

## Consultation response form

### CONSULTATION ON PROPOSED CHANGES TO REGULATIONS COVERING POWERED MOBILITY SCOOTERS & POWERED WHEELCHAIRS

#### PART 1 – information about you

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Company Name or Organisation if applicable)	As above.

Please tick one box from the list below that best describes you/your company or organisation

<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Small or medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input checked="" type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Other (please specify)
If you are responding on behalf of an organisation/interest group how many members do you have and how did you obtain the views of your members: 13 Members plus Convener. Views were collated by one Member who requested that the rest of the group liaise with her.	
If you would like your response or personal details to be treated confidentially please explain why (and please see the Freedom of Information advice on page 10 of the consultation package):	

## PART 2: YOUR VIEWS

This consultation seeks your views on proposed changes to the legislation covering “invalid carriages”.

### Section A: Legal classification of vehicles

Q1. Do you think that the term “invalid carriage” should be replaced with a different term?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No longer appropriate language.
Q2. What term would you suggest?
Whilst mobility vehicle is used throughout the document. The word vehicle does imply other connotations, for example, of more substantial modes such as cars and motor bikes.
Q3. Do you think that the terms “Class 2” and “Class 3” should be replaced by more descriptive terms such as “slower speed mobility vehicle” and “faster speed mobility vehicle”?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, what terms would you suggest?
We do not agree that types of transport should be correlated to speed. It does not help to describe the purpose of the transport. Correlating it to purpose and location of usage is helpful to potential users, e.g. footway and footway and carriageway.
Q4. Do you think the legislation should make a distinction between mobility scooters and powered wheelchairs?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> We strongly agree with this. People who use powered wheelchairs tend to do so because they have to, in essence they do not have a choice. The same cannot be said for all users of mobility scooters. As outlined in this document it is envisaged that mobility scooter ownership will increase with an increasing ageing population. If there are to be changes in regulation and legislation in respect of mobility vehicles as laid out in this document then we would not see any benefit in enforcing people who have to use powered wheelchairs, for example, registering their wheelchair with DVLA.

## Section B: Design standards for mobility vehicles

### *Maximum speed capability*

Q5. Do you think that Class 3 vehicles should be designed to be capable of travelling at speeds higher than 8mph on the carriageway?

Yes ☐

No ☐

This question is confusing as the section is on 'maximum speed capability' and describes that although there are speed restrictions on footways and carriageways there are not restrictions on private property. However, the question asks directly should vehicles be designed to be capable of travelling higher than 8mph on the carriageway. While travelling at speeds of 8mph on the carriageway may not be problematic we note the consultation makes no recommendation to increase the 4 mph speed limit on footways and we agree with this stance. The response to Question 30 addresses allowing speed limits in excess of 8 mph on the road.

Q6. If you think there should be a higher speed capability, what maximum speeds do you suggest, and why?

Research would be required to determine whether higher speed capacity should be allowed.

Regardless of the speed limit, there has to be consistency of regulation, for example, if mobility vehicles are allowed to travel at 15 or 20 mph then will there be a need for users to be regulated in the same way as other motorised vehicles (e.g cars) in respect of sight test, and to pass medical test which deem people fit to drive? If so, that would preclude some people with disabilities from using a motorised scooter or powered wheelchair. The issue of speed capacity cannot be made in isolation from the other effects of higher speed, e.g larger and heavier vehicles, conflict with other footway and carriageway users due to their speed, size or weight.

### *Vehicle Weight limits*

Q7. Do you think the current unladen weight limit is still appropriate? (The weight limit for Class 2 vehicles is 113.4kg, and for Class 3 vehicles is 150kg?)

Yes ☐

No ☐ (class 2 vehicles)

Yes ☐

No ☐ (class 3 vehicles)

We cannot comment on this. Research would be needed to define appropriate unladen weight limits. It would be beneficial to deal with powered wheelchairs separately, as they need to be of a size and weight to accommodate any medical equipment.

Q8. If you think the permitted unladen weight should increase, what should it increase to, and why?
Any increase in weight limits would need to be balanced with size and speed capacity, fit for usage, and conflict with other footway and carriageway users.
Q9. Should some mobility vehicles permit the carriage of a baby or a small child as a passenger?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Designing vehicles that do not allow carriage of a baby or small child limits parenting ability.
Q10. If you suggested changes in reply to questions 8 and 9 above, do you have evidence to support your suggestions? If you have evidence what is it? Or do you believe that further research and trialling is needed before a decision is taken?
Research and trials of appropriate vehicles are required so that evidence based decision making can be carried out The involvement of parents would be required. The question of where such vehicles can be used e.g. footway only, also needs to be answered.

### ***Safer vehicle design***

Q11. Do you think that technology is available that could reduce the likelihood and severity of injury caused by a collision with a mobility scooter?
Yes <input type="checkbox"/> No <input type="checkbox"/>
We are not in a position to answer this. If such features were to be introduced on scooters then presumably the overall cost of these vehicles would increase. These vehicles are already considered to be expensive. If the desire is to reduce the likelihood of a collision occurring, perhaps there should be more of a focus on regulating the promotion, sales and distribution of such vehicles so that people can make the correct choice that suits them and their circumstances. A requirement to undertake appropriate training would also be helpful. Have current technology and scooter accessories been evaluated for safety? For example, does using an overall rain cover affect the user's visibility? Should this type of exercise be completed prior to looking at additional technologies?
If yes, what technology do you have in mind?

Q12. Should any increase in weight only be permitted if such technology is used?

Yes ☐

No ☐

We are not in a position to answer, again, implications of size, weight and speed needs would need to be correlated and reconciled with the implications and potential conflict with other footway and carriageway users before any decision was reached.

### ***Conspicuousness***

Q13. Do you think that additional requirements should be imposed to make mobility vehicles more conspicuous to help to improve the safety of the mobility vehicle user and the safety of other road users?

Yes ☐

No ☐

It is not clear from this consultation whether what is currently required is effective. However, there is definitely room for improvement

Q14. If you do think that additional requirements should be imposed, what do you suggest?

Current requirements for location of indicators and lights could be reviewed as they are small, usually at the bottom of the vehicles, and therefore not easy to see. It may be that something as straightforward as adding a light to the front of vehicle would make it more visible.

### **Section C: Users of mobility vehicles**

#### ***Minimum age***

Q15. Do you think that the minimum age of 14 when a person may use a Class 3 vehicle should be kept the same, removed or lowered?

Kept the same

☐

Lowered

☐

Removed

☒

Q16. If you think the minimum age should be lowered, what do you suggest it be lowered to?

It would be difficult to define an age. There is a need to regulate capability for use of vehicles and understanding of risks of usage on footway and carriageway. For example, a 14 year old young person who has learning difficulties may be able to physically use a vehicle but perhaps has no understanding of the risk of doing so.

### ***Information, training and fitness to drive***

Q17. What do you think should be done to improve the information and advice that is available to people who want to use a mobility vehicle?

Department for Transport provide information and we believe that there is an information video. This needs to be disseminated more widely and in a more proactive manner.

Within the information there needs to be an emphasis on proportionality, between classes and their location usage, such as, class 3 for footway carriageway. Users of powered wheelchairs do so, in the main, because they have to, and as such are likely to have had significant contact with health departments. Where as some users of motor scooters do so out of choice, and thus require accurate information as to what options, limitations, and style of scooter suits their needs (for example, a person who lives in an area which has few dropped kerbs would not be wise to purchase a class 2 which cannot climb kerbs, and yet we hear of this type of situation often). Information should also include storage and carriage options, such as, in cars, and what can be carried on public transport.

There is a case for improvements to the regulation of the promotion, sales, and distribution of motor scooters, as well as putting an onus on manufacturers to provide information and advice, which are areas not covered in depth within this consultation document.

Q18. Should all mobility vehicle users be required to undergo compulsory training?

Yes ☒

No ☐

This is not a negative for people who wish to use such vehicles; it should enable users to maintain their safety, as well as the safety of others. In addition it will ensure that they are using their machine to best advantage.

Q19. How do you suggest such training might be organised and delivered? How could it be funded (for example through user fees)?

Not through a single provider, which might be unnecessarily restrictive. Each region and locality should be required to establish a location for the delivery of training. It could take place in disability living centres, mobility centres or NHS wheelchair centres. Irrespective of location or provider all training provision should be consistent in content and delivery. There needs to be a standard training package for class 2 and class 3 vehicles. Training needs to be proportional to where these types of vehicles can be used.

It may be that user fees would be unpopular, particularly in respect of disabled people.

Q20. Should all users be required to undergo an assessment of their suitability to drive a mobility vehicle?
<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Both Yes and No are appropriate responses to this question. Users of power wheelchairs may already be known to health professionals and likely had some education and help with finding a suitable powered wheelchair. Likewise for some motor scooter users.</p> <p>Other people make a choice to purchase and use a class 2 or 3 motor scooter. They can be making that choice based on the slimnest of information as to the physical and mental requirements needed to operate and use such a vehicle on the footway and carriageway. Help with assessing suitability for use would be welcomed to ensure they are making the right choice and that they are able to use them appropriately.</p> <p>If motor scooters were to increase in size, weight, and speed, then there could be a stronger case for assessment of suitability to use.</p>
Q21. How do you suggest such an assessment might be organised and delivered? How could it be funded (for example through user fees)?
<p>If there is to be an assessment of suitability to use a mobility vehicle then again proportionality and distinction between powered wheelchairs, class 2 and class 3 is required, and assessed to type.</p> <p>Information sessions, assessment, and training in usage package all require being consistent in content and delivery.</p>

## Section D: Vehicles in Use

### **Registration**

Q22. Do you think a mobility vehicle registration scheme is needed?
<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>If so, why?</p> <p>The current registration system has been operating for 20 + years with few vehicles being registered. There is no evidence of benefit gained or lost of having the registration system. A registration scheme needs to be effective or it is not really worth having it in place. It is not clear whether, for example, transfer of ownership is currently part of the existing system.</p> <p>A potential benefit is one of traceability of user, however, the consultation document does not detail any known situations where this has posed a problem or been a solution.</p>

Q23. Do you think the current registration scheme with DVLA should be improved, for example, through better enforcement?
Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, how? See answer to Q22
Q24. Do you think the current registration scheme should be replaced by a locally run registration scheme? (We would be interested in exploring whether this could be linked to existing schemes, for example the Blue Badge disabled parking scheme.)
A DVLA registration requirement seems out of proportion for power wheelchairs irrespective of class 3 status.  If it is deemed necessary to continue registering class 3 mobility vehicles then the type and location of scheme should be developed on the back of research. It is thought that a single UK wide scheme (not necessary DVLA) may be easier to administer and allow for less confusion to arise. Research would clarify that however.
Q25. Do you think it would be better to register users rather than registering vehicles?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Only if it is deemed that some form of registration is required in the first place. No registration requirement for powered wheelchair users.
If so, how might it work?
Similarly to answer for Q24. Research required exploring further.
Q26. Do you have any other suggestions for how a registration scheme would work?
Q27. Do you think the registration should be required for Class 2 vehicles as well as Class 3 vehicles?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If so, why?
It is difficult to identify what benefits this would bring.



## **Insurance**

Q28. Do you think that a minimum of third party insurance should be compulsory for users of mobility vehicles?

Yes ☒

No ☐

Not for powered wheelchair users. There needs to be a distinction between powered wheelchairs and motor scooters.

Required for Class 3 as they can be used on a carriageway and at higher speed.

Strongly advised for Class 2 users.

We are aware that in the past comments have been made regarding Household Insurance provision already provides cover. It is now thought that this type of insurance provision would not cover mobility vehicles. If correct this information needs to be reflected in any adjustments to the general information provided to potential users.

## **Criminal offences**

Q29. Do you think that the section 35 offence (drivers of carriages injuring persons by furious driving) is adequate?

Yes ☐

No ☐

We cannot comment on details of Law.

Which driver behaviours do you think are not at present adequately covered by the legislation and should be the subject of further detailed proposals?

We cannot comment on details of Law. Current legislation seems to rely on the words 'carriage' or 'vehicle' therefore we suggest the application of section 35 of Offences Against the Person Act 1861 might only be used depending on what name is chosen to describe powered wheelchairs and motor scooters.

## **Maximum permitted speed**

Q30. Do you think that a Class 3 vehicle should be permitted to travel faster than the current limit of 8mph on the road?

Yes ☒

No ☐

Q31. What do you see as the potential benefits and risks of an increased speed limit?

Whilst there can be a case for Class 3 to be able to move at higher speed

than 8 mph on a carriageway, increase in speed needs to be reconciled with potential increase in size and weight of vehicle and how this might impact on other carriageway and footway users.

As said previously in answer to Q 5 & 6, if speed limits are increased, will there be a requirement to increase regulation and assessment of people in line with other faster moving vehicles, such as cars? Would the driving licence "fit to drive requirements" remain?

Research regarding all the impacts and implications would be required to provide evidence-based decision-making.

There is sometimes cycle lane provision on carriageways, is there anything which bars users of class 3 motor scooters from also using cycle lanes?

Q32. What do you think the new maximum permitted speed should be?

Research would be required to define this.

Q33. When the speed limiter is switched off, users of Class 3 vehicles may drive above 4mph provided they are on the carriageway and not on the footway. To aid concordance with this regulation, should mobility vehicles then automatically display a sign on the rear that indicates that they must not be used on the footway?

Yes ☐

No ☐

It is not clear what the desired outcome of this action is meant to achieve. Is it to embarrass mobility vehicle users into complying with speed limits? Is it to inform other pedestrians that someone is not complying with speed limits? If so, then they would need to have knowledge of mobility vehicle regulations to understand what the sign is telling them. What are other pedestrians meant to do having realised a mobility vehicle user is above 4 mph? In addition, it depends on what the actual sign says and where it is located on the vehicle and whether it is clearly identifiable, for example, if we take the current location of indicators on vehicles they are at the bottom and not easily seen. If a sign was to be added there it is unlikely that it would be seen.

Data collection

Q34. What type of data do you think it would be helpful to record and why?

Need to establish what purpose the information is needed for, then work out how best to collate it.

Please send consultation responses to:

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