

**EXPLANATORY MEMORANDUM TO**  
**THE ELECTRIC SCOOTER TRIALS AND TRAFFIC SIGNS (CORONAVIRUS)**  
**REGULATIONS AND GENERAL DIRECTIONS 2020**

**2020 No. 663**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport (“The Department”) and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 This instrument amends road traffic regulations as to the use of electric scooters (‘e-scooters’), to allow representative, on-road trials of e-scooters to begin. These trials are to gather evidence on the use and impact of e-scooters to inform possible future legalisation.
- 2.2 E-scooters fall within the definition of a “motor vehicle” in section 185(1) of the Road Traffic Act 1988 (“the 1988 Act”). The amendments made by this instrument serve to remove or relax requirements for e-scooters being used in a trial, in a way which is proportionate to the vehicle type, to enable trials to take place on public roads. The regulations which are amended by this instrument are the Roads Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742) (“the 2002 Regulations”), to remove the requirement to hold a vehicle licence and registration for an e-scooter being used in a trial; the Motor Cycles (Protective Helmets) Regulations 1998 (S.I. 1998/1807) (“the 1998 Regulations”), to remove the requirement for the driver to wear a motorcycle helmet when riding an e-scooter being used in a trial; the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) (“the 1999 Regulations”), to remove the requirement for a B full licence holder to complete basic moped training before riding an e-scooter being used in a trial and to permit provisional licence holders to ride e-scooters being used in a trial, also without completing basic moped training; the Traffic Signs Regulations and General Directions 2016 (S.I. 2016/362) (“the TSRGD”), to permit an e-scooter being used in a trial, to use cycle lanes, and to clarify that signs relating to pedal cycles, also represent e-scooters.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 This instrument will come into force less than a week after it is made. Public transport capacity is severely restricted due to COVID-19 and the requirements for social distancing. Urgent action is required to provide immediate additional transport capacity that allows users to comply with social distancing guidelines. Therefore, planned e-scooter trials have been accelerated to begin following the making of this instrument. Delaying the coming into force date of this instrument will mean that this additional transport capacity cannot immediately be provided.

- 3.2 The instrument does not place obligations on individuals or businesses. The amendments made by this instrument will have an impact upon local public authorities, but only where they have chosen to host trials in their local area.
- 3.3 To be used in trials, e-scooters must either meet existing vehicle requirements to comply with construction requirements and have type approval (a process to certify their safe construction), or be subject to an administrative order issued, subject to specific requirements for trial e-scooters, by the Secretary of State under s.44 and s.63 of the 1988 Act. These sections provide the Secretary of State with authority to issue administrative orders exempting vehicles from vehicle construction requirements (s.44) and vehicle approval requirements (s.63) for, among other reasons, “tests or trials”.
- 3.4 The instrument is intended only to allow trials of rental e-scooters, being used in trials by agreement with the hosting local public authority. Local public authorities are able to host a trial in their area, in arrangements with an e-scooter rental operator(s), where the trial will provide useful evidence of the impacts of e-scooters use that can inform future policy or legislation on their use.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.5 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

#### **4. Extent and Territorial Application**

- 4.1 With the exception of the amendments to the TSRGD which apply to England only, the territorial extent and territorial application of this instrument is Great Britain.

#### **5. European Convention on Human Rights**

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

#### **6. Legislative Context**

- 6.1 Amendments have been made using powers found in the 1988 Act, the Vehicle Excise and Registration Act (“the 1994 Act”) and the Road Traffic Regulation Act 1984 (“the 1984 Act”). Amendments are made to the 2002 Regulations, the 1998 Regulations, the 1999 Regulations, and the TSRGD.
- 6.2 The 1988 Act provides the Secretary of State with authority to issue administrative orders exempting vehicles from vehicle construction requirements (s.44) and vehicle approval requirements (s.63) for, among other reasons, “tests or trials”. The legislative amendments will be supplemented by administrative orders covering the construction and technical requirements for e-scooters (where the vehicle does not already meet vehicle construction and type approval regulations). The orders will set out conditions about the construction of e-scooters to ensure that the vehicles used are of a suitable standard. Accordingly, this instrument does not include provisions about vehicle construction standards. The orders will be issued on a case by case basis, upon consideration of the evidence, submitted by a rental operator, satisfying the technical conditions required.

- 6.3 This instrument applies only to e-scooters used as part of a trial, arranged between a rental operator and a local public authority. It does not extend to privately-owned e-scooters or other e-scooters not participating in organised trials.

## **7. Policy background**

### *What is being done and why?*

- 7.1 In recent years there has been rapid development of micromobility vehicles (defined as small, usually electric, mobility devices designed to carry one or two people, or for short distance deliveries). Micromobility vehicle types include, amongst others, electric scooters, electric skateboards, low-powered last-mile delivery vehicles and devices designed for disabled people. At present, most micromobility vehicles cannot legally be used on the road or cycle paths. This is because they are 'motor vehicles' in law, which requires them to meet a wide range of requirements that, by their design, are hard for them to comply with.
- 7.2 The Department is considering whether to legalise micromobility vehicles and, if so, what rules should apply to them. These innovations have the potential to deliver significant benefits if carefully managed. However, there are also risks with introducing new types of vehicle into existing transport networks.
- 7.3 There is little robust data on the impact of micromobility vehicles. To address this, trials of rental e-scooters will be hosted by participating local areas. It is anticipated that a trial will run for 12 months from a trial commencing in a local area. The Department intends to monitor trials and collect data from the rental operators hiring out rental e-scooters, to gather evidence of the safety risks presented by e-scooters, the mode shift resulting from their use, the effectiveness of regulations applied to e-scooters, and public perceptions around their use to help inform policy about the potential future legalisation of e-scooters and other micro-mobility vehicles, following trials. It is important that these trials are as representative as possible of real-world road use, as micromobility vehicles may be used in the future. E-scooters are the most common and developed form of micromobility vehicle and the evidence gathered will, where relevant, also inform future policy on other micromobility vehicles.
- 7.4 In addition, to support the restart from COVID-19 and to help mitigate reduced public transport capacity, e-scooter trials are being brought forward and expanded to more areas than initially intended. E-scooters could be a convenient and clean way to travel that eases the burden on the transport network and allows for social distancing, while their wider impact is assessed.
- 7.5 The typical size and design of e-scooters makes them most similar to electrically assisted pedal cycles (EAPCs). Section 189 of the 1988 Act re-defines an EAPC as not being a motor vehicle in road traffic legislation. The definition of an e-scooter in the instrument limits them to the same maximum motorised speed as EAPCs (not exceeding 15.5 mph). It is also considered similar rules for e-scooters as for EAPCs are appropriate. However as e-scooters continue to be defined as motor vehicles, requirements found in primary legislation for motor vehicle insurance and in relation to holding a relevant driving licence, apply.
- 7.6 The amendments made by the instrument are not intended to legalise e-scooters beyond those used in trials; nor do they prescribe what the rules for e-scooters may be if they are legalised in the future. The Department intends to review evidence

collected during the trials to inform policy decisions in future, concerning the long-term use of e-scooters, and other types of micromobility.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 The instrument will enable trials as agreed by local public authorities who choose to allow these to take place in their local area. The trials will be time limited, for those vehicles that require an administrative order, this will be through use of administrative orders. The orders may be extended until such time as decisions are made to inform future legislation around e-scooters and other micromobility vehicles. It is expected that such legislation will amend or revoke this instrument, so consolidation is not appropriate with this instrument.

## **10. Consultation outcome**

- 10.1 The Department ran a public consultation from 18<sup>th</sup> May to 2<sup>nd</sup> June 2020. This consulted on the definition of an e-scooter and on the regulatory requirements for their use. The Department received 2,194 responses, 2,017 from individuals and 177 from organisations including road user groups, local authorities, e-scooter rental operators, and police groups. In addition, the Department is running a Call for Evidence on the Future of Transport regulatory review which commenced in March 2020. Responses received by 2<sup>nd</sup> June were also considered alongside consultation responses.
- 10.2 In general, there was strong support for running trials to gather evidence on the impact of e-scooters. There were mixed views on the proposed definition of an e-scooter. This has been amended from the proposal in the consultation document, to reflect the diversity of vehicles available and ensure that e-scooters covered by this instrument are suitable in different circumstances, e.g have sufficient power to climb hills. Speed limits of 12.5 mph and 15.5 mph were consulted on. The higher limit of 15.5 mph was clearly preferred by respondents. There was strong support for the proposals consulted upon that apply to users of e-scooters. Many responses stated that the instrument should include construction requirements for e-scooters. For reasons detailed in 6.2, construction requirements are not addressed in the instrument but the responses in the consultation have informed the conditions that will apply to the administrative orders authorising e-scooters for use in trials.
- 10.3 The consultation and the Government's response to this is available at <https://www.gov.uk/government/consultations/legalising-rental-e-scooter-trials-defining-e-scooters-and-rules-for-their-use>. The Future of Transport regulatory review is available at <https://www.gov.uk/government/consultations/future-of-transport-regulatory-review-call-for-evidence-on-micromobility-vehicles-flexible-bus-services-and-mobility-as-a-service>. Hard copies can be obtained from the Department upon request at the contact details provided for in paragraph 15.

## **11. Guidance**

- 11.1 Guidance will be published on the Department's website to help e-scooter users and local authorities understand what rules apply to them. Hard copies can be obtained upon request at the contact details provided for in paragraph 15.

## **12. Impact**

- 12.1 The impact on business, charities or voluntary bodies is unknown as there is limited evidence to provide an assessment of the impact of the amendments made by this instrument.
- 12.2 The instrument is deregulatory for businesses wishing to run rental operations as part of the trials. As a COVID-19 response, the amendments provide a benefit to business where e-scooters allow users to make journeys in accordance with social distancing guidelines that they would not otherwise have made.
- 12.3 The instrument will affect individuals, whether as e-scooter users, pedestrians or other road users. The impact will depend on the scale of e-scooter use and the mode shift from other modes of transport. Given the UK's transport mode share is closer to European examples, we assume UK mode shift to be similar to these cases. Based on this assumption, we could expect mode shift in the UK to be around a third from walking, a third from public transport, 15-20% from car, 10% from cycling and around 2% for new trips. Social distancing requirements may cause the shift from public transport and the proportion of new trips to be higher than these estimates.
- 12.4 E-scooter users are expected to be the key affected user group in terms of safety, though there are implications for non-users too. There is not enough reliable international evidence on e-scooter fatality rates to compare them with other modes, though to date this suggests rates of injuries are slightly higher for e-scooters compared to pedal cycles. Pedal cycles may give the closest indication of the safety of e-scooters at present, however this will be monitored during the trials. The overall change in risk of casualties will depend on the mode shift to e-scooters and the relative safety of e-scooters in the UK compared to other modes. There may be some risk to pedestrians, though the risk from an e-scooter journey is considered to be lower than the equivalent journey by car.
- 12.5 The introduction of e-scooters is likely to have health disbenefits for road users who would have otherwise walked or cycled. There is mixed evidence on the potential environmental impacts of e-scooters. Potential benefits include improved air quality (reduced nitrogen oxides and particulates) and reduced greenhouse gas emissions with a mode shift from internal combustion engine vehicles. However, e-scooters are expected to replace some more environmentally friendly walking and cycling trips.
- 12.6 There are equalities impacts from e-scooter trials. People with disabilities may be more affected: e-scooters could provide benefits as an aid for people with some disabilities linked to mobility. For other disabilities such as blind or visually-impaired people, e-scooters may have negative impacts where e-scooter use by others impacts their ability to get around. These impacts are shaping the operational aspects of trials.
- 12.7 The requirement to hold a driving licence may have a greater impact on black, Asian or mixed ethnicities, who are less likely to hold a driving licence than white people. The regulations minimise the impact of this by allowing provisional licence holders to use e-scooters.

- 12.8 The limited evidence available indicates that men and young people are more likely to use e-scooters than women and older people.
- 12.9 The trials are intended to gather evidence of the impact of e-scooters to inform future policy.
- 12.10 The impact on the public sector is small. Local authorities will need to amend Traffic Regulation Orders in their areas to permit e-scooters to use road spaces designated for pedal cycles. Impacts on local authorities only occur for those areas who choose to host the trials.
- 12.11 The Department has conducted a rapid analytical assessment, summarised above. A full impact assessment will occur after implementation due to the urgency of the regulation being made in response to COVID-19.

### **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 The majority of the amendments made by this instrument apply to the use of rental e-scooters by private individuals. The specific provision in the instrument to exempt e-scooters from vehicle licensing and registration is a small deregulatory benefit. There are potentially significant benefits for e-scooter operators who, in agreement with local public authorities, are able to operate trial e-scooters.

### **14. Monitoring & review**

- 14.1 The Department will be running a monitoring and evaluation programme for the e-scooter trials. These will seek to gather evidence of the safety risks presented by e-scooters, the mode shift resulting from their use and public perceptions around their use.
- 14.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Parliamentary Under Secretary of State Rachel Maclean MP has made the following statement.

“Having had regard to sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 and the Statutory Review Guidance for Departments published under section 31(3) of that Act, I have decided that it is not appropriate to make provision for review in this instrument as these regulations will be reviewed separately by a monitoring and evaluation programme for the trials. These regulations enable the trials of e-scooters, the evidence from which will inform future legislation around e-scooters and other micromobility vehicles. It is expected that such legislation will amend or revoke this instrument.”

### **15. Contact**

- 15.1 Robert Leiper at the Department for Transport, (telephone: 07773 073551, email: [robert.leiper@dft.gov.uk](mailto:robert.leiper@dft.gov.uk) or [micromobility@dft.gov.uk](mailto:micromobility@dft.gov.uk)) can be contacted with any queries regarding the instrument.
- 15.2 Anthony Ferguson, Deputy Director for Traffic and Technology Division, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Rachel Maclean, MP, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.