

**EXPLANATORY MEMORANDUM TO**  
**THE USE OF INVALID CARRIAGES ON HIGHWAYS (AMENDMENT)**  
**(ENGLAND AND SCOTLAND) REGULATIONS 2015**

**2015 No. 59**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 This instrument aims to support the mobility and quality of life of invalid carriage<sup>1</sup> users who require equipment on their carriage to satisfy a specific clinical, postural, hygienic, caring or nursing need (this equipment is referred to as “necessary user equipment” in the instrument and this memorandum).
  - 2.2 The instrument addresses the ‘catch 22’ situation that arises where the additional weight of necessary user equipment results in an invalid carriage exceeding the unladen weight limit governing its use on the highway. In this circumstances, the user is unable to lawfully use their carriage on the highway by virtue of having the equipment they need to meet their health needs whilst travelling.
  - 2.3 Whilst promoting the mobility of invalid carriage users with acute medical needs, the instrument also seeks to minimise the safety risk to other highway users presented by the use of heavier invalid carriages.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None
4. **Legislative Context**

Invalid carriages used on the highway are subject to various requirements laid down by The Use of Invalid Carriages on Highways Regulations 1988 (No 2268) (“the 1988 Regulations”).<sup>2</sup> These requirements include limits on the unladen weight<sup>3</sup> of carriages: 113.4kg for Class 1 and Class 2 invalid carriages and 150kg for Class 3 carriages.
5. **Territorial Extent and Application**

This amendment applies to England and Scotland.

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<sup>1</sup> Commonly referred to as wheelchairs, mobility scooters and powered wheelchairs.

<sup>2</sup> Available at <http://www.legislation.gov.uk/ukxi/1988/2268/contents/made>

<sup>3</sup> Defined by the 1988 Regulations as “the weight of the invalid carriage inclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for its propulsion and of loose tools, but exclusive of the weight of any other load or of a person carried by the invalid carriage”.

## 6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

7.1 Since the 1988 Regulations came into force, technological developments have opened up the possibility of greater mobility for an ever wider range of people who require access to particular equipment whilst travelling to meet a clinical, postural, hygienic, caring or nursing need. For example, invalid carriages are now widely available with motorised seats offering back recline, sit to lie and sit to stand functions that aid a largely or completely chair-bound user's circulation and the functioning of their internal organs.

7.2 Such features increase the weight of an invalid carriage and, in some cases, can lead to a carriage exceeding the unladen weight limit for use on the highway. A scarcity of data on the use of invalid carriages means we are unable to quantify exactly how many users this effects but we believe it is a small minority of the overall complement of users (see the associated Impact Assessment for further details). We do know that there is a particular challenge for users under the age of 14 because carriages with the highest unladen weight limit (Class 3 carriages) are restricted on safety grounds to people aged 14 or above.

7.3 Unladen weight limits are an important way of minimising the safety risk for other highway users (particularly pedestrians) in the event of a collision with an invalid carriage. Nevertheless, following consultation, the Government concluded that the current limits were unnecessarily restricting the mobility of a small proportion of invalid carriage users and that a better balance could be struck between promoting mobility and minimising safety risks.

7.4 The instrument has been drafted to carefully target the use of heavier carriages by users with acute medical needs so that it does not lead to a proliferation of heavier invalid carriages. It achieves this by:

- Retaining the current unladen weight limits by Class and providing flexibility only in relation to necessary user equipment;
- Linking permitted additional weight to the weight of necessary user equipment causing a carriage to exceed its Class weight limit;<sup>4</sup> and

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<sup>4</sup> An approach that provided a fixed level of additional weight above the Class weight limit (for example, an extra 25 or 50kg) where a carriage included *any* necessary user equipment might have unintended effects. In this approach, a user would be able to load up their carriage with large amounts of heavy equipment unnecessary for meeting their medical needs simply because their carriage also has a small amount of necessary user equipment.

- Establishing an upper or ‘backstop’ limit of 200kg *including* any necessary user equipment that takes the invalid carriage above the Class weight limit.<sup>5</sup>

## 8. Consultation outcome

8.1 A full 12 week public consultation was conducted in 2010 on potential changes to the laws governing invalid carriages.<sup>6</sup> The summary of responses noted that “*When asked if the maximum unladen weight was appropriate, 42% thought the weight of Class 2 vehicles was appropriate and 37% for Class 3.*”

8.2 The 1988 Regulations were also subject to consultation and scrutiny as part of The Red Tape Challenge in 2011. After considering the responses to both consultation exercises, the Government announced in 2012 that it would amend the 1988 Regulations by increasing the unladen weight limit for Class 2 powered wheelchairs.<sup>7</sup>

8.3 When developing the amendment, it became clear that a more targeted approach was possible that would achieve a better balance between promoting mobility for invalid carriage users and protecting the safety of other highway users.

## 9. Guidance

We will work with stakeholders to raise awareness and understanding of the implications of this instrument amongst manufacturers, retailers and users of invalid carriages. We will also issue a revised version of our guidance *Mobility Scooters and Powered Wheelchairs on the Road: Some Guidance for Users*.<sup>8</sup>

## 10. Impact

10.1 An Impact Assessment is attached to this Memorandum and will be published alongside the Explanatory Memorandum on [www.legislation.gov.uk](http://www.legislation.gov.uk).

10.2 There is a general absence of quantified data on the use of mobility vehicles which has prevented us from quantifying costs and benefits. However, we expect the amendment will have a positive impact on the mobility, independence and quality of life of a small proportion of invalid carriage users

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<sup>5</sup> The 200kg limit reflects the operational capacity of boarding lifts and ramps for public service vehicles. These are required to have a safe working load of not less than 300kg (as established by the Public Service Vehicle Accessibility Regulations 2000 available at <http://www.legislation.gov.uk/ukxi/2000/1970/schedule/1/made>).

<sup>6</sup> The consultation documents are available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/2392/consultation-document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2392/consultation-document.pdf)

<sup>7</sup> <https://www.gov.uk/government/speeches/mobility-scooters-and-powered-wheelchairs>

<sup>8</sup> <https://www.gov.uk/government/publications/mobility-scooters-and-powered-wheelchairs-on-the-road-some-guidance-for-users>

whose need for specialist equipment takes the weight of their carriage above the unladen weight limit for its Class. By enhancing these users' ability to travel independently, there may also be a reduction in care needs leading to cost savings for social services.

10.3 The main disbenefit of the proposal is the potential for increased damage or injury in the event of a collision between an invalid carriage and another highway user. We do not anticipate this disbenefit will be significant in scale as most invalid carriages will continue to fall within the existing unladen weight limits and, even where this is not the case, the amendment has been carefully drafted to limit the amount of extra weight and to limit it in all cases to a 200kg upper limit.

10.4 The overall impact on business, charities or voluntary bodies involved in the market for invalid carriages is likely to be neutral or slightly positive. The amendment has no direct impact on manufacturers and retailers (it does not mandate a change in activity) though some of these organisations could choose to provide a wider range of goods and services in response to users' demands for adaptations to their carriages. We expect businesses to respond in this way only where the benefits to the business concerned are at least equal to the costs.

## **11. Regulating small business**

The only small businesses effected by the legislation are in those in the invalid carriage sector. The instrument opens up new commercial opportunities for those businesses and does not impose any burdens on them.

## **12. Monitoring & review**

12.1 The scarcity of statistics on the use of invalid carriages restricts our ability to quantitatively monitor the impact of this instrument. However, from 2013, the police started collecting statistics on accidents involving invalid carriages. The Department for Transport aims to assemble comprehensive data from 2015 and subsequent trends in these statistics will give us some indication of the measure's safety impact.

12.2 To help us monitor impacts, we will also continue to seek feedback and evidence from a range of stakeholders, both those who use invalid carriages and other highway users (including pedestrians) who share the highway with mobility vehicles. We would review the measure if robust evidence emerged to show that the instrument had a significant net cost.

## **13. Contact**

The Accessibility and Equalities team at the Department for Transport can answer any queries regarding this instrument. Email: [equalities@dft.gsi.gov.uk](mailto:equalities@dft.gsi.gov.uk)