

This is how we roll

Lucy McCormick scoots through recent changes to the law of e-scooters



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IN BRIEF

▶ July 2020 saw rental e-scooters become legal on roads in Great Britain for the first time.

▶ There are significant safety concerns, which 12-month trials will seek to ameliorate.

▶ Private e-scooters and other micromobility devices remain prohibited save on private land.

On 4 July 2020, rental e-scooters became legal on roads in Great Britain for the first time, as part of plans to ease pressure on public transport during the COVID-19 pandemic. Introducing the new measures, the Department of Transport explained: 'E-scooters offer the potential for fast, clean and inexpensive travel that can also help ease the burden on transport networks and allow for social distancing.' Importantly, these changes do not apply to privately owned e-scooters, it is said to 'avoid a flood of poor-quality scooters onto the streets'. The intention is to facilitate trials of rental e-scooter schemes to take place over the next 12 months.

E-scooters are a common sight on urban commutes. Nonetheless, strictly speaking the default position is that e-scooters are not permitted on roads, cycle lanes or pavements. Indeed, riders face a £300 fixed-penalty notice and six points on their driving licence (if they have one). The same is true of other 'micromobility' devices, such as electric skateboards, hoverboards and segways. 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. The practical result

is that such vehicles can—with the exception of these trials—only be used on private land.

E-scooter trials

During these trials, e-scooters will continue to be classed as 'motor vehicles', meaning requirements to have insurance and the correct type of driving licence will continue to apply. It is understood that rental operators will ensure that an insurance policy is in place that covers users of the vehicles. However, to enable the e-scooter trials, a number of regulatory changes have been made. For example:

- ▶ Amendment to the Traffic Signs Regulations and General Directions 2016 (SI 2016/362) to include e-scooters within the definition of vehicles permitted to use cycle lanes.
- ▶ Amendment to the Road Vehicles (Registration and Licensing) Regulations 2002 (SI 2002/2742) to exempt trial e-scooters from vehicle excise duty.
- ▶ Amendment to the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864) to permit those with a *provisional* driving licence to use e-scooters. Users would not be required to complete a mandatory training course, such as the compulsory basic training (CBT) course required for motorcycles and mopeds.
- ▶ Amendment to the Motor Cycles (Protective Helmets) Regulations 1998 (SI 1998/1807), removing the requirement for a motorcycle helmet to be worn for the use of e-scooters.

The BBC has reported that some 50 local authorities have expressed an interest in hosting e-scooter trials, and that the first rentable e-scooters could be up and running this month.

Safety concerns

However, there have been concerns about the safety of e-scooters for their users. In July 2019, television presenter Emily Hartridge became the first electric scooter fatality in the UK, as the result of a collision with a lorry on a roundabout in Battersea. There have been several deaths in France, including a 30-year-old man who was struck by a motorbike while riding an e-scooter in the fast lane of a motorway. Interestingly, a 2018 study of e-scooter injuries in Austin, Texas showed that the majority of e-scooter injuries arose not from collisions with other vehicles but instead from the rider hitting a bump or simply losing their balance. There is still a general lack of robust data about the level of risk of e-scooters and other micromobility vehicles. As a result, it is difficult to assess the level of risk compared to traditional pedal bikes or motorbikes. Anecdotally, the fact that e-scooters often have only a single brake can make stopping safely more difficult.

The trials will attempt to mitigate these risks. Limiting the trials to rental schemes is part of this, as it ensures that the e-scooters will be of a consistent quality and will be regularly inspected and maintained. It is possible for schemes to put in place 'geo-fencing' to ensure that that e-scooters can only be operated in specific areas. Similar technology can ensure that (where specific 'docks' are not used) the customer must leave their e-scooter in a designated area or else be charged, reducing the risk of obstructions and tripping hazards. The e-scooters will be programmed to have a maximum speed of 15.5mph and will have a maximum motor power of 500W. That said, with a maximum permitted vehicle mass of 55kg, the vehicles will still be capable of significant injury to a pedestrian on collision. The government guidance indicates that it will favour bids that address safety issues such as hygiene, automatic lights 'where possible', the promotion of helmets (though these are not mandatory), and user training 'of some sort'.

In future, if the trials are satisfactory, the government may look to amend the law to treat e-scooters more like e-bikes (see box) and thus subject to less onerous regulation.

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The competition: e-bikes

- ▶ Unlike e-scooters, 'electrically assisted pedal cycles' (EAPCs), are generally legal to ride on the road.
- ▶ The vehicle must have pedals capable of propelling the bike. The power must not exceed 250W, and the electric motor cannot assist when the e-bike is travelling more than 15.5mph. Users must be 14+, but no licence is necessary, nor is there any requirement for insurance, tax, or registration.
- ▶ It is possible to purchase e-bikes with 'off-road' switches that enable the vehicle to go faster than 15.5mph, but such vehicles can only legally be used on private land.