to drive the assessment might cover.
44. Any proposals for a fitness to drive test should be reasonable compared with the requirements on other vehicle users. At the moment, the only road users who are required to undergo compulsory training are riders of motorcycles and mopeds because they face particularly high risks. Other motor vehicle users have to pass a test of competency, but training for the test is not compulsory. Other road users, such as cyclists, do not have to undertake training or prove competence, although voluntary schemes are available to improve confidence and safety.
45. There are some schemes in place that provide these services on a voluntary basis. Examples are described in the box below.

Examples of schemes in place to provide training, advice or assessment:

Norfolk Constabulary runs a mobility vehicle awareness course to help people to use their vehicles more safely. The training is in response to concerns about a number of accidents in their area. It includes giving road safety advice, and teaching control skills such as reversing.

The William Merritt Disabled Living Centre and Mobility Centre currently provides an assessment and advice service to around 112 potential mobility vehicle users a year. Almost 800 such assessments are carried out by mobility centres in England in a year. Most of the work focuses on Class 2 mobility scooters. The assessment involves discussion about their needs, experience, disability, and an assessment of their physical and cognitive ability, followed by demonstration and trial of suitable vehicles, both indoors and outdoors on a purpose-built track. The session is followed by advice and, where necessary, demonstration of methods of stowing the scooter in car, insurance, registration and maintenance issues.

The Scootability scheme is run by the London Borough of Camden in partnership with the London Borough of Islington, Transport for London, NHS Camden and Provider Services. Scootability is a free loan scheme for Class 2 mobility vehicles and powered wheelchairs and is open to residents in Camden and Islington. Those wishing to use a mobility vehicle are assessed to ascertain that the vehicle is right for their needs. This includes an eyesight test and an assessment of their ability to control the vehicle. Insurance cover is part of the loan scheme. The aim is to give residents with mobility difficulties more options to travel locally.

46. The 2005 review showed how difficult it was to get information on accidents and incidents involving mobility scooters. But it concluded that there were very few reported incidents resulting in injury.

Question 17: What do you think should be done to improve the information and advice that is available to people who want to use a mobility vehicle?

Question 18: Should all users be required to undergo compulsory training?

Question 19: How do you suggest such training might be organised and delivered? How could it be funded (for example through user fees)?

Question 20: Should all users be required to undergo an assessment of their suitability to drive a mobility vehicle?

Question 21: How do you suggest such an assessment might be organised and delivered? How could it be funded (for example through user fees)?

Section D: Vehicles in use

Registration

47. Users of Class 3 vehicles are currently required to register their vehicles with the Driver & Vehicle Licensing Agency (DVLA) under the Road Vehicles (Registration and Licensing) Regulations 2002 (Statutory Instrument 2002 No 2742). They are exempt from payment but must acquire a tax disc. The 2005 review concluded that the majority of Class 3 vehicles remain unregistered. It also concluded that there is no process for registration to be transferred to the new owner when vehicles are either passed on or sold second-hand.
48. Any vehicle registration scheme has a number of different purposes. It should help enforce legislation, to enable identification of vehicles (for example if they are stolen or lost), to trace the drivers of vehicles, and to link to insurance for the purposes of redress in the event of an incident.
49. In considering the future of any registration policy, we want to consider the benefits of different ways of arranging registration. We have considered the following options:
- Continuing with the current DVLA registration process, but with improved enforcement

- Replacing the current national registration process with a locally-run registration scheme – we would like to consider making links to existing schemes.
- Registering the user rather than the vehicle. This would help with the enforcement of some aspects of road traffic law.

Question 22: Do you think a scheme is needed? If so why?

Question 23: Do you think the current registration scheme with DVLA should be improved, for example, through better enforcement?

Question 24: Do you think the current registration scheme should be replaced by a locally-run registration scheme? (We would be interested in exploring whether this could be linked to existing schemes, for example the Blue Badge disabled parking scheme.)

Question 25: Do you think it would be better to register users rather than registering vehicles, if so how might it work?

Question 26: Do you have any other suggestions for how a mobility vehicle registration scheme would work?

Question 27: Do you think registration should be required for Class 2 vehicles as well as Class 3 vehicles?

Insurance

- 50.** Currently mobility vehicle users are not required to take out insurance cover although it is strongly recommended. A person injured by a mobility vehicle has little redress if the vehicle owner is uninsured. Equally, a vehicle user who is an accident victim is vulnerable without insurance cover. However cyclists are not required to hold insurance and so you might think it unfair to require mobility vehicle users to have insurance. It should be borne in mind that pedal cyclists do not normally mix with pedestrians in the way mobility vehicles are allowed to.

Question 28: Do you think that a minimum of third party insurance should be compulsory for users of mobility vehicles?

Criminal offences

- 51.** Currently, as provided for in the 1988 Regulations, most road traffic laws, including the offence of “dangerous driving” do not apply to

mobility vehicle users. In some circumstances it is possible that section 35 of the Offences Against the Person Act 1861 (drivers of carriages injuring persons by furious driving) may apply. Section 35 says this –

“Drivers of carriages injuring persons by furious driving

35. Whosoever, having the charge of any carriage or vehicle, shall by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.”.

- 52.** However this would not cover, for example, endangering others due to careless driving. The consultation seeks views on whether this is adequate and on what other penalties should apply to people who use mobility vehicles in an irresponsible or dangerous manner. It also seeks views on whether it should be possible to prosecute those who drive mobility vehicles carelessly or dangerously in the same way as with motor vehicles.

Question 29: Do you think that the section 35 offence is adequate? Which driver behaviours do you think are not at present adequately covered by the legislation and should be the subject of further detailed proposals?

Maximum permitted speed

- 53.** Paragraph 28 above dealt with maximum capable speed, which is about the design of the vehicle. This section deals with maximum permitted speed which is about road user responsibility.
- 54.** Class 3 vehicle users are limited to a maximum speed of 8mph on the carriageway. But they are permitted to use major roads, including dual carriageways, where the speed limit does not exceed 50mph. Allowing vehicles capable of higher speeds to be designed would have obvious benefits in terms of reduced journey times for scooter users. It would arguably also be consistent with the arrangements for other vehicles on the carriageway (such as push bikes) which are capable of travelling at higher speeds. However, some stakeholders are concerned about the safety implications of allowing faster mobility vehicles into the general mix of traffic. We would welcome views on these issues.
- 55.** Class 3 vehicles users are permitted to use the footway but must limit their speed to 4mph. The vehicles are required to be fitted with a speed indicator. They also have to be fitted with a device which is capable of

limiting the maximum speed of the vehicle to 4mph and which can be operated by the user. To improve enforcement of speed, and thus safety, we would like your views on whether the vehicle speed should be able to be seen by other people (e.g. by having a sign on the vehicle).

Question 30: Do you think that a Class 3 vehicle should be permitted to travel faster than the current limit of 8 mph on the carriageway?

Question 31: What do you see as the potential benefits and risks of an increased speed limit?

Question 32: What do you think the new maximum permitted speed should be?

Question 33: When the speed limiter is switched off, users of Class 3 vehicles may drive above 4 mph provided they are on the carriageway and not the footway.

To aid concordance with this regulation, should mobility vehicles then automatically display a sign on the rear that indicates that they must not be used on the footway?

Section E: Other Issues

Data collection

56. It is difficult to ascertain an accurate position on the safety of mobility vehicles because routine data on incidents involving them is not routinely collected by the police or by the NHS. It is currently difficult to identify the number of mobility vehicle users or to get evidence of incidents involving them. However this is required if we are to monitor trends.

Question 34: What type of data do you think it would be helpful to record, and why?

4. How to Respond

THE CONSULTATION PERIOD BEGAN ON 3 MARCH 2010 AND WILL RUN UNTIL 28 MAY 2010, PLEASE ENSURE THAT YOUR RESPONSE REACHES US BY THAT DATE.

If you have an opinion on any aspects of this consultation, please let us know, by completing a response form (Annex 4). If you do not do so, DfT will not be able to take your views into account in considering the way forward.

If you would like further copies of this consultation document it can be found at (www.dft.gov.uk/consultations) or you can contact Terry Deere if you would like alternative formats (Braille, audio CD, etc).

Please send consultation responses to

Mobility Vehicles Consultation
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London SW1P 4DR

Email: mobilityvehiclesconsultation@dft.gsi.gov.uk

A list of those consulted is attached at Annex 2. If you have any suggestions of others who may wish to be involved in this process please contact us.

You should offer readers the opportunity to suggest others who may wish to be involved.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information

Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

What will happen next

A summary of responses, including the next steps will be published on www.dft.gov.uk/consultations, paper copies and copies in alternative formats will be made available on request.

Partial Impact Assessment

The Impact Assessment can be found at Annex 1. When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.

Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

The consultation criteria

The consultation is being conducted in line with the Government's Code of Practice on Consultation. The criteria are listed at Annex 5, a full version of the Code of Practice on Consultation is available on the Better Regulation Executive web-site at:

<http://www.berr.gov.uk/files/file47158.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the consultation process please contact:

Giada Covallero
Consultation Co-Ordinator
Department for Transport
Zone 2/25
Great Minster House
London SW1P 4DR

Email address consultation@dft.gsi.gov.uk

Annex 1 Partial Impact Assessment

Separate document is available for this section

Annex 2 List of those consulted

Age Concern/Help the Aged
Association of British Insurers
Association of Chief Police Officers
Association of Directors of Social Services
British Healthcare Trades Association
British Medical Association
Cabinet Office
Department of the Environment (Northern Ireland)
Department for Health
Disabled Living Centres Council
Disabled Living Centre, Leeds
Disabled Persons Transport Advisory Committee
Disabled Persons Transport Advisory Committee, personal mobility working
- group
Driver & Vehicle Licensing Agency
Equality & Human Rights Commission
Forum of Mobility Centres
Joint Committee on Mobility for Disabled People
Local Government Association
London Borough of Camden (Scootability)
Loughborough University Centre for Research in Social Policy
Medicines & Healthcare Products Regulatory Agency
Ministry of Justice
Mobility Centre, Bristol
Mobilise
Motability
Motor Insurers' Bureau
National Assembly for Wales
National Centre for Independent Living
National Federation of Shop Mobility
NHS Purchasing & Supply Agency
Norfolk Constabulary
QEF mobility centre
RADAR the disability network
Road Safety GB
Royal National Institute of Blind People
Royal National Institute for Deaf People
Royal Society for the Prevention of Accidents
Scottish Government, mobility & accessibility
Scottish Government Transport Directorate
Spinal Injuries Association
Sunderland City Council
Transport for London

This is Living,
University College London (Accessibility Research)

Dame Joan Bakewell
Hugh Bayley MP
Jeff Ennis MP
Mr Dominic Feely (Rehabilitation Engineer,NHS)
David Kidney MP
Mr & Mrs G Thompson

Annex 3: Examples of mobility vehicles



Powered wheelchair



Powered mobility scooter (Class 3)

Annex 4: Consultation response form

Separate document is available for this section

Annex 5: Code of Practice on Consultation

The Government has adopted a Code of Practice on consultations. The Code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK Departments and Agencies have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law).

The Code contains seven criteria. They should be reproduced in all consultation documents. Deviation from the code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances.

The Seven Consultation Criteria

1. When to consult: Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. Duration of consultation exercises: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. Clarity of scope and impact: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. Accessibility of consultation exercises: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. The burden of consultation: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. Responsiveness of consultation exercises: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. Capacity to consult: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

A full version of the code of practice is available on the Better Regulation Executive web-site at: <http://www.berr.gov.uk/files/file47158.pdf>
If you consider that this consultation does not comply with the criteria or have comments about the consultation process please contact:

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