

2003 No. 1101

CONSUMER PROTECTION

The Pedal Bicycles (Safety) Regulations 2003

Made - - - - - *9th April 2003*

Laid before Parliament *15th April 2003*

Coming into force - - *1st May 2004*

The Secretary of State for Transport, in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(a) (“the 1987 Act”), and of all other powers enabling him in that behalf, and after consultation with such organisations as appear to him to be representative of interests substantially affected by the following Regulations, the Health and Safety Commission in relation to the application of the following Regulations to Great Britain, and such other persons as he considers appropriate in accordance with section 11(5) of the 1987 Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pedal Bicycles (Safety) Regulations 2003 and shall come into force on 1st May 2004.

Revocation

2. The Pedal Bicycles (Safety) Regulations 1984(b) and the Pedal Bicycles (Safety) (Amendment) Regulations 1984(c) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“bicycle” means a two-wheeled vehicle that is propelled solely by the muscular energy of the person on that vehicle by means of pedals and has not been constructed or adapted for propulsion by mechanical power;

“the British Standard” means—

- (a) the specification for safety requirements for bicycles issued by the British Standards Institution under reference BS 6102: Part 1: 1992; and
- (b) the specification for photometric and physical requirements of reflective devices for cycles issued by the British Standards Institution under reference BS 6102: Part 2: 1982 as amended by Amendment No. 1 published on 31st December 1984 under reference AMD 4752;

“competition bicycle” means a bicycle which has no brakes and is specifically designed for off-road racing on enclosed tracks;

“the ISO Standard” means the technical specifications for bells for bicycles and mopeds published by the International Organisation for Standardisation under reference ISO 7636-1984 (E);

(a) 1987 c. 43.
(b) S.I. 1984/145.
(c) S.I. 1984/1057.

“tandem bicycle” means a bicycle which is designed to carry two or more persons at least two of whom can propel the vehicle at the same time; and

“tradesman’s delivery bicycle” means a bicycle which is designed primarily or entirely for the carriage of goods in the course of a trade.

(2) Save as provided in regulation 4(2), a reference in these Regulations to “supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and “supplied” and “supplying” shall be construed accordingly.

(3) In these Regulations a reference to the height of the saddle of a bicycle is a reference to the height above the ground of the part of the seating area of the saddle which is furthest from the ground when the vehicle to which the saddle is attached is vertical and the saddle is raised to the fullest extent compatible with safety and any pneumatic tyres on the wheels of the vehicle are fully inflated.

Supply of new bicycles

4.—(1) Save as provided in paragraph (2) and regulation 6, no person shall supply any bicycle unless—

- (a) in the case of—
 - (i) a bicycle within the field of application of the British Standard, it complies with all the requirements specified in that standard (including marking requirements) other than that contained in clause 16 (warning devices); or
 - (ii) a bicycle outside the field of application of the British Standard, it complies with standards no less than those specified in the British Standard other than those contained in clause 16 (warning devices) and clause 20(a) (marking);
- (b) it has been fitted with a bell which—
 - (i) is of a category intended for use on bicycles; and
 - (ii) complies with the requirements of clause 6.3 of the ISO Standard in relation to bells of that category; and
- (c) its brakes have been correctly adjusted in accordance with the manufacturer’s instructions.

(2) In relation to paragraph (1)(c) above, “supply” does not include offering to supply, exposing for supply and possessing for supply.

Supply of bicycles with unassembled parts

5. Save as provided in regulation 7, no person shall supply a bicycle with unassembled parts unless those parts—

- (a) are capable of being assembled to form a bicycle which in all respects complies—
 - (i) in a case where the bicycle so formed would be within the field of application of the British Standard, with all the requirements specified in that standard (including marking requirements) other than that contained in clause 16 (warning devices); or
 - (ii) in a case where the bicycle so formed would be outside the field of application of the British Standard, with standards no less than those specified in the British Standard other than those contained in clause 16 (warning devices) and clause 20(a) (marking);
- (b) include a bell which—
 - (i) is of a category intended for use on bicycles; and
 - (ii) complies with the requirements of clause 6.3 of the ISO Standard in relation to bells of that category;
- (c) are supplied with—
 - (i) a list of readily available standard tools; and
 - (ii) the special or non-standard tools, required to assemble the parts correctly; and
- (d) are accompanied by a set of instructions containing information on the correct assembly and subsequent adjustment of any parts supplied unassembled.

Exemptions to regulation 4

- 6.—(1) The provisions of regulation 4(1)(a) do not apply in respect of—
- (a) a tradesman’s delivery bicycle; or
 - (b) a tandem bicycle.
- (2) The provisions of regulation 4 do not apply in respect of—
- (a) a bicycle which has previously been supplied and used (other than for the purpose of testing) on or off a road;
 - (b) a bicycle the height of the saddle of which is less than 635 millimetres;
 - (c) a competition bicycle; or
 - (d) a bicycle which has been constructed to the design of an individual person for use by that person in competitive events.
- (3) The provisions of regulation 4 do not apply in a case where the person supplying the bicycle reasonably believes that it will not be used in the United Kingdom.

Exemptions to regulation 5

- 7.—(1) The provisions of regulation 5(a) do not apply to the supply of any parts if they are capable of being assembled so as to form a tradesman’s delivery bicycle or a tandem bicycle.
- (2) The provisions of regulation 5 do not apply to the supply of any parts if they—
- (a) have previously been supplied and used (other than for the purpose of testing) on or off a road as parts of a bicycle; or
 - (b) are capable of being assembled so as to form a bicycle of a kind specified in regulation 6(2)(b) to (d) above.
- (3) The provisions of regulation 5 do not apply in a case where the person supplying the parts reasonably believes that they will not be used in the United Kingdom.

Equivalent standards

8.—(1) Nothing in these Regulations shall make it unlawful to supply a bicycle or parts if it would not be unlawful to supply the bicycle or parts were there substituted for a reference in these Regulations to the British Standard or the ISO Standard a reference to a corresponding standard.

(2) In this regulation “corresponding standard”, in relation to the British Standard and the ISO Standard, means—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State; or
- (b) any international standard recognised for use as a standard by any EEA State; or
- (c) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides, in relation to bicycles, a level of safety at least equivalent to that provided by the British Standard or, as the case may be, the ISO Standard and in relation to the British Standard contains marking requirements at least equivalent to those provided by that instrument.

(3) In this regulation “EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(a).

Commencement of proceedings

9. In England, Wales and Northern Ireland a magistrates’ court may try an information (in the case of England and Wales) or a complaint (in the case of Northern Ireland) in respect of an offence committed under section 12 of the Consumer Protection Act 1987 in relation to a contravention of these Regulations if (in the case of England and Wales) the information is laid

(a) Cmnd 2073 and 2183.

or (in the case of Northern Ireland) the complaint is made within twelve months from the time when the offence is committed, and in Scotland summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

Signed by authority of the Secretary of State

9th April 2003

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to the whole of the United Kingdom, are made under the Consumer Protection Act 1987 in respect of bicycles which are not constructed or adapted for propulsion by mechanical power. They replace the Pedal Bicycles (Safety) Regulations 1984 as amended by the Pedal Bicycles (Safety) (Amendment) Regulations 1984 and are to come into force on 1st May 2004.

Subject to exemptions, *regulation 4* prohibits a person from—

- (a) supplying or agreeing to supply a fully assembled bicycle unless its brakes have been correctly adjusted;
- (b) supplying, offering or agreeing to supply, or exposing or possessing for supply a fully assembled bicycle unless it is fitted with a bell which complies with the required standard; and
- (c) supplying, offering or agreeing to supply, or exposing or possessing for supply a fully assembled bicycle unless it complies with the further standards specified in regulation 4(1)(a).

Subject to exemptions, *regulation 5* prohibits a person from—

- (a) supplying, offering or agreeing to supply, or exposing or possessing for supply unassembled parts in kit form for assembly into a bicycle unless they include a bell which complies with the required standard; and
- (b) supplying, offering or agreeing to supply, or exposing or possessing for supply unassembled parts in kit form for assembly into a bicycle unless those parts are capable of being assembled to form a bicycle which complies with the further requirements specified in regulation 5(a) and are accompanied by certain information as to their correct assembly and subsequent adjustment and any special tools necessary for that purpose.

Regulations 6 and 7 specify exemptions from regulations 4 and 5. These exemptions cover particular types of bicycle and parts, both new and used, and bicycles and parts which the supplier reasonably believes will not be used in the United Kingdom.

Regulation 8 makes provision for standards which are equivalent to the British Standard or the International Standard referred to in the Regulations.

Regulation 9 specifies a twelve month time limit for the bringing of summary proceedings for offences under section 12 (offences against the safety regulations) of the Consumer Protection Act 1987.

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Department for Transport, Zone 2/04, Great Minster House, 76 Marsham Street, London SW1P 4DR (Telephone: 020 7944 2062). Copies are being placed in the libraries of each House of Parliament.

The requirements referred to in regulations 4 and 5 relate to both “the British Standard” (BS 6102: Part 1: 1992 and Part 2: 1982 as amended by AMD 4752) and “the ISO Standard” (ISO 7636-1984 (E)). Copies of both standards can be obtained from the British Standards Institution, 389 Chiswick High Road, London W4 4AL (Telephone: 020 8996 9001) and copies of the British Standard can also be obtained from The Stationery Office.

These Regulations have been notified to the European Commission and the other Member States in accordance with Directive 98/34/EC of the European Parliament and of the Council (OJ No. L204, 21.7.98, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L217, 5.8.98, p. 18).

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