



## BRIEFING PAPER

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# Cycling, walking and mobility: FAQs for 2020

By David Hirst

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Contributing Authors:

Louise Butcher, Transport Policy

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# Summary

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about active travel, particularly cycling. There is no intended link between articles other than that the topics are often the subject of requests by Members, usually on behalf of their constituents.

Please note that as cycling and active travel policy more generally is devolved across the UK this paper largely discusses **England only**. In Scotland, Wales and Northern Ireland policy is the responsibility of the devolved administrations and scrutiny the responsibility of the respective parliaments and assemblies.

It covers the following issues:

- The benefits of walking and cycling;
- What the Government is doing to encourage cycling and how much it is spending;
- How safe it is to cycle, and the rules on wearing helmets;
- The laws on cycling and how bad cycling can be prosecuted;
- Shared spaces for walking and liabilities for injuries on pavements;
- What kinds of e-bikes and e-scooters are legal; and
- The rules on using a mobility scooter.

Further details on these issues and more can be found in a suite of Commons Library briefing papers, [available on our website](#).

# 1. Introduction

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about cycling and micro-mobility issues. There is no intended link between articles other than that the topics are often asked by constituents of Members.

*Please note that nothing in this paper should be considered as constituting legal advice. It is not intended to address the specific circumstances of any particular individual. A suitably qualified professional should be consulted if specific advice or information is required.*

**Transport policy** largely emanates from the [Department for Transport \(DfT\)](#) and its agencies, non-departmental public bodies and other offshoots. Some aspects of policy come under the overall control of other departments – e.g. decarbonisation and climate change.

In **Parliament** transport policy is largely scrutinised by the [Transport Select Committee](#), though those policies covered by other departments may well attract attention from other committees. For example, in the 2017 Parliament [air quality](#) was an issue of concern for the Environment Food and Rural Affairs, Environmental Audit Committee, Health, and Transport Committees. Separately, the [Public Accounts Committee](#) looks at issues across Government departments, largely based on reports by the National Audit Office (NAO), including rail matters.

[Transport Statistics Great Britain \(TSGB\)](#) is the DfT's main statistical compendium analysing trends in British transport. The authorities in Wales, Scotland and Northern Ireland publish their own data.

A range of international transport statistics are available online, the primary providers being the OECD, the World Bank and the World Health Organisation.

## 2. Cycling: general

### 2.1 Who is responsible for policy on active travel?

This is a wide-ranging policy area and covers matters such as cycling, walking and issues around micromobility (e.g. using electric bikes, e-scooters and mobility scooters). Policy making in these areas is devolved in Scotland, Wales and Northern Ireland, but there is a reservation to Westminster when it comes to type approval for certain e.g. what sorts of vehicles can be used on the road and traffic offences.

In **England**, overall policy is set by the Department for Transport (DfT). At a local level, a great deal of policy making now rests in the hands of elected 'metro mayors'. There are currently eight of these, in: Cambridgeshire & Peterborough; Greater Manchester; Liverpool City Region; London; Sheffield; Tees Valley; the West Midlands; and the West of England. So while DfT will set a policy framework, these mayors have varying levels of autonomy in deciding what policies to pursue (e.g. Manchester's cycle network; London's cycle superhighways).

Local road networks are managed by around 150 local authorities – county, unitary and district councils – and regional transport bodies like [Transport for London](#) and [Transport for West Midlands](#).

The [Ministry of Housing, Communities and Local Government \(MHCLG\)](#) provides local authorities with the bulk of their funding for local active travel, while DfT provides discrete pots of capital funding.

The DfT works with the [Ministry of Justice](#) on road traffic offences, including maximum sentences.

In **Scotland**, [Schedule 5, Part II, Head E](#) of the *Scotland Act 1998*, as amended, prescribes those areas reserved to the UK Parliament; everything else is devolved. The 1998 Act was substantially amended in 2012 and 2016. There are no specific reservations regarding local active travel – cycling is a devolved matter for the Scottish Government. However, as noted above, there are reservations in the form of road traffic offences and vehicle type approval.

In **Wales**, the original devolution settlement under the [Government of Wales Act 1998](#) did not equip the National Assembly for Wales with primary law-making powers, and most transport policy remained under Westminster control. In 2014, the [Silk Commission](#) recommended that the National Assembly should move to a reserved powers model like Scotland. This was then enacted by the [Wales Act 2017](#). [Schedule 7A, Part II, Head E](#) prescribes those areas reserved to the UK Parliament; everything else is devolved. There are no specific reservations regarding local active travel – cycling is a devolved matter for the Welsh Government. However, as noted above, there are reservations in the form of road traffic offences and vehicle type approval.

You can read more about local public transport issues in NI, Scotland and Wales from: [Research and Information Service \(RaISe\) for the Northern Ireland Assembly](#); [Scottish Parliament Information Centre \(SPICe\)](#); and [Research Service of the National Assembly of Wales](#).

Local active travel in **Northern Ireland** is completely devolved, governed by separate legislation and managed in a different way. The [NI Department for Infrastructure](#) is responsible for policy.

## 2.2 What are the benefits of cycling?

**There is evidence that cycling can have significant personal health benefits as well as saving the NHS money in the long term.**

**Cycling schemes generally represent good value for money and can have positive economic impacts.**

Investing in cycle schemes and getting more people to using active means of travel (such as bikes) can bring environmental, health and economic benefits:

- [Promoting active travel can result in reduced emissions](#) of Nitrogen Dioxide (NO<sub>2</sub>), Particulate matter (PM) and CO<sub>2</sub> helping to tackle climate change and improve air quality;
- [Active travel can contribute towards the recommended 150 minutes of physical activity](#) for adults each week, which are hugely important for maintaining health; and
- [Cycling \(and walking\) can contribute towards economic performance](#) by reducing congestion, supporting local businesses and more. The benefit to cost ratio of investments in walking and cycling are estimated at 5.62:1 (or 'very high' value for money).

### Environmental benefits

Getting people to travel by bike (and foot), rather than by car can reduce CO<sub>2</sub> emissions and improve air quality. [Transport CO<sub>2</sub> emissions](#) are the largest contributing sector of the UK economy. Such emissions can be reduced by replacing short car journeys with journeys made by bicycle. Air quality can also be improved by switching away from cars. [UK levels of NO<sub>2</sub> in some areas have breached European legal limits](#). Such emissions and the Particulate matter (PM) from vehicles on the road have been [linked with a range of health conditions](#) including respiratory failure, strokes, heart attacks, dementia and premature death.

### Health benefits

The benefits of physical activity are well-known – a former Chief Medical Officer, [Sir John Simon, described it as a “wonder drug”](#) – and even small increases in activity levels can have marked health benefits. Cycling (and walking) for 10 minutes a day can contribute towards the recommended 150 minutes of physical activity for adults each week.

A [2016 study by academics at Cambridge University](#) found that the benefits of cycling into work far outweigh the damage to one's lungs caused by air pollution: “even in Delhi, where pollution levels are 10 times worse than London, people would need to cycle for more than five hours a week for the damage to outweigh the benefits”. Further, a [research study for the Department for Transport](#) published in November

2014 reported that cycling is associated with numerous positive health outcomes “in terms of reducing the risk for conditions such as cardiovascular disease, stroke, type 2 diabetes, and a variety of cancers, as well as in terms of mental health, stress, injury risk, health-related quality of life, all-cause mortality and productivity and reduced absenteeism at work”.

## Economic benefits

There has been a lot of work in recent years on the economic benefits of cycling. In 2013 [Philippe Crist from the International Transport Forum estimated](#) the benefit of the ‘cycling economy’ to the UK was approximately £2.9 billion, the majority of which came from bike and accessory sales. [Work produced for the sustainable transport charity Sustrans in 2015](#) said that walking and cycling had saved the UK more than £7 billion over the previous 20 years, with most savings accruing through health benefits.

The [Department for Transport \(DfT\) has assessed cycling investments](#) to be “very good value for money” (benefit to cost ratio of 5.62:1). The economic benefits analysed are largely derived from the positive health outcomes of active travel and the associated lower costs to the NHS. Similarly, a February 2014 [report by Cambridge University for British Cycling](#) estimated that the NHS would save £250 million a year if people replaced five of the 36 minutes they spend each day in a car and instead went by bike.

A [DfT-commissioned report examining the “value of cycling”](#) published in March 2016 found a range of economic benefits from cycling, including:

- Annualised infrastructure costs in compact, less car-dependent metropolises are 33% less than in low-density, car-oriented ‘sprawl’;
- Public realm improvements, including those that cater for cycling, have been shown to result in increased trade at local businesses; up to 49% in New York City;
- Cycling schemes can achieve more for less, with benefit-to-cost ratios in the in the range of 5:1 to 19:1 – some as high as 35.5:1;
- A typical “cycling city” could be worth £377 million to the NHS in healthcare cost savings, in 2011 prices;
- Facilities allowing children to cycle to school save on the public cost of school travel: amounting to £390 million per annum in the Netherlands in 1987 prices;
- Cycle tourists on average spend more: around 9% per head per trip, or around £81 per head per trip; and
- Cycle freight offers a competitive advantage in city locations and is cheaper than motorised freight for small payloads over short distances. Cost savings range between 39% and 64% compared to a van-based service.

## 2.3 What is the Government doing to encourage cycling?

**The current Government's policy is set out in some detail in its April 2017 Cycling and Walking Investment Strategy. The Government has said it will publish an update to this strategy in summer 2020.**

**Successive governments have had a 'cycling strategy' of some sort and have supported various initiatives, from training to new infrastructure, to improved facilities and safety measures.**

Successive governments have attempted to support and promote cycling with national strategies and local implementation plans. Whether or not they have always been successful is debatable, particularly – as campaigners have always emphasised – without investment to support strategies, the reality does not always keep pace with the rhetoric.

The Government's current policy is set out in [Gear Change: A bold vision for cycling and walking](#) for 2020-25 published in July 2020. This builds on the April 2017 Cycling and Walking Investment Strategy. Previous Government policies are detailed in box 1, below.

### Cycling and walking plan 2020

The Government published [Gear Change: A bold vision for cycling and walking](#) for 2020-25 in July 2020. This plan was described by the Prime Minister as "most ambitious plans yet to boost cycling and walking". Some of the key policies to deliver on this ambition are:

- £2bn of ringfenced funding for walking and cycling overseen and administered by Active Travel England a new inspectorate, which will ensure projects meet new design standards, and be delivered on time.
- The creation of a 'national e-Bike programme' – this will enable the elderly, or those who travel far to take to bikes as part of journeys.
- A new approach on health will be piloted in selected places with poor health rates to encourage GPs to prescribe cycling, with patients able to access bikes through their local surgery.
- Improvements to the National Cycle Network
- Making streets safer by consulting to strengthen the Highway Code to better protect pedestrians and cyclists; improving legal protections for vulnerable road users; raising safety standards on lorries; and working with the police and retailers to tackle bike theft.

### Covid active travel emergency fund

In May 2020, the Government announced a [£250 million emergency active travel fund](#), which is the "first stage of a £2 billion investment,

and part of the [£5 billion in new funding announced for cycling and buses in February](#).”

In February, the [Prime Minister](#) said he wanted this £5 billion investment to “overhaul bus and cycle links for every region outside London.” And in May 2020 said he hoped the increase in active travel during the covid lockdown period would herald [“new golden age for cycling.”](#)

Alongside the funding announcement, the Government said it would publish an updated Cycling and Walking Investment Strategy “in the summer”. It said this update would include:

- the creation of a national cycling and walking commissioner and inspectorate
- higher standards for permanent infrastructure across England
- getting GPs to prescribe cycling and exercise
- creating a long-term budget for cycling and walking similar to what happens for roads

### Box 1: Past government cycling policies

- **Cycling and walking investment strategy 2017:** This strategy set out the Government’s “ambition that cycling and walking are the natural choices for shorter journeys, or as part of a longer journey.” The Government set four objectives it wanted to achieve by 2020. These were to:
  - increase cycling activity, where cycling activity is measured as the estimated total number of cycle stages made;
  - increase walking activity, where walking activity is measured as the total number of walking stages per person;
  - reduce the rate of cyclists killed or seriously injured on England’s roads, measured as the number of fatalities and serious injuries per billion miles cycled; and
  - increase the percentage of children aged 5 to 10 that usually walk to school.
- Further to this, by 2025 the Government set itself several aims and a target:
  - to double cycling, where cycling activity is measured as the estimated total number of cycle stages made each year, from 0.8 billion stages in 2013 to 1.6 billion stages in 2025;
  - to increase walking activity, where walking activity is measured as the total number of walking stages per person per year, to 300 stages per person per year in 2025; and
  - increase the percentage of children aged 5 to 10 that usually walk to school from 49% in 2014 to 55% in 2025.
- **Coalition Government 2010-15:** The [2011 White Paper on cycling](#) promised ongoing support for cycling and in particular Cycling Demonstration Towns; Bikeability; the Links to Schools programme, Bike Club, Bike It and Walk to School (to be subsumed into the Local Sustainable Transport Fund); and the Cycle Journey Planner. Cycling England (formerly the National Cycling Forum) was abolished under the *Public Bodies Act 2011* with effect from 1 April 2011.
- **Labour Government 1997-2010:** The Labour Government that took office in 1997 endorsed the Conservative Government’s National Cycle Strategy and set out how it intended to support the strategy going forward. This included measures to improve the safety and convenience of cycling and a commitment to publish advice on good practice. In

particular, local authorities would be asked to establish a [local strategy for cycling as part of their Local Transport Plans \(LTP\)](#). In 2008, the Government published a [policy paper on a sustainable future for cycling](#). It set out the Government's intention to increase the cycling budget by 500% over three years to be spent on a number of different schemes such as Bikeability; infrastructure improvements; Cycling Demonstration Towns; and cycling to school champions.

- **The Major Conservative Government 1992-97:** In 1995 the Government established the National Cycle Network (NCN) and in July 1996 published a National Cycling Strategy. The aim of the Strategy was to double the number of trips by bicycle (on 1996 figures) by the end of 2002 and to quadruple the number of trips by the end of 2012.

## 2.4 What are the London Cycleways (previously Cycle Superhighways)?

**Cycle Superhighways across London were introduced by Mayor Boris Johnson. As part of the Mayor of London's 2018 Cycling Action Plan, cycle superhighways were rebranded as Cycleways.**

**They are mostly on main roads, for fast commuters. There will be 12 in all and it is hoped that they will generate up to 120,000 additional cycle trips every day.**

Even where good facilities or infrastructure have been provided and well used, they have been seen by some cyclists as a way of avoiding the real issue: the fundamentally [motor vehicle-orientated bias of most highway planning and traffic management](#). However, the Government's [National Planning Policy Framework](#) advises local authorities to promote healthy, inclusive and safe places which encourage walking and cycling. There are also [mandatory design standards for new cycle infrastructure](#), which the [Government has said it will update](#).

In London, there are efforts to make roads more cycle-friendly through the construction of a number of 'Cycle Superhighways'. The country's first 'city to city' cycle superhighway opened between [Leeds and Bradford](#) in 2016.

Since the first Mayor of London was elected in 2000 he has had sole responsibility for London's transport network, implemented on his behalf by Transport for London (TfL). However, it should be noted that many road schemes require the cooperation of the constituent London councils as they retain highway powers over all roads that do not form part of the [TfL network of 'red routes'](#). Successive mayors have highlighted cycling as one of their transport priorities:

- **[Ken Livingstone \(2000-08\)](#)** pledged to work with the London boroughs and cyclist groups to develop extended high quality cycle routes, largely based on the London Cycle Network; to look at the problems encountered by cyclists, particularly key accident locations, to see if these could be solved by specific junction treatment or other traffic management solutions and to 'cycle audit' all new major highway and transport infrastructure and traffic management schemes.

- **[Boris Johnson \(2008-16\)](#)** pledged to deliver improvements to cycling infrastructure and training, including a central London Cycle Hire scheme; 12 Cycle Superhighways; further integrating the road network and open spaces; and road enhancements to make cycling easier and safer. His policies for Cycle Superhighways, the Cycle Hire scheme, Biking Boroughs, improving training and safety, provision of better cycle parking and others were further explained in his [‘cycling revolution’ strategy document](#) in 2010 and the [Vision for Cycling](#) published in March 2013. The [London cycle hire scheme](#), sponsored by Santander (former Barclays), was launched in June 2010 in central London.
- **[Sadiq Khan \(2016-\)](#)** was elected on a pledge to “champion new measures to encourage cycling and walking, while also making them safer, in order to relieve traffic jams and congestion at peak times ... prioritise 'Quiet Ways' to broaden London’s safe cycle network, completing the roll out of the existing town-centre cycling improvement plans”. His [2018 Cycling Action Plan](#) set out a vision for London to “be the world’s best big city for cycling”, so that everyone who wants to cycle for their journeys in London will be able to do so confidently and comfortably.

Mayor Johnson’s [2010 cycling strategy document](#) committed to building 12 Cycle Superhighways across London. It was hoped that this would generate “up to 120,000 additional cycle trips every day, creating a critical mass of cyclists that revolutionises commuter travel and helps to change the attitudes of all road users”. His 2013 [‘vision for cycling’](#) pledged by 2020 a network of high capacity Superhighways, mostly on main roads, for fast commuters, complemented by “slightly slower but still direct Quietways on pleasant, low-traffic side streets for those wanting a more relaxed journey”.

The most controversial of the schemes has been the [East-West Cycle Superhighway](#) through central London from Tower Hill to Lancaster Gate. The initial consultation for the scheme received almost 9,000 responses; roughly three quarters in full support of the scheme and a fifth opposed. There was significant opposition from the London taxi and private hire trade and from Canary Wharf Group (see p27 and 23-24 of the [East-West Cycle Superhighway Tower Hill to Acton: Response to Consultation](#)). Overall the main concern was about negative traffic impacts, though others raised issues such as cyclist behaviours; lack of kerbside access; and impact on pedestrians.

The first TfL [business plan published after Sadiq Khan became mayor](#) committed to an average £154 million per year for cycling over the five years from 2016. TfL said that this “record investment” represents an average £17 per head per annum spending on cycling in the capital, on a par with Denmark and the Netherlands. TfL also said it would consult on two new Cycle Superhighways – CS4 (Woolwich to London Bridge) and CS9 (Hounslow to Olympia) – in 2017.

The Mayor’s [2018 Cycling Action Plan](#) set out a vision for London to “be the world’s best big city for cycling”, so that everyone who wants to cycle for their journeys in London will be able to do so confidently and comfortably. This Action plan explained that the existing Cycle

Superhighway and Quietway brands had (p53) “been important in growing cycling in London, but as cycling becomes more and more popular, the time has come to move towards a more inclusive identity for the cycle network.” Toward the end of 2018, this rebranding exercise resulted in cycle superhighways (and Quietways) together being [rebranded as Cycleways](#).

## 2.5 What are low traffic neighbourhoods?

**Low-traffic neighbourhoods are residential roads where motor traffic is limited or closed off completely. During the pandemic, the Government has encouraged local authorities to reallocate road space to people walking and cycling. The introduction of some low traffic neighbourhood schemes have been controversial.**

[“Low traffic neighbourhoods” \(LTNs\)](#) are groups of residential streets, bordered by main or roads, where “through” motor vehicle traffic is discouraged or removed, while every resident can drive onto their street, get deliveries etc. This can be achieved in a range of different ways:

- by installing planters, bollards, or other street furniture that physically block the road; and/or
- by camera-enforced ‘gates’ that do not physically block the road, but illegitimate use is enforced through fines;

LTNs are not a new concept, though they have gained renewed attention as part of the Government’s response to the Covid-19 pandemic. As part of this response, the [Government has encouraged local authorities](#) in areas with high public transport use to reallocate road space to people walking and cycling; LTNs are one of a range of tools local authorities can use to do this.

To support local authorities to manage their roads and reallocate road space to people walking and cycling, the Government issued fast tracked statutory guidance in May 2020. This guidance updated the Network management duty guidance for local authorities made under Section 18 of the [Traffic Management Act 2004](#).

### Public attitudes to LTNs

LTN schemes are now being implemented across the country using a combination of Temporary, experimental and permanent Traffic Regulation Orders (TROs). However, they have provoked opposition in several London boroughs. For example, [Wandsworth Borough council](#) suspended its LTN trials in September following an initial review of the trials that identified concerns with emergency access and traffic flows.

Concerns over LTNs have tended to focus on one or more of the following issues:

- Lack of consultation with local residents
- Accessibility for elderly and disabled residents
- Access to streets for the emergency services
- Increased congestion on surrounding streets.

In November 2020, in the wake of local opposition to LTN schemes, the Government's network management guidance was updated stressing the need for engagement and consultation. At the same time the Government released the findings of research into public attitudes towards LTNs, and the outcomes they are designed to achieve. This [research found](#):

- 65% of people across England support reallocating road space to cycling and walking in their local area.
- Nearly 8 out of 10 people (78%) support measures to reduce road traffic in their neighbourhood.
- In London, 19% of people oppose LTNs, 52% support them and 25% are neutral.

## Evidence for effectiveness of LTNs

By reducing through traffic, LTNs could help tackle key issues around road safety, air quality and public health.

The People and Places study led by Professor Rachel Aldred measures travel behaviour and attitudes over time in a number of mini-Holland schemes in Outer London. This [research has found](#) consistent evidence that LTNs have reduced residents' car ownership and/or use, and the already demonstrated increase in active travel from mini-Holland schemes is higher in LTNs.

There is also [evidence from the Waltham Forest mini-Holland scheme](#) that LTNs could reduce the overall volume of traffic, and that there could be resultant [improvements in air quality](#).

## 2.6 What is 'best practice' in other countries?

**There are a number of sources of information on cycling best practice in other European countries, particularly in cities such as Copenhagen and countries such as the Netherlands.**

Cycling groups often refer to the Netherlands and Denmark – particularly their capital cities – as examples to follow when it comes to cycling infrastructure, funding and the 'rules of the road'.

The Netherlands and Denmark regularly rank as the two most cycle-friendly countries with cycling rates far in excess of those in the UK; almost three quarters (71%) of the Dutch population cycle at once a week and over half of Danes (56%). Accordingly, transport planners and cycling campaign groups in the UK have sought to learn lessons from these countries and find specific approaches that could be deployed here.

There have been a number of reports looking at all aspects of best practice in other countries, particularly Europe. Two of the most notable are:

- Urban Movement for Transport for London, [International Cycling Infrastructure: Best Practice Study](#), December 2014

- Research and Information Service (RaISe) for the Northern Ireland Assembly, [Why do people cycle & what benefits does cycling bring? Lessons from the Netherlands, Denmark and Germany](#) (NIAR 228-14), November 2014

There are also databases of case studies from across Europe, for example:

- [Eltis: The urban mobility observatory](#) (includes examples from Ireland, Portugal, Denmark, Austria, Spain and many other countries)
- [Cyclecities](#) (includes good practice guides and implementation plans from participating cities such as Leipzig, Gdansk, Genoa and Lisbon)
- [European Cyclists' Federation](#) (includes examples from Belgium, Germany, Austria and Hungary)

Further, the [Cycling Embassy of Denmark \(CED\)](#) is a comprehensive network of almost 50 members who work professionally with cycling in private companies, local authorities (on both a local, regional and national scale), and non-governmental organizations. In 2017, it published [Danish Cycling Know-How](#), which summarises some of the policies that have led to Denmark being such a cycle-friendly country and an overview of the organisation's work.

## 2.7 Are bicycles permitted on trains?

**Practices vary and anyone planning a journey should check with [Plusbike](#), an online source for information on cycling facilities available at stations and on trains in Great Britain. It provides information on:**

- \* **the level of cycling facilities at any given railway station;**
- \* **the number and type of cycle parking spaces;**
- \* **cycle hire facilities at the station; and**
- \* **cycle carriages on different train services**

There are different practices on different rail services regarding taking bicycles onto trains. [PlusBike](#) is an information portal (funded by DfT) that provides information about bike facilities at stations and on trains.

The Government's policy is set out in a PQ response ([PQ HL12256](#)) in December 2018:

The Department recognises the value in the integrated use of cycles and trains, which are two convenient and environmentally friendly forms of transport.

The Department, Network Rail and train operators are working to provide adequate bicycle facilities to encourage passengers to use bikes from the start to finish of their journeys.

We expect our franchisees to ensure that their trains meet the needs of their passengers - including the storage of cycles and luggage - with appropriate interior layouts and seating configurations. Where the Department identifies a specific need, it sets requirements on its franchisees to provide space on its trains for the carriage of bicycles.

Specific requirements for train operating companies (TOCs) to carry bicycles are set out in their individual [franchise agreements](#); they tend to be standard in format. For example, the [First Great Western agreement](#), signed in March 2015, provides that the franchisee:

... shall have due regard to the desirability of acting in a manner which facilitates end to end journeys that involve travel by all transport modes (including cycles). The Franchisee shall permit folding cycles on all Passenger Services and non-folding cycles wherever reasonably practicable.

The Government's CWIS (see [section 2.3](#), above) highlighted the DfT would invest a further £5 million into the Cycle-Rail Programme to enable ongoing delivery of a package of measures to enhance cycle facilities at stations. We will continue to work with delivery stakeholders to promote cycle-rail and share best practice.

## 2.8 What is the bicycle repair voucher scheme?

In May 2020, prompted by the increase in cycling as a consequence of the covid-lockdown, the [DfT announced a funding boost for cycling](#). As part of this announcement, the [DfT said](#) it would be providing half a million £50 vouchers for bicycle repairs.

The vouchers have been very popular, and so are being released in limited batches. At the start of this month. You can apply for a voucher on the [Energy Saving Trust website](#). In November 2020, the [Transport Minister said](#) "The Department plans to release a further batch of vouchers shortly. The release of vouchers is being staggered to prevent repairers from being overwhelmed and to ensure that people can get their bikes fixed without significant delay."

## 3. Cycling: funding

### 3.1 What are Local Cycling and Walking Investment Plans (LCWIPs)?

**Local Cycling and Walking Infrastructure Plans (LCWIPs) are used by Local Authorities to identify and prioritise investment for cycling and walking schemes from local funds and relevant national funding streams.**

**There are questions over the extent to which LAs will be able to implement LCWIPs without dedicated funding to do so.**

The [CWIS](#) introduced Local Cycling and Walking Infrastructure Plans (LCWIPs). LCWIPs are used by Local Authorities (LAs) to identify and prioritise investment for cycling and walking schemes from local funds and relevant national funding streams.

DfT has published [guidance on the preparation of LCWIPs](#) to help local bodies interested in increasing cycling and walking in their local areas. Adoption of these plans is not mandatory, but the [Government has said](#) that it is “keen that as many areas as possible do so”.

The DfT is supporting 46 LAs to produce their plans. According to the then [Transport Minister, Jesse Norman](#), “the majority of [LAs] are on track to meet the deadline of November 2019” to produce a plan. This support includes spending £2m to support the development of the plans.

A number of local transport authorities have complained that support for developing LCWIPs has been insufficient (see for instance [Kent County Council's evidence](#) submitted to the Transport Select Committee active travel inquiry). Further, there have been concerns raised that without specified funding for implementation, the plans risked gathering dust on a shelf. [Cycling UK](#) has argued that “The single most important budget-line that needs adding to a new CWIS is one for funding the implementation of Local Cycling and Walking Infrastructure Plans (LCWIPs).” They go on to say that “most councils currently lack any earmarked funding to deliver their plans – and this inevitably limits their ability to draw up ambitious long-term plans in the first place, given the lack of confidence as to whether they will be able to deliver them.”

The Transport Committee welcomed (para 43) the development of LCWIPs in its [active travel inquiry report](#). The Committee was also impressed by the level of ambition several local authorities have shown for increasing levels of walking and cycling in their areas. They therefore recommended the Government, first, assess how successful the LCWIP pilot has been and second, to commit to providing technical support to help all local authorities in England develop, if the from the initial assessment is positive.

The [Government response said](#) that its next CWIS would (para 5) “build on local authority engagement to understand how to best promote active travel at the local level.”

## 3.2 Does cycling get enough funding?

Since about 2012 there has been an energetic campaign to increase the ‘per head’ spending on cycling to £10 per annum. This has been achieved in London and other areas designated Cycling Ambition Cities, but not elsewhere.

The Government says that even if current funding is not as high everywhere as one might wish, it has increased dramatically over recent years.

The CWIS has made available £2bn of funding for cycling (of which £316m was ringfenced). A February 2020 progress report states that double the projected investment envisaged in 2017 had been spent between 2016-17 and 2018-19.

The question of cycle funding has long been a bone of contention between cyclists and cycling campaigners on the one hand and successive governments on the other.

A renewed focus on funding for cycling emerged in 2012-13 when *The Times* launched its [‘Cities Fit for Cycling’ campaign](#), which included a call for Highways England to earmark 2% of its annual budget for next-generation cycle routes. This was followed in April 2013 by the [report of the APPG on cycling](#) which included a call for the Government to create a cycling budget of £10 per person per year, increasing to £20. This was endorsed by the [Transport Select Committee](#) in its July 2014 report, which called for a cycling budget of £10 per head by 2020.

The [Funding for Cycling](#) campaign supports a cycling budget of ‘at least’ £10 per head and argues that there is a “major discrepancy between funding for cycling and walking, when set up against the planned investment for highways and trunk roads – 72p per head (outside of London) for 2020 for cycling and walking compared to £86 per head for roads”.

The [April 2017 CWIS](#) said that spend on cycling had more than doubled between 2010 and 2016/17 from £2 per person to £6 per person in England. It identifies the five main sources worth £1.2bn that “may” be spent on cycling and walking. **£316m of this is ringfenced for cycling and walking**. The remaining funding is allocated to local authorities to spend on its own transport priorities, some of which may include walking and cycling. For the local funding, the Government has invited local authorities to prepare Local Cycling and Walking Infrastructure Plans (LCWIPs). Further to this, [the DfT said](#) it would be spend a further £0.8bn up to the end of 2021.

The £2bn available to increase active travel in England from 2016–21 equates to £400 million per year, or around 1.5% of the public expenditure on transport in England (in 2018). Many cycling groups have, such as [Cycling UK](#), argue this falls far short of what is required.

Campaigners argue that even when taken all together, the roughly [£7 per head spend in England](#) is inadequate, particularly when the share allocated to London and the Cycling Ambition Cities is removed. London spends roughly £10 per head and the CACs plan to spend between £10 and £13.50 per head between 2015/16 and 2017/18.

There are also issues about the way this funding is provided. The [Local Government Association told the Transport Committee](#) (as part of its active travel inquiry):

Too often funding is provided in the form of short-term capital grants linked to bidding processes with strict criteria. This stop-start funding, developed for specific policy interventions, does not allow councils to develop long-term sustained plans.

Further, if, as many cycling groups argue, cycling is underfunded, walking is almost entirely unfunded. In the 2017-19 Parliament, the [Transport Committee raised concerns](#) “about the lack of priority that is afforded to walking” noting that “most of the ring-fenced funding for active travel relates to cycling”.

In February 2020, the Government published a [progress assessing performance against the CWIS targets](#). This report says (p4) between 2016-17 and 2018-19, £1.2 billion had been invested in walking and cycling “double the projected level of spend envisaged in 2017 [...] increasing spending in England, outside London, from £3.50 per head to over £10 per head.” The report explains that these current funded policies will “fill around 40% of the gap towards doubling cycling by 2025”, meaning further investment over the next five years will be needed to achieve that target. To this end, the [Prime Minister announced](#) “£5bn of new funding to overhaul bus and cycle links for every region outside London” on 10 February 2020. In May 2020, the Government announced [a £250m covid emergency active travel fund](#), which forms part of the £5bn funding announcement.

### 3.3 What are Cycling Cities & Towns and Cycling Ambition Cities?

**Cycling Cities and Towns were set up by the Labour Government and were accompanied by specific parcels of funding; this came to an end in 2011.**

**Cycling Ambition Cities were launched in 2013 with dedicated funding amounting to at least £10 per head. Funding totalled £191 million to 2018. CACs were invited to bid for a share of £6.5 million of government funding to trial new schemes aimed at improving road safety and creating more bike-friendly areas in 2018.**

Between April 2008 and March 2011, the Department for Transport, the Department of Health and Cycling England spent around £50 million to create one **Cycling City and 11 Cycling Towns (CCTs)**. The programme built on the experience of the six original Cycling Demonstration Towns (CDTs) (Aylesbury, Brighton and Hove, Darlington, Derby, Exeter and Lancaster with Morecambe), which [began](#)

[receiving increased levels of funding in 2005](#), and which reported [interim evaluation results in 2009](#).

In June 2008 the [Government announced](#) that Bristol would be the first 'Cycling City' and that a further 11 towns had been added to the CDT list: Blackpool, Cambridge, Chester, Colchester, Leighton/Linslade, Shrewsbury, Southend on Sea, Southport with Ainsdale, Stoke, Woking and York. This would be funded with an extra £47 million from the Government. CCT finished in 2011. [End of programme reports](#) for each area are available.

**Cycling Ambition Cities (CACs)** were [announced by the then Prime Minister in August 2013](#) with spend of £10 per head to build cycle networks in Birmingham, Bristol, Cambridge, Leeds, Manchester, Newcastle, Norwich and Oxford. It was a competitive fund open to the 28 cities in England with City Deal status. [Government funding totalling](#) (p3) £191 million was made available £191 million for the five years to 2018. The first phase of funding (£77 million) was awarded in August 2013 and the second phase of funding (£114 million) was awarded in March 2015.

Key features of CACs are:

- New networks of quiet routes, including Dutch-style segregated cycleways;
- Improved facilities, including better lighting and new cycle parking; and
- Improved cycle links to key services, such as employment and education, as well as better cross-modal connectivity, for example to rail stations.

[Work from DfT published in March 2015](#) indicated that the average benefit-cost ratio (BCR) across the schemes is between 5:1 and 6:1 (very high), largely driven by health benefits, with the remainder split fairly evenly between journey quality and decongestion.

An [interim report on the scheme's success](#) was commissioned by the DfT and published in March 2017. This report suggested that some of the schemes had resulted in an increase in cycling volumes. But it could not say definitively the extent to which this was due to more cycle trips being made, or existing cyclists changing their route to take advantage of new infrastructure.

In February 2018, DfT gave CACs the chance to bid for a share of £6.5 million of government funding to trial new schemes aimed at improving road safety and creating more bike-friendly areas. There were six successful bids (Birmingham, Bristol, Cambridge, Leeds, Manchester, and Norwich). [Details of these bids are provided on Gov.uk](#).

### 3.4 What is the 'Cycle to Work' scheme?

**The Government-sponsored Cycle to Work scheme allows for tax relief to apply to loans of bicycles and equipment, provided employees use the cycle to travel to work. Tax relief can be claimed for a scheme set up by any employer UK-wide.**

The Government-sponsored Cycle to Work scheme allows for tax relief to apply to loans of bicycles and equipment, provided employees use the cycle to travel to work. Tax relief can be claimed for a scheme set up by any employer UK-wide. However, the scheme is not mandatory - it is up to the employer whether they take it up or not. Individual employers can vary the conditions they set when launching this type of initiative, to determine its take-up, its cost, and the associated administrative burden. Employees who participate in schemes could make significant savings on the cost of a new bike. Since a portion of the salary is foregone, the employee pays less tax and National Insurance Contributions (NICs).

The Government revised the [cycle to work scheme guidance](#) in June 2019. This revision updated the guidance originally published in 2011, with the option added to apply it to Electrically Assisted Pedal Cycle (e-bikes) purchases. With few e-bikes available at below the old £1000 maximum, the new guidance lets employers' schemes provide e-bikes and equipment worth over this value.

Figures on the take-up of the scheme by employers and employees are detailed by the [Cycle to Work Alliance](#) – a group of four providers who help employers establish their own schemes. As of 2019, [it is estimated](#) the Cycle to Work Scheme has encouraged over 1.6 million commuters to cycle to work, involving over 40,000 employers.

A [survey by the Alliance](#) showed that 62% of participants in the scheme were either non-cyclists, novice cyclists (cycling less than once a month) or occasional cyclists (cycling once or twice a month) before joining the scheme. Having joined the scheme, 79% of respondents described themselves as enthusiastic cyclists.

The Department for Transport has set up the '[Cycle to Work Guarantee](#)', a voluntary initiative which challenges businesses to become cycle-friendly employers by making it easy for staff to cycle to and from work.

Tax relief for Cycle to Work schemes was first introduced by section 50 of the [Finance Act 1999](#) and is now consolidated in section 244 of the [Income Tax \(Earnings & Pensions\) Act 2003](#), as amended. HMRC have details of the rules regarding this relief in their [Employment Income Manual](#) –in particular [para 21664](#). The Manual goes on to explain that employers may provide this benefit in conjunction with a 'salary sacrifice' scheme.

## 4. Cycling: safety

### 4.1 Is cycling safe?

**While there is some evidence that cyclists account for disproportionately more casualties than would be expected, given the distance travelled, cycling groups are keen to emphasise that cycling is safe and can be made safer: that the more people who cycle the better the infrastructure, the cycling environment, and drivers' attitudes are likely to be.**

Safety concerns may be deterring people from taking and cycling. In 2017, [DfT statistics showed](#) 62% of adults aged 18+ in England perceived that "it is too dangerous for me to cycle on the roads." Further, [Government analysis of the most recent road accident statistics](#) shows that vulnerable user groups (usually defined as pedestrians, pedal cyclists and motorcyclists) account for disproportionately more casualties than would be expected, given the distance travelled. The casualty rate per billion passenger miles for pedal cyclists (5,265) is far higher than that for motorists (223), while the fatality rate is also higher for cyclists – around 15 times that of motorists. A major issue of concern for both cyclists and Government is the issue of HGV safety (see box 2).

It may even be that the official statistics do not capture the full range of safety concerns cyclists face on a day-to-day basis. One [study by academic Dr Rachel Aldred](#), found near misses are an everyday experience for cyclists in the UK. In this 'near miss study', over half the cyclists surveyed suggested that of the reported near misses most could have been prevented, particularly through separation from motorised traffic. In June 2018, the [DfT announced £1m of funding](#) to help police forces across the UK crack down on close passing of cyclists by drivers, and to improve driving instructor training around cycling safety.

#### **Box 2: HGV safety**

One of the big issues which has been of concern to both cyclists and governments is the issue of HGV safety, in particular road traffic accidents caused by poor visibility or lack of spatial awareness. The [EU legislated](#) to improve blind side visibility of HGVs in 2007 to require the retrofitting of mirrors to HGVs. It came into force in the UK through the [Road Vehicles \(Construction and Use\) \(Amendment\) Regulations 2009](#) (SI 2009/142).

However, cycling groups such as [Cycling UK emphasise](#) that given the right conditions, the more people who cycle, the safer it is likely to become (the 'safety in numbers' effect): "One reason for this may be that drivers grow more used to seeing cyclists about, interacting with them and sharing the space safely. They may also be more likely to cycle themselves, and thus more understanding about cyclists' needs". Further, [Cycling UK explains](#) "you are more likely to be injured in an hour of gardening than in an hour of cycling".

### Government actions

Successive governments have been keen to promote safer cycling, both in terms of providing training and support to cyclists and by making the roads themselves and motor vehicles – especially buses and lorries – safer. In 2018, the [Government consulted](#) on how to improve cyclist and pedestrian safety. The [Government's response](#) was published on 22 November 2018, and sets out “several new measures and ideas, covering such areas as infrastructure design, law and guidance, enforcement, education, risk reduction and planning policy.” Some of the key interventions include (para 1.13):

- Reviewing guidance in The Highway Code to improve safety for cyclists and pedestrians;
- Encouraging local councils to invest around 15 per cent of their local transport infrastructure funding over time on safe and efficient cycling and walking infrastructure;
- Investing £100,000 to support the police to improve enforcement by developing a national back office function to handle footage provided through dash-cam evidence;
- Enforcement against parking in mandatory cycle lanes;
- Appointing a cycling and walking champion to raise the profile of Active Travel; and
- Engaging with key cycling and walking organisations to develop a behaviour change campaign fully aligned with our Action Plan.

The [Government's road safety statement](#), published in July 2019, is focused on the Department's four priority road user groups:

- Young Road Users
- Rural Road Users
- Motorcyclists
- Older Vulnerable Road Users

It lists some 74 actions. Of particular relevance, is the action “to improve the safety of Heavy Goods Vehicles to reduce collision involvement with vulnerable road users, predominantly cyclists and pedestrians.” For which the Government is working to ensure that changes to HGV design for improved driver vision, their “direct vision”, will deliver the expected safety improvements for vulnerable road users. Further, that it would consult on legislative changes on HGV sideguards, which are considered to be beneficial in protecting vulnerable road users in the event of a collision with the side of an HGV.

The CWIS emphasised the potential safety benefit of the revised *Traffic Signs Regulations and General Directions 2016* ([SI 2016/362](#)), which came into force on 22 April 2016, and which permit:

- new types of traffic lights for cyclists, to give them a 'head start' at junctions;
- cyclists to cross the first stop line at an Advanced Stop Line at any point, rather than only through the gate/lead-in lane; and
- a wider range of signing for cycle routes.

This built on the [decision taken in 2011](#) to allow all local authorities in England to install Trixi mirrors at junctions as and where they deem it appropriate.

## 4.2 Should drivers be liable for accidents with cyclists?

**There is an ongoing debate about whether there should be 'presumed liability' in law whereby a driver would automatically be deemed liable for an accident involving their vehicle and a cyclist.**

**The Government has shown no enthusiasm to adopt this system.**

[Cycling groups](#) would like to see a 'road user hierarchy', whereby cyclists and pedestrians are given priority over motor vehicles and there is a presumption that where there is an accident the heavier or more powerful vehicle is to blame. The rationale for this proposal is that the consequences of an accident for a cyclist (or pedestrian) are likely to be far more serious than those for the motorist. The pros and cons of strict liability are debated in a [2015 article on the Law Society for Scotland website](#). Successive UK Governments have rejected this idea.

Currently, in England and Wales, there is a common law 'tort' system. The [Government's road safety review](#) explains that this places (para 6.36) "a duty on all road users to take appropriate and reasonable steps to ensure that they do not harm other road users as a result of their actions or failure to take certain actions." Further, any claimant must prove that the defendant was negligent – this is the same regardless of whether the claimant is a pedestrian, cyclist or motorist. There is a significant body of case law and legal tests which guides the judiciary in determining negligence in such cases.

In its road safety review, the [Government said](#) (para 6.41-42):

Switching to a presumed liability system for road traffic collisions would shift the burden of proof, so that the defendant would be presumed liable unless he or she could prove they were not negligent. As such, it would be a highly significant change to the legal system in England and Wales, almost certainly with many unexpected effects and one whose likely costs, benefits and practical effects are unknown. Civil liability law is different in Scotland and responsibility for it lies with the Scottish Government.

We intend to work together with the Ministry of Justice to commission research to understand the advantages and disadvantages of a change in liability rules. We will discuss with the Scottish Government whether they wish to research the likely impact of changes to Scots law too.

Liability insurance, such as motorists are required to have and some cyclists elect to have, covers these road users from the financial risk of them being found to have negligently caused personal injury or property damage to another road user.

## 4.3 Do local authorities have enough powers to make the roads safe for cyclists?

**Cycling campaigners want the Government to bring Part 6 of the Traffic Management Act 2004 into force, which would allow local authorities to enforce moving traffic offences, including driving in cycle lanes, as has long been the case in London.**

**The Government has been reluctant to do so.**

### Civil enforcement of traffic offences

A number of cycling groups have long been calling for Part 6 of the *Traffic Management Act 2004* to be implemented immediately as it would allow for civil enforcement of moving traffic offences, including driving in cycle lanes.

In its [March 2016 report into road traffic law enforcement](#), the Transport Committee urged the Government to make this change. [Cycling groups](#) welcomed the Committee's support. However, successive governments have rejected calls to decriminalise moving traffic offences outside London, including the [Government's response to the Transport Committee's report](#).

In 2019, the Transport Committee reiterated its earlier recommendation for Part 6 of the Traffic Management Act 2004 to be implemented in its [active travel inquiry report](#) (para 87). The [Government response](#) (para 33) noted that local authorities involved in the LCWIP pilot had similarly identified implementation of Part 6 of the Traffic Management Act as a helpful tool for encouraging higher levels of cycling. It said it would "consider this carefully alongside wider measures to improve safety for cycling and walking."

### Why commence Part 6 of the *Traffic Management Act 2004*?

It is a criminal offence to drive in a cycle lane with a solid white line. This is clearly set out in Rule 140 of the [Highway Code](#) and is liable to a Fixed Penalty Notice (FPN). It is enforced by the police. If driving in a cycle lane became a civil, rather than a criminal offence, it could be enforced by the local authority using the powers under Part 6 of the [Traffic Management Act 2004](#) (TMA). Cycling groups argue that this would lead to better and more consistent enforcement: the [Transport Committee said](#) (para 98) that in 2001 1.3 million FPNs were issued by police for moving traffic offences; this fell rapidly after the TMA was passed and, as more local authorities took on parking enforcement responsibilities, it fell further to 46,000 FPNs issued for those offences in 2014.

Cycling groups have long argued that if the relevant provisions of Part 6 were brought into force, take-up by local authorities would be strong. Most recently the Transport Minister, Andrew Jones, disagreed with this assessment when giving evidence to the Transport Committee. He said that he had only heard support for devolving moving traffic enforcement powers from the Local Government Association (LGA), and remarked that "not all councils are members of it". The [Transport](#)

[Committee](#) (para 98) noted in its report that almost all English councils are members of the LGA with the exceptions of Sheffield City council and the London Boroughs of Bromley and Wandsworth.

### **Covid: updated guidance to local authorities**

On 9 May 2020, the Government published fast-tracked [statutory guidance](#) for local authorities to “make significant changes to their road layouts to give more space to cyclists and pedestrians”. The new guidance was made under [section 18 of the Traffic Management Act 2004](#), and took immediate effect.

[DfT said the guidance](#) had been introduced following the “unprecedented levels” of walking and cycling across the UK during the coronavirus pandemic. It tells local authorities to reallocate roadspace for significantly increased numbers of cyclists and pedestrians by:

- Installing ‘pop-up’ cycle facilities with a minimum level of physical separation from volume traffic.
- Using cones and barriers to widen footways along lengths of road, particularly outside shops and transport hubs.
- Encouraging walking and cycling to school, for example through the introduction of more ‘school streets’.
- Reducing speed limits in order to create a more attractive and safer environment for walking and cycling.
- Introducing pedestrian and cycle zones which restrict access for motor vehicles at certain times (or at all times) to specific streets, or networks of streets.
- Closing roads to motor traffic, for example by using planters or large barriers.
- Providing additional cycle parking facilities at key locations.
- Changes to junction design to accommodate more cyclists.
- ‘Whole-route’ approaches to create corridors for buses, cycles and access only on key routes into town and city centres.
- Identifying and bringing forward permanent schemes already planned, for example under Local Cycling and Walking Infrastructure Plans, and that can be constructed relatively quickly.

## **4.4 Should cyclists wear cycle helmets?**

**There is advice to the effect that one should wear a helmet but there is no obligation to do so.**

**There is a long-standing contentious debate about the merits or otherwise of cycle helmets.**

Over the years there has been a great deal of debate of the merits of wearing a cycle helmet. While there are some who are in favour of compulsion, the broadly settled view of successive governments and cycling advocacy groups is that helmet wearing can have some benefits

in some circumstances and should be encouraged but not be compulsory.

Rule 59 of the [Highway Code](#) states that “you should wear a cycle helmet which conforms to current regulations, is the correct size and securely fastened”. The [Government’s view](#) is that cycle helmets offer a degree of protection for cyclists in the event of a fall from a bicycle and some types of collisions and it will encourage their use by all cyclists and in particular by children. This view was confirmed in the Government’s 2018 [Cycling and Walking Investment Strategy \(CWIS\) safety review](#), where it said it would (para 8.10-12):

- Continue to promote and encourage cyclists to wear helmets, especially children.
- Provide strengthened advice on fitting of cycle helmets for children, as part of wider advice on use of safety equipment and attire when cycling.
- Review evidence and international experience on mandatory helmets for children and provide clear guidance to help parents choose what is appropriate for their child.

[Cycling UK’s view](#) is that helmets are not generally designed to withstand high-speed collisions, but are more likely to help with low-impact incidents; laws in other countries compelling helmet use have seen a decline in levels of cycling; there is no evidence of a link between helmet wearing and improved safety; and there are better ways to make conditions safer for cycling.

There is a wealth of reports available on the wearing of cycling helmets both in the UK and abroad. Some of the most recent are listed below. Note this is not a complete list and the conclusions in some cases have been questioned or challenged.

- International Journal of Epidemiology, [Bicycle injuries and helmet use: a systematic review and meta-analysis](#), Feb 2017
- TRL, [Jersey Scrutiny review: Compulsory wearing of cycle helmets, PPR 697](#), 14 July 2014
- Goldacre/Spiegelhalter, [Bicycle helmets and the law](#), BMJ 2013; 346, 12 June 2013
- Dennis/Ramsay/Turgeon/Zarychanski, [Helmet legislation and admissions to hospital for cycling related head injuries in Canadian provinces and territories: interrupted time series analysis](#), BMJ 2013; 346, 14 May 2013
- Chatterji/Markowitz, [Effects of bicycle helmet laws on children's injuries](#), NBER Working Paper 18773, February 2013
- DfT, [Safety, cycling and sharing the road: qualitative research with cyclists and other road users](#), Road safety web publication no.17, 16 September 2010
- TRL for DfT, [The potential for cycle helmets to prevent injury - A review of the evidence](#), PPR 446, 15 December 2009

## 4.5 Should cyclists be registered, have insurance and pay 'road tax'?

**There are sometimes calls for cyclists to be subject to some sort of registration scheme so that they can be licensed, taxed and insured. No Government has ever taken this prospect seriously due to the likely cost and complexity of administering such a system.**

There are sometimes calls for cyclists to be subject to some sort of registration scheme so that they can be licensed, taxed and insured. No Government has ever taken this prospect seriously due to the likely cost and complexity of administering such a system.

[Cycling UK says](#) that such a scheme would be impractical due to cycles changing owners very frequently and being more likely to belong to children than to adults; that the added bureaucracy of registration might put newcomers or occasional cyclists off cycling and that there was no evidence that registration would provide any safety benefits. While it does not believe that third party insurance should be compulsory, it does encourage it and provides cover for its members.

The [Government's 2018 road safety review](#) explained that it had (para 6.45) "no plans to introduce a registration and licensing regime for cyclists because the costs and complexity of introducing such a system would significantly outweigh the benefits." The Government's rationale for not introducing a licensing system was that the costs of a formal testing and licensing system for cyclists would significantly outweigh the benefits cycling has to the country's economy, health and environment. In addition, the Government said the safety case for a testing/licensing system for cyclists is not as strong as that for drivers.

Before the Government's safety review in 2018, 2006 was the last time a serious debate about a registration scheme occurred in Parliament. The then Transport Spokesman for the Labour Government, [Lord Davies of Oldham, said that a registration scheme](#) "has not won universal accord in the House. We will look at it, but I think that my noble friend will recognise that we have to keep the problem of law-breaking cyclists in perspective. On the whole, problems with road accidents lie elsewhere and not too much with cyclists". Later that year [Lord Davies said](#):

The Vehicle Excise and Registration Act 1994 provides for the registration of mechanically propelled vehicles so it would not be possible to register bicycles or cyclists under that Act. To enable the Government to administer the registration of cyclists, changes in legislation would have to be considered along with extensive changes to computer systems.

There are more than 20 million bicycles in Great Britain—many of which change owners frequently—and one in three adults owns a bicycle. To register them would entail the establishment of a system parallel to that presently existing for motor vehicles.

The cost of such a system would, in the Department for Transport's view, outweigh any possible benefits and so we do not propose to take this idea forward.

## 5. Cycling: offences

### 5.1 Can cyclists ride their bikes on the pavement?

**It is a criminal offence to ride a bicycle on the pavement.**

**There has long been debate about whether this is properly enforced.**

#### Legal position

It is a criminal offence to ride a bicycle (defined as a 'carriage' by section 85 of the [Local Government Act 1888](#), as amended) on a "footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers" under section 72 of the [Highway Act 1835](#), as amended. Cycling on the footway is also prohibited in London under section 54(7) of the [Metropolitan Police Act 1839](#) and in other areas under section 28 of the [Town Police Clauses Act 1847](#).

In some areas cyclists and pedestrians may share the footpath, these are called cycle tracks and are made under section 3 of the [Cycle Tracks Act 1984](#). Rule 62 of the [Highway Code](#) makes it clear that when using segregated tracks cyclists must "keep to the side intended for cyclists as the pedestrian side remains a pavement or footpath". [Cycling UK has expressed concerns](#) about the potentially confusing nature of these arrangements: "The proliferation of 'shared use' pavements is confusing. Sometimes it's legal to cycle on the pavement, and sometimes it isn't - and sometimes it's hard to tell what the difference is. Engineers and law-enforcers should take this on board".

The maximum available penalty for cycling on the footway is a fine of £500. However, one is much more likely to be given a Fixed Penalty Notice (FPN). The FPN level for this offence is £50. [Cycling UK has suggested](#) that cyclists caught cycling on the footway could be given the option of training instead of an FPN.

Cycling groups emphasise there are occasions where cycling on the pavement may be a legitimate course of action:

- Where they consider the road to be too dangerous;
- Where there's an obstacle in the road that makes it temporarily hazardous for a cyclist to pass; or
- Where a feature of the road layout that makes a particular spot easier to travel through by diverting onto the pavement.

Further, parents may not want their young children to cycle on the road. Children cycling on pavements remains a grey area in legal terms. Children under the age of 10 are under the age of criminal responsibility, which means that if they are spotted cycling on the pavement by the police they cannot be prosecuted or served with a FPN. Children over 10 but under 18 are also likely to be treated differently from adults who cycle on the pavement.

## Enforcement

Over the years there has been a great deal of debate about how the police enforce this offence. There were just [200 prosecutions for pavement cycling in 2017](#). There is particular concern amongst [pedestrian groups](#), particularly those who are frail or more vulnerable, about cyclists injuring pedestrians by riding on the pavement.

It was made a Fixed Penalty offence in the first place due to concerns that police in some areas were turning a blind eye to those cycling on the footpath. In November 2015 the [Transport Minister, Lord Ahmad of Wimbledon, said](#): “we need to encourage education for cyclists and responsibility in cyclists. When they ride on pavements ... they break the law, and there is a need to review with the police how we can apply the law effectively to cyclists as well as to any other road users”. In February 2017 [he further said](#):

There is still a law on the statute which prevents cycling on pavements, and there are some important aspects to this. Of course, when that law was enacted, cycling was not as widespread as it is today. An increasing number of children are cycling and if that law were applied in full, even they would perhaps be penalised. I am sure that no one in your Lordships' House would want to see that.

Many [cycling websites](#) cite a 2006 letter from the then Home Office Minister, Paul Boateng. This letter states that in relation to enforcement of this offence there is a need for a flexible response. According to the letter issuing of FPNs should recognise both the safety concerns of cyclists and pedestrians' right to use footways without facing the hazard of cyclists approaching them or coming up from behind. In 2014 the then Transport Minister, [Robert Goodwill, said he supported that advice](#). In October 2014 the then Government [Transport Spokesman in the Lords, Lord Popat, said](#): “the enforcement of cycling offences is an operational matter for individual chief officers of police. Officers can issue verbal warnings or a fixed penalty ... and rogue cyclists on the pavement can be prosecuted. We are doing what we can to carry out the necessary training and awareness programmes to make sure that bad cyclists do not give a bad name to the good cyclists”.

In January 2017, [police in Camden said](#) that they would not enforce the offence. [West Midlands Police](#) have also been reluctant to prosecute in recent years. Superintendent Dean Hatton said that it was largely 'not in the public interest' to prosecute the offence.

## 5.2 What laws are there to tackle bad cycling?

**It is an offence to ride dangerously or carelessly; cycle while being unfit through drink or drugs; be in charge of a bicycle when drunk; take part in an unauthorised race or speed trial; ride through red lights; or cause bodily harm by wanton or furious riding.**

The [Road Traffic Act 1988](#), as amended, provides for cycling offences that include:

- Dangerous cycling (maximum penalty: level 4 fine: £2500);
- Careless or inconsiderate cycling (maximum penalty: level 3 fine: £1000);
- Cycling under the influence of drink or drugs (maximum penalty: level 3 fine: £1,000 fine); and
- Failing to give (or giving a false) name or address following an allegation of dangerous or careless cycling.

### **Riding dangerously or carelessly**

Sections 28 and 29 of the [Road Traffic Act 1988](#), as amended, contain provisions similar to those in sections 2 and 3 in respect of dangerous or careless riding of bicycles, tricycles and cycles having four or more wheels. Dangerous cycling should be interpreted in the same manner as dangerous driving according to the [Government-commissioned Cycle Safety Review Report](#) (para 6.1):

In respect of dangerous driving or cycling the test is whether the standard of the driving/cycling fell far below what would be expected of a competent and careful driver/cyclist and that it would be obvious to a competent and careful driver/cyclist that driving/riding in that way would be dangerous. The term “dangerous” refers to a danger either of personal injury or of serious damage to property.

However, whereas the criminality of dangerous driving has been extended to include “other public places”, dangerous cycling remains confined to roads. A cycle lane may be part of a road set apart for the purpose of cycling.

The definition of ‘dangerous cycling’ given in section 28 is if the way one rides “falls far below what would be expected of a competent and careful cyclist, and it would be obvious to a competent and careful cyclist that riding in that way would be dangerous”. In this context, “dangerous” refers to danger either of injury to any person or of serious damage to property. What would “be obvious to a competent and careful cyclist” in a particular case includes not only the circumstances of which he could be expected to be aware but also any circumstances shown to have been within the knowledge of the accused.

The definition of ‘careless and inconsiderate cycling’ given in section 29 is that “if a person rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road, he is guilty of an offence”.

The maximum penalty for dangerous cycling is £2,500 and for careless or inconsiderate cycling is £1,000.

### **A new offence for cyclists causing death by careless or dangerous riding?**

Section 35 of the *Offences Against the Person Act 1861* causing bodily harm by wanton or furious driving or wilful misconduct has been used in cases involving a cyclist causing serious injury or death.

In September 2017, the DfT appointed independent legal expert, Laura Thomas to conduct an “urgent review into cycle safety” following a [series of high profile incidents involving cyclists](#). The review looked at

whether a new offence equivalent to causing death by careless or dangerous driving should be introduced for cyclists, as well as wider improvements for cycling road safety issues.

This report concluded that in order to bring cycling into line with driving offences (para 17.2) “there is a persuasive case for legislative change to tackle the issue of dangerous and careless cycling that causes serious injury or death.”

When the consultation was launched, [Cycling UK told the BBC](#) that both cyclists and pedestrians are regularly being failed by existing road safety legislation. Duncan Dollimore, Cycling UK's head of campaigns, said:

“Adding one or two new offences specific to cyclists would be merely tinkering around the edges.

[...]

The way the justice system deals with mistakes, carelessness, recklessness and deliberately dangerous behaviour by all road users hasn't been fit for purpose for years.”

As of January 2020, the Government had not issued its response to this consultation.

## **Cycling while unfit and being in charge when drunk**

Section 30(1) of the 1988 Act provides that it is an offence for a person to ride a bicycle, tricycle or cycle having four or more wheels, not being a motor vehicle, on a road or other public place, whilst unfit to ride it through drink or drugs. ‘Unfit to ride’ is defined as being “under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle”.

Police have no power to require a cyclist to provide a specimen of breath, blood or urine. Nor can the prosecution rely on any refusal by a cyclist to provide a specimen of blood or urine as support for its case. The maximum available penalty is a £1,000 fine.

Section 12 of the [Licensing Act 1872](#) makes it an offence to be “drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine”. The maximum available penalty is a £200 fine or one month’s imprisonment.

## **Other offences**

It is an offence under section 31 of the 1988 Act for a person to promote or take part in an unauthorised race or trial of speed of cycles on public highways.

It is an offence to cycle through red traffic lights under section 36 of the Act.

## 5.3 Do cyclists need to use lights and bells?

**Cyclists must have fitted white front and red rear lights and use them at night.**

**Bicycles must be sold with bells but these can be removed once purchased.**

The general rule is that all bicycles that are used on the road at night must be fitted with a front and rear lamp, which must be kept lit and unobscured, and a rear retro reflector which must be kept unobscured. The lights must be used between sunset and sunrise and must be approved to the British Standard. This is reflected in Rule 60 of the [Highway Code](#).

DfT has prepared [guidance and advice on the legislative requirements in Great Britain relating to lights and reflectors on pedal cycles](#).

The relevant offence is a contravention of the *Road Vehicles Lighting Regulations 1989* (SI 1989/1796), as amended. Under section 91 of the [Road Traffic Offenders Act 1988](#), as amended, the maximum penalty for a contravention of these regulations by a cyclist is a fine of level 3 on the standard scale (£1,000). More usually it would be dealt with by a Fixed Penalty Notice (FPN).

One should note that bicycles do not need to be sold with lights – it is the duty of the owner to fit them if they intend to use the bicycle at night. Successive governments have been unconvinced by the arguments to make it compulsory to fit lights to all bicycles sold (see, e.g. [HC Deb 18 July 2006, c264-65W](#)).

The [situation with bells is almost the exact reverse](#) – it is illegal to sell a bicycle without a bell, but after purchase owners may remove them. This is provided for in the *Pedal Cycle (Safety) Regulations 2003* ([SI 2003/1101](#)), which came into force on 1 May 2004. This is reflected in Rule 66 of the [Highway Code](#).

The [Labour Government took the view](#) that while there was a strong enough case to justify introducing legislation to require the mandatory fitting of a bell on all new pedal cycles at the point of sale, requiring all cycles in use to be fitted with a bell was considered to be impractical and unenforceable. Enforcement is a matter for local authority trading standards officers. Successive governments have resisted calls to make it mandatory to use a bell or any other audible device. The [Government looked again at this issue](#) as part of its consultation on its CWIS in 2018.

## 6. Walking

### 6.1 Are shared spaces safe for pedestrians?

Shared space or shared streets encompass a design approach that seeks to change the way streets operate by reducing the dominance of motor vehicles, primarily through lower speeds and encouraging drivers to behave more accommodatingly towards pedestrians. There is no such thing as a definitive shared space design. Each site is different and the way a street performs will depend on its individual characteristics, the features included and how these features work in combination.

There have long been concerns by people with disabilities and those campaigning on their behalf, and particularly on the behalf of blind people, that shared space is dangerous [see, e.g. Lord Low at [HL Deb 3 February 2010, cc83-84GC](#)].

In 2011 the UK Government published guidance on the design of shared spaces [DfT, [Shared Space](#) (Local Transport Note 1/11), October 2011]. In late 2015 the Government said it was working with the Chartered Institution of Highways and Transportation (CIHT) to help identify and disseminate good practice in implementing shared space [[HL WPO 3730, 2 December 2015](#)]. However, this never materialised, as pointed out by the Women & Equalities Committee in their April 2017 report into disability and the built environment.

Similarly, concerns over shared spaces and accessibility were raised in the course of the [Transport Committee's 2019 active travel inquiry](#). In light of these concerns, the Committee recommended that the Government conduct a review that looked at (amongst other things) (para 85) "measures necessary to ensure that infrastructure improvements for pedestrians and cyclists do not adversely affect other road users, and in particular disabled people." The [Government response](#) (para 25) said it was updating its Local Transport Note 2/08, which provides detailed advice to local authorities on the design of cycling infrastructure. It also said the revised advice is being reviewed "especially in terms of safety and inclusivity for disabled cyclists and pedestrians."

In terms of evaluation, there has been little. Lord Holmes' report on user experience, published in July 2015, is probably the most recent [Lord Holmes of Richmond, [Accidents by Design: The Holmes Report on "shared space" in the United Kingdom](#), July 2015].

There are shared space schemes across the country, but there has been no systemic cataloguing of them or their effects (the most famous is probably the one on [Exhibition Road](#) in South Kensington). This lack of evidence was highlighted by the Women & Equalities Committee. Their April 2017 report sets out a number of concerns about the safety of shared spaces, based on evidence received during their inquiry. This is set out, along with their recommendations to the Government, in [section 6](#), in particular paras 160-183.

## 6.2 Is the council liable if someone slips and falls on the pavement?

Briefly, highway authorities have a legal duty to maintain the highway, including the pavement, under section 41 of the [Highways Act 1980](#), as amended. The standards of repair that local highway authorities must follow are set out in [Well-managed highway infrastructure: a code of practice](#), published in October 2016 by the UK Roads Liaison Group (UKRLG). It is not a statutory document but is published with the backing of central and local government.

There are two defences available to a highway authority faced with claims under section 41 of the 1980 Act for failure to maintain the highway: a common law defence and a statutory defence as provided for in section 58 of the 1980 Act:

- The **common law** defences available to the highway authority are listed in the Encyclopaedia of Highways Law & Practice and are, briefly: act of God or inevitable accident; act of a third party; contributors negligence; and [volenti non fit injuria](#) (one who knowingly and voluntarily consents to and takes on a risk cannot ask for compensation for the damage or injury resulting from it).
- **Section 58** provides the highway authority with a complete defence if it can prove that it had taken such care as was reasonably required to ensure that the part of the highway to which the action relates was not dangerous to traffic ('traffic' includes pedestrians and animals). Generally speaking, a highway authority is expected to take reasonable care of the highway and should have procedures laid down for inspection and repair. In essence, a judge must be satisfied that a council did all that was reasonably required to avoid there being any danger to pedestrians and motorists if a council is to succeed in using the special defence provided by section 58.

The Institute of Highway Engineers' [Well Managed Highway Liability Risk](#), published in 2017 and updated in 2019, provides a reference source and practical guidance on best practice in the management of highway liability risk exposures for local highway authorities.

Liability for accidents or damages on the highway is a complex matter and anyone affected should seek professional legal advice. For further information see Commons Library briefing paper [CBP 3207](#), August 2019.

# 7. Mobility

## 7.1 Can I use my e-bike on the road?

**In the UK you must be over 14 years old to ride an electric bike (e-bike), but you do not need a licence, nor do you need to register it or pay vehicle tax.**

**Certain e-bikes specifications do not comply with UK regulations. These would need to be registered, insured and taxed (Vehicle Excise Duty) as a motor vehicle.**

You [can ride an electric bike \(e-bike\)](#) in England, Scotland and Wales if you're 14 or over, as long as it meets certain requirements. There are different rules in [Northern Ireland](#). The UK requirements are set out in the [Electrically Assisted Pedal Cycles \(Amendment\) Regulations 2015](#) (EAPC Regulations). The [requirements are](#):

- The cycle must be fitted with pedals that are capable of propelling it.
- The maximum continuous rated power of the electric motor must not exceed 250 Watts.
- The electrical assistance must cut-off when the vehicle reaches 15.5 mph.

A vehicle that does not comply with the above EAPC classification will need to be registered, insured and taxed (Vehicle Excise Duty) as a motor vehicle. In an [Information Sheet](#) published to accompany the new 2015 EAPC Regulations, the Department for Transport (DfT) said (p3) it was:

...aware of some electric cycles that have a switch offering a temporary increase in top speed that is often advertised as an "off road" facility. When the switch is pressed the vehicle can be propelled by the motor at a speed greater than 15.5 mph. Vehicles with this feature fitted do not, in our opinion, comply with the GB EAPC Regulations.

DfT has prepared [guidance on the specific requirements of e-bikes](#).

### **'Twist and go' e-bikes**

Prior to 2015, UK Regulations allowed for what are known as 'twist and go' e-bikes – where the throttle can take the bike to full speed without any pedalling at all. The only throttles legal within the UK's EAPC legislation are those that assist the rider without pedalling up to a maximum speed of 6 km/h (3.7 mph) – i.e. starting assistance only.

If the rider is rolling – but not pedalling – faster than 6km/h, the throttle cuts off. If the cyclist pedals at the same time, then the throttle can still assist up to the general limit of 15.5mph.

However, e-bikes with a full-speed throttle purchased before 1 January 2016 are still considered to be EAPC compliant with the relevant laws. This means they do not require a registration, or to be taxed.

## 7.2 Can I use an e-scooter on the road?

**While it is legal to buy or sell an e-scooter, riding them on public roads, pavements or cycle lanes is against the law.**

**The Government is conducting a regulatory review that will consider options for appropriate testing regimes for e-scooters (and other micromobility vehicles).**

E-scooters are now a familiar sight in many cities across Europe and elsewhere. However, in some cities a lack of regulation has led to problems including dockless e-scooters littering streets and safety concerns.

In the UK, it is legal to buy or sell an e-scooter, but riding them on public roads, pavements or cycle lanes is against the law. E-scooters are classed as a [‘powered transporter’](#) and are covered by the same laws and regulations that apply to all motor vehicles. As such, e-scooters would need to meet the different requirements (e.g. road tax, technical safety standards) of the *Road Traffic Act 1988* to use public roads lawfully. Currently, e-scooters on the market cannot do so. Gov.uk says that if manufacturers think their design does meet all the technical requirements needed for power transporters, they can submit it to the Driver and Vehicle Standards Agency for approval.

Also, the 1988 Act ([section 34](#)) together with the *Highways Act 1835* ([section 72](#)) bans e-scooters (or as the law refers to them ‘mechanically propelled vehicles’) from pavements, cycle paths and public footpaths. This means that riders could face a £300 fine and six points on their licence if they use them on public roads or pavements. Riding e-scooters on private land is, however, completely legal – with the landowner’s permission.

The Government has said it is mindful of evolving technologies and the “blurring of previously long established vehicle definitions.” Accordingly, it [committed to conduct a regulatory review](#) to consider options for appropriate testing regimes for e-scooters (and other micromobility vehicles). Initially, the [Government said](#) it expected to consult on proposals for regulatory reform in the autumn of 2019. But, it was not until 16 March that the DfT published its [Future of transport regulatory review call for evidence](#).

## 7.3 When and where are the e-scooter trials happening?

**The Government confirmed e-scooter rental trials could take place in local areas that opt in for 12 months starting from 4 July 2020 (and ending in August 2021).**

**Privately owned e-scooters will remain illegal to use on the road, cycle lanes and tracks and pavements.**

As part of the Government’s [regulatory review](#), it said planned to run trials of e-scooters in four “Future Transport Zones”: Portsmouth and

Southampton; the West of England Combined Authority; Derby and Nottingham; and the West Midlands. The [Government has accelerated these plans](#), and opened up the trials to more areas as part of its plans to deliver a “green restart of local transport” after covid. The trials will be used to gather evidence that will inform whether e-scooters should be legalised in the future.

The [Government consulted](#) on its proposals and on 30 June 2020, the [Transport Minister Rachel Maclean confirmed](#) the Government’s intention to hold e-scooter trials starting from 4 July 2020. The Government also laid [Regulations](#) in Parliament to enable the trials to take place, and published [guidance for areas and rental operators](#).

The e-scooter trial will be available to local areas that opt in and provide appropriate high-level requirements and objectives for the trials. For the trials:

- E-scooters are allowed on roads and cycle lanes, but are banned from pavements;
- E-scooters will be limited to 15.5mph
- Riders are recommended to wear helmets, but this will not be mandatory.
- Privately owned e-scooters remain illegal on roads.
- Riders will need a full or provisional car, motorcycle or moped licence to use the vehicles, and they must be aged 16 or over.

## 7.4 What are the rules on using a mobility scooter?

The Government issued a [consultation](#) on changes to mobility scooters in 2010. It said it would:

1. consider the idea of changing the legal definition from ‘invalid vehicles’ and would seek a suitable legislative opportunity in Parliament to make such a change;
2. increase the permitted unladen weight of Class 2 powered wheelchairs to a maximum of 150 kgs, and would amend the regulations accordingly;
3. revise guidance for users;
4. look at ways in which training and assessment can be promoted more widely while remaining voluntary;
5. further consider the issue of eyesight testing in respect of Class 3 vehicle users; and
6. look again at the available evidence regarding insurance needs.

The revised **guidance** (3) was most recently updated in March 2015 and is available on the Gov.uk website: DfT, [Mobility scooters and powered wheelchairs on the road – some guidance for users](#).

On **training** and assessment (4) the guidance states:

If you are using a mobility vehicle for the first time, or if it is a while since you have driven on the road, you are strongly advised to get some training to ensure that you can steer and control the vehicle properly, especially on uneven surfaces. Your assessment should have involved checking your eyesight, reaction time, balance and posture, ability to sit for long periods, concentration and ability to get on and off the vehicle. You may also want to consider having a regular review of your driving skills [...] For details of training courses, please contact your local authority or local police force ... Some transport operators also provide training if you are intending to take your vehicle on a bus or train.

Finally, on **insurance**, there is an unsettled question as to whether mobility scooters will have to have insurance [as a consequence of the ECJ Vnuk Judgement](#). The Government consulted on this in 2016 but has yet to publish the outcome. On [mobility scooters it stated](#) (para 3.12):

An example of [an] impact ... is the potential effect on the users of mobility scooters if we were to impose an insurance requirement. We are keen that people who use both mobility scooters and powered wheelchairs remain safe, mobile and independent. We recommend that they get insurance for their own benefit, but we appreciate a legal requirement to do so – to the levels mandated in the Directive – is likely to be financially onerous.

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