



Department
for Transport

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From the Parliamentary
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Dear Julia,

Thank you for your email of 15 July, on behalf of a number of your constituents, about e-scooter trials and road safety. I am replying as the Minister responsible for this issue.

Privately-owned e-scooters are illegal to use on the road, cycle lanes or pavements. By way of background I should explain that in the UK, powered transporters, also known as micromobility devices, are treated like any other motor vehicle under the Road Traffic Act, and this includes e-scooters. Therefore, e-scooters will be subject to laws requiring them to be built and used safely. Thus, users will need to have insurance, driving licences, number plates, and helmets. The law was not drafted with e-scooters in mind. Consequently, it is not possible for an e-scooter user to comply with the legal requirements for motor vehicles as set out in this paragraph. Offences relating to driving standards and speeding also apply.

It is, therefore, illegal to use a powered transporter on a public road without it complying with these legal requirements. It is also illegal to use a powered transporter in spaces which are set aside for use by pedestrians, cyclists, and horse-riders. This includes on the pavement and in cycle lanes. The Department has published an information sheet on powered transporters which is available at: www.gov.uk/government/publications/powered-transporters/information-sheet-guidance-on-powered-transporters.

The law is very clear and there are existing penalties for improper use. Enforcement of offences relating to unlawful use of powered transporters is an operational matter for individual Chief Officers of police in conjunction with local policing plans. They decide what offences may be appropriate in individual cases, taking into account the circumstances. A range of offences

may apply, including those relating to speeding and dangerous driving, drink and drug driving, as well as insurance and licensing. Users can be fined up to £300, have 6 points put on their driving licence, and the e-scooter can be impounded. Your constituents may want to raise particular instances of dangerous e-scooter use with their local police force.

Your constituents may be aware that the Department is running trials of rental e-scooters to assess their safety and wider impacts. While all 32 London Boroughs, and the City of London, can participate in the London trial, the borough of Havering is not currently participating in the trial.

I am aware of retailers selling e-scooters for private use. It is not illegal to sell an e-scooter, however under the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) there is a general obligation for traders to give consumers sufficient information about goods and services at the point of sale, so consumers are not misled. The regulations ban commercial practices through which omissions and actions cause, or are likely to cause the average consumer to make a decision they would otherwise not make for example, to purchase goods or a service that they would otherwise not have purchased. The CPRs carry criminal penalties and are enforced by local authority trading standards officers.

The Department for Business, Energy and Industrial Strategy (BEIS) leads on ensuring responsible business practices, but ministers from this Department wrote to retailers of e-scooters in December 2018 reminding them of their obligations. I have, this month, written again to retailers sharing with them my concerns that retailers are not providing clear, visible and consistent information to ensure that their customers understand the law. I have asked them to work with their sales and marketing teams to ensure that they are familiar with our guidance on privately owned e-scooters, to ensure that their customers are not misinformed, inadvertently or otherwise, about the law which applies to the use of e-scooters.

Moving forward we will be working with Trading Standards to ensure the law is enforced. Retailers are breaking the law if they knowingly mislead a buyer. The Department has in place a comprehensive monitoring and evaluation programme for the trials. A final report will be published in spring 2022. Any future rules for e-scooters may not be exactly the same as the rules in trials, but they will be based on the evidence gathered. This evaluation includes a range of data sources and approaches including data sharing arrangements with operators, surveys, interviews and focus groups with users and non-users and interviews with key local and national stakeholders.

Please extend my gratitude to your constituents for taking the time to write in with their concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Maclean', with a small dot at the end.

RACHEL MACLEAN

PARLIAMENTARY UNDER SECRETARY OF STATE FOR TRANSPORT