

EXPLANATORY MEMORANDUM TO
THE ELECTRICALLY ASSISTED PEDAL CYCLES (AMENDMENT)
REGULATIONS 2015

2015 No. 24

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 These regulations change the provisions that define the class of electrically assisted pedal cycles (EAPCs) treated as not being a motor vehicle when used on roads in Great Britain. They also substitute references to withdrawn technical standards with appropriate current references.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 These regulations are made pursuant to powers contained in section 140(1) of the Road Traffic Regulation Act 1984 and section 189(1) of the Road Traffic Act 1988. Those powers enable the Secretary of State to make regulations which prescribe the class of electrically assisted pedal cycles which are to be treated as not being motor vehicles when used on roads in the context of other road traffic legislation: compliant EAPCs are not legally considered to be motor vehicles and so are not required to be registered, are not subject to vehicle licensing (vehicle excise duty) nor required to be insured as a motor vehicle; and riders are not required to hold a valid driving licence.

4.2 These regulations amend the prescribed requirements in the Electrically Assisted Pedal Cycles Regulations 1983.

4.3 Section 134(4) of the 1984 Act and section 195(5) of the 1988 Act require that regulations made pursuant to the above mentioned powers shall not have effect unless approved by resolution of each House of Parliament.

5. Territorial Extent and Application

5.1 This instrument extends to Great Britain.

6. European Convention on Human Rights

The Parliamentary Under Secretary of State, Claire Perry has made the following statement regarding Human Rights:

In my view the provisions of the Electrically Assisted Pedal Cycles (Amendment) Regulations 2015 are compatible with the Convention rights.

7. Policy background

- *What is being done and why*

7.1 The current EAPC Regulations came into force in 1983. There have subsequently been significant developments in: technology and applicable technical standards; cycle use; and consumer markets. Recent EU legislation has specified the features of an EAPC that exempt it from type approval at the manufacturing stage. The features differ from those in the GB regulations. This means that the most commonly produced EU EAPCs cannot be used in the UK without road tax, and a driving licence.

7.2 The 1983 Regulations were included in the road safety and cycling component of the Government's Red Tape Challenge review. The changes are intended to:

- simplify and reduce the legislative burden whilst maintaining or improving safety standards;
- promote cycling as a mode of transport that has health and environmental benefits;
- create the potential to reduce congestion and operating costs for both consumers and commercial users of EAPCs by harmonising GB legal standards for EAPCs with European standards.

7.3 To be classified as an EAPC in GB currently, the vehicle must comply with the following requirements:

- The continuous rated power of the motor must not exceed 200 watts for standard bicycles and 250 watts for tandems and tricycles.
- The electrical assistance must cut-off when the vehicle reaches 15 mph.
- The unladen weight must not exceed 40kg for standard bicycles and 60kg for tandems and tricycles.

7.4 These regulations make the following changes:

- The maximum motor power for standard bicycles is increased to 250 watts.
- The electric assistance cut-off speed is amended to 15.5 mph.
- All the weight limits are removed.
- Vehicles with more than 3 wheels are permitted.

These changes ensure that the GB classification of an EAPC captures the classification of an electrically assisted pedal cycle in Article 2(h) of EU Regulation 168/2013 - a category of vehicle that is exempt from type or individual approval prior to sale or entry into service on roads. They also align with the specification in the latest British / European industry standard for Electrically Power Assisted Bicycles - BS EN 15194:2009+A1:2011.

7.4. In addition, references in the 1983 Regulations to a motor power output measurement as defined in a withdrawn British Standard are replaced by a reference to an equivalent method of measurement specified in EU Regulation 168/2013.

- ***Consolidation***

7.5 It is not proposed to consolidate the regulations amended by this instrument.

8. Consultation outcome

8.1 A draft of these regulations was based on an independent review of pedal cycle legislation commissioned by the Department for Transport and conducted by the Transport Research Laboratory. The review took account of a public consultation on less deregulatory proposals in 2010 and the responses to the Red Tape Challenge review in 2012-2013. The draft regulations were also the subject of a separate public consultation in 2014.

8.2 Responses to the consultation on these regulations were generally favourable overall. Industry was strongly supportive. Comments from the public and other stakeholders included:

- requests to increase the maximum speed at which electric assistance may be given;
- concern about the removal of weight limits for heavy cargo cycles and pedicabs and for some vehicles imported from outside the EU;
- concern about the removal of the wheel limit to permit four wheeled cycles
- request for higher weight limits for load-bearing tricycles.

These, however, were a minority and would, if implemented, defeat the primary purpose of bringing GB requirements into line with current European standards.

9. Guidance

9.1 The Department for Transport has published guidance about EAPC classification and other in-use requirements on the www.gov.uk web site. The guidance will be revised to reflect changes made by these regulations.

10. Impact

10.1 The changes are deregulatory so there is no adverse impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment is attached to this memorandum.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 The changes are deregulatory, so there is no adverse effect on firms employing up to 20 people.

12. Monitoring & review

12.1 The Department for Transport will keep the effect of these regulations under review.

13. Contact

The International Vehicle Standards division of the Department for Transport Tel: 0207 944 2086 or email: claire.rees@dft.gsi.gov.uk can answer any queries regarding the instrument.