

2010 No. 198

CONSUMER PROTECTION

The Pedal Bicycles (Safety) Regulations 2010

Made - - - - *30th January 2010*

Laid before Parliament *5th February 2010*

Coming into force - - *6th April 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(a).

In accordance with section 11(5) of that Act the Secretary of State has consulted such organisations as appear to him to be representative of interests substantially affected by the proposal to make the Regulations, such other persons as he considers appropriate and, in relation to the application of the proposed Regulations to Great Britain, the Health and Safety Executive.

Citation and commencement

1. These Regulations may be cited as the Pedal Bicycles (Safety) Regulations 2010 and they come into force on 6th April 2010.

Meaning of “bicycle”

2. In these Regulations, “bicycle” means a two-wheeled vehicle that is propelled solely by the muscular energy of a person on that vehicle by means of pedals and has not been constructed or adapted for propulsion by mechanical power; and the expression “bicycle” includes a substantially complete vehicle (whether or not assembled) even if one or more parts are not supplied.

Exemptions for certain categories of bicycle

- 3.—(1) These Regulations do not apply in relation to the supply of a bicycle which—
- (a) has a maximum saddle height of less than 635 millimetres;
 - (b) has been previously supplied and used (other than for the purpose of testing) on or off road;
 - (c) is a bicycle which has no brakes and is specifically designed for off-road racing on enclosed tracks;
 - (d) has been constructed, or is intended to be assembled, to the design of an individual person for use by that person in competitive events; or
 - (e) the person supplying the bicycle believes will not be used in the United Kingdom.

(a) 1987 c. 43; section 11(1) was amended by S.I. 2005/1803, regulation 46(3) and section 11(5) was amended by S.I. 2008/960, Schedule 3.

(2) In this regulation, “maximum saddle height” means the height of the top of the saddle when—

- (a) the bicycle is placed on level ground in its normal riding position and completely upright;
- (b) the saddle is raised to the fullest extent compatible with safety; and
- (c) any pneumatic tyres on the wheels of the bicycle are fully inflated.

Supply of assembled bicycles

4.—(1) Subject to paragraph (2), a person must not supply a bicycle unless the requirements of paragraphs (3) to (12) of this regulation are satisfied.

(2) This regulation does not apply to the supply of a bicycle with unassembled parts (whether wholly or partially).

(3) The bicycle must be fitted with a bell which is of a category intended for use on bicycles.

(4) Where the bicycle is fitted with brakes which are intended to be hand operated—

- (a) the brake lever intended to be operated by the right hand must operate the front brake; and
- (b) the brake lever intended to be operated by the left hand must operate the rear brake.

(5) Retro reflective material or a retro reflector (or a combination) must be attached to, or incorporated in, the front wheel or tyre so that light is capable of being reflected to both sides of the bicycle.

(6) Subject to paragraph (7), retro reflective material or a retro reflector (or a combination) must be attached to, or incorporated in, the rear wheel or tyre so that light is capable of being reflected to both sides of the bicycle.

(7) To the extent that the requirement in respect of light in paragraph (6) cannot be satisfied by virtue of the design of, or the equipment fitted to, a bicycle, a retro reflector may be fitted to the frame of the bicycle in order to satisfy (on its own or in combination with material or another reflector fitted in accordance with paragraph (6)) that requirement.

(8) Any retro reflector attached to, or incorporated in, a wheel for the purpose of paragraph (5) or (6) must be a wide angle reflector.

(9) No retro reflective material or retro reflector may be fitted for the purpose of paragraph (5), (6) or (7) if the fitting of the material or reflector would contravene Part 2 of the Lighting Regulations (regulations governing the fitting of lamps, reflectors, rear markings and devices).

(10) The bicycle must be fitted with—

- (a) a wide angle retro reflector to the front; or
- (b) a lamp to the front,

which is fitted in accordance with the requirements of the Lighting Regulations relating to an optional front retro reflector or an obligatory front lamp (as the case may be).

(11) A wide angle retro reflector must be fitted to the rear of the bicycle in a manner which complies with the requirements of the Lighting Regulations relating to an obligatory rear retro reflector.

(12) A retro reflector must be fitted to each of the pedals of the bicycle in a manner which complies with the requirements of the Lighting Regulations relating to an obligatory pedal retro reflector.

(13) In this regulation, “the Lighting Regulations” means—

- (a) in respect of the supply of a bicycle in Great Britain, the Road Vehicles Lighting Regulations 1989(a); or

(a) S.I. 1989/1796; relevant amending instruments are S.I. 1994/2280, 2005/2559 and 2009/3220.

(b) in respect of the supply of a bicycle in Northern Ireland, the Road Vehicles Lighting Regulations (Northern Ireland) 2000^(a).

(14) An expression used in the Lighting Regulations has the same meaning in this regulation as in those Regulations.

(15) For the purposes of this regulation, regulation 4(3) of the Lighting Regulations (which provides for an exemption for certain vehicles from any requirement to fit a lamp or reflector between sunrise and sunset that would otherwise be imposed under the Lighting Regulations) is to be disregarded.

(16) In this regulation, a reference to a reflector being “wide angle” is a reference to that device providing reflex reflection through horizontal entrance angles of not less than 50°, on either side of the reference axis.

(17) Subject to paragraph (18), the prohibition in paragraph (1) applies also to a person—

- (a) offering to supply a bicycle;
- (b) agreeing to supply a bicycle;
- (c) exposing a bicycle for supply; or
- (d) possessing a bicycle for supply;

where at the time of offering or agreeing to supply the bicycle, or exposing or possessing the bicycle for supply, the requirements in paragraphs (3) to (12) are not satisfied.

(18) Paragraph (17) does not apply where the person has measures in place to ensure that when the bicycle is supplied, the requirements of paragraphs (3) to (12) are satisfied.

Supply of bicycles with unassembled parts

5.—(1) A person must not supply a bicycle with unassembled parts (whether wholly or partially) unless the requirements of paragraphs (2) to (4) of this regulation are satisfied.

(2) The bicycle must be accompanied with—

- (a) a list of readily available standard tools, and
- (b) any special or non-standard tools,

required to assemble the parts correctly.

(3) The bicycle must be accompanied with a set of instructions containing information on the correct assembly and subsequent adjustments of any parts supplied unassembled.

(4) The bicycle must be capable of being assembled and adjusted in accordance with the instructions so as to comply with the requirements of paragraphs (3) to (12) of regulation 4.

(5) Subject to paragraph (6), the prohibition in paragraph (1) applies also to a person—

- (a) offering to supply a bicycle;
- (b) agreeing to supply a bicycle;
- (c) exposing a bicycle for supply; or
- (d) possessing a bicycle for supply;

where at the time of offering or agreeing to supply the bicycle, or exposing or possessing the bicycle for supply, the requirements in paragraphs (2) to (4) are not satisfied.

(6) Paragraph (5) does not apply where the person has measures in place to ensure that when the bicycle is supplied, the requirements of paragraphs (2) to (4) are satisfied.

Commencement of proceedings

6.—(1) This regulation applies in respect of an offence committed under section 12 of the Consumer Protection Act 1987 in relation to a contravention of these Regulations.

(a) S.R. 2000/169; the relevant amending instrument is S.R. 2007/239.

(2) A magistrates' court in England and Wales may try an information if it is laid within twelve months from the time when the offence was committed.

(3) A magistrates' court in Northern Ireland may try a complaint if it is made within twelve months from the time when the offence was committed.

(4) Summary proceedings for an offence may be brought in Scotland at any time within twelve months from the time when the offence was committed.

Revocation of the Pedal Bicycles (Safety) Regulations 2003 and transitional provision

7.—(1) The Pedal Bicycles (Safety) Regulations 2003(a) (“the 2003 Regulations”) are revoked on 6th April 2011.

(2) Until the 2003 Regulations are revoked—

- (a) the supply of a bicycle in accordance with the requirements of the 2003 Regulations which would, but for this sub-paragraph, be a contravention of these Regulations is not a contravention of these Regulations; and
- (b) the supply of a bicycle in accordance with the requirements of these Regulations which would, but for this sub-paragraph, be a contravention of the 2003 Regulations is not a contravention of the 2003 Regulations.

Signed by authority of the Secretary of State

30th January 2010

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

(a) S.I. 2003/1101.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements in respect of the supply of a bicycle (including the supply of a bicycle as unassembled parts (whether wholly or partially)).

Regulation 3 provides exemptions for certain types of bicycle.

Regulation 4 sets out the conditions which are to be satisfied when supplying a bicycle (other than a bicycle supplied wholly or partially as unassembled parts). These conditions relate to the fitting of a bell, the operation of the brakes and the fitting of retro reflectors or retro reflective material.

Regulation 5 sets out the conditions which are to be satisfied when supplying a bicycle as unassembled parts (whether wholly or partially). The conditions relate to the provision of a list of standard tools, the provision of special or non-standard tools and the supply of instructions. The regulation also provides that, when assembled, the bicycle must satisfy the conditions set out in *regulation 4*.

Regulation 6 makes provision in respect of the commencement of proceedings for an offence under section 12 of the Consumer Protection Act 1987 relating to a contravention of these Regulations.

Regulations 7 revokes the Pedal Bicycles (Safety) Regulations 2003 on 6th April 2011 and sets out a transitional provision relating to the application of these Regulations and the 2003 Regulations until the 2003 Regulations are revoked.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Transport Technology and Standards Division of the Department for Transport, Zone 2/07, Great Minster House, 76 Marsham Street, London, SW1P 4DR (telephone: 020 7944 2105). A copy may be obtained from the Department for Transport website (www.dft.gov.uk).

A copy of the impact assessment has been placed in the library of each House of Parliament. The impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC (OJ No L204 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ No L217 5.8.1998, p.18).

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STATUTORY INSTRUMENTS

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£4.00