

House of Commons Transport Committee

Mobility scooters

Ninth Report of Session 2009–10

Report, together with formal minutes, oral and written evidence

Ordered by the House of Commons to be printed 24 March 2010

The Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Transport and its associated public bodies.

Current membership

Mrs Louise Ellman MP (Labour/Co-operative, Liverpool Riverside) (Chair) Mr David Clelland MP (Labour, Tyne Bridge)
Rt Hon Jeffrey M Donaldson MP (Democratic Unionist, Lagan Valley) Mr Philip Hollobone MP (Conservative, Kettering)
Mr John Leech MP (Liberal Democrat, Manchester, Withington) Mr Eric Martlew MP (Labour, Carlisle)
Mark Pritchard MP (Conservative, The Wrekin)
Ms Angela C Smith MP (Labour, Sheffield, Hillsborough)
Sir Peter Soulsby MP (Labour, Leicester South)
Graham Stringer MP (Labour, Manchester Blackley)
Mr David Wilshire MP (Conservative, Spelthorne)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/transcom.

Committee staff

The current staff of the Committee are Annette Toft (Clerk), Adrian Jenner (Second Clerk), David Davies (Committee Specialist), Marek Kubala (Inquiry Manager), Alison Mara (Senior Committee Assistant), Jacqueline Cooksey (Committee Assistant), Stewart McIlvenna (Committee Support Assistant) and Hannah Pearce (Media Officer).

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Report

- 1. We announced our inquiry into the use and regulation of mobility scooters on 11 December, 2009.¹ Our inquiry had three main aims: to determine whether or not the current legal position with regard to the use of mobility scooters on roads and pavements is clear; whether pedestrians and other road users are protected sufficiently by the law, and whether the number of mobility scooter users—currently estimated to be around 330,000—is such that training or guidance on the usage of the vehicles is required. We also sought evidence of the number and nature of accidents involving pedestrians and mobility scooters.
- 2. The Committee received 18 memoranda in response to the announcement of the inquiry. On 3 March 2010, we took oral evidence from a wide range of groups, including Norfolk Constabulary, the Royal Society for the Prevention of Accidents (RoSPA), public transport operators, Essex Disability and the Minister of State for Transport. We are grateful to all those who submitted evidence, whether oral or written.
- 3. On the day of our evidence session, the Department for Transport announced a "Consultation on proposed changes to the laws governing powered mobility scooters & powered wheelchairs".² The foreword to the consultation states that "Given the steady increase in the number of mobility vehicles in recent years, changes to the rules that govern them may be required". The document posed 34 questions to interested parties who were invited to respond by 28 May 2010.³
- 4. We do not have the opportunity, in this Parliament, to publish a definitive report on mobility scooters, but we are concerned that the evidence we have taken should not be forgotten. We have therefore decided to publish the written and oral evidence we received, along with a very brief report highlighting the key issues that the Department should keep in mind during its consultation. We hope that our successor Committee might wish to look at this issue in greater detail in the next Parliament.

The Department's consultation

5. The Department's consultation follows a review of class 2 and 3 mobility scooters which it commissioned in 2005. The 2005 review made a number of recommendations, for example that mobility scooter users should have third party insurance and be assessed for their fitness to drive. However, few recommendations were subsequently acted upon

A mobility scooter, defined in the 1988 Road Traffic Act as an "invalid carriage", is described for legal purposes as "a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specifically designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person".

² Department for Transport, Consultation on proposed changes to the laws governing powered mobility scooters & powered wheelchairs, 3 March 2010.

³ Ibid.

⁴ a) Class 2 vehicles are designed to be used on pavements only, except when crossing from one side of the road to another, are limited to 4 mph, and must weigh no more than 113.4kg.

b) Class 3 vehicles can be used on roads, are limited to 8 mph, and must weigh no more than 150 kg. Class 3 vehicles are required to be registered with the DVLA, but there is no penalty for failing to do so. 25,000 were registered as of 31 December 2008, although the true total of vehicles used is likely to be significantly higher.

because Ministers were not, at that time, sufficiently persuaded that mobility vehicles posed a significant public safety risk.

6. Since 2005, anecdotal evidence suggests that the number of mobility scooter users has increased significantly and that the number of accidents involving such scooters has increased. In the light of this experience, it is very important that the Department's 2010 consultation, aimed at defining the extent of any problem and identifying potential solutions, is acted upon. We urge the Department to consider the findings of its current consultation carefully and then to take decisive action where necessary.

The collection of data on mobility scooter use

7. Although we are aware of a number of anecdotal accounts of incidents involving mobility scooters, witnesses were in agreement that there is insufficient official data on the numbers of people using mobility scooters and the number of accidents in which they might be involved. As a consequence, it is very difficult to assess the safety risk that mobility scooters pose. Disability Essex told the Committee about four deaths resulting from mobility scooter accidents in one year in Essex alone, ⁵ but there is little evidence to suggest that fatalities on this scale are replicated nationwide. Rt Hon Sadiq Kahan MP, Minister for Transport, told us that the Department would address this issue by collecting data on accidents involving mobility scooters. 6 In the interest of creating a sound evidence base, we welcome the Department's creation of a separate category to record incidents involving mobility scooters. Priority must now be given to reliable measurement of the scale of the 'problem'.

8. In addition to identifying the number of accidents involving mobility scooters, research should consider the nature of injuries that result from such accidents. Witnesses indicated that the vast majority of accidents injure the drivers of mobility scooters rather than third parties but, again, little reliable data exists. The Department estimates that 95% of accidents involving mobility scooters resulting in injury are the fault of the driver. If this is an accurate estimate, the Department must act swiftly to establish why accidents have occurred, and consider how resulting injuries can be reduced.

Proficiency tests

9. A range of evidence suggested that most injuries are not speed related, but rather due to a lack of training and problems with steering.⁸ The Committee heard that the level of skill and upper body strength needed to safely drive a mobility scooter is underestimated by many users.⁹ We were interested to hear about the standard proficiency scheme, trialled by the Norfolk Constabulary in Great Yarmouth, which aims to bring greater awareness to users on roads and pavements through instruction on negotiating cone slaloms and other

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A new separate category for mobility scooters will be created in 'STATS19', the database of statistics for accidents that occur on the highway. STATS19 data is collected by the Department from police systems. The change will be implemented from 2013.

⁷ Q132

⁸ Q28

⁹ Q52

hazards, reversing, familiarity of the dials on the mobility scooter, the use of the mirror and indicators and generally improving users' road safety.¹⁰ **The Department should look closely at local initiatives, including the Great Yarmouth scheme, to identify whether there is merit in using it as a model for wider application.**

Fitness to drive tests

10. There is currently no minimum 'fitness to drive' standard for mobility scooter users, but we heard of some worrying cases of users with severe physical impairments. The Minister told the Committee, "Let me be very clear. There are some people who should not be on mobility scooters." Following its consultation, the Department must clarify who is fit to drive a mobility scooter in a public place.

Carriage on public transport

11. We were told of a number of incidents where the carriage of mobility scooters on public buses and metros had caused difficulties and raised safety concerns both to mobility scooter users and to other passengers.¹² Public transport operators told the Committee that it would be helpful if there was a standard mobility scooter in terms of size and weight in order to more easily accommodate them on buses and trains and to put an end to the confusion that presently surrounds the issue. We note that the Department's consultation does not specifically address the problem of the carriage of mobility scooters on public transport. We recommend that the Department, as part of its consultation, seek the views of both operators and users when considering further regulation.

The legal status of scooters

12. A number of witnesses argued that the legal status of mobility scooters was not sufficiently clear and called for greater clarification. Many witnesses were in favour of updating the law concerning the improper use of a scooter which we were told fell under section 35 of the 1861 Offences Against the Person Act. Asked if there had been any prosecutions under this Act, the Minister replied, "I would be astonished if there had been one in the last 50 years". It would be useful to know how many have people have been prosecuted using this legislation. If a new offence were to be created under the law, its sanctions must be proportionate to the level of risk, and great care must be taken to ensure vulnerable users are not deprived of their independence through fear of being criminalised.

¹⁰ Ev 50

¹¹ Q149

¹² In August 2008, following a number of incidents, Nexus, the public transport authority for Tyne & Wear banned the carriage of mobility scooters on its metro system.

¹³ Q141

Conclusions and recommendations

- 1. In the light of this experience, it is very important that the Department's 2010 consultation, aimed at defining the extent of any problem and identifying potential solutions, is acted upon. We urge the Department to consider the findings of its current consultation carefully and then to take decisive action where necessary. (Paragraph 6)
- 2. In the interest of creating a sound evidence base, we welcome the Department's creation of a separate category to record incidents involving mobility scooters. Priority must now be given to reliable measurement of the scale of the 'problem'. (Paragraph 7)
- 3. The Department should look closely at local initiatives, including the Great Yarmouth scheme, to identify whether there is merit in using it as a model for wider application. (Paragraph 9)
- **4.** Following its consultation, the Department must clarify who is fit to drive a mobility scooter in a public place. (Paragraph 10)
- 5. We recommend that the Department, as part of its consultation, seek the views of both operators and users when considering further regulation. (Paragraph 11)
- 6. If a new offence were to be created under the law, its sanctions must be proportionate to the level of risk, and great care must be taken to ensure vulnerable users are not deprived of their independence through fear of being criminalised. (Paragraph 12)

Formal Minutes

Wednesday 24 March 2010

Members present:

Mrs Louise Ellman, in the Chair

Mr David Clelland Rt Hon Jeffrey Donaldson Mr Philip Hollobone Sir Peter Soulsby Graham Stringer

Draft Report (*Mobility scooters*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 12 read and agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

Mr M Blathwayt

[The Committee adjourned.

Witnesses

Wednesday 3 March 2010	Page
Greg Lewis , Programme Manager, Age Concern/Help the Aged; Dai Powell OBE , Chair, Disabled Persons Transport Advisory Committee; and Richard Boyd , Chief Executive, Disability Essex	Ev 1
Superintendent Jim Smerdon, and Penny Carpenter, Crime Prevention Officer, Norfolk Constabulary; Neil Scales, Chief Executive, Merseytravel; Kevin Clinton, Head of Road Safety, Royal Society for the Prevention of Accidents (RoSPA); and Ken Mackay, Director of Rail Infrastructure, Nexus	Ev 6
Phillipa Hunt , Head of Policy and Communications, Living Streets; Elizabeth Box , Head of Research, RAC Foundation; and Mark Yexley , Operations and Commercial Director, Arriva UK Bus	Ev 12
Rt Hon Sadiq Khan MP , Minister of State, and Dr Tim Crayford , Chief Medical Advisor, Department for Transport	Ev 15

List of written evidence

1	Disability Essex	Ev 24
2	Independent Age	Ev 26
3	Mr D Watson	Ev 28
4	The Royal Society for the Prevention of Accidents	Ev 29
5	RAC Foundation	Ev 31
6	Association of British Insurers	Ev 34
7	Merseytravel	Ev 36, 37
8	Arriva UK Bus	Ev 38
9	Department for Transport	Ev 41, 43
10	Jeff Ennis MP	Ev 44
11	Hugh Bayley MP	Ev 44
12	Age Concern and Help the Aged	Ev 45
13	Living Streets	Ev 47
14	Disabled Persons Transport Advisory Committee (DPTAC)	Ev 48
15	Norfolk Constabulary	Ev 50
16	Mr I Faulks	Ev 54
17	Nexus	Ev 60

List of unprinted evidence

The following written evidence has been reported to the House, but to save printing costs has not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives (www.parliament.uk/archives), and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074; email archives@parliament.uk). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Mr M Blathwayt

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2009–10		
First Report	The future of aviation	HC 125–I and –II (HC 388)
Second Report	Work of the Committee in 2008–09	HC 262
Third Report	Priorities for investment in the railways	HC 38
Fourth Report	The performance of the Department for Transport	HC 76
Fifth Report	The proposal for a National Policy Statement on Ports	HC 217
Sixth Report	The new European motorcycle test	HC 442
Seventh Report	Update on the London Underground and the public-private (PPP) partnership agreements	HC 100
Eighth Report	The major road network	HC 505
Ninth Report	Mobility Scooters	HC 414
Session 2008–09		
First Report	Work of the Committee in 2007–08	HC 211
Second Report	School Travel	HC 351 (HC 561)
Third Report	Appointment of the Chair of the Office of Rail Regulation	HC 433
Fourth Report	The effects of adverse weather conditions on transport	HC 328 (HC 957)
Fifth Report	The use of airspace	HC 163 (HC 996)
Sixth Report	Taxes and charges on road users	HC 103 (HC 995)
Seventh Report	The enforcement activities of the Vehicle and Operator Services Agency (VOSA)	HC 39 (HC 1057)
Eighth Report	Rail fares and franchises	HC 233 (HC 1004)
Session 2007–08		
First Report	Galileo: Recent Developments	HC 53 (HC 283)
Second Report	The London Underground and the Public-Private Partnership Agreements	HC 45 (HC 461)
Third Report	Work of the Committee in 2007	HC 248
Fourth Report	The future of BAA	HC 119 (HC 569)
Fifth Report	Ticketing and Concessionary Travel on Public Transport	HC 84 (HC 708)
Sixth Report	The Blue Badge Scheme	HC 475 (HC 1106)

Seventh Report	Department for Transport Annual Report 2007	HC 313 (HC 1102)
Eighth Report	Freight Transport	HC 249 (HC 1103)
Ninth Report	The Draft Marine Navigation Bill	HC 709 (HC 1104)
Tenth Report	Delivering a sustainable railway: a 30-year strategy for the railways?	HC 219 (HC 1105)
Eleventh Report	Ending the Scandal of Complacency: Road Safety beyond 2010	HC 460 (HC(08–09)136 & HC(08–09)422)
Twelfth Report	The opening of Heathrow Terminal 5	HC 543
Session 2006–07		
First Report	Work of the Committee in 2005–06	HC 226
Second Report	The Ports Industry in England and Wales	HC 6I–I and –II (HC 954)
Third Report	Transport for the London 2012 Olympic and Paralympic Games: The Draft Transport Plan	HC 199 (HC 484)
Fourth Report	Department for Transport Annual Report 2006	HC 95 (HC 485)
Fifth Report	The Government's Motorcycling Strategy	HC 264 (HC 698)
Sixth Report	The new National Boatmasters' Licence	HC 320-I and -II (HC 1050)
Seventh Report	Novice Drivers	HC 355–I and –II (HC 1051)
Eighth Report	Passengers' Experiences of Air Travel	HC 435-I and -II (HC 1052)
Ninth Report	The draft Local Transport Bill and the Transport Innovation Fund	HC 692–I and –II (HC 1053)
Session 2005–06		
First Report	UK Transport Security – preliminary report	HC 637
Second Report	Financial Protection for Air Travellers: Second Report Abandoning Effective Protection	HC 636 (HC 996)
Third Report	Going for Gold: Transport for London's 2012 Olympic Games	HC 588–I and –II (HC 1152)
Fourth Report	Departmental Annual Report 2005	HC 684 (HC 1517)
Fifth Report	Future of the British Transport Police	HC 1070-I and -II (HC 1639)
Sixth Report	How fair are the fares? Train fares and ticketing	HC 700-I and -II (HC 1640)
Seventh Report	Parking Policy and Enforcement	HC 748–I and –II (HC 1641)
Eighth Report	Piracy	HC 1026 (HC 1690)
Ninth Report	The work of the Department for Transport's Agencies – Driver and Vehicle Operator Group and the Highways Agency	HC 907 (HC 1615)
Tenth Report	Roads Policing and Technology: Getting the right balance	HC 975 (HC(06–07)290)
Eleventh Report	Bus Services across the UK	HC 1317 (HC(06-07)298)
Twelfth Report	Local Transport Planning and Funding	HC 1120 (HC(06-07)334)
Thirteenth Report	The work of the Civil Aviation Authority	HC 809 (HC(06-07)371)
Fourteenth Report	Passenger Rail Franchising	HC 1354 (HC(06-07)265)

First Special Report	The Performance of the London Underground: Government Response to the Committee's Sixth Report of Session 2004–05	HC 431
Second Special Report	The Departmental Annual Report 2004: Government Response to the Committee's Fourth Report of Session 2004–05	HC 432
Third Special Report	Integrated Transport: the Future of Light Rail and Modern Trams in the UK: Government Response to the Committee's Tenth Report of session 2004–05	HC 526
Fourth Special Report	Search and Rescue: Government Response to the Committee's Eighth Report of Session 2004–05	HC 586
Fifth Special Report	Rural Railways: Government Response to the Committee's Fifth Report of Session 2004–05	HC 587
Sixth Special Report	Tonnage Tax: Government Response to the Committee's Second Report of Session 2004–05	HC 611
Seventh Special Report	Financial Protection for Air Travellers: Government and Civil Aviation Authority Responses to the Committee's Fifteenth Report of Session 2003–04	HC 639
Eighth Special Report	European Community Competence and Transport: Government Response to the Committee's Ninth Report of Session 2004–05	HC 976

Oral evidence

Taken before the Transport Committee on Wednesday 3 March 2010

Members present Mrs Louise Ellman, in the Chair

Mr David Clelland Mr Jeffrey M Donaldson Mr Philip Hollobone Mr John Leech

Mark Pritchard Ms Angela C Smith Sir Peter Soulsby Graham Stringer

Witnesses: Mr Greg Lewis, Programme Manager, Help the Aged/Age Concern, Mr Dai Powell OBE, Chair of DPTAC, Disabled Persons Transport Advisory Committee and Mr Richard Boyd, Chief Executive, Disability Essex, gave evidence.

Chairman: Good afternoon and welcome to the Transport Select Committee. Do Members have any interests to declare?

Mr Clelland: Member of Unite. Graham Stringer: Member of Unite.

Q1 Chairman: Louise Ellman, member of Unite. Could I ask the witnesses to identify themselves, please, by name and organisation?

Mr Lewis: My name is Greg Lewis. I am representing Help the Aged and Age Concern. *Mr Powell:* I am Dai Powell representing DPTAC. *Mr Boyd:* I am Richard Boyd from Disability Essex, representing Disability East.

Q2 Chairman: From the written evidence you have all submitted to us, there seems to be some difference of view on how big a problem this is. I should like to ask you whether you see this issue of mobility scooters as a big problem and, if so, where you see the main areas of concern. Mr Lewis, could you give us an idea? In your written evidence you have suggested that it is not much of a problem. Is that right?

Mr Lewis: The main problem, as I set out in the written evidence from Help the Aged and Age Concern, is that there is insufficient evidence about the problems caused by mobility scooters. We are aware of anecdotal evidence and obviously there has been press coverage, some of it quite negative, about mobility scooters and the potential problems they can cause. The charity has not received and does not receive significant calls or enquiries about the use or misuse of mobility scooters. One of the things we would like to see is more information gathered centrally about accidents or possible problems with mobility scooters.

O3 Chairman: Mr Powell, in your written evidence you say that our examination today is timely. What are the key areas of concern that you have identified? *Mr Powell:* It is timely because mobility scooters are on the increase and are going to carry on increasing and they meet the policy agenda of a lot of what is coming from all sides of the House: the personalisation agenda, the green agenda, the economic agenda all point towards more and more use of mobility scooters. The difficulty is at the moment there is no evidence to say whether there are issues or not, even on the issue you are looking at currently. We have not seen very good clear evidence to say there is a problem. We have heard stories but that is as far as it goes.

O4 Chairman: The number of users is growing. Is that in any particular part of the country?

Mr Powell: As far as we understand it, it is growing across the country and is going to carry on growing. It is growing at a rapid rate, which is a good thing; we are very pleased that it is growing. It has huge benefits. What we need to do is understand it more and understand whether there are real issues. What we do not want to do is put in some form of legislation which actually stops people using mobility scooters.

O5 Chairman: So your concern is to make sure that people can still use the scooters. Even if problems are identified, that is your main concern. Mr Powell: Yes, definitely.

Q6 Chairman: Mr Boyd, what can you tell us about how you see the extent of the problem as it is now? Mr Boyd: In the 2005 report it was estimated that there were 90,000 scooters in use. I would say that the evidence you have just heard is right and it is probably over 100,000 now. We run a helpline, along with a lot of other charities, Disability Information, and I have checked with the six counties that we support and in the last 12 months we have received about 18 phone calls from aggrieved people who have been struck by scooters or have had their parked cars struck by scooters or have, in fact, been hit by scooters when they are in shopping precincts and supermarkets, asking where they can obtain legal redress or to whom they should complain. I perceive the problem to be not dissimilar from the knock-for-knock you get on a car, where the incident occurs, is known to the parties concerned and goes no further. It is just a subterranean problem. The evidence you hear is right. When it comes up in the Daily Mail or the provincial press that somebody has

been killed or injured it becomes of acute interest for about 24 hours. What I found particularly depressing in the 2004 research by the Department for Transport was that their desktop research had shown that there had been four deaths involving scooters in the previous 12 months in England and Wales, yet in that same 12 months four people had died in the County of Essex alone and I believe that the figures are grossly under-reported.

Q7 Graham Stringer: Four people died in Essex. *Mr Boyd:* Were killed by scooters in one county in one year.

Q8 Chairman: In one county. *Mr Boyd:* In one county.

Q9 Chairman: So you are suggesting that there is a much bigger problem.

Mr Bovd: In my evidence I did point out that the statistics for deaths and injuries with scooters reside in a variety of places: the police, at coroner's offices, at Trading Standards and goodness knows where. There seems to be no central control or recognition within the police authorities as to what constitutes an accident with or involving a mobility scooter. Just take Essex as an individual example: one lady fell off her scooter coming out, she had borrowed the scooter in Chelmsford and come out onto a pedestrian platform and fallen sideways and was killed by the scooter; another at Clacton where the lady was taking her dog for a walk along the seafront, the dog pulled the scooter over, it fell on her and killed her; one in Wickford near Southend where a gentleman was actually blind and was driving a scooter across the main road and was hit by a bus. So it went on.

Q10 Chairman: So you are seeing a bigger problem than the one clearly identified; the one we have been hearing about.

Mr Boyd: The analogy is knock-for-knock.

Q11 Mr Clelland: So you believe that the current legislation regarding the use of these scooters is not clear and is not adequate.

Mr Boyd: Of course it is not clear. We have a Class III scooter at Rochford station available for visitors to our centre. We have taxed it and it is insured and it has a registration number, which is the law. I defy you to tell me the last time you saw a Class III mobility scooter with a number plate, tax disc or insurance certificate on it. That is the law of the land but it is just not administered and nobody cares or knows about it.

Q12 Mr Clelland: Do the police have enough powers to stop people who are using these scooters from using them in this manner?

Mr Boyd: The powers are there. We had the classic case two years ago in Harlow of a drunk coming out of a pub on a Class III motor scooter, considered himself too drunk to drive on the road so he drove on the pavement, fell off the pavement into a ditch, the scooter fell on him. He rang the police on his

mobile, the police attended, pulled the scooter off him, charged him with drunken driving and there was no case to answer because he did not have a licence.

Q13 Mr Clelland: So should existing road traffic legislation apply to mobility scooters when they are used on the road?

Mr Bovd: Yes, it should.

Q14 Mr Clelland: That implies therefore, presumably, a degree of training, even perhaps having to have some sort of driving licence for these scooters. Is that correct?

Mr Boyd: We suggested a permit to drive. At the moment I could go and borrow a scooter from Sainsbury's and go straight into Sainsbury's and drive it. We suggested a permit to drive. We suggested it should be an inducement that the voluntary sector did the permit to drive, just like the Cycling Proficiency Test, that RoSPA should be the defining standard setter. It could be provided by the voluntary sector and insurance could be discounted if you have the permit to drive. So there was an inducement to take a quality test. What I find particularly interesting is this statement by the Minister, which I received on 22 February, last week, that the Government want to see access to cycle training for every child. A scooter with a 15-stone man on it weighs double that and it goes at eight miles an hour. If that hits you, you will notice it. Why do we not have the same rules for children on cycles applying to people on mobility scooters? We do not want to discourage people from using scooters. We want to encourage them, but we want to protect them and other people from being hit by them.

Q15 Chairman: Mr Lewis, how do you react to that? If your concern is that we do not stop people from using scooters when they need them, would a requirement for training stop people using scooters when they need to have them?

Mr Lewis: Two points. One is the enforcement issue, which has been very well outlined by Mr Boyd, and we certainly do not believe that additional legislation should be introduced for the use of these vehicles because we think the existing legislation is sufficient. However, there may well be an enforcement issue; we would accept that. On the second point, we believe opportunities should be provided to the users of these vehicles to take a proficiency test but on a voluntary basis. We do not believe that it should be enforced, any more than at this time cycling proficiency is enforced. Certainly we would argue that there are potentially more risks and hazards from the use of cycles, particularly on pedestrian walkways, than there are from mobility scooters, bearing in mind the speed that some cyclists can attain on pedestrian walkways which makes them at least an equal hazard to pedestrians. Certainly Mr Boyd's evidence points to the fact that a number of these injuries—and I would suggest the vast majority—are to the users of mobility scooters rather than to other users.

Mr Powell: From where we come in, we do not want to put any more barriers up. There is an enforcement issue, we can accept that, and that needs to be dealt with separately. There could be a licensing issue, whereas we could get more information or evidence if we knew exactly what was out there. We would be supportive of that approach. We would not be supportive of compulsory training because what you are going to do is limit the number of people who could use a mobility scooter and we just do not think on an equality agenda that is a good idea.

Q16 Graham Stringer: Do you think it is okay for blind people to drive scooters? Mr Powell: No.

O17 Graham Stringer: How then do you stop them? Mr Powell: You would not want a blind person to drive a scooter or a bike or anything else. It is unfortunate that happens. What is the evidence that has happened more than once?

Q18 Graham Stringer: I do not know; we will try to find that out. That is a good point. The problem with it being voluntary—and that is just an example that has been given to us this afternoon—is that there are some extreme cases where people clearly are not competent to drive these potentially dangerous machines. I would ask you again. When people clearly are unfit to drive because they are blind, which is just a very good example, what mechanism would you have for prohibiting them then?

Mr Powell: I would go back to whether we have the evidence that is an issue or is it just a one-off issue? If it is an issue, then there are regulations out there about acting dangerously; you are in charge of something for which you are unfit. It is the same with drink, if a person actually can still be prosecuted for being drunk if they are in charge of a mobility scooter because they are drunk, they could be charged for being a nuisance, as being drunk. They cannot have their licence taken away from them, I agree, but if anyone causes a nuisance because they are drunk, there are laws which deal with that. If we start putting legislation in that actually says you have to go through all the hoops before you can use a mobility scooter, then we will get less and less people using them, there will be more cost to the state, less independence for individuals.

Q19 Chairman: Are not something like eyesight standards highly relevant to being in charge of a vehicle, even a vehicle of this nature? Mr Powell: Yes. Yes, that is right.

Q20 Chairman: You do accept that.

Mr Powell: I would accept it on eyesight; I would accept some other things. I would not accept that overall everyone should have to go through a training regime before they could drive one.

Q21 Mr Clelland: Should manufacturers be involved more in limiting the speed these scooters can go at? At the moment it is eight miles an hour. You would not like to be hit by something going eight miles an hour and that sort of weight. Should they be restricted to walking pace, for instance?

Mr Lewis: Mobility scooters Class II are restricted currently to four miles an hour because they are used on pavements.

Q22 Mr Clelland: Physically restricted? They cannot go more than four miles an hour?

Mr Lewis: They are limited to four miles an hour. There is some evidence that they can be delimited. I have no further information about that. I am sure it is possible. I would go back to the point I made earlier that cyclists can achieve significantly higher speeds than that. Class III mobility scooters travel at eight miles an hour because they are designed to travel on the highway. I would again suggest that eight miles an hour is not a significant speed to be attained by such a vehicle in those circumstances, but Help the Aged and Age Concern are not arguing for an increase in speeds. You do make a very good point about the way that these vehicles are sold to individuals and we support the code of practice of the British Healthcare Trades Association and we believe it is the point of sale that is most important here because this is where adequate training can be given to prospective users of these vehicles. Certainly if somebody came in and was demonstrably blind or had significant eyesight difficulties, that would be something that could be addressed at the point of sale. The sale of insurance could be addressed at the point of sale. This is probably where this code of practice needs to be enforced by retailers. Having said all that, I do accept that one of the problems is the sale of second-hand scooters where this sort of assessment of a user cannot be carried out in the same way.

Q23 Mr Clelland: Should users be required to wear protective clothing, such as helmets?

Mr Lewis: Cyclists are not required to at this time although, as a cyclist myself, I wear one all the time and I know most of my cycling friends and colleagues do. I would not suggest that protective clothing is a necessity but, again, it comes back probably to getting proper statistics about the level and types of injuries. I do not think you can say what type of protective clothing would be suitable unless we know what types of injuries are caused when accidents happen involving these scooters.

Q24 Mr Leech: Following on from that, are there any statistics on the kind of injuries that people are sustaining? Is there evidence that people who have died driving a scooter have sustained head injuries that would have been avoided in the event of using a helmet?

Mr Lewis: I am not aware of any evidence.

Mr Boyd: There are no centrally controlled statistics. Mr Powell: The big thing is that there is a lack of evidence on the whole issue.

Q25 Mr Leech: As far as I am aware, all people who end up using a motorised wheelchair are given training on how to use the motorised wheelchair. Why should a scooter be any different?

Mr Boyd: I share that view. There are two issues. One is the British Healthcare Trades Association runs a very good code of practice, but in our view they actually sell the minority of scooters. The lifespan of a scooter as a mechanical item is about 15 years. We have been recycling scooters for three years and most of those that we get are between five and six years old and probably on a second owner. The lifespan of the user is less than the scooter. The second thing that worries us is that there are no mechanical checks or lighting checks, brake checks or steering checks on the scooters when they are sold second-hand. You can buy them at any car boot sale, you can import them now flat packed from the United States at a very cheap price. The third thing is that in our experience—and we now speak having done a telephone desktop check around the County of Essex, which I think is a microcosm of England in its own way—the majority of second-hand scooters are now purchased by a relative and not the driver and there is no matching of scooter to end user. They are bought with the heart and often with mistakes.

Q26 Chairman: How do you think that should be addressed, if at all? Should there be some requirement upon the seller or the purchaser?

Mr Bovd: I do not know; I do not have an answer. All I say is that we have been given scooters, usually by relatives of the owner who has died, and we recycle about 25 back into use of about 35 we get a year; we scrap ten a year. We have had them in the most amazing states of disrepair and they have recently been used. Your answer as to how you govern the speed is by a switch. How do you raise the speed? You take the batteries from parallel to series and you double the speed and you will find 14-yearold boys have already worked that one out. How you control the sale of the second-hand industry, I do not know. How you control the quality of the product, because it can be lethal, there is no argument about that, what defies my logic is that I spent 30 years in airport engineering and if I told you your chances of being killed on a flight were one in 100, none of you would get on a plane. Yet if you look at the death rate in Essex alone, four in one year, it is quite a lot of dead people. More than that are the injuries, the injuries to the users and to pedestrians. The final point I want to make is on the current discussion on shared spaces in town centres between wheeled traffic and pedestrians. How many people with visual and hearing impairments will hear the scooter coming up behind them in a crowded shopping mall?

Q27 Mr Leech: Do all three of you agree that scooters should be allowed both on the pavement and the road?

Mr Lewis: Yes. Mr Powell: Yes. Mr Boyd: Yes.

Q28 Mr Leech: Might there be a case to suggest that they should not be allowed to go more than walking pace?

Mr Powell: If the evidence were there to suggest that the speed of scooters on the pavement has caused a significant number of accidents, then we could look at that. I go back to the original point that on all the issues, including on the sale of second-hand scooters, we just do not have the evidence of what is really happening. There is a huge number of scooters, it is growing all the time and is going to carry on growing, yet we do not have the information about what is needed to make it safe both for the pedestrians, other road users and for the users of mobility scooters themselves.

Mr Lewis: There is no evidence that the current speed limits are leading to death or injury; that is not the problem. It may well be down to an issue of training and Help the Aged and Age Concern are very keen to see voluntary training and proficiency take place for the users of these vehicles, but I would not suggest that the current speed limits themselves are causing death or injury, not if there are cycles and other types of wheeled vehicles capable of much higher speeds.

Mr Boyd: It is not speed related. The accidents we have analysed in the East of England have been predominantly steering: steered into a ditch, steered off a kerb or steered down stairs or misjudged the speed of an oncoming vehicle in attempting to cross the road.

Q29 Mr Leech: I should like to move on to a slightly different issue now and that is the carriage of scooters on public transport. My understanding is that there are weight restrictions on mobility scooters but not size restrictions. Is there an argument to suggest that there should be a size restriction so that we could then have legislation to ensure that scooters could be carried on public transport?

Mr Powell: DPTAC has been doing a lot of work with the transport operators over the last few years to see how we can enable the transport operators to carry mobility scooters. There is an argument actually that if there is a defined size and weight of a mobility scooter that could then, through legislation, be used on public transport and that could be marked as such, that would be a huge advantage for a lot of disabled people. It goes down to the point of sale again, so people actually selling mobility scooters would need to be very honest and understand that it is not always the biggest and most expensive that is the best for a person to have.

Mr Boyd: I defer to DPTAC.

Q30 Mr Leech: Nobody would try to restrict a wheelchair user from getting on a tram or a train or a bus but people driving the smallest scooters are refused on some public transport. Is that fair?

Mr Boyd: No.

Mr Powell: No.

Mr Lewis: No and it does come down to intelligent design. Part of my journey here this afternoon was on a tram and a mobility scooter got onto the tram

with no difficulty at all. That is the way the tram stop had been designed and the inner space of the tram had been designed. It was clearly adaptable to those types of users. As a charity we would support intelligent design of vehicles, both mobility scooters and public transport vehicles, to ensure that they can interact in that way.

Q31 Chairman: How often is there a problem of the scooters getting on a bus?

Mr Powell: An awful lot. Most public transport operators on the bus network would not allow mobility scooters on their vehicles. That is perfectly legal; they do not have to. One of the major five operators has been doing a lot of work with DPTAC on how this can be overcome, but it is still a major problem and it is a major problem from various angles of intelligent design, of where you position a mobility scooter, because their structure is completely different to a wheelchair.

Q32 Chairman: Is this a growing problem?

Mr Powell: Yes and it will carry on growing. It is about the overall evidence. Personally I think the work you are looking at needs to cover a wide area because it is a form of mobility that is fantastic for so many people. We do not have the evidence to say what the best policy is. The personalisation agenda is really going to look at how people can actually stay mobile longer. Rather than rely on the state or sending out for meals-on-wheels they can go out and get their own food. It is going to grow.

Mr Boyd: There is a growing use of the small scooters which fold up and go in the back of a car. They are marvellous; they are a boon. They should be allowed on public transport because they are not much heavier than an electric wheelchair as a device. What you get, as in all things, is the very large scooters, the Class III ones, and you get somebody who thinks they should put a vehicle in a vehicle; that is just silly.

O33 Mr Leech: You appear to be arguing—or Mr Lewis and Mr Powell appear to be arguing—that by not over-regulating mobility scooters we therefore avoid people being restricted from using them. Are we not restricting the sensible and reasonable use of scooters, whether on public transport or otherwise, by not having regulations which ensure the use of scooters comes under current disability legislation? Mr Powell: I agree with that. I agree with that quite strongly. What we have been asked to comment on is actually not that. What we have been asked to comment on is how to regulate and therefore reduce the use of mobility scooters on pavements or on the highway, not on vehicles. I think we should open it much wider and we are very happy to look at a design of a mobility scooter or a size or a regulation.

Q34 Chairman: We are inquiring into this issue so any relevant points you can put to us we are very interested to hear whatever you might say, whatever questions were put in the brief.

Mr Powell: I am just telling you we will respond, but it is a bigger issue and it is a positive issue.

Q35 Mr Hollobone: Are any of you aware of any other countries around the world who do mobility scooters well and who have tackled these issues sensibly which we might copy?

Mr Boyd: The City of Boston in the United States is an exemplar. The City of Belfast in Northern Ireland is an exemplar.

O36 Mr Hollobone: What do these two cities do that we should be doing?

Mr Boyd: They are very holistic. In Boston our experience was that they actively encouraged the voluntary sector—in their country the churches—to get involved in drafting a statute and best practice. They consider it to be inherently commonsense. I come back to the last survey the DfT did. They opened consultation on 19 November with close on 14 December for the voluntary sector to respond. Funnily enough, I think Christmas comes just after that. Boston is an exemplar, Belfast is an exemplar. Belfast's great advantage was that it is more aware of disability than most cities in the United Kingdom because of its history. Also it had the opportunity to refurbish and regenerate for the wrong reasons and it took that opportunity and did it well. The best airport in the United Kingdom to look at for disability accessibility is Birmingham and that is probably due to the fact that the airport director was involved in a car crash and became a quadriplegic. The best railway station in the United Kingdom to look at will be the station being built at Southend Airport which will be ready very soon, whichflagging our own involvement—we helped them design and which we believe will be the first railway station where a disabled person will be able to go without an attendant or a family member without pre-booking.

Mr Powell: We do not have any evidence from elsewhere on where it works really well.

Q37 Chairman: This morning, by coincidence, the Department for Transport issued a consultation document about mobility scooters. Could you tell me whether any of you were involved in getting the consultation together and whether there are any specific things you are looking for in that?

Mr Boyd: No. We got involved in 2004–05, but I was not aware of today's announcement until I was phoned yesterday.

Q38 Chairman: So yesterday was the first you had heard of it.

Mr Boyd: Yes. My view of the Department for Transport is that their view of circular motion is the Great Round Tuit.

Q39 Chairman: Mr Powell, was your organisation involved in setting up the consultation?

Mr Powell: We did have a sight of it in a very, very short period; not long enough to go through a consultation.

Q40 Chairman: Mr Lewis, were you involved? *Mr Lewis:* No, I was not aware of it. The first I heard of it was when the Clerk spoke to me yesterday and told me about it.

Q41 Chairman: Can you tell me whether you think that third party insurance should be compulsory for scooters?

Mr Boyd: Yes. Mr Powell: Yes.

Mr Lewis: No, Help the Aged and Age Concern do not support the compulsory levying of third party insurance. We do think though, as we put in our evidence, that third party insurance should be offered at the point of sale.

Q42 Mr Leech: If you think third party insurance should be compulsory, should it be compulsory for motorised wheelchair users as well?

Mr Boyd: Yes. You are protecting the user not just the victim. The users are often sued, remember. You are protecting everybody and it is pennies. Your household insurance covers your electric scooter and your electric wheelchair against theft, if you declare it on your policy. There are insurance policies for scooters and electric wheelchairs for around about £25 a year—50 pence a week for goodness' sake. It is two cigarettes.

Q43 Chairman: So your answer is yes.

Mr Bovd: Yes.

Chairman: Thank you very much gentlemen for coming and answering our questions.

Witnesses: Superintendent Jim Smerdon and Ms Penny Carpenter, Crime Prevention Officer, Norfolk Constabulary, Mr Neil Scales, Chief Executive, Merseytravel, Mr Kevin Clinton, Head of Road Safety, Royal Society for the Prevention of Accidents (RoSPA) and Mr Ken Mackay, Director of Rail Infrastructure, gave evidence.

Q44 Chairman: Good afternoon. Could I ask our witnesses to identify themselves by name and organisation for our record, please?

Mr Mackay: Ken Mackay, Director of Rail Infrastructure at Nexus, which is the Tyne-and-Wear Passenger Transport Executive.

Mr Scales: Neil Scales, Chief Executive of Merseytravel.

Mr Clinton: Kevin Clinton, Head of Road Safety at the Royal Society for the Prevention of Accidents.

Superintendent Smerdon: Superintendent Jim Smerdon from Great Yarmouth.

Ms Carpenter: Penny Carpenter from Great Yarmouth Constabulary.

Q45 Chairman: Superintendent Smerdon, could you tell us something about the scheme you operate and why you started the scheme?

Superintendent Smerdon: I will probably defer to Penny because it is her scheme, but certainly from the policing point of view it has given us an opportunity to identify vulnerable people in our community and get them involved in our Safer Neighbourhood Teams. We have highlighted that they are not only vulnerable in the community generally but they are vulnerable on their mobility scooters, hence Penny and our small team of officers have put together the awareness scheme.

Q46 Chairman: Ms Carpenter, could I ask you more about the scheme. What do you feel it has achieved? *Ms Carpenter:* We have run two safety awareness courses for mobility scooter users in the Great Yarmouth area. What we wanted to do was to give people confidence to use their scooters. We held our courses indoors so they were somewhat controlled but based loosely on the cycle proficiency courses that Norfolk County Council runs. What did we

achieve? I think we gave the user more confidence. It also highlighted some of the lack of upper body mobility to complete the course. It also highlighted eyesight problems as well. We did offer the use of the Keystone vision tester as a guide, if people felt they needed their eyes tested, but the course itself was mainly to encourage the user to be able to use a mobility scooter in a safe and appropriate manner with speed control.

Q47 Chairman: When you say it highlighted eyesight problems, what do you mean by that?

Ms Carpenter: In our two courses we have had people with double cataracts and they were using eight miles an hour scooters.

Q48 Chairman: Did this make them stop using the scooters?

Ms Carpenter: One lady who came along had a double cataract and she had already gone through a plate glass window in a shop in Gorleston. She was waiting for an operation but she was still using her scooter.

Q49 Chairman: As a proficiency scheme, what advice did you give on that?

Ms Carpenter: My colleagues spoke with her and we asked when she was due to have the cataract operation and she did tell us when it was going to happen. Our advice was perhaps to be careful when she was using it. I have no power to take a scooter away from somebody because it is their independence which is something that is very important.

Q50 Mr Leech: You said in your evidence that more than 50 people have done this voluntary course. Our previous witnesses explained that we do not have

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enough knowledge about people's ability to drive scooters or otherwise. Roughly, of those 50-odd people who have taken the course, how many, prior to taking the course, would you say were actually proficient in using their scooters and were safe to be using them?

Ms Carpenter: I would say the majority of them were fairly competent and safe in using their scooters, but others who did come along quite clearly lacked confidence in using their scooter or something had happened to them whilst they were on their scooter and sapped their confidence. They were brought along by their carers or by their families to take part in the course just to give them a bit more confidence in using the machine.

Q51 Mr Leech: Given your experience of seeing what impact your course has had on their ability to use the scooters, do you think there is a justifiable argument for having some sort of compulsory training?

Ms Carpenter: Our training was free, so it was up to the individual to come along, and we felt that if you have a compulsory training it does put people under pressure where they perhaps do not need that sort of pressure. Our course was completely free and we were amazed at the number of people who turned up. They all wanted to come along to see for themselves how we would be running our courses. There is a very difficult defining line there between people who have perhaps driven before and are used to going on the road and those individuals who have never driven a vehicle on the highway—never. They go and buy themselves one of these, an eight miles an hour one, and off they go without any knowledge, any road sense, without any spatial awareness or traffic sense and they are out in traffic.

Q52 Mr Leech: You talked about one of the people waiting for a double cataract operation. How many of those 50 people physically were probably not fit enough to be using a scooter?

Ms Carpenter: I would say that the majority of them were fit enough but the upper body mobility strength is something quite important when you are actually controlling your scooter or being able to look to your left, to look to your right and also when reversing. Reversing is a huge problem because if you do not have that mobility in your neck there lies a problem. On the Class III you have very small wing mirrors; you have some on the Class IIs but they are put on by the individual. Once you start to reverse and you are turning your scooter, you have then lost sight in your wing mirrors. You do need to be able to look behind you.

Q53 Mr Leech: Is there a case to say that wing mirrors, regardless of the class, should become compulsory?

Ms Carpenter: Yes, definitely.

Q54 Mr Clelland: I know the answer to this but perhaps Mr Mackay could enlighten the rest of the Committee on why Tyne-and-Wear banned mobility scooters from the Metro system in 2008.

Mr Mackay: I appreciate that because of the short notice we have not given any written evidence, so if you want me to expand on any points, please feel free to ask. Perhaps we have been a victim of our own success. The Tyne-and-Wear Metro was designed and built in the late 1970s and the very early 1980s. It is a very accessible system. Right from the beginning we have had stairs, ramps and escalators to all stations and we have pretty level boarding between the platform and the train at all stations, the basic premise being that the system is a system accessible to everybody, irrespective of whether they have a disability or not: they may just be carrying heavy luggage or they may be a young mother with a pushchair or something like that. We operated very successfully on this basis for about 27 years and then in the space of one year, between May 2007 and April 2008, we had four instances where motorised scooters ended up on the track; two of these instances being where the scooter was mishandled on the platform and dropped directly onto the track and, even more worryingly, two instances where the scooter driver actually drove right through the train. The train came into the station, the doors opened, the scooter driver drove onto the train, crashed into the doors on the other side of the train, the doors were broken, they opened and the scooter and the driver landed on the track. As you can imagine, that was a bit of a shock to us the first time it happened.

Q55 Chairman: When did this happen?

Mr Mackay: The first instance happened in May 2007 and the second instance was April 2008. The first time it happened we thought it was a complete one-off and we undertook a risk assessment about the interface between the train and the platform and, whilst not ideal, we thought with sufficient additional warning and communication to scooter users through the various means we have we could enhance the duty of care by the scooter operator. After the second time it happened we reviewed our procedures and came to the conclusion that we had no option but to implement a complete ban on mobility scooters on the Metro system.

Q56 Mr Clelland: That raises the question as to whether other forms of transport, buses and trains, are adequately designed to take these motor scooters. Perhaps Mr Scales has a view on that.

Mr Scales: Like Mr Mackay, we are trying to build a single accessible transport network for the whole of our area and we will carry motorised scooters and wheelchairs on Merseyrail Electrics as long as we are told an hour beforehand. Each of the trains is double staffed, there is a guard on the train, and as long as we get one hour and the scooter actually fits the envelope and the weight, which is 300 kilograms, so we can actually secure it when we go on board, we

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will carry those scooters. We have a difference in that we have a guard who will go through the train from time to time whereas Tyne-and-Wear Metro only has a driver at the front. We have a slightly different system. What we will do, if a scooter user is unsure about the envelope or the weight, is send people out to check the dimensions before they travel. The object of the exercise is to try to get as close to turn-up-and-go as we possibly can.

Q57 Chairman: Are there many occasions where you have had to refuse somebody?

Mr Scales: We had only one unfortunate incident that I can recall on the City Line which is a different railway where they got the scooter on the vehicle and when the customer was trying to get back from Liverpool to St Helens the guard would not load the scooter because it was so heavy. In the event they got it on and off at the other end but that is the only complaint we have had. That is why in Merseyrail Electrics we try to specify an envelope and specify a weight.

Q58 Mr Clelland: Should bus operators be making more effort to accommodate mobility scooters?

Mr Scales: I think so, that would be very good. Again, as earlier witnesses have said, there is a huge raft of different sizes. I have seen mobility scooters up to half a tonne in weight and the issue is, once you have got it on the vehicle, securing it properly. If you can secure it properly when it is travelling then you have a chance. Bear in mind that they have batteries on, if these things turn over they are very heavy and there is battery acid if there is an accident. It has to be done with a risk assessment. The way we do it on Mersevside—it is probably the same as other metropolitan areas—is that we have a Dial-a-Ride system or a Ring-and-Ride system where you can get these scooters on a specially adapted vehicle and tie them down so they are safe in transit. That is the key point: to make sure you can get it on the vehicle, travel in safety and then get it off at the other end.

Q59 Ms Smith: Do you think that operators ought to be making more of an effort to accommodate mobility scooters on buses?

Mr Scales: I think so and it would help if we had a standard mobility scooter. Your earlier witnesses talked about the mobility scooters which fold up and you can put them in the back of a car and they should be able to be accommodated on vehicles quite easily. As we say in our evidence, there is no regulation, there is no framework and there is no standard scooter. It would be really helpful if we had that framework and that national standard we could all get behind. Then all the areas could get to the single integrated network which is accessible to everyone.

Q60 Ms Smith: Do you think if we were to achieve such a network and a regulation of mobility scooters we could also then encourage the industry to produce buses which are designed to take mobility scooters?

Mr Scales: I think so, and our colleagues in the industry are doing a lot on this. There are only something like 75,000 buses across the UK and if you replace them at 10% or 20% a year, very small batch sizes, it will take a long time to make the whole UK fleet fully accessible. We should really start by specifying what is a standard scooter and then we can build it into the design stage and eventually start chipping away at it.

Q61 Ms Smith: Do you think the new quality contracts made available under the Transport Act will help to push this issue with bus operators?

Mr Scales: Absolutely because that will allow the integrated transport authorities and their Executives to specify the type of vehicle, something we could build into the specification.

Q62 Ms Smith: Bearing in mind that you seem to be saying that it would have to be done in stages or steps because the design industry would fall behind, if you get a mobility scooter designed to a regulatory size, the bus industry would be behind that to some extent, would it not? It would have to be stepped.

Mr Scales: Yes. It would not be a problem for new vehicles. I used to be a manufacturer of buses in a previous career and you can actually modify vehicles fairly easily. Again, it is what you are modifying them for. If you are modifying them for a standard scooter, standard weight, standard envelope, it makes it much easier.

Q63 Ms Smith: So quality contracts could be a start and there could be a demand for modifications for bus operators to get this moving.

Mr Scales: Yes, without a doubt it would allow us to specify the quality standards for the bus.

Q64 Mr Hollobone: Mobility scooters are exempt from the Road Traffic Act 1988 because the Chronically Sick and Disabled Persons Act 1970 specifically exempts invalid carriages from traffic legislation and, therefore, a mobility scooter user cannot be prosecuted for most motoring offences, including those dealing with driving under the influence of drugs or alcohol and the use of mobile telephones. Do you think that the law should be amended to remove that exemption?

Mr Clinton: Yes. I think the laws about drink driving, careless driving, dangerous driving, using a mobile phone while driving, all of those ought to apply to people who are using a mobility scooter on the road because at that point they are using it as a vehicle. The difficulty is the level of penalties which could be imposed. There is not a licence to take away so with drink driving, for instance, you cannot ban someone as you would with a car driver unless one introduces that system. Those laws which are about behaving responsibly towards your fellow people on the road should apply to someone who is using a mobility scooter as much as to those using a car.

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Q65 Mr Hollobone: What is the view of the police

Superintendent Smerdon: Absolutely the same. There definitely needs to be a law which does allow them to be treated in that way. Currently, if somebody is found drunk in charge of a mobility scooter we use an Act from 1872, I believe it is, drunk in charge of a carriage, which is not designed in any way for this kind of event. Yes, quite clearly this needs to be updated and modernised. The issue for us will always be that if we are going to prevent these people by using the mobility scooter based on the fact that it is their only mode of transport in a lot of cases, their only way of getting out of the house, we need to ensure that there is some multi-agency support which goes round them to ensure that their lifestyle is not affected too much. I am keen, if they do have an accident, that there is some punishment applied to that but we cannot lose sight of the fact that we also then need to look after them.

Q66 Mr Hollobone: There is an offence in law under paragraph 35 of the Offences against the Person Act 1861 which gives the police powers to deal with those who use mobility vehicles in a dangerous manner. Is it the police's view that that is a sufficient power for the police or would you like to see the exemption from the Road Traffic Act 1988 removed?

Superintendent Smerdon: My opinion would be that it would need to be updated. With the greatest respect, that was never designed for the mobility scooter problem we now have. It is using very old legislation to deal with a modern problem and my suggestion would be that it needs to be modernised.

Q67 Mr Hollobone: A comparison would be with somebody who is driving a ride-on lawnmower on the road. Could the police clarify for the Committee what laws would apply to a person driving such a vehicle?

Superintendent Smerdon: I will be honest, I am not an expert in that so I would not know off the top of my head and would not wish to mislead you.

Q68 Mr Hollobone: My understanding is that, if you were to do that, you are obliged to have a driving licence, have insurance and treat your lawnmower as you would a vehicle.

Superintendent Smerdon: As I say, I am not an expert, but I understand that for agricultural vehicles there is a mileage limit as to how often you use or ride them on the road before you have to have licences, et cetera. How you measure how often they are used on the roads is something we have never been in a position to do.

Q69 Mr Hollobone: It has been suggested that there should actually be a new offence of riding a mobility scooter in a dangerous way. Is that something members of the panel would support?

Superintendent Smerdon: Yes, we would.

Mr Mackay: Yes.

Mr Scales: We would support that.

Mr Clinton: Yes. Ms Carpenter: Yes.

Q70 Mr Hollobone: All of you are supporting that?

Mr Mackay: Yes. Mr Scales: Yes. Mr Clinton: Yes.

Superintendent Smerdon: Yes.

Ms Carpenter: Yes.

Q71 Mr Leech: Has Norfolk's Constabulary ever convicted someone driving a scooter of an offence? Superintendent Smerdon: My understanding is that we have convicted somebody of being drunk in charge of a mobility scooter in Thetford.

O72 Mr Leech: What kind of penalty was imposed? Superintendent Smerdon: I do not know, sorry.

Q73 Chairman: Was that just once?

Superintendent Smerdon: Yes, just once, and that was the matter I raised earlier in relation to being drunk in charge of a carriage.

Q74 Mr Leech: Would you be able to provide that information?

Superintendent Smerdon: Yes, I am sure we can.

Q75 Mr Leech: Mr Clinton, when you were speaking earlier you mentioned the road but you did not mention the pavement. Were you saying that there should be different rules in relation to driving a mobility scooter on the road or the pavement?

Mr Clinton: No, the offences of driving dangerously would certainly need to apply to using it on a pavement, in a shopping centre, anywhere where there are people. If somebody is using the mobility scooter in a way which puts other people at risk, then the law needs to be able to cater for that and be enforceable. There should not be too much of a distinction there.

Q76 Mr Leech: Should there be any distinction between a mobility scooter and a motorised wheelchair?

Mr Clinton: Whenever we look at this issue we keep coming back to the lack of data which you have talked about and the importance of introducing legislation which is proportionate to the level of risk. We do not know what the level of risk is for mobility scooters or for electric wheelchairs. Without prevaricating, I find it difficult to answer. Logically the answer would be yes, but when thinking about bringing in legislation which might deter people from using those devices and, therefore, having that impact on their quality of life, you really need to be sure about the level of risk to justify that sort of intervention which might make some people housebound. I was very, very surprised to hear the

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figure of four deaths in one county from Mr Boyd and if that were replicated across the country—and there are 200-plus councils in Great Britain—that would give you a figure of 800 mobility scooter deaths.

Q77 Chairman: What information do you have from RoSPA?

Mr Clinton: Very, very little. As we know, the data is not collected. We used to get some figures from the Home and Leisure Accident Surveillance Systems. That stopped in 2001. There is a pilot going on to try to find a system to replace that which collects data at hospitals and records what sort of product was involved and that would give some data. I understand that the form the police use to record road accidents is going to include mobility scooters some time in the future, from around 2011. If that happens, that will provide better data. We really do not know which is why I was so surprised at the level that we heard from Mr Boyd. If that is replicated, in our view that would make this a much more serious issue.

Q78 Chairman: So you are saying that as far as RoSPA is concerned, you simply do not have the information.

Mr Clinton: No, we think that the level of death and injury will be a lot lower than has been indicated, but we do not know.

Q79 Chairman: Mr Scales, do you have any information about accidents on Merseyrail?

Mr Scales: There have been no accidents at all that I can recall on either Merseyrail Electrics, the City Line, which comes in from Manchester, or our Ringand-Ride system. I would have been alerted if there had been and put it in the evidence. I am with Mr Clinton; I cannot see that level of serious accidents, but we do not know because the data sets are not captured.

Q80 Chairman: Is there any system that you have that would record any incidents or would it just be anecdotal?

Mr Scales: We would record it because we have a system called Respond which actually records all sorts of things like that. If it would assist the Committee, I can give you a note on that on how we capture the data from our bus stations and rail stations and use it to back up our decisions on the transport network.

Q81 Chairman: Mr Mackay, does that apply to Nexus as well? Do you have a system where incidents would be recorded?

Mr Mackay: We do. We use exactly the same system as Mr Scales so we could gather any information for the Committee, if you wished us to do so.

Chairman: We would be interested to receive that.

Q82 Mr Leech: Mr Mackay, when the decision was made to ban mobility scooters, was any consideration given to an alternative option like reducing the speed limit on stations and vehicles.

Mr Mackay: The particular problem we have is that the system is, generally speaking, unstaffed, so we do not have staff at stations and we only have the driver on the trains. We rely on the scooter user to be competent and obey the rules. We did look at alternatives, but, frankly, we were not happy about how we could actually assure ourselves as to how we would police them. We have subsequently put in place a different alternative which is to offer a different form of transport via taxi for people who wish to register with us. Again, we do not know exactly how many mobility scooter users use the Metro but we believe anecdotally it is between 250 and 300. Since 2008 we have had 15 of them regularly take up our offer of alternative transport. If I may add, and this is perhaps relevant to the earlier session, we have done a lot of work with the disability groups in Tyne-and-Wear and also with the manufacturers and we have explored wavs and means that we could have a better quality of competence through training, through assessment, through licensing and so forth. The manufacturers of the scooters have been very happy to work with us to determine what limitations we have on our system which is a more confined space than the highway network. It would really, really help us if there were some form of legislation behind the use by people of mobility scooters, the maintenance of scooters themselves and the design of the scooters.

Q83 Mr Leech: Am I right in assuming that you have not banned motorised wheelchairs? *Mr Mackay:* Correct.

Q84 Mr Leech: In what way do you see scooters being any more dangerous than motorised wheelchairs?

Mr Mackay: The basic difference between a scooter and a motorised wheelchair is the diameter of the wheel. There is a physical gap between the platform and the train; there has to be one. The problem has been that the incident to which I referred earlier where the motorised scooter actually went right through the train, was because the person ran at the train to get over this gap rather than merely asking somebody to help them and then they have not been able to brake because the design of the scooters is that very often there is no brake; it is an electrical brake which operates when you take your hand off the accelerator and that is incapable of stopping the scooter in the space available. In the first incident it was actually a Class II scooter, not a Class III scooter.

Q85 Mr Leech: Am I right in thinking that you appear to be suggesting that if there were better regulation and rules about what kind of scooters there were and people's competence in using them, there would be no problem with you being able to accommodate them again?

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Mr Mackay: I think that would be a huge step forward; I am not saying there would not be a problem.

Mr Leech: It would be beneficial.

Q86 Chairman: It would alleviate the problem. Mr Mackay: Absolutely, it would be a great step forward.

Q87 Mr Clelland: In that case, should the Government make the kind of proficiency scheme which is being run by Norfolk Constabulary compulsory in all areas and available? Mr Mackav: Yes.

Q88 Mr Clelland: If so, who should be running the scheme? Should it be the transport authority, the police or the Department for Transport?

Mr Mackay: A scheme which would help us would be a national scheme because then we would all be working to the same standards. On light rail and on heavy rail and so forth, the standards do tend to be national standards, so we would all be on the same page.

Q89 Chairman: Mr Scales, you are nodding.

Mr Scales: It is like the cycling proficiency test, which now the marketeers have got hold of it is called Bikeability but it is really the cycling proficiency test. Something like that nationally would help enormously. It does not really matter who administers it as long as you have that framework and it has to set standards and quality feedback loops then you would be all right.

Q90 Mr Clelland: Would it also be helpful to supplement that if the suppliers of these mobility scooters were obliged to ensure that anyone who was sold a mobility scooter had information as to where they could go to get a proficiency test in their own areas?

Mr Scales: Yes.

Q91 Mr Clelland: So that would be part of the whole package.

Mr Scales: Yes, very valuable.

Mr Mackay: Yes.

Mr Clinton: Cycle training is a good model, there is a national standard but it is delivered locally. The instructors who deliver it are trained and accredited, so there is confidence in the quality of training which is being provided. I would say that RoSPA would not see this as being compulsory based on the data and evidence we have at the moment.

Q92 Chairman: So you would be looking for a national scheme but a voluntary one?

Mr Clinton: Yes, which is how cycle training works at the moment.

Q93 Ms Smith: We live in an era where road space is being increasingly demanded by various ranges of users: vans, lorries, buses, cars, cyclists, trams. Do you think that there is a place on our road network for mobility scooters?

Superintendent Smerdon: Definitely.

Mr Clinton: Yes. I assume you are not meaning delegated lanes but certainly mobility scooter users have a right to use the highway.

Q94 Ms Smith: That is my next question. If we do believe that, and I certainly do believe that mobility scooter users do have a right to use the road network, do you believe that planners, highway planners and so on, need to start thinking in terms of how they use the road space, how they design it in the future? Given that the cycling lobby is very, very keen itself to have increasing weight given to cyclists' needs on the road, do highway planners also need to start thinking about how they design roads with mobility scooters in mind?

Mr Clinton: Yes, absolutely. I am not sure that I would ever see dedicated lanes in the way that you get some cycle lanes. In fact, I do not think the cycle lobby particularly wants a mass increase in cycle lanes. What they want is traffic speeds and traffic volumes to be such that they can use the normal road in safety. Certainly everybody who uses a road should have an equal right to be able to do so safely. An interesting thing we are going to see in future is that there is already a separate consultation out about electronic personal vehicles. The Segway is probably the most well known. I do not know whether you know the Segway but it is a little circular platform with two wheels which you sit on. It may well be that we see all sorts of different things like this appearing and people using different types of equipment on the road for transport and the legal framework needs to be able to encompass that and set parameters for what sort of vehicle is simply not safe to be allowed to use on the road without being so restrictive that we stop this kind of innovation. The Department for Transport has a consultation out at the moment just asking this question: what should the legislative framework be about personal vehicles which we have not yet envisaged? Logically it should be one that should be as consistent as possible for mobility scooters, those sorts of things, pedal cycles, those ranges. In the end they are really quite similar.

O95 Chairman: Were you consulted in relation to the consultation document?

Mr Clinton: Yes, the deadline has not passed on that yet, so we will be doing that this month.

Q96 Chairman: Were you consulted in bringing forward the consultation?

Mr Clinton: The one that has been announced today?

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Q97 Chairman: Yes.

Mr Clinton: We responded to a consultation some years ago about the code of practice for Class III vehicles and there was a seminar to which I was invited last year but I could not go because of another commitment. I was not aware this consultation was coming out today.

Q98 Ms Smith: Do I gather from what you are saying that you would also support a 20 miles per hour speed limit on urban roads? That is certainly what the cycling lobby are looking for.

Mr Clinton: Yes. Not on every single urban road by any means but on residential roads yes, certainly. Twenty miles an hour zones are very effective.

Q99 Ms Smith: I appreciate that you have not got the data, but in your judgment is it possible that would be enough to significantly reduce the risks for mobility scooter users?

Mr Clinton: Yes. If you reduce the speed differential, so you do not have very slow vehicles and very fast vehicles, that provides a very good safety benefit.

Chairman: Thank you very much for coming and answering our questions.

Witnesses: Ms Phillipa Hunt, Head of Policy and Communications, Living Streets, Ms Elizabeth Box, Head of Research, RAC Foundation and Mr Mark Yexley, Operations and Commercial Director, Arriva UK Bus, gave evidence.

Q100 Chairman: Good afternoon. Would our witnesses please identify themselves with name and organisation for our records?

Ms Hunt: Phillipa Hunt, Head of Policy and Communications at Living Streets.

Ms Box: Elizabeth Box, Head of Research at the RAC Foundation.

Mr Yexley: Mark Yexley, Operations and Commercial Director for Arriva's UK Bus setup.

Q101 Chairman: Is current legislation in relation to mobility vehicles adequate in relation to the drivers or the pedestrians? Does anybody have any views on that? Is legislation adequate or does it need changing?

Ms Hunt: We obviously see mobility scooters as a great benefit to many people but we think that with an ageing population set to shoot up over the next few years, this is a good time to review existing legislation. We certainly think that there are opportunities to review insurance, training, and also to look at the licensing and registration framework.

Q102 Chairman: What changes would you like to see in training?

Ms Hunt: We would certainly like to see all mobility scooter users receive training before setting out on their mobility scooters.

Q103 Chairman: Compulsory training?

Ms Hunt: Yes; compulsory along with compulsory third party insurance.

Q104 Chairman: Ms Box, do you have any comments on legislation?

Ms Box: Yes, I do very much agree with Phillipa that now is the time to look at legislation in this area. Obviously our area of interest and expertise is older drivers, but hopefully some of that information can be helpfully transferred into mobility scooter users. It is certainly true that we are seeing a rising number of mobility scooter users as a result of people driving later in life and we are very much of the opinion that more people are going to be using mobility scooters

in the future as they decide to retire from driving. It is also important to recognise that older drivers generally are very good at self-regulating their driving behaviour and will generally retire from driving when they feel it is appropriate. We think this might transfer into scooter users as well. There is an issue about scooter users picking up the people who are no longer able to drive and therefore might have more cognitive issues than those who are driving.

Q105 Chairman: What changes in legislation would you like to see?

Ms Box: We see with the Class II and Class III at the moment that there is a real need to change the invalid carriage title and make it more appropriate to the new users we are going to see, maybe to personal mobility vehicles or whatever. There is a certain need to change that there.

Q106 Chairman: Specifically what change do you want to see?

Ms Box: Change in the definition rather than actual change in the usage because motorised wheelchair users are different to people who are ageing and perhaps using mobility scooters not necessarily for traditional disability impairments but more for mobility requirements in later life.

Q107 Chairman: Mr Yexley, is legislation adequate for drivers and pedestrians or should there be changes?

Mr Yexley: If I might take the liberty of broadening your question, because there have been several comments about the accessibility of public transport and, in our case, buses to mobility scooters. What would be enormously helpful in removing some of the concerns which have stopped all operators from embracing wholeheartedly mobility scooters is, on the one hand, some clarity on the advice which is available to everyone and, on the other hand, anything which improves training and so reduces some of the safety concerns on mobility scooters would be equally welcome. Also, from a very fundamental point of view, there is no doubt that we

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have large numbers of buses which are perfectly capable of taking mobility scooters, provided those mobility scooters conform to certain basic dimensions and weights. That is really the biggest area we would have thought could be relatively easily removed and make life an awful lot more straightforward for us.

Q108 Chairman: Do the police have sufficient powers to stop mobility scooters when required? Do you have any views on that?

Ms Hunt: One of the points I would concur with which came up earlier is that there is a significant lack of data in terms of issues surrounding mobility scooters. Anecdotally we know of cases where there have been injuries and accidents related to mobility scooters and pedestrians where the police have not had the power to follow up which I believe have been widely reported in the media.

Q109 Chairman: What problems do you see in relation to shared space? Is there a problem between the use of the mobility scooters and the rights of pedestrians? Is there a problem there?

Ms Hunt: We see that there is a place for mobility scooters on pavements but obviously there is a need to be aware that when you are on a mobility scooter you are mixing with vulnerable pedestrians as well and that is why we would advocate appropriate training and insurance.

Q110 Ms Smith: Would you advocate the same for cyclists in terms of using pavements?

Ms Hunt: Cyclists on pavements are a different issue because pavement cycling is illegal.

Q111 Ms Smith: It is allowed in Cambridge as far as I know.

Ms Hunt: My understanding is that cyclists should not be riding on pavements. There is therefore a different application to them. However, we believe that at the moment mobility scooters do have a place within parameters on the pavement and therefore it is a different situation.

Q112 Ms Smith: May I ask Ms Box from the RAC about the points you touched on earlier in relation to older drivers and the fact that some may want to step down from using a car to using a mobility scooter, not necessarily because of disability but because they are no longer confident driving a car?

Ms Box: Yes.

Q113 Chairman: Do you feel though that there ought to be regular testing at given periods of older people in terms of their suitability to drive either a car or a mobility scooter?

Ms Box: This is certainly a point that we are addressing in a report we are publishing in April. We have looked at whether there should be testing for over 70s because at the moment at 70 you reapply for your driving licence which then lasts for three years and it is a self-certification process. We felt generally that there should not have to be re-testing on an age basis; especially with the Equality Bill which is coming through it would be very difficult. This is because when you look at the safety of older drivers, older drivers are actually no less safe than their middle-aged counterparts when you look at the statistics. It is only when people are aged 80 or travelling fewer than 2,000 miles a years that there is any increased risk. Whether or not you want to test people at 80 is a difficult question. It really comes down to lifelong learning for all drivers and possibly having more formalised training and education for older drivers but also for all road users I would say. We see mobility scooters in that context rather than testing. The research from abroad shows that it is very difficult to do a fitness to drive test; often you can end up with false positives or false negatives as a result. Field of vision tests are not very accurate often. Instead you need driving examiners who are well trained in that particular area and that can be expensive. It is very difficult to get one single test that an optician or practitioner can do, you would probably need driving examiners.

Q114 Ms Smith: Do the RAC agree with the concept of the 20 miles per hour speed limit on many of our urban road; not to all of course but many of them? Ms Box: Yes, we agree that 20 miles an hour zones can be very helpful in certain situations. We would not want to see a situation where it was blanket coverage of 20 miles an hour zones, it has to be locally specific, but where that makes sense and it can help encourage other modes of transport we are in favour of that.

O115 Ms Smith: Cyclists and mobility scooters. Ms Box: Yes.

Q116 Ms Smith: Do you think there is an argument for a ten miles per hour speed limit in some cases? Ms Box: Are you saying outside schools or specific locations like that?

Q117 Ms Smith: Yes.

Ms Box: If there is really good reason for it, motorists generally do accept that there is a reason to be travelling at that speed and they are more likely to comply with it. If it is put in a place where individuals cannot understand the reason, then they are less likely. It has to be put in very carefully, but I think we would be more likely to support the 20 miles an hour zones because we know it is very difficult to get people to abide by 30 miles an hour zone rules let alone 20.

Q118 Ms Smith: Do you think the fact that so many car users do not want actually to obey the 30 miles an hour limit, never mind any 20 miles an hour limits we might want to put in place, makes it difficult for us ever to win the argument for creating spaces on our roads for mobility scooters?

Ms Box: Certainly that is the case, but as we see the population age and more people moving towards mobility scooters rather than driving it is really a case of critical mass and seeing more different types

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of road user coming onto the road surface and that is when motorists might see the purpose of going a bit slower. It will take some time to get to that point.

Q119 Ms Smith: What can we do to help that process along because it is going to take some bravery, courage if you like, on the part of all these other kinds of users to test that concept out on the roads? *Ms Box:* Certainly, yes. There needs to be a much better understanding of road sharing amongst all different road users. At the moment cyclists in cyclist training are taught to take the centre of one particular part of the road; motorists might not be aware that is what they are being taught in training and might think the cyclist was being obstinate in not wanting to get out of the way. It needs a much better shared understanding between road users and I think the Government have a big role to play in that.

Q120 Mr Clelland: One thing which is coming across to me in our deliberations today is that one big step forward we could take would be to have a national proficiency scheme locally administered so that people who are using these scooters can have some training, perhaps on a voluntary basis, which could include how to access and exit from buses and trams, et cetera. Would you agree that would be a good thing? Should the Government, for instance, be looking to introduce such a national scheme?

Ms Box: We would agree that actually having a national training scheme for mobility scooter users would be very, very helpful indeed and we would certainly support that.

Ms Hunt: We certainly think adequate training should be a requirement for all mobility scooter users.

Q121 Mr Clelland: You think it should be compulsory rather than voluntary? *Ms Hunt:* Yes, we do.

Q122 Chairman: Mr Yexley, you referred earlier to issues to do with the vehicles going on buses. Do you think there should be better guidance about that coming from the Department?

Mr Yexley: Yes, please. The situation is we know that there are mobility scooters which, provided they are no more than a certain length, certain width, no more than the 300-kilogram weight which has been mentioned already and crucially have a tight enough turning circle, can be accommodated very comfortably on buses which have been put into service since 2001. We have been all the way round the course of reluctance to go down this road in the first place because there are safety concerns. There are huge practical issues over drivers being able to recognise what type of mobility scooter is going to be able to be accommodated on a particular bus and huge practical issues in terms of someone buying a mobility scooter and knowing that it will work on a bus. If you put all of that together, but also bring into play the reality that more and more people are buying mobility scooters, we were getting an increasing number of instances where people had bought a mobility scooter in perfectly good faith only to find they could not use it on the bus. Finding some way of cutting through all of that that leaves us all with a practicable workable solution has to be something we should go for.

Q123 Chairman: How many accidents are there with scooters on the roads between buses and scooters? Mr Yexlev: I cannot give you any actual statistics but the sorts of things which have happened inside a bus have fallen into two broad categories. One is where someone has lost control of their mobility scooter and hit someone else, which is a more extreme version of some of the instances we have heard about involving other pedestrians. The others have involved other passengers on the bus catching themselves on handlebars and that sort of thing. Particularly if we could bring into play greater training and inject an element of people being made aware of the particular problems which can occur on a bus, then those are surmountable and, certainly from our point of view, we did not think they should stand in the way of accepting mobility scooters onto our buses.

Q124 Chairman: What kinds of records do you keep about accidents in relation to scooters? We have had a running theme through this evidence session that people are concerned about accidents and problems but the actual hard evidence is unclear or varies very much from place to place. What kind of system do you have to record accidents?

Mr Yexley: Obviously we track every single accident that we have. I could happily supply those statistics in Arriva's case to you.

Q125 Chairman: Are your systems comprehensive? Would they record the accidents which have actually taken place?

Mr Yexley: Yes, very much so.

Q126 Chairman: We would be interested to see that, please. This morning the Department did announce a consultation on this whole area. Have any of you been involved in getting that consultation going forward? Are there any specific things you would like to see coming from it?

Mr Yexley: In our case, we have not been involved in the consultation but where we would like to see things go is to pick up on the work which one of the consultancies undertook in 2005 looking at the whole subject of scooters and buses and had started to move us towards being able to define what size of scooter could actually work on a bus, and if that could continue to a proper conclusion that would be welcome.

Q127 Chairman: Ms Box, have you been involved in this and is there anything specific you would like to see coming from this?

Ms Box: No, we have not been involved with the consultation which came out this morning. Having a look through the consultation, we have a few points we would make on it. Firstly, there is the issue about whether mobility scooters should travel at

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higher speeds on the main road network, higher than eight miles an hour. We feel that we really need to look at what role we expect mobility scooters to meet and probably it might not be advisable to increase the speed for mobility scooters to, say, what we already see for electric bicycles, so 15 miles an hour. It has been put forward that it would save time for those users, but we have to think about who the users are and whether that time is worth any potential offshoot in terms of road safety performance. We would be concerned about seeing any increase in speed from those. We think technology can have a role to play in helping when mobility scooters are on the pavement environment and we are obviously concerned, along with others I expect, about any increase in weight which might come from mobility scooters because this could obviously injure pedestrians but technology might help. A lot more research is needed in this area and we need much more data on the subject before being able to come to any firm conclusions.

Q128 Chairman: Ms Hunt, are there any specific things you would like to see from the consultation? Ms Hunt: We have not been involved in the consultation but the particular areas we would like to see it pick up on are providing a future framework for the increase in population, particularly looking at issues around insurance, the provision of training, ensuring the quality of public realm is fit for the purpose, ensuring that vehicles are travelling at no more than four miles per hour when they are on the pavement and whether more needs to be done around adequate registration and licensing of mobility scooters.

Chairman: Thank you very much for coming and answering our questions.

Witnesses: Rt Hon Sadiq Khan MP, Minister of State for Transport, and Dr Tim Crayford, Chief Medical Advisor, Department for Transport, gave evidence.

Q129 Chairman: Good afternoon. Could I ask you both to identify yourselves for our records, please? Dr Cravford: I am Dr Tim Cravford. I am the Chief Medical Advisor to the Department for Transport. Mr Khan: I am Sadig Khan, the Minister of State for Transport.

O130 Chairman: Minister, are there any initial comments that you would like to make before we go to questions?

Mr Khan: There are. May I first thank the Committee for calling this evidence session and accepting both written and oral evidence. May I pay tribute to Jeff Ennis who secured an adjournment debate on this matter the first week back in January. Although it has been a priority for the Department, it brought to the fore of my attention some of the challenges we face in this area. Many colleagues around the Committee will probably know people who have benefited from mobility scooters which have liberated them and given them independent living and the ability to go about living their lives as normally as they can. It has improved the quality of life, has led to a huge amount of additional independence which people did not otherwise have. To give you an understanding of how things have changed in recent years, figures we have show that in 2005 there were between 70,000 to 100,000 people who used mobility scooters. Figures we have from last year from the National Travel Survey put this figure now at 330,000 people using or having access to mobility scooters, so it has been a big increase. A final point I make by way of introduction is that we know from experts and independent commentators that over the next 20 years it is predicted there will be an 85% increase in those above the age of 80. All expectations are that the numbers of people using mobility scooters are going to go up. A final point I will make is that I was not aware—and I practised law for many years—that the only piece of legislation available in relation to potential criminal action against those who drive their mobility scooters carelessly or dangerously or recklessly is section 35 of the 1861 Offences against the Person Act and the offence is to drive your vehicle in a wanton or furious manner. Clearly it is about time that we revisit this and I am pleased that you are looking into this today.

Q131 Chairman: We are certainly pleased that the Department has launched a consultation and we like the coincidence of it being launched on the morning before this evidence session. However, the Department did have a previous inquiry in 2006 and recommendations from that inquiry included one that scooter users should have third party insurance and be subject to a fitness assessment. Indeed, both of those issues have been raised this afternoon. Despite that being a recommendation from the 2006 inquiry by the Department nothing has in fact been done on either of those matters. Are we going to have something more positive from your new consultation, recommendations that will be acted on?

Mr Khan: You raise a really important question. When Jeff put in for the adjournment debate, one of the first things I did when I was reading the briefings was to put the obvious question. When there was a review—not an inquiry—in 2005, why were the recommendations made in the review not followed up? The short answer is that when one compared the costs involved, the benefits received, the burdens and the issue of proportionality, bearing in mind that in that time there were very few incidents of personal injury, let alone that we know in recent times there have been some fatalities, it was not as serious an issue as it could be now. That is why we are consulting. The reason why we are consulting in the way that we are is to ask the sorts of questions that you have raised and that the Committee are looking

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into, the sorts of questions that both Jeff Ennis and Hugh Bayley raised during the adjournment debate and other stakeholders as well on both sides of the debate, those who use mobility scooters and those pedestrians going about their normal life who may be knocked over, injured, seriously injured or killed as a consequence.

Q132 Chairman: Do you have any hard information about the extent of accidents to motor scooter users or to pedestrians?

Mr Khan: That is a very good question. We have a number of sources for our information. We have evidence from A&E departments which says that there are approximately 750 incidents per year. We have information from the UK Trauma Audit and Research Network. They keep figures for those people who are inpatients for three days or more. They estimate that there are about 40 patients a year who are injured as a consequence of collision with mobility scooters. The evidence we have is, in fact, that 95% of those who are injured are the drivers of the scooters rather than pedestrians. We know from press reports as well that in the last two years to 2009 one pedestrian died as a direct consequence of a collision with a mobility scooter, two drivers died using a mobility scooter and in 2008 another pedestrian was killed as a consequence of a collision with a mobility scooter. We know, of course, of the case which Jeff raised of Madison McNair, the twoyear-old who was with mum, walking in a shopping centre and was knocked over, went underneath the mobility scooter and was dragged for a long period as well. There are those cases which we hear about via the media rather than a central data recording place. What we have done now is to ask the National Travel Survey to include figures specifically on incidents with mobility scooters and we are doing a survey trying to get better information about direct incidents with mobility scooters as well.

Q133 Chairman: When would that information come? You have asked for that to be done from when? Now?

Mr Khan: The National Travel Survey's figures currently include this under "Other", but for this year should include a separate category for mobility scooters.

Q134 Chairman: Is the rate of accidents increasing? *Mr Khan:* Good question. We could not give an empirical answer because, being brutally honest, the figures only start recently. That is one of the reasons why we have asked the National Travel Survey to start recording information so we can see.

Q135 Mr Clelland: It is almost inevitable though, is it not, with the growth in the use of these scooters that there are going to be more accidents and more incidents with interaction with pedestrians and other traffic? Do you think training should be compulsory for users of motor scooters?

Mr Khan: We asked the question in an open fashion in the consultation and it is deliberately open. One of the things I have recognised, looking into this, is

that there is no penalty if it was not. For example, even now you know the rules around the speeds on pavements, the speeds on road, what sort of vehicle you can have and we know you are required to register, for example, a Class III vehicle. What are the sanctions if you do not? The answer is that there is none. I am happy to look at training, how you assess whether people are fit to drive, how you register, but the corollary is what the sanction would be if somebody did not and whether that is proportionate. That is what we are trying to look at. My final point in answer to that question is that we know it has led to an increase in numbers of people having independent living. What we would not want to do is have a disincentive for people to go about in a mobility scooter. The obvious parallel is the discussion we have around cycles and helmets. There is an issue about that.

Q136 Mr Clelland: What about a national proficiency scheme which was voluntary but when people bought the scooter they were given information as to where to go? What about something like that?

Mr Khan: There is a Motability scheme which the DWP help finance. That allows you to purchase a scooter via DWP paying over a period of time; three years. One of the conditions, if you accept the Motability scooter scheme, is that you must get insurance, third party insurance, and it has to be registered. The obvious question is that if we have sent the message there for it to be insured and registered, why not for those who are not getting a scooter through the Motability scheme. You make a strong point. We have to be realistic about those who sell on via the internet or second-hand purchasers of these, but I would be in favour personally, without prejudice to the consultation, of some form of registration scheme, whether it is analogous to the blue badge scheme, doing it locally, which we could do quite easily because there is an overlap, or whether it is a DVLA-type scheme which I suspect could be difficult to administer but would be one way of knowing who has the vehicles and you could then chase up who has insurance. You have to follow it through, which is an additional burden on the police and the authorities in pursuing those who do not have insurance and what would the sanction be?

Q137 Mr Clelland: If we had a national proficiency scheme, who would decide on what level of training would be given? Who would be training the trainers? Would we need a whole new group of people or do we have existing trainers who can take on this task? Mr Khan: That is a good question. The other priority is going to be bicycles, the schemes we have with cycling proficiency as well. You just raised several questions: who would train the trainers; what happens if the trainers are not up to scratch; who monitors the trainers; who gives them the kite mark; what happens if you fail and all sorts of things? Some of the horror stories I hear about people turning up, whether Norfolk or elsewhere, who are seriously visually impaired and really should not be using a mobility scooter raises lots of questions. One of the

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things we do know is that the reputable retailers encourage purchasers to go on a course or give them some guidance. What about those who buy secondhand though or those who buy via the internet? That is one of the reasons why I suspect those who preceded me in this seat may have been less keen to follow up the 2005 recommendations made by the review because some of these questions are challenging. That is why, and I mean this genuinely, the questions in the consultation are open and I was really pleased to see some of your witnesses giving evidence this afternoon because they will form a huge part in what we do in relation to the response to the consultation.

Q138 Mr Clelland: You mentioned briefly there the question of eyesight standards. Should there be minimum fitness and eyesight standards and how would that be administered?

Mr Khan: Common sense dictates yes, but how would you police that? Let us go to the basics. What is the purpose of a mobility scooter? There are various types of mobility scooters, whether Class II or Class III. Tim, as a practising doctor, can give you some examples of how it has improved people's quality of life but clearly if you are visually impaired, unlike a pedestrian where you have a white stick or a dog and your ability to impact on others is limited, if you are in charge of a vehicle, whether it is four miles per hour or eight miles per hour, you can have an impact on others as well. Tim has some examples. **Dr Crayford:** Certainly in terms of the practicalities of how some forms of medical assessment might reduce the numbers of people who are medically unfit using these vehicles, there are several existing mechanisms that one could use without generating a whole set of new bureaucracy. One of those things might be the blue badge scheme. There is already a medical assessment in the blue badge scheme. One could envisage a situation where applicants were judged, in the opinion of the assessor, as to whether there were any medical reasons why a person might not use a mobility scooter should they wish to do so. I suspect that might well root out some of the more serious cases that we heard about from other witnesses this afternoon.

Q139 Mr Hollobone: You could amend the driving licence legislation and have a new category for mobility scooters so that applicants would have to satisfy the examiner that they have the requisite eyesight and cognitive abilities and so on. That would be relatively low cost surely?

Dr Crayford: Yes. There are several places that one could look to where existing assessments are done. The driving licence route appears at first sight to be more complex but that is why we are consulting broadly on what stakeholders' views might be of other potential options.

Q140 Mr Hollobone: Mobility scooters are exempt from the Road Traffic Act 1988 because the Chronically Sick and Disabled Persons Act 1970 specifically exempts invalid carriages from that traffic legislation. There has been widespread

agreement in the evidence session we have had this afternoon that the law needs amending and there are several ways of doing it. One would be to remove the exemption. The other would be to introduce a new offence of riding a mobility scooter in a dangerous way. What is the Minister's view on those two

Mr Khan: I have no views on that. It is a genuine consultation over 12 weeks and one of the questions we have asked is just that. What vehicle—forgive the pun—we would use to pass legislation and what the wording will be will depend on the response to the consultation. Just to put it in perspective though, we have spoken to some of the insurers and I gave the example in Doncaster, but there is another example in Sunderland, not far from David's patch, in relation to shopping centres. I am told by the insurers that there is one mobility scooter accident for every 50 million visits to a shopping centre, so I would not want you to think that there are people queuing up in relation to criminal charges being brought but quite clearly there needs to be a review. I have already made the point clearly that it is inappropriate for us to rely on the 1861 piece of legislation—for wanton and furious driving—when there are currently probably 330,000 mobility scooters with the graph going much higher. You could expect, as more and more mobility scooter become available, probably more incidents.

Q141 Mr Hollobone: The Minister has said that it is inappropriate to rely on the 1861 Act and the police in the earlier evidence session said exactly the same thing. Are you able to tell us how many prosecutions have been brought under that Act in relation to mobility scooters in the last five years?

Mr Khan: I would be astonished if there had been one in the last 50 years.

Q142 Mr Hollobone: You started your opening remarks by saying this issue was a priority for the Department and yet we have already heard from the Chairman that you had a consultation in 2006, none of the recommendations has been acted upon and in the Government's response to this Committee's inquiry into road safety, your predecessor told us that incidents involving mobility scooters were "not an issue". Can I put it to you that actually the Department has taken its eye off the ball in relation to the seriousness of this issue, especially when there have been fatalities involving mobility scooters? Had the Department acted more quickly, it may well have been that those fatalities could have been avoided.

Mr Khan: Let me firstly correct the mistake in your question. There was no consultation in 2006, there was a review in 2005. Today we have begun the consultation that you refer to. If you look at pedestrians who have been killed or injured on the road or the pavement in the last ten years, there has been a huge reduction. We are now one of the safest countries in Europe. In relation to fatalities of pedestrians, there was one in 2009 and there was one in 2008. To put it in context, there are seven fatalities of pedestrians on the roads each day, not each year.

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That is to put it into context. As far as priorities are concerned, I have already said in my introduction that of course as a constituency MP I see mobility scooters all the time, but it was when I was looking into some of the cases that the press have reported and I looked at the figures with the graph and the projections that it was clear to me that we need to look and ask the questions we have been asking. The consultation begins today in relation to what the key stakeholders and ordinary people and MPs want us to do in the future.

Q143 Mr Hollobone: Other countries around the world must be looking at this issue. In today's evidence session we were given examples of the City of Boston and also across the water the City of Belfast as having taken a lead in this area. To what other countries is the Minister looking to help us with this consultation process?

Dr Crayford: We are aware of differences in legislation across Europe and at the moment there is no common European standard for the way in which this sort of legislation should be enacted. There are common European standards for the design of mobility vehicles but at the moment they would not cover areas such as, say, the speed limits which should be applied to the incoming countries. We are not currently involved in discussions with other European Member States in terms of harmonising those pieces of legislation.

Mr Khan: One of the things we are looking at is how other sorts of technology could be used to design out some of the problems. For example, those of you who have been on a modern bumper car will know that when you approach another and are about to hit it, it deflects back without hitting. Query: why cannot those who design these things have a system where technology is used so when you are about to hit a pedestrian sensors somehow stop you doing so? We are looking to manufacturers and those in other parts of the world to see whether they have some of these design issues which have reduced the number of injuries or, God forbid, deaths.

Q144 Ms Smith: I want to turn to the more general issue of road use because, of course, inherent in the statement you made earlier about the potential for increased use of the roads by mobility scooter users is a sense of the space on the road having to be shared by an ever-increasing diversity of uses: cyclists, pedestrians to some extent, mobility scooter users, trams, buses, et cetera. Is there a case for issuing fresh guidance at the appropriate point to highway engineers and highway planners in order to ensure that the needs of all road users are catered for when we are designing our highways of the future?

Mr Khan: It is a tough question and tough issue. One of the things we are doing more and more is trying to put into the forefront of the minds of our planners the issue of transport being integral to all you do when it comes to designing the urban environment, housing, places of work and where shops are. There is a big debate taking place and we are undertaking a survey in relation to the issue of shared spaces, shared surfaces, how you can try to integrate

different types of transport. One of the things we began earlier this year was a consultation on Segways, electric vehicles, because there is an issue about them. You cannot use them on the road currently; other countries do. It is not simply mobility scooters; you have raised a really important point. It is cycles, motor scooters, Segways, electric bicycles all sharing that space. As you know, there are pilots in London for motorcycles using bus lanes. One of the things we are thinking about is whether we can give guidance to local authorities who then use their common sense in their own areas, which they know best, to apply different schemes. I was in Harlow only this week where they opened a lane which different modes of transport can share, bus, cycle and others as well. We have to be innovative with some of the solutions for future town planning and helping local planners as well. That is the reason we delayed this consultation and started with the easier ones such as electric cycles and Segways because they are more straightforward. With mobility scooters you have those who can go on pavements up to four miles per hour, Class II; those who can use pavements or roads and roads up to eight miles an hour and pavements up to four miles an hour. Query. If they can go faster on the road should they, bearing in mind they are a hindrance when going too slow as well? It raises more problems.

Q145 Ms Smith: When do you plan to issue this new guidance?

Mr Khan: What I am looking forward to is, after the 12 weeks are over, receiving the response to the consultation. What we have tried not to do is to prejudge what the consultation response will say. I hope you will have received a consultation paper and you will see there are very open questions. When we see the response to that we will consider where we go from there in relation to other guidance we can give. We will receive the consultation responses to Segways and electric bikes sooner but it will all form part of our thinking.

Q146 Ms Smith: Some guidance to local authorities. May I just ask about speed limits? There is increasing evidence that reducing the speed limit as appropriate in urban areas to 20 miles per hour may be one of the best ways forward in terms of reducing risk for the wide range of users increasingly on our roads. Do you agree with that?

Mr Khan: Personally I do. We have issued guidance to local authorities where to have zones and 20-mile-an-hour limits and lots of local authorities are doing that. We are hoping to see evidence of reductions in RTAs around the schools; in my constituency we have those as well.

Q147 Ms Smith: If the evidence emerges that the 20-mile limits are working to reduce accidents, particularly fatalities and serious accidents, do you think the Government should actually require local authorities to implement 20-mile-an-hour speed limits?

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Mr Khan: As brilliant and as in touch as I am with all parts of the country, my reluctance to do so is that I am not sure—and I speak as a former councillor that I would appreciate somebody sitting in Whitehall with a map dictating where 20-mile-anhour zones must go. What I am more comfortable with—and vou know from your experience previously in local government—is that people who know their communities best have all the tools at their disposal to have 20-mile-an-hour limits and zones in their communities and all the evidence is that it works.

Q148 Graham Stringer: I take it that it is implied in what you say that, while we all recognise the benefits of having mobility scooters and they help many people, there are some people riding scooters who should not be.

Mr Khan: May I take you up on that? I was shocked in January when I looked at some of the examples: pensioner in Sunderland knocked over, hit and run, died; a driver in Colchester crashed his scooter into a lamppost and died; another pensioner hit on a zebra crossing and died; I gave you the example of the young girl; another pensioner fell off a scooter and died. It is an issue. We have talked about the benefits, but there is clearly a downside as well.

Q149 Graham Stringer: To answer the question, do you accept that there should be some rules and regulations or law that actually prohibit some people from driving scooters? The previous witnesses have been very reluctant.

Mr Khan: Let me be very clear. There are some people who should not be on mobility scooters.

Q150 Graham Stringer: That is very helpful. You have talked about the statistics and you have given some incidents where people have died. We heard Disability Essex on our first panel of witnesses. They were indicating that the number of deaths and accidents were much higher than even you are implying now. They were saying that they were aware of four deaths in Essex in one year alone and I do not suppose there is any reason to think that Essex is any more dangerous than any other county. You have mentioned the National Travel Survey. What basis are you going to use to try to get accurate statistics and how good is the National Travel Survey?

Mr Khan: I will ask Tim to answer that and I will come back on the Essex point.

Dr Crayford: The issue of the absence of data here is pertinent and we recognise that national systems currently are insufficient to detect the large number of minor injuries which occur through whatever cause, not just mobility scooters. It is very difficult to get national data about trips and falls in the home and so forth because national systems are not geared up to do that. Mobility scooters fall into that camp. Of the national systems which do exist, one is called Stats19 and that is the mechanism by which the country monitors numbers of accidents which occur on the highway. At present, mobility scooters do not form a separate category of reporting within that

system. We do intend to change that by adding mobility scooters as a separate category which should enable us to monitor more accurately accidents which occur on the highway. Secondly then, the more serious injuries which might occur to mobility scooter users, the Minister has already referred to a research database run within the NHS called the Trauma Audit and Research Network, which suggests that we might expect to see 40 people in any one year who require a hospital stay of three or more days as a result of an injury due to a mobility scooter. That gives us a good handle on what might be the most serious end of injuries due to mobility scooters. In terms of deaths, again there is no separate coding in the way in which deaths are categorised during the death certification process which will allow us to identify systematically whether those deaths have been due to somebody being hit by a mobility scooter or driving one. Deaths such as we have them, these tragic incidents at the extreme end of the problem, come to us through anecdotal routes, through the press and anecdotal reports; there is at present no national system which is capable of monitoring them.

Q151 Graham Stringer: What are you going to do about that?

Dr Crayford: In terms of monitoring the deaths, that would require a change to the coding system and death certification process which falls without the realm of this Department.

Q152 Graham Stringer: It does not fall without the realm of the Government. Are you going to ask other departments to change it? If you have done a trawl through the NHS and you have found 40 and Essex are reporting four deaths a year, if Disability Essex are right, then that is at least circumstantial evidence that there is something really badly wrong with the statistics. You might get 10 or 20 serious injuries for every death; maybe even a higher ratio. It is important to get these figures as accurate as possible, is it not?

Mr Khan: Sure but on page 20 of the consultation under the heading "Data Collection" I recognise that and I make the point and a specific question is asked about how we can improve data collection and we refer to the NHS and the police as well. One of the things we intend to do—and we refer to this in the consultation—is to get other departments involved. If you think of the numbers I have mentioned—and that is why I deliberately mentioned DWP and the Motability scheme—some more joined-up thinking can be done here. However, the data collection is crucial for the reasons you gave.

Dr Crayford: Returning to the best sorts of data we have, which is from the NHS, it would suggest that the number of serious injuries is small but we are very interested to hear from other parties such as Essex and we will certainly be contacting the disability unit in Essex to see whether we can understand their reasons for this very worrying number of four deaths in one year within one county.

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Q153 Chairman: Are you confident that the new sources of information you are proposing will give you a full and accurate picture?

Mr Khan: I will be more confident when the consultation ends and I see people's response to question 34 in the consultation. I am confident, from the information we have had up until now, that we do not recognise the four deaths in Essex a year but I do accept the current way of data collection is inadequate and we need to improve that. Some of the suggestions I have so far are the best we have come up with, but there may be more ideas from those who respond to the consultation. I have an open mind.

Q154 Chairman: You are waiting to see what comes back from that.

Mr Khan: Yes.

Q155 Graham Stringer: One last question, really back to the first point I asked, about some people not being fit to drive. We heard from Disability Essex about a man who killed himself by driving into the road and the reason he was killed was that he was completely blind. Do you think that there should be an eyesight test as a minimum of any condition for driving these vehicles?

Mr Khan: As a basic rule, if you are doing anything which has an impact on others, there should be some sense or acceptance of responsibility, and Tim has described some of the ways we could do this and an eye test is the obvious one. The balance to be struck always is not to make it so burdensome or costly that it makes people reluctant to take up a vehicle which could help them go about their independent living. I have another example of somebody with bad eyesight, who was visually impaired and caused an incident. It is one of the issues we are thinking about and I am looking forward to seeing the responses to this consultation.

Q156 Mark Pritchard: Minister, staying with visually impaired people, blind people, do you agree that audible public announcements on public transport would greatly assist and aid those who cannot see, basically knowing when their stop is coming along and when they can get off?

Markham Voc.

Mr Khan: Yes.

Q157 Mark Pritchard: Why is it that Her Majesty's Government at the moment is basically trying to exempt itself in Europe over legislation that has been brought forward to do exactly that, help visually impaired people?

Mr Khan: No, it is not. As the Minister who goes to negotiate these things, it really is not.

Q158 Mark Pritchard: Can you perhaps explain for the record why then visually impaired groups are raising concerns and saying the opposite of what you have just told this Committee?

Mr Khan: I have met many visually impaired groups who have lobbied me, including Members of the House of Lords. Whilst they understand what is happening in Europe and understand that European

countries have different ways of providing public transport in relation to it being under the control of the state, whereas we have deregulated buses in particular, we have different ways of operating our buses, they understand that what we are doing in Europe is not in any way inconsistent with us trying to encourage all operators of our buses to have audio systems to let passengers know when their bus has arrived. You of course, Mark, use buses in London where thanks to the huge investment by the previous Mayor all our buses in London have audio facilities and we are encouraging bus operators around the country to do the same. Nothing in Europe is stopping bus operators doing that in the UK.

Q159 Mark Pritchard: You are saying that blind people should not expect a view from the Minister on an issue where there is leadership in Europe on public transport but the private sector may have a variety of reasons for not bringing it forward here in the UK?

Mr Khan: No, let me explain this in a way which I hope will make it clear. Europe is not leading the way in relation to this; we are leading the way in relation to audio facilities on buses. Nothing we are doing in Europe is stopping the British buses going any faster than they are towards having audio facilities on our buses. I am proud of the record of most of the bus operators in the UK. The rest are trying to move as fast as they can to have these facilities and I appreciate how life enhancing it is for those who are visually impaired to use public transport and be able to have audio facilities.

Mark Pritchard: I am just a bit confused. A moment ago I thought I heard you say it was a matter for the private sector because of the ownership difference between the UK and Europe. Yet you have just said to me that you believe that your Department or you as a Minister, the Government, are leading the way. How do you reconcile those differences?

Q160 Chairman: Minister, you did say you were encouraging the bus operators. Is there some resistance there?

Mr Khan: As you will know, we have legislation; we have given bus operators targets to make all buses accessible over a period of time to those who are disabled. If you do a graph—I am not sure whether the date is 2016 or 2018, I can do you a note—from now until then the bus operators are ahead of target. The recession has affected some bus companies and their ability to buy buses so they are buying fewer buses.

Q161 Mark Pritchard: Is it voluntary or compulsory?

Mr Khan: They have been given a target and they have been told in no uncertain terms they have to beat the target.

Q162 Mark Pritchard: Is it voluntary or compulsory?

Mr Khan: It is obligatory; it is compulsory.

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Q163 Mark Pritchard: Are there penalties for not meeting those targets?

Mr Khan: No, I am not sure what the penalties are. There are sanctions we can take; they would be in breach of the disability discrimination legislation. I am not sure of the detail of what the sanctions are but I can assure you that there is legislation which deals with this.

Q164 Chairman: So they are obliged to do it but you are not sure what the penalty might be if they do not. *Mr Khan:* They have been given a period of time to lead into this.

Q165 Mark Pritchard: Sorry, Chairman, forgive me. If you look at Standing Orders, I am trying to pursue a line of questioning and I know you are trying to assist the Committee and assist me, for which I am grateful, but if I might pursue a particular line of questioning. Basically these are soft targets?

Mr Khan: These are targets put in as a consequence of legislation this Government passed. I was not aware whether you voted for or against them, but I will check if you like.

Q166 Mark Pritchard: I think, more importantly than making party political points-

Mr Khan: I did not mention your party, Mark.

O167 Mark Pritchard: I think that it would be very helpful for the visually impaired people that I represent, rather than making party political points, if you wrote to the Committee and actually informed us about the nature of those targets and whether there are penalties for those who do not meet those targets and how bus operating companies are going about meeting those targets.

Mr Khan: Getting back to mobility scooters, I can also in my note give you information, which I am sure your constituents are keen on, on different policies operators have on allowing scooters on to buses, which I think was the intention of the evidence I am giving this afternoon.

Q168 Mark Pritchard: Okay. Staying with visually impaired people, and obviously you are the Minister with responsibility for disability in the Department for Transport, Pelican crossings. You will know that visually impaired people benefit greatly from beeping and bleeping so they know when to cross a Pelican crossing. More and more Pelican crossings are being made silent and in some circumstances they are replaced with spinners. Perhaps we will talk about spin today in a different context. A lot of these spinning devices on the Pelican crossings are often damaged or vandalised. Are you aware of this? Also, what might your Department do to look at new devices which have been suggested by charities for the visually impaired such as vibrating buttons in order that blind people know when it is safe to cross a Pelican crossing?

Mr Khan: I am very happy to look into that. If you write to me, I will look into that.

Q169 Mark Pritchard: May I ask you to look into the advocacy groups which have already made representation on this issue on Pelican crossings? Mr Khan: Sure. None has to me but, if you send me the details, I will be happy to look into that.

Q170 Chairman: Minister, I know that you have come here to answer questions on the specific inquiry but Mr Pritchard is putting up other points and if you cannot answer, perhaps you would write to us.

Mr Khan: I am happy. I have invited him to write to

Mark Pritchard: A final question, if I may Madam Chairman, and I have actually given prior notice to the Minister about my final question on rail, if there is no objection from any other Member. He is the Minister for Transport with a wide brief and I am not aware that Standing Orders restrict us to asking questions written by Clerks. I represent my constituents and, for the record, I will basically ask any question I want on transport issues. At the moment there is no legal obligation to limit the numbers of passengers on trains. There is for buses and there is for aeroplanes. Do you think, on health and safety grounds, that is a sensible policy?

O171 Chairman: That is about trains. Minister, if you wish to give us a written answer on that you may do so because it is not the subject of the inquiry. Mr Pritchard can ask his question. It is not the subject of the inquiry. If the Minister wishes to give a written answer on that issue.

Mr Khan: I did not hear the question, but I shall be happy to do that.

Q172 Mark Pritchard: Then I will repeat the question because I think it is an important issue. This is a Transport Committee, an important issue, there are millions of people using trains every day and I have been contacted by my constituents, in this case one from Wellington in Shropshire. There is currently no legal obligation to limit the number of passengers on trains, unlike planes and coaches and buses. Do you think, Minister, from a health and safety point of view, that is a sensible policy?

Mr Khan: I am happy to send you a note about that.

Q173 Ms Smith: Just quickly on that line of inquiry, I want to ask a question of the Minister in relation to the first question around access to buses and audio systems. Earlier this afternoon I asked a previous witness whether or not quality contracts could help us to achieve targets around access to buses for the disabled, including motor scooters. Could the argument be made that quality contracts could play a part in helping us to achieve targets around audio systems and that re-regulation of the buses therefore is one of the ways forward on this issue?

Mr Khan: One of the things we saw in London was a Mayor negotiating with the buses, requiring them to provide buses that were accessible to disabled people, low floor access and the audio facilities. Because of the requirement of the contract, all the buses provided had to be compliant to the level you would desire your constituents to have. At the moment, because the private sector provides the buses as they wish, which routes they want to go on, what fares they charge, the quality of the buses, a mayor or a local authority has very little control. The quality contract allows you as the local authority leader and/or mayor to negotiate and require bus operators to provide the sort of service you would like to see for your constituents.

Q174 Mr Leech: Moving back to powered wheelchairs and scooters, do you think that motorised wheelchairs and mobility scooters should be treated any differently?

Mr Khan: I think they should. If you speak to the user, who would use a wheelchair, who would use a mobility scooter, older people who are not disabled can use a mobility scooter and do. For a motorised wheelchair they tend to be people for whom it is their sole means of getting around and they are more dependent on it. This is why, if you look at the history in relation to which of those two, aside from the size, are allowed onto buses and trains, it is because it is such an integral part of your life. That is one of the questions we ask in the consultation as well.

Dr Crayford: It is a very pertinent point. Powered wheelchairs are certainly used colloquially, although in the way in which the law currently treats mobility scooters, there is no separate distinction between them. Some powered wheelchairs may be Class II, some may be Class III. In terms of how the legislation should treat all these vehicles in future, to treat them in different respects in terms of the way in which the law should treat them differently, I am not sure at the moment how the law might wish to treat powered wheelchairs differently from Class III or Class II mobility scooters but we are seeking views on this classification and there is a specific question there about the distinction between these different types of vehicles.

Q175 Mr Leech: The reason why I asked the question is because previous people have said that they do not stop people from using powered wheelchairs on certain forms of public transport but there is a restriction on the use of motorised scooters. Do you feel that regulation on size and better regulation on weight and also possibly the introduction of safety equipment, helmets or whatever it might be for motorised scooters would actually help to ensure that scooters could be integrated within other existing public transport?

Mr Khan: That is one of the things we can talk to the manufacturers about as well as how to make them smaller. People do make a choice. When you go to purchase a mobility scooter, you are often aware that you will not be able to use it on a bus or a train, apart from the size, if for no other reason the ability to manoeuvre as well and you tend to use it if you are old not necessarily if you are disabled. One of the things that you can look into is in relation to how you could design them to fit on a bus or train. I am not sure regulation is the way forward and there is a weight issue as well, but one of the things we looked at in relation to the consultation was how we can get people's views about the difference. There is this issue about when you are going to buy—and Tim was

doing a reconnaissance in various shops—you should be advised that this size mobility scooter will not be allowed onto a bus or train.

Q176 Mr Leech: In that case, do you think there is a case to argue that up to a certain size of mobility scooter should be allowed on all forms of accessible public transport in the same way as a wheelchair would?

Mr Khan: The ones now are based upon width and height; it is done on size at the moment. If your mobility scooter is a certain size, you could be allowed on a bus or other forms of transport. The trouble is that they tend not to be

Q177 Mr Leech: There are certain forms of public transport, such as the Metro in the north-east, which have banned motorised scooters on their network for health and safety reasons but they have not banned powered wheelchairs. If there was to be some sort of regulation on exactly what size of vehicle has to be accommodated under DDA on public transport, surely that would be a way forward to ensure that people knew exactly whether or not their scooter was going to be carried?

Mr Khan: There are regulations. The Commission passed regulations on this very issue.

Dr Crayford: There are certainly size regulations which apply through the DDA about the requirements for vehicle operators to accommodate the needs of referenced wheelchairs. The current position is that when mobility scooter users are purchasing their vehicle, they have a choice to make as to whether or not their local operator will take them onto the vehicle and that choice is clearly a determinant as to whether or not they are going to be able to use public transport as well as their mobility vehicle. The point you are making about whether future regulations should include the size of the vehicle as well as the weight is very well made and we would hope to receive views like that through the consultation so that we could consider drafting something like that into legislation.

Q178 Mr Leech: May I move on to the speed of vehicles? The limit on the pavement is four miles an hour. There is an assumption that four miles an hour is how fast people walk, but the reality is somewhat different. Very few people walk as fast as four miles an hour. Is there any consideration as part of the consultation about whether or not the existing speed limits are appropriate?

Dr Crayford: The consultation certainly seeks to question the appropriateness of the existing speed limits. The four-mile-an-hour limit is clearly a brisk walk but Class II vehicles need to accommodate the needs of people to get to and from home as well as mixing in amongst densely populated or pedestrianised areas. It is a fine balance between the civil liberties of a mobility impaired individual and the safety of these vehicles which, if combined with better safety modifications of those vehicles, moving at four miles an hour in a heavily pedestrianised area might mitigate what appear to be risks which materialise into injuries.

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Mr Khan: That is a maximum speed limit on the pavement. They do not have to go at four miles an hour and clearly if there were congestion, you would not. One of the specific questions asked in the consultation is whether it should be higher on the road. One of the points I made earlier on is that actually eight miles per hour is the current limit but the system is automated and you can change the limit whether you are on the pavement or the road. One of the questions we have asked specifically is whether we should increase the speed limit on the road.

Q179 Chairman: Presumably concerns have been raised on this issue and that is why you are including

Mr Khan: During our stakeholder events and talking to other stakeholders, people raised it as an issue and that is why we have asked the question in an open fashion.

Chairman: It has also come up in the evidence we have had as a particular issue.

O180 Mr Leech: I want to follow up in terms of eight miles an hour on the road. If the speed limit were to be increased, is there an assumption that would also then coincide with the introduction of safety equipment? Mr Khan: You raise a really important point. A quid pro quo of that is that I cannot on the one hand argue deregulation is bureaucratic and burdensome and on the other hand give you more rights to go faster and all the rest of the stuff. That is a balancing act. That is one of the discussions we would need to have after the consultation. On the one hand we are trying to allow people to carry on having independent living, use mobility scooters. On the other hand, if you are going to have more rights it means that comes with additional hurdles you have to overcome to do that. You are right to raise that as an issue to bargain with.

restricting the use of people without some sort of licence or competency for driving on the road, restricting them to the pavement only and giving the opportunity for others to go on the road as well as on the pavements if they have passed some sort of proficiency test that may or may not be introduced? Mr Khan: I have not thought about that particularly. You raise an interesting point about whether it could be a reward to allow you on both road and pavement. otherwise just pavement if you have not passed the proficiency test. It is one of the things we would look into. We are not currently considering making it compulsory.

Q181 Mr Leech: Is any consideration being given to

Dr Crayford: We are asking two questions in the consultation: one about licensing itself and the other about classification. Through the views that we hope to obtain suggestions such as the one you put across may very well come through. At the moment, for example, if one made what would appear to be a natural alignment with the blue badge scheme, that could form a gateway so that people who were entitled to a blue badge were automatically, subject to health clearance, be entitled to use a mobility scooter if they so wished. That might create a sensible gateway for all forms of mobility vehicles.

Q182 Chairman: Are you satisfied with safety standards in relation to mobility scooters? *Mr Khan:* Do you mean the design?

Q183 Chairman: Yes. Two things: firstly design and, secondly, there is quite an extensive second-hand market in scooters and some concern has been expressed to us about whether people are receiving vehicles appropriate to their needs. Are you concerned about safety in either of those areas?

Mr Khan: Both. There is currently no test for roadworthiness/pavement worthiness of a mobility scooter; one of the things we would need to consider, especially with a grey second-hand market, if you think about the number of additional users and how expensive they can be. Secondly, in relation to design, if you consider the most frequent likely injuries, it is probably going to be a shin injury because of the way they are designed and that is why, as a lay person, I find it difficult to comprehend why you cannot design out some of these problems. They are basically metal. Why can you not design them in a way where you would not cause injuries such as fractures? Tim has been speaking to manufacturers and the regulatory body about this as well.

O184 Chairman: Is one of the areas of your concern that you are looking at the manufacturers and regulation?

Mr Khan: Tim has been speaking to manufacturers this week.

Dr Crayford: We have been in communication about the potential to improve safety along the lines which the Minister has outlined in terms of the design of the vehicles to prevent them causing injury. Obviously any attempts to regulate need to be proportionate and I entirely accept your point about the paucity of data in this area but there is some good data which leads us to a reasonably sound conclusion which is that these vehicles are relatively safe on the basis of existing evidence. We clearly need to take on some of the reports that we have seen anecdotally through the press and we will be talking to Disability Essex. However, we believe that at the present time the vehicles are relatively safe. Any regulation to improve safety will need to be conducted in the context of their apparent safety at the moment.

Graham Stringer: May I ask the Minister to have a look at the report which we did two or three years ago on overcrowding in trains? He will find in that evidence and appendices that the Health and Safety Executive, when asked whether overcrowding in trains was dangerous, said that the forces are so extreme that actually overcrowding probably very marginally helps the safety.

Chairman: Some extra reading for you there. Thank you very much for coming in and answering all of our questions.

Written evidence

Memorandum from Disability Essex (MOB 01)

DISABILITY ESSEX: THE ESSEX DISABLED PEOPLES ASSOCIATION LTD

- 1. Is the current legal position clear with regard to mobility scooters and pedestrian use of space?
- 1.1 In our submission the legal position remains confused, with a range of statutory authorities having some responsibility or duty for the operation and safety of scooters, and monitoring of statistics for accidents or incidents.
 - 1.1.1 The Department of Health, and the agency The Medical and Healthcare Regulatory Agency (MHRA) has a remit for the safety and correct use of mobility scooters (Invalid Carriages). The most recent advisory document is MDA/2006/036 which covers the incorrect use of indoor scooters and powered wheelchairs in the outdoor environment. Limited statistics on accidents involving scooters are also maintained—but these appear to be superficial and random.
 - 1.1.2 The Department for Transport has a remit covering the use of mobility scooters on the Highway. In 2004 it commissioned and, in July 2005 published, a report "Review of Class 2 and Class 3 Powered Wheelchairs and Powered Scooters (Invalid Carriages)" PPAD 9/72/89. That report, which in our submission did not engage with the voluntary sector in any meaningful way, remains the only researched overview on the subject. The report contains many interesting and thoughtful proposals, none of which has been actioned. One of the appendices, J, is that of our organisation on the subject of the supervision and introduction of formal driver/user training, public liability insurance, registration, using the substantial expertise and knowledge base of the disability voluntary sector.
 - 1.1.3 The DVLA has a legal responsibility for the registration and annual tax disc issue for Class 3 Mobility Scooters. This is not enforced or even widely known to the general public.
 - 1.1.4 The Department for Work and Pensions (DWP), through the Office of the Undersecretary of State for Disabled People, admits to an interest in the use and safety of mobility scooters. Funding for the purchase of mobility scooters is covered by the "Motorbility" scheme.
 - 1.1.5 Local Authorities have a duty and interest in the safety and sale of mobility scooters, through their Trading Standards function. Additionally, grants are sometimes provided for adaptation to homes and/or access to the home for users of mobility scooters, through Housing Improvement grants. Currently, the only known authorities with any legal control over the sale of second hand mobility scooters, appears to be Trading Standards and they do not have the expertise or manpower to deal with issues other than as a result of complaints by aggrieved purchasers.
 - 1.1.6 The Police Service, and indirectly the Home Office, has a responsibility for the appropriate usage of mobility scooters on the public highway and public footway. In the event of accidents causing death, or serious injury, to or by the users of mobility scooters, the Police is responsible for investigations and, where appropriate, the presentation of reports to the Coroner and/or Crown Prosecution Service. There appears to be no common reporting system for the recording of accidents, injuries, or death of or by mobility scooter users.
 - 1.1.7 The Ministry of Justice, and in the main this means the Magistrates Courts, is responsible for the application of relevant laws governing the safe use of mobility scooters. In our experience there is a lack of clarity or guidance with regard to:
 - 1.1.7.1 Misuse of a mobility scooter, when the driver is under the influence of drink or drugs.
 - 1.1.7.2 Use of a mobility scooter which is alleged to be unsafe (brakes, lights, steering).
 - 1.1.7.3 Accident or injury to a third party, by a user of a mobility scooter, by virtue of reckless or careless driving. This should also include drivers who cannot see or hear to permit the safe use and manoeuvring of the mobility scooter.
 - 1.1.7.4 Use of a mobility scooter, modified or in the original manufacturers condition, by non-disabled users.
- 1.2 The area of use of scooters includes access into major stores and shops, public buildings and halls, and recreation facilities, as well as on footways, (pavements) and the public highway. Within all these zones there is an interaction between mobility scooter and pedestrians, as well as cycles or motor vehicles.
 - 1.2.1 It is our submission, based on many years of the supply of both scooters and advice on training and use, that the level of skill needed to safely drive and manoeuvre a mobility scooter is underestimated. Unlike motor vehicles, and to some degree cycles, the traffic flow is not with or against the direction of travel, but is from all directions. The stopping distance of a pedestrian, at normal walking speed, unlike a powered vehicle, is instant and often without warning. Users of mobility scooters can forget this, and unless trained, do not have the skill or ability to avoid collision with pedestrians. Speed of mobility scooters is not fully comprehended by the untrained user. Normal pedestrian speed, and therefore their experience of speed, is about 3 mph. Class

- 2 scooters are limited to 4 mph, and Class 3 can drive at 8 mph (wrongly), and will overtake pedestrians proceeding in the same direction of travel. The weight of scooters, plus user, can be substantial (25 stones), and braking on the flat or a slope, is not instant. Impact is, therefore, serious for a pedestrian.
- 1.2.2 Even where disability scooters are segregated from pedestrian traffic, such as on marked pavement zones (where the scooters can be with cyclists) the actual separation is theoretical rather than common practice. There appears to be no common practice in the segregation and scooters are perceived as "pedestrian" in some areas, and as wheeled traffic in others. This contributes to public confusion. In some areas, such as seaside promenades, mobility scooters are banned as a safety hazard to pedestrians, whereas in other areas they are actively encouraged to use the pedestrian promenade in preference to the highway.
- 2. Does the current situation protect both pedestrians and other road users?
 - 2.1 In our submission the answer is a clear "No". From the comments, in para.1 above, we contend that:
 - 2.1.1 The sale and supply of mobility scooters is, to all intents, an unregulated free-for-all. No one body, or shared and defined partnership between regulatory bodies, exists to encourage or enforce:
- 2.1.1.1 Matching user and equipment (currently there are over 60 different models and types of mobility scooter available on the market), by trained advisors or suitably skilled providers.
 - 2.1.1.2 Control of the sale of mobility scooters to unsuitable users (ie. Blind and physically disabled users who cannot safely drive the equipment; non-disabled users who wish to use the mobility scooter as a convenience or plaything). It is fair to note the actions of the British Healthcare Trades Association, some Local Authorities, and Disability Charities, in seeking to produce and disseminate advisory booklets or leaflets on the common-sense selection of scooters both for own use, and as a gift to a disabled person.
 - 2.1.1.3 Unlike other road vehicles, Class 3 mobility scooters are not subject to independent checking for mechanical safety. There is a shortage, in our submission, of qualified and approved, technicians who could undertake such work. There is no national "quality mark" for maintenance or equipment safety.
 - 2.1.2 There is no enforcement of any third party insurance requirement for the users of mobility scooters. Whilst some Household insurance policies will cover theft, damage, and third party liability for a scooter (if declared on the policy), for many users this cover is not accessed or available. Accidents to pedestrians, by scooters, is therefore not covered and, in our submission, the wider public being aware of this do not report or pursue accidents or injury claims arising from impact with a mobility scooter.
- 3. Does an increase in mobility scooter use, and a greater variety of similar non-standard vehicles mean that new legislation and guidance is needed?

It is our submission, that since the 2005 Department of Transport Report was published and calculated that probably over 90,000 mobility scooters were in use, that the actual number now in use probably exceeds 100,000. The availability of relatively low cost units, via the Internet, has not only driven down prices, for the low technology units, but also increased the number of small High Street retailers. It is noted that only a minority of such outlets are members of the relevant Trade Association (BHTA). We cannot help but note the difference in attitude to the enforcement of regulations covering petrol powered pavement scooters, following widespread public concern in the recent past, with the continuing free-for-all on mobility scooters.

- 3.1 We submit that there are sufficient existing laws and regulations that, if applied in a common-sense way, to avoid duplication and gaps, would improve public safety for users of mobility scooters, and pedestrians. It is our submission that a Task Force of agencies, and disability organisations, led by RoSPA, could seek to overcome the current muddle.
- 3.2 We submit that the current number and seriousness of injuries caused by and to mobility scooter users is under-reported. It was noted that, in 2004/5, the MHRA identified two accidents in the U.K involving mobility scooters, and the authors of the 2005 DfT report (see above) asserted that 4 deaths of mobility scooter users had occurred in the year of their research. Yet in the County of Essex, in that year, four individuals were killed whilst driving their mobility scooter. We submit that a simple desk-top research of all statistics held on mobility scooter accidents/driver deaths, could resolve this situation rapidly. All sources, including Coroners reports; Police accident statistics: Insurance industry claim reports; Highways/Safety committees; and the voluntary sector information providers, could be involved. We also note that it has become an unfortunate assumption, by many statutory providers, that all information and research time required from the voluntary sector is thought to come at no cost. We submit that this may be one reason why information from the voluntary sector (the subcutaneous layer of the community) may not have been known by the statutory sector.

- 3.3 We submit that, in partnership with RADAR (Royal Association of Disability and Rights); RoSPA (Royal Society for the Prevention of Accidents); and BHTA (British Healthcare Trades Association), the Highway Code be amended to produce a simple and clear nationwide statement on the law and standards for the use and driving of mobility scooters. There is sufficient "Best Practice" from local authorities that have, on their own volition, produced similar guides to provide a template for a national standard.
- 3.4 We submit that the concept of "Permit to Drive" as outlined in Appendix J to the DfT Report PPAD 9/72/89, from the Essex Disabled People's Association, be used as a consultative document to achieve a national standard for the use, maintenance, and operation of mobility scooters for the voluntary sector (RoSPA) to administer.
- 3.5 We submit that it should be a criminal offence to knowingly, and recklessly, sell a mobility scooter to a user that is unauthorised or incapable of safely using the vehicle in a public place. We also submit that the reckless, dangerous, or use of a mobility scooter whilst under the influence of drink or drugs be made a criminal offence, with automatic suspension of permitted use until an approved training course has been satisfactorily completed by the offender.
- 4. What evidence is there about the safety of pedestrians and mobility scooters and similar non-standard vehicles sharing space?
- 4.1 Based on our own experience, over decades, of disability issues in Essex and the East of England region, we are aware of no definitive nationwide evidence on the issue of sharing space. We are, however, of one mind with the Royal Society for the Blind (RNIB) that the concept of "shared space" has not taken due regard for the needs of the Blind, Partially Sighted, or Deaf, who are at a disadvantage at not being able to detect the silent approach of an electrically powered mobility scooter, or wheelchair, or power assisted bicycle.
- 4.2 We restate our concern that some Class 3 scooters, with large users, and with a total weight in excess of 25 Stone (158 Kgs), when proceeding at 4 or even 8 mph, are a severe danger to pedestrians.
- 4.3 We submit that the assertion that accidents to pedestrians by mobility scooters, and accidents involving users of mobility scooters, are not common is a misunderstanding of the many reasons that victims have for not reporting incidents. An analogy can be made with "Knock-for-Knock" motor vehicle accidents, which are also not reported, which has never led to the assumption that such accidents are a minor matter.

December 2009

Memorandum from Independent Age (MOB 02)

ABOUT INDEPENDENT AGE

Independent Age works to keep older people independent and out of poverty by providing them with practical support, financial help and lifelong friendship.

We focus on supporting those who:

- Are over 70
- Are in financial need
- Are lonely or isolated
- Have made a sustained and significant contribution to society, particularly through voluntary work

The charity has around 6,000 current service users across the UK and Ireland. It is currently developing its services in order to better meet the needs of older people in today's society. Our aim is to make sure that all those we help are receiving their entitlements from statutory and other providers and then to provide additional support tailored to the individual's particular needs. This support is likely to be a combination of:

- Regular befriending and support from an Independent Age volunteer visitor
- Financial help in emergencies
- Additional practical support, such as providing household items and toiletry packs for hospital visits
- Membership of the Independent Age community, including regular correspondence, magazines and cards on birthdays and at Christmas
- Increasingly, the opportunity to meet and correspond with other members of the Independent Age community

OUR RESEARCH

At Independent Age our experience is specifically in the context of older people. We have supplied over 200 mobility scooters in the past three years. Our response is therefore based on anecdotal evidence from frontline staff, beneficiaries and volunteers combined with the following research:

- I. Our Annual Survey 2008 and our Interim Survey 2009, in which a series of topical questions on life, society, and our services were posed to 6,500 and 3000 of our beneficiaries respectively, to which 3,315 and 1,579 responded.
- II. A series of focus groups and interviews conducted by a research agency on behalf of Independent Age in 2008. Seven focus groups were held comprising between three and seven beneficiaries, and each lasted between one and a half to two hours. 18 in-depth interviews were conducted involving one interviewer and one respondent, and in some cases respondents were paired, involving some couples. These interviews lasted between 45 minutes and an hour and a half. In total, 69 respondents were interviewed across three regions in England, including the North East, the Midlands and the South West.
- III. A series of focus groups and interviews conducted by Independent Age in 2009. Nine focus groups were held comprising between four and nine beneficiaries, and each lasted between one and a half to two hours. Four in-depth interviews were conducted involving one interviewer and one respondent, and in one case a married couple. These lasted between 45 minutes and an hour and a half. Groups took place in London, Newcastle, Cardiff, Eastbourne and Lincoln, and 61 respondents were interviewed in total.
- 1.1 Independent Age would like to stress that while it is undoubtedly vital to ensure that mobility scooters are safe for both users and the public, we must avoid restrictions on usage that could affect the ability of older people to retain their mobility and independence.
- 1.2 At Independent Age we have not only experienced firsthand the effect that a loss of mobility can have on an older person's quality of life via our frontline services, but conducted quantitative and qualitative research in this area. Our findings demonstrate that 91% and 85% of Independent Age beneficiaries, respectively, cite independence and the ability to get around as essential or very important to their wellbeing. In addition, over half (56%) of those we support have a disability or serious health condition, two thirds live alone and one in twenty have contact with friends and family once a year or never.³ 22% of Independent Age beneficiaries say that a lack of transport affects the contact they are able to have with family and friends.4 Recognising and addressing the impact that a loss of mobility can have on an older persons' quality of life is therefore crucial to addressing social isolation.
- 1.3 Anecdotal evidence from Independent Age staff, beneficiaries and volunteers, suggests that in the vast majority of cases a mobility scooter grants independence to those previously forced to rely on others for help. The research conducted by the charity in focus groups during 2009, shows that mobility scooters enable older people to remain in contact with their friends and family, stay in touch with social networks and the local community, as well as undertake essential journeys, such as to their hospital, GP or dentist.

(Female focus group respondent, Lincoln) "I hate to think what my life would be like without it. I do everything on it! It's my lifeline".

1.4 If safety concerns do arise regarding the use of mobility scooters, it is important to recognise that this can be due to a lack of awareness and understanding in society of the needs of those with restricted mobility. While a significant number of our beneficiaries see their scooter as a lifeline, a number of problems appear to accompany this. Retail environments, for example, can be problematic and potentially hazardous. In these situations the problem is not necessarily the use of mobility scooters, but rather the failure of shops to provide a safely accessible environment:

(Male focus group respondent, Lincoln) "Display stands are an absolute nightmare, especially around Christmas because they move everything closer".

(Female focus group respondent, Lincoln) "Lots of department stores have lifts, but they're often too small for scooters. You can drive in but you can't see behind you to reverse out. Lots of them have extra space in the toilets too, but it's pointless if you can't get into them in the first place. Too often there's a display stand in the way or the door is just too small".

Independent Age Annual Survey 2008

Independent Age Interim Survey 2009

Independent Age Annual Survey 2008

A number of focus group respondents have reported a lack of understanding and support from staff:

(Male focus group respondent, Lincoln) "They look at you like you're not supposed to be there. One woman asked me to leave. I don't understand it, prams are allowed in!"

We must also consider whether local communities are designed to safely and adequately meet the needs of those with mobility problems. Focus group participants complained that their local areas could be very difficult to negotiate:

(Male focus group respondent, Eastbourne) "I have to go halfway to where I don't want to go, just to get back to where I want to start. That's just where the slope is. It's so frustrating!"

A significant number commented on a lack of public awareness, and in some cases disregard, for those using mobility scooters:

(Female focus group respondent, Lincoln) "People on their mobile phones just don't see you. They run into you and then look at you like it's your fault. I've been sworn at a number of times before".

1.5 In order to minimise problems and safety concerns, the sensible assessment of an individual's capability and the appropriate matching of a scooter to meet their needs is crucial to avoiding problems.

January 2010

Memorandum from Mr D Watson (MOB 03)

The Transport Committee will hold a one-off evidence session into mobility scooters. In particular:

1. Is the current legal position clear with regard to mobility scooters and pedestrian use of space?

The legal position for mobility scooters is clear but only in that very little actually exists or applies; these vehicles are largely exempt from most legislation. However the large problem is a lack of knowledge of the legislation or I would say the lack of knowledge of lack of legislation.

2. Does the current situation protect both pedestrians and other road users?

One word answer—NO

At present an un-licensed, un-assessed, un-trained, un-aware and often vulnerable adult can be in charge of a vehicle capable of carrying (including its own weight) up to 300 Kg at speeds of upto 8 MPH in pedestrian areas or on the public highway (including dual carriage ways).

The word protect does not seem to apply, has a basic risk assessment taken place?

Back to a one word answer -NO

3. Does an increase in mobility scooter use and a greater variety of similar non-standard vehicles mean that new legislation and guidance is needed?

Another one word answer—YES

I live in a seaside town on the Kent coast a haven for the elderly and a bit of a ghetto for disabled people. It at times feels as though locally there is a daily increase in these vehicles on the high street, in shops, at the beach and on the roads!

On the whole driven in a rather haphazard manner with little regard for either pedestrians or road users. Bumps and scrapes happen on a daily basis. Locally I think we are just counting time waiting for the first really serious incident – be that injury to a pedestrian or a person on their Mobility Scooter to be hit by a bus!

Guidance may be one approach but legislation is required here not just for who, how and where these vehicles are used but also some why and in what condition. A basic test of the driver and vehicle, clear guidance for use (restricting both Road Usage and Speed/Acceleration – reducing force or likely injury caused through impact) and an assessment of the individual – is a scooter always a good idea? Walking is great at increasing peoples health and well being, this form of transport increases dependency and limits an individuals likelihood to exercise (which is often needed).

4. What evidence is there about the safety of pedestrians and mobility scooters and similar non-standard vehicles sharing space?

I would suggest that this could be gleaned from A&E departments, Police, Community Organisations—or you may just wish to read the press

January 2010

Memorandum from The Royal Society for the Prevention of Accidents (MOB 04)

Introduction

RoSPA believes that mobility scooters fulfill a valuable and important function. They enable a great many people to move about and enjoy a much better quality of life than they would otherwise be able to do. Without mobility scooters, many users would become virtually housebound, with all of the disastrous effects that would have on their mental and physical health and ability to socialise and do everyday tasks, such as shopping.

It seems likely that the use of mobility scooters will continue to increase, as Britain's population grows

However, as with all forms of transport, a level of risk, for users and for other people, is associated with mobility scooters. RoSPA occasionally receives calls from people concerned about being nearly knocked down by mobility scooters, and although these calls are relatively low in number, they do occur regularly. Usually, the complaint is that the mobility scooter user appeared to lack the ability to use their scooter safely, or was not showing any consideration for other people.

DATA

However, there is little hard evidence, beyond such anecdotal reports, about the extent of accidents and injuries involving mobility scooters.

Until 2002, the DTI's HASS/LASS⁵ databases recorded just three or four injuries per year involving mobility scooters. Most of these injuries were sustained by the users of the mobility scooters rather than bystanders. Since the DTI⁶ stopped collecting injury data in 2002, there is little recent hard evidence about the number of accidents or casualties involving the use of mobility scooters, although it seems very likely that there is a substantial level of under-reporting. RoSPA believes it is vitally important for the United Kingdom to reinstate a HASS/LASS-type database in order to be able to track any trends in accidental injuries and to use evidence to decide whether further regulations are needed to improve the safety of products like mobility scooters. RoSPA is therefore working with the Department of Health to establish the most cost-effective ways of collecting injury causation data from hospital Emergency Departments.⁷

A DfT study⁸ provided some estimates of the level of incidents involving mobility scooters:

- one reported incident in a major shopping centre for each 15 million visitors to such a facility
- one insurance claim relating to an injury to an electric vehicle user in connection with a Shopmobility scheme, for each 200,000 users of such a scheme
- between one in every 202 and one in every 617 powered wheelchair or mobility scooter users will be involved in an injury accident each year. For serious injuries, the estimate was between one in every 1,114 and one in every 2,225.

A Medicines and Healthcare products Regulatory Agency (MHRA) Device Bulletin9 recorded 842 adverse incident reports concerning all types of powered and non powered wheelchairs used by children and adults. Most of the injuries may have been related to the design and construction of the scooters rather than to collisions.

One clear conclusion is that there is a lack of reliable data concerning the use of mobility scooters, the level of accidents and injuries involving their use and the main contributory factors.

LEGISLATION

There is relatively little regulation of mobility scooters in the UK. They are mainly regarded as mobility aids rather than vehicles, and so are exempt from many parts of road traffic law, although class 3 vehicles, which can be used on the road, do need to conform to some road traffic regulations. ¹⁰

Without reliable accident data, it is more difficult to judge what, if any, additional regulation would be justified, given the need for such regulation to be proportionate to the risk and not to prevent people from receiving the benefits that mobility scooters provide.

HASS/LASS: Home and Leisure Accident Surveillance System

now BIS, the Department for Business, Innovation and Skills.

http://www.rospa.com/hassandlass/update.htm

Review of Class 2 and Class 3 Powered Wheelchairs and Powered Scooters (invalid Carriages), DfT/TTR, 2006

Medicines and Healthcare products Regulatory Agency (MHRA) Device Bulletin, Adverse Incident Reports 2007

Class 2 vehicles should always be used on the pavement, except where there is no pavement, when they may use the road (Highway Code, Rule 42)

However, mobility scooters are used as vehicles, whether on the road or the pavement, and have the potential, if misused, to cause injury or even death. Even though the available data is sparse, accidents and injuries do occur.

Therefore, RoSPA believes that rather than introducing extensive new regulations, the approach should be to:

- Improve the quality and availability of guidance and training, for users, manufacturers and providers of mobility scooters
- obtain better data to inform any further measures.

Having said that, we believe that some road traffic laws, specifically, regulations governing careless and dangerous driving, driving whilst under the influence of drugs or alcohol, and the use of mobile telephones whilst driving, should apply to mobility scooter users. Evidence from media reports (see Appendix A for examples¹¹) indicate that there is an inconsistent approach to the enforcement of laws concerning mobility scooters. For instance, there have been cases where a user of a class 3 vehicle who was over the drink drive limit has been charged and convicted, but other cases where it was decided they could not be charged. Clearer guidance should be provided to the police, prosecuting authorities and the courts, and also, of course, to mobility scooter users themselves.

Insurance

Currently, there is no requirement for users of mobility scooters to have insurance, although cover is available from a number of companies. RoSPA feels that mobility scooter users should be strongly encouraged to obtain third party, fire and theft insurance cover. It would be possible to make this a mandatory requirement, but that would increase the cost to the user (although perhaps disability benefits could help to cover these costs) and be inconsistent with the fact that other road users (for instance, pedal cyclists) are not required to have such insurance.

ASSESSMENT AND TRAINING

There is no legal requirement for users to undertake training or to pass a test before using a mobility scooter. Indeed, there does not seem to be sufficient supply of appropriate training; RoSPA has been contacted by people struggling to find appropriate training.

In RoSPA's view, mobility scooter users should receive a professional assessment to ensure that they get the chair best suited to their needs, and to ensure that they are able to use it safely. Ideally, a user should not be able to purchase a chair until they have had a proper assessment and training. For this to be effective, suppliers of mobility scooters should undergo training and be able to demonstrate their competence in assessing a customer's needs. Assessing the suitability of a scooter for a particular customer should not rest with an untrained sales person.

An approved training programme should be developed, and training providers, and suppliers of mobility scooters, required to provide access to such training.

Good advice for users of mobility scooters is published in the Highway Code (Rules 36–46). However, this should be promoted more strongly to mobility scooter users and suppliers, and further advice and guidance on the purchase and use of mobility scooters should also be developed.

RoSPA does not believe a mandatory 'driving' test for mobility scooter users can be justified on the current level of data. Such a requirement would also be inconsistent with the rules for other road users, such as cyclists, who are not required to take a test before using the road.

FITNESS TO DRIVE

Although users of mobility scooters are unlikely to be in the best of health, it is nevertheless still important that they are fit to use a mobility scooter, especially as they will be using it on the road and/or on pavements, amongst many other people and vehicles. RoSPA would like to see minimum fitness standards and a fitness to drive assessment, developed, including standards in areas such as eyesight and the user's physical and mental capacity to use the particular wheelchair or scooter which best meets their needs.

Roads

Mobility scooters are prohibited from using motorways because of their very slow speeds. They are, however, allowed to dual carriageways, provided they use flashing amber lights to alert other road users that they are approaching a slow moving vehicle. Although, dual carriageways can be very high speed roads, RoSPA thinks it would be very restrictive for some mobility scooter users, if they were banned from them.

Consideration should be given to permitting mobility scooters to use cycle or bus lanes. There may be problems with the use of cycle lanes because of their width, and in bus lanes, because buses would need to pull out of the lane to overtake the scooter, but placing the mobility scooter user on the outside of a bus or cycle lane does not seem sensible.

THE SCOOTER

A review of the design and construction requirements for Class 2 and Class 3 vehicles should be conducted, particularly for those used on the road, which in our view should at least be fitted with lights, directional indicators, a horn, a rear-view mirror and rear reflectors.

CONCLUSION

Mobility scooters fulfill a very valuable and important function, helping many people to enjoy a much better quality of life than they would otherwise be able to do, and it seems likely that the use of mobility scooters will continue to increase. However, there is a level of risk, for users and for other people, associated with mobility scooters. The available data on accident and injuries related to the use of mobility scooters is sparse, and needs to be improved. The lack of such data means it is difficult to justify introducing new regulations that may be dis-proportionate to the level of risk and the costs associated with mobility scooters, and would undoubtedly have a social impact and restrict the benefits of mobility scooters.

However, some fundamental road traffic laws, such as drink driving, should apply to mobility scooter users, and clearer guidance should be issued to ensure that this is well known.

The advice and training for mobility scooter users and suppliers should also be much improved, with a standardised assessment and training programme being developed. A 'fitness to drive' assessment for mobility scooter users should also be developed.

January 2010

Memorandum from the RAC Foundation (MOB 05)

1 Summary

- 1.1 The RAC Foundation welcomes the Transport Select Committee's inquiry into mobility scooters, which is timely given the UK's ageing population. Today 16% of the UK's population is over the age of 65, and by 2033 it is predicted that older people will make up almost a quarter of all UK residents. This increase will be proportionately greater amongst the 'oldest old': those aged 85 and above.¹²The effect of these changes on the nation's driving habits will be significant and it is likely that the prevalence and use of mobility scooters will become more common.
- 1.2 The Foundation believes that the time is right for Government to consider the current and future use of mobility scooters and their legal requirements. Mobility is essential to people of all ages and there is already evidence that people are driving later in life. 75% of all adults between the ages of 60-69 have a driving licence, a rate 4% higher than the adult population as a whole. 13
- 1.3 Future generations of older drivers will have higher expectations of services and the transport system and it is expected that today's mobility scooters will undergo a design transformation to provide a more acceptable personal mobility system. Regulations and definitions for mobility scooters will need to be redrawn with this in mind. The RAC Foundation will be publishing 'Mobility and the private car: Options for an ageing population' in Spring 2010. A draft document is available for the Transport Select Committee to view on request.

2 ABOUT THE RAC FOUNDATION

2.1 The RAC Foundation explores the economic, mobility, safety and environmental issues relating to roads and the use of motor vehicles, and campaigns to secure a fair deal for responsible road users. Independent and authoritative research for the public benefit and informed debate are central to the RAC Foundation's standing.

3 OLDER DRIVERS, MOBILITY AND IMPLICATIONS FOR MOBILITY SCOOTERS

3.1 To establish the current and future role of mobility scooters it is important that scooters are considered within the widest possible context. Mobility in old age is essential to an individual's quality of life. Older people, like the rest of population, rely on being able to access a wide range of services to fulfil the requirements and rise to the opportunities of daily life. The need to travel is not just about accessing services. Keeping socially connected to friends and family is also important for providing a good quality of life. In the 21st century, many requirements can be met locally, but travel to destinations beyond the local area continues to be a key aspiration.

¹² ONS (2009) Mid-year population estimates http://www.statistics.gov.uk/cci/nugget.asp?ID = 949

DfT (2008) Transport statistics Great Britain . Table 9.16 Private motoring: full car driving licence holders by age and gender: 1975/1976 - 2007 http://www.dft.gov.uk/pgr/statistics/datatablespublications/tsgb/2008edition/sectionninevehicles.pdf

- 3.2 Decades of land-use planning promoting out-of-town and other types of more distant service provision has made it all the more important for people to drive and to continue driving, especially in areas not well served by public transport. Shopping, personal business, health and social needs are increasingly being met online, but there is a limit to their take up through this medium by a generation less familiar with internet technology than their children.
- 3.3 Medical advances and improved health in older age is also allowing people to drive for longer and, as families are more geographically dispersed, and communities less close knit, individuals are increasingly relying on their own personal transport to meet travel needs. This is of particular concern to the increasing number of elderly people, particularly women, who live alone.
- 3.4 There is no evidence to suggest that older people's desire to travel will decline at the same rate as their ability to drive or to find other options. In fact, a loss of independent mobility in old age can lead to mental and physical decline¹⁴which not only burdens the individual, but also society more generally.
- 3.5 Maintaining independent mobility in old age, providing it is safe to do so, is of fundamental importance. If access to services and social contacts is curtailed, people may find they are cut off from the very aspects of life that made their retirement years so much better than those of previous generations.
- 3.6 The car is the most used mode of transport for older people. The car accounts for 61% of all trips made by those over the age of 70: 38% as a car driver and 23% as a car passenger. Walking is the second most important mode of transport accounting for 21% of all trips. 15
- 3.7 The car undoubtedly fulfils an important role in facilitating mobility in old age, but there are often concerns about the safety of older drivers behind the wheel. In fact, today's older drivers are no less safe than their middle age counterparts although it is difficult to know if this will continue to be so for future generations of older people. Older drivers are often thought to be dangerous but this is merely a function of their overrepresentation in the casualty statistics.
- 3.8 Until the age of 80 years, older drivers are only at greater risk of injury for every mile driven because frailty increases with age. It is only when drivers are over the age of 80 and/or travel less than about 2,000 miles a year that there is any type of increased risk due to driving ability. There may be an increased risk for drivers with certain illnesses although the effect of conditions such as progressive dementia has yet to be conclusively proved.
- 3.9 Older drivers tend to drive more conservatively, prefer longer gaps for entry into traffic situations and tend to avoid taking part in distracting activities whilst driving. However, collisions at intersections especially when turning right are particularly prevalent amongst this group.
- 3.10 On the whole older drivers tend to self-regulate their own driving behaviour. The problem comes when people continue to drive when it is no longer appropriate. If alternatives to the car are not provided to an acceptable standard there is a risk that older people will continue to drive when they should not. This is a particular issue for those living in rural or semi-rural situations rather than larger urban areas. There is also a risk that older people without appropriate travel options will become increasingly isolated in their homes.
- 3.11 The ability of alternative transport modes to deliver suitable mobility for older people is dependent on land use planning, and earlier decisions that older people have made about home location in relation to the accessibility of services, friends and family. Older people are known to locate in lower density areas with reduced access to public transport services (See: Figure 1). It is therefore vital that conversations about service provision and mobility in old age are started much earlier in life and Government agencies have a particular role to play.

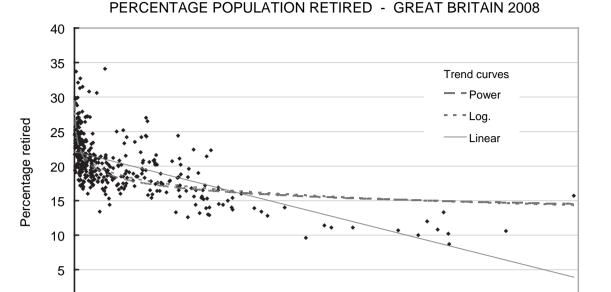
¹⁴ Marottoli, R., Mendes de Leon, C., Glass, T., Williams, C., Cooney, L., Berkman, L. & Tinetti, M. (1997), Driving Cessation and Increased Depressive Symptoms: Prospective Evidence from the New Haven EPESE, Journal of the American Geriatric Society, Vol. 45, No. 2, 203-206.

⁵ National Travel Survey (2008) Table 5.1 Trips per person per year by age, gender and main mode: 2008

Langford J, R Methorst and L Hakamies-Blomqvist (2006) Older drivers do not have a high crash risk—A replication of low mileage bias Accident Analysis & Prevention Volume 38, Issue 3, May 2006, Pages 574-578 IN Mitchell, K. (2010) Older Drivers; A Review for the RAC Foundation.

10,000 11,000 12,000 13,000 14,000 15,000

Figure 1: RESIDENTIAL LOCATIONS OF GREAT BRITAIN'S RETIRED POPULATION (2008)



Population density people per sq.km.

8,000

9,000

7,000

Source: Regional Trends 41, 2009

1,000

0

4 Legal Position with Mobility Scooters

2,000

3,000

4,000

5,000

Q1. Is the current legal position clear with regard to mobility scooters and pedestrian use of space?

6,000

- 4.1 The legal position for mobility scooters use of space is defined in 'The Use of Invalid Carriages on Highways Regulations 1988'. Class 2 powered wheelchairs and scooters may use footways with a maximum speed limit of 4 mph and Class 3 powered wheelchairs, and other outdoor powered vehicles, including scooters, may use the roads and highways with a maximum speed limit of 8 mph. They also have the facility to travel at 4 mph on footways. These regulations and the associated guidelines for scooter use are clearly set out on the Department for Transport's website. ¹⁷The extent to which these regulations are made clear to scooter users is unclear to the Foundation.
- 4.2 Current regulation focuses on 'invalid' carriages. With the UK's ageing population there is likely to be an increased use of personal mobility solutions amongst the older population especially as mobility scooters performance in terms of speed, acceleration and range improves.

Whilst the current regulations are clear and relevant with regard to how they were originally intended there is clearly a requirement to look again at the nature of the vehicles, how they are being used and what needs they might be meeting in the future. This is likely to have significant implications for pavement and other infrastructure design.

5 Protecting Pedestrians and Other Road Users

- Q2. Does the current situation protect both pedestrians and other road users?
- 5.1 There is clearly a concern that the current situation as it relates to mobility scooters risks poses a hazard to both pedestrians and other road users. Users receive no formalised training and therefore run the risk of using mobility scooters inappropriately on both the pavement and road environment.
- 5.2 There are currently no quantitative data, of which the Foundation is aware, that indicates the extent to which mobility scooters cause concern for the safety of other road users. However with the ageing population and the potential market for mobility scooters the problem is likely to grow. In the first instance developing a more formalised system for the training of mobility scooter users should be considered.

¹⁷ http://www.dft.gov.uk/transportforyou/access/tipws/codeofpracticeforclass3vehic6165.

6. Scooter and Non-Standard Vehicle Use

- Q3. Does an increase in mobility scooter use and a greater variety of similar non-standard vehicles mean that new legislation and guidance is needed?
- 6.1 Personal mobility is important for all age groups. This is particularly true of older people, the primary users of mobility scooters. The DfT is already consulting on the implications of new road related vehicles through the 'Electrically assisted pedal cycles' and 'Electric Personal Vehicle (EPV)' consultations which are due to close on 30th March 2010. There is therefore real value in revisiting mobility scooter legislation at the same time.

7. SPACE SHARING BETWEEN PEDESTRIANS, MOBILITY SCOOTERS AND NON-STANDARD VEHICLES

- Q4. What evidence is there about the safety of pedestrians and mobility scooters and similar non-standard vehicles sharing space?
- 7.1 There is minimal amount of evidence available on the safety of mobility scooters when sharing space with other vehicles.

The DfT's 2006 report¹⁸ found that the frequency of incidents involving powered wheelchair and scooter users was likely to be heavily under reported.

- 7.2 The same report provided some broad brush estimations of likely collisions. It suggested that:
 - There will be one reported incident involving a powered wheelchair or scooter owner in a major shopping centre for each 15 million visitors to such a facility
 - One insurance claim relating to an injury of an electric vehicle user will be received in connection with a Shopmobility scheme, for each 200,000 users of such a scheme

Police incident statistics provided varied predictions of incident liability ranging from one injury incident per year for each 88 powered wheelchair or scooter users in Nottinghamshire, to a ratio of one in 617 for users of such vehicles in West Yorkshire.

- 7.3 The safety of mobility scooters is an unknown quantity, but regardless of its level today, projecting incidents forward is also very difficult as there will be a different type of mobility scooter user in future years.
- 7.4 In other areas of road user safety such as seatbelt usage, ¹⁹education and training has provided a vital role in altering attitudes and encouraging safe road behaviour. With this in mind and the increasing number of new users coming to mobility scooters it would be helpful to develop a system of more formalised training on existing or future regulations.

8. RESEARCH ON MOBILITY SCOOTERS

8.1 Vehicles will need to meet the emerging needs of an ageing population. This is likely to require a great deal more research and well informed guidance on the implications for vehicle manufacture. Within this context, it would be useful to establish the current and future role of scooters in substituting for local car journeys and what the safety implications of their development might be. The Foundation will make reference to this area in its Older Drivers research to be published in Spring 2010.

January 2010

Memorandum from the Association of British Insurers (MOB 06)

The ABI is the voice of the insurance and investment industry. Its members constitute over 90% of the insurance market in the UK and 20% across the EU. They control assets equivalent to a quarter of the UK's capital. They are the risk managers of the UK's economy and society. Through the ABI their voice is heard in Government and in public debate on insurance, savings, and investment matters.

Introduction

1. In recent years, many individuals and organisations have called for compulsory third party insurance for users of mobility scooters, and this is currently being considered for consultation by the Department for Transport. As part of its evidence gathering, we believe it is important that the Committee considers some key issues. These are set out below.

⁹ DfT THINK! Campaign http://www.dft.gov.uk/think/focusareas/invehiclesafety/seatbelts?whoareyou id = &page = Overview

DfT (2006) Review of Class 2 and Class 3 Powered Wheelchairs and Powered Scooters (Invalid Carriages) Reference PPAD 9/72/89. Prepared for the DfT by Transport and Travel Research Ltd http://www.dft.gov.uk/transportforyou/access/tipws/pwps/finalreport.pdf

MAKING THE CASE FOR CHANGE

- 2. First and foremost, the public policy case for such a change must be made clear, not least to those who will be expected to purchase and provide the insurance cover. In practice, that means demonstrating that there is a problem of sufficient size to warrant the introduction of compulsory insurance cover.
- 3. There is no data on the number of incidents involving mobility scooters, their frequency or their severity. Nor is there any evidence of significant financial losses caused by such incidents, such as damage to other vehicles or loss of earnings on the part of those injured. There have been a small number of reported cases, but it is not clear to us at this point that there is a problem that mandatory insurance could solve.
- 4. We believe that there is an urgent need for the Department for Transport to carry out research into the number and nature of collisions or other incidents involving mobility scooters or powered wheelchairs, in order to provide the evidence that would clearly set out the need for the change in policy. Without this evidence, there may be little confidence in the policy or public support for it. This could lead to confusion and resentment. Furthermore, such a lack of evidence may affect the availability of insurance, something we will discuss later in this submission.

CREATING A STATUTORY FRAMEWORK

- 5. Beyond this important issue, there are a number of other practical matters to be overcome in order to make the policy work. From the insurers' perspective, there would need to be a statutory framework to give certainty and regulatory clarity. This would include setting out the minimum cover that would have to be purchased by the policyholder. For example, third party motor insurance currently has to have a minimum limit of £5 million of cover—would this also be required for mobility scooters?
- 6. The Government would also have to set out deciding who should purchase the policy. Would it be the owner, or the user of the vehicle? In some cases, these will be different people. In many cases, the people who use these vehicles are on low, fixed incomes, and the requirement to purchase insurance may result in a significant financial outlay for them. Insurers would certainly be at risk of reputational damage if they were seen to impose such a burden on the finances of people with disabilities.
- 7. In some cases mobility scooters are used temporarily. The Government would, therefore, need to decide whether the insurance must be purchased on a short-term basis or exist permanently on the mobility scooter to cover the potential users. For insurers, the latter would be difficult, as users can be seen to present different risks. Short-term insurance policies also tend to be more expensive, as the administrative cost of setting up a policy would be repeated several times a year.

TRAINING, TESTING AND LICENSING THE USERS OF MOBILITY SCOOTERS AND THEIR VEHICLE

- 8. In motor insurance, the user is one of the key factors in setting premiums. While we would not see the users presenting as broad a range of risks as for motor insurance, it may still be necessary to assess their ability to use the vehicle safely on an ongoing basis. What testing or licensing regimes will be in place? If the users are not to be licensed, what guarantees are there that the user is competent in being in control of the vehicle? What happens when their medical circumstances change, as may happen quite regularly?
- 9. For the vehicle itself, similar questions arise. Are all the mobility scooters being used safe and fit for purpose? What requirements will be made of the scooters, and how will repairs be assessed? Will there be registration of the vehicles? Insurers may discover over time that some makes of vehicle are less safe than others, and therefore may cost more to insure. The less safe vehicles may be the cheapest type, and once again that could cost those least able to afford the insurance cover.
- 10. What will be done about vehicles being used for the "wrong" purpose? It is possible that insurers might want to invalidate a policy if a vehicle were used on the road when it was not designed for that purpose. This would be controversial, without question, but in motor insurance, the insurer has the right to void a policy for that reason.

ENFORCEMENT AND PENALTIES

11. A key point from the ABI's perspective is about enforcement of the law and penalties for noncompliance. At present, there are registers of vehicles and insurance policies, the former held by the DVLA, and the latter on the Motor Insurance Database (MID). Enforcement is carried out by the police who have the power to stop uninsured drivers, impose fines, and to seize vehicles and crush them. The MID comes at a price to the honest motorist, and the government will need to decide on an appropriate regime of enforcement. Without enforcement the law is meaningless, and once again we caution that the level of fines and the toughness of enforcement may come to be seen as a real harm to a vulnerable group in society.

Uninsured Mobility Scooters

12. The prospect of what happens to those who use their vehicles uninsured, and cause a collision, and who funds the costs of those collisions, raises further questions. Is it the intention of the government to set up a scheme similar to that existing for motor insurance, the Motor Insurers' Bureau, which picks up the costs of collisions caused by uninsured drivers?

CONCLUSIONS

- 13. The ABI sees several immediate risks and important questions that need to be answered if a policy of compulsory insurance is to be pursued. Most importantly, there must be an evidence base on which the policy can be built. Without that, there is not only difficulty for insurers in assessing the risks, there is most significantly little chance of convincing the customers, and the public at large, that there is a case for introducing compulsion.
- 14. Secondly, the statutory and regulatory framework for any new mandatory insurance must be proportionate and clear. The questions we have posed in this submission can be answered with new systems and processes, all of which will add costs to the system. These costs will inevitably be passed on to the customer in premiums. Presumably the government would want a competitive and broad market to develop to allow customers to access insurance. Heavy regulation, and a lack of clarity about why the policy is being introduced, will not result in that market forming naturally.

The ABI is happy to provide further information on any of these points.

January 2010

Memorandum from Merseytravel (MOB 07)

I refer to your call for evidence dated 10 December 2009 in relation to the above matter.

Merseytravel welcomes the opportunity to submit evidence to the Transport Committee on the issue of mobility scooters, in recognition of the fact that mobility scooters provide an important link within the wider transport network for people with mobility difficulties. However, greater use of scooters also introduces new challenges, and these are addressed below.

To provide context firstly, however, Merseytravel is the operating name of the Merseyside Integrated Transport Authority and Passenger Transport Executive. Merseytravel has responsibility for co-ordination of public transport across the former county of Merseyside and is committed to the development of a fully inclusive and accessible transport network. Merseytravel's priorities are guided by the Merseyside Local Transport Plan (2006–2011), which has been rated as "excellent" by the DfT. The Merseyside LTP Partners and Merseytravel have also been awarded "Beacon" Status for delivering transport solutions which breakdown barriers that impact on disadvantaged peoples' take-up of life opportunities, such as employment, education and training.

Merseytravel also has a well-established Transport Access Panel, made up of individuals and representatives of organisations for, and of disabled people, as well as outreach working, as part of Merseytravel's ongoing community engagement strategy. These groups are also part of our commitment to equality and diversity.

In addition, Merseytravel has operated the "Merseylink" bus service for 25 years. This service is a demand responsive, door-to-door accessible service for people with additional mobility and sensory impairments that mean they are unable to access mainstream public transport services. This is complemented by local enhancements to the national concessionary travel scheme, whereby Merseytravel provides free access to the local rail and Mersey ferry services for disabled people.

Merseytravel and the Local Transport Plan Partners have funded a variety of projects including innovative travel training projects via the Local Transport Plan Community Transport Access Grant Scheme. These schemes have been recognised regionally, nationally and in Europe as good practice by other local authorities, the Community Transport Association and via the EU's recent "ECLIPSE" social inclusion project. Various third sector disability focused travel schemes have benefitted from funding and support including several Merseyside based Shopmobility Schemes. Merseytravel facilitate the "ToGo" Programme which brings together regional third sector and statutory providers, to share best practice and expertise and to roll-out independence training for people with disabilities, via a "Travel Train the Trainer" scheme.

Looking specifically at the call for evidence, Merseytravel would wish to make the following comments on the use of mobility scooters:

- 1. The current legal position is not clear there is a general lack of understanding and regulation of this mode of transport. While there is guidance it is not well adhered to and is very much open to interpretation.
- 2. The current situation means there is a lack of consistency both in terms of adherence to and enforcement regarding use of these vehicles. There are massive local differences in what is considered acceptable/appropriate use of these vehicles, with the carriage of some scooters accepted by some bus operators, but not by rail operators, for example.

- 3. The increase in mobility scooter use and greater use of non-standard vehicles means that there needs to be new legislation and guidance. Currently there is a boom in sales of such vehicles and a thriving market for second-hand mobility equipment which is not regulated and there is no requirement for training, registration or insurance/road worthy testing etc. Many of the sales are made via newspaper and online advertisements and there is considerable risk to the user that they may purchase an inappropriate vehicle for their needs. The lack of regulation and control puts users, pedestrians and other road users a potential risk. The ageing population and the increased pressure to reduce care use and maintain independent living in later life all point to a need to develop a coherent strategy and regulatory framework in relation to these vehicles.
- 4. There is evidence of very real dangers to the safety of pedestrians and mobility scooters and similar non-standard vehicles sharing space. In addition to the high profile cases in the media, the many Shopmobility schemes around the country will also be able to provide evidence of both the benefits of use of these vehicles and the potential dangers.

I trust that the above information will be of assistance to the Transport Committee in its deliberations. and should you require any further information, then please don't hesitate to contact me.

January 2010

Supplementary memorandum from Merseytravel (MOB 07a)

RESPOND DATABASE

The Respond database is a complaints handling system that helps the authority record and track complaints and comments from the moment they are received by the organisation up to the time that they have been dealt with satisfactorily in accordance with Charter commitments.

Respond can record complaint details and the information is held as an electronic record. Each record will include:

- Basic complaint details.
- Different aspects of the complaint.
- Contacts involved with the complaint.
- Activities carried out in connection with the complaint, for example correspondence and phone calls
- Costs incurred as a result of the complaint.
- Any other information that is considered to be relevant to the organisation.

The system is very flexible and allows us to set up the Respond database to meet our own particular needs and reflect the organisational structure. This allows us to categorise complaints under various headings including for example date, time, location and type of complaint and also service areas.

There are also comprehensive searching, reporting and charting functions available within the system which includes a period on period charting facility enabling us to display a comparative analysis of data over a period of time. It is of course necessary to set up a new category of complaint type before we can produce any report or analysis of it. We have recently received a request to monitor complaints or comments specific to the Rice Lane road works.

The analytical features allow us to:

- Perform complex searches on all data recorded.
- Produce a variety of reports.
- Produce a variety of charts.

Complaints and comments are presently received and entered centrally and then forwarded on to the responsible service area or relevant bus or rail operator who will deal with the report and respond to the person(s) who submitted it.

The complaints/comments are received via email, telephone, letter or by the use of the Passenger Report Form and are handled strictly in accordance with Data Protection Legislation.

Respond at the present time is undergoing a review in order to bring it up to date in order to reflect the new organisational structure this will enable us to take full advantage of it's capabilities by expanding it's use throughout the organisation.

March 2009

Memorandum from Arriva UK Bus (MOB 08)

Arriva is one of the leading public transport operators in Europe, running bus and train services in 10 Member States of the European Union. We are committed to making our services accessible to as wide a range of customers as possible, and welcome the opportunity to respond to the Committee's call for evidence in relation to the following issues:

- 1. Is the current legal position clear with regard to mobility scooters and pedestrian use of space?
- 2. Does the current situation protect both pedestrians and other road users?
- 3. Does an increase in mobility scooter use and a greater variety of similar non-standard vehicles mean that new legislation and guidance is needed?
- 4. What evidence is there about the safety of pedestrians and mobility scooters and similar non-standard vehicles sharing space?

This response is concerned primarily with Question 3 and the implications of increased mobility scooter usage in relation to public transport, and particularly bus, services. We accept that this is not the main focus of the Committee's inquiry, but we suggest that the issues of shared-space conflicts and the provision of appropriate guidance are common with experience in our industry, and that it would be helpful for the Committee to be aware of them.

Bus operators are being increasingly requested by mobility scooter users if they can travel on our services but few operators have so far committed themselves to permit the carriage of scooters. This is partly because of:

- the wide range of scooter models available, not all of which are suitable or intended for use on public transport;
- operational characteristics and differences between bus and other public transport modes; and
- a general lack of clarity and guidance.

We hope that this submission will highlight a need for up-to-date "best practice" material from Government on how operators can best accommodate the needs of scooter users.

CURRENT LEGISLATIVE FRAMEWORK

The principal legislation governing the accessibility of disabled persons on bus services is the Disability Discrimination Acts 1995 and 2000, and regulations made under them, principally the Public Service Vehicles Accessibility Regulations 2000 (PSVAR). The main effect of this is that public service vehicles with a capacity of more than 22 passengers, constructed after 1 October 2000 or first used on or after 31 December 2000, and operated on local or scheduled services must be "regulated public service vehicles". That is to say, they must include specific features to enable and assist the carriage of disabled persons.

Taken with operator/industry introduction of low floor buses in the years before 2000, the effect of the Acts on the UK bus and coach stock has been significant: fleets in some areas already have 100% low floor operation; while fleets in many other parts of the UK are being progressively converted to low floor buses. We make a distinction here between older low floor buses and DDA-compliant buses, firstly to be consistent with the relevant timescales under which all types of buses need to be compliant with DDA, and secondly in the context of this submission, because DDA-compliant buses include features that are particularly beneficial to the carriage of mobility scooters: as well as having a priority space to fit a wheelchair meeting the reference dimensions, they also have a ramp at the vehicle entrance to make boarding/alighting safer and easier.

THE WIDER CONTEXT

Transport operators are well aware that age and disability are increasingly influential factors in the makeup of the UK population as a whole as well as in the bus user population. The onset of both old age and any perceived or actual lessening of the ability to use private transport where it is available to them may influence people to increasingly consider using public transport for their travel needs.

At the same time, existing disability legislation is now well-established such that the provision of accessible facilities is widely recognised in society. Service providers of all types, public transport operators included, have had to review and if necessary modify their policies, practices and procedures in accordance with the reasonable needs of disabled persons. In more recent years, as the Committee will recognise, there has been a significant increase in the availability and usage of independent mobility providers and equipment. Many commercial areas in larger towns now have either a dedicated commercial mobility outlet or some form of commercially or local authority-provided scooter loan/hire facility.

It is also fair to say that the greater, and rightful, acceptance generally within society has influenced the travel expectations of disabled persons. Journey options that were not possible to them before the introduction of low floor buses are now available; simultaneously, improved vehicle standards have made it easier for many disabled persons to use bus services with confidence and freedom.

PRACTICAL AND OTHER CONFLICTS

But this new freedom is not an absolute one: the low floor area in older and DDA-compliant buses is generally available on a first come, first served basis—as would be the case with able-bodied passengers. Besides wheelchair users and people with mobility impairments, the low floor area benefits other customers including the elderly, those with baby buggies and shopping trolleys. Consequently, there have been cases of conflict between different passenger groups which ultimately fall to drivers to resolve as best they can. The carriage of mobility scooters brings an additional risk to bear in this respect.

Another area of conflict is more technical in nature in that the specification for DDA-compliant buses to be acceptable for carriage of wheelchairs has remained constant over the life of the relevant legislation, but there is no equivalent specification for scooters. This could be used by operators as a means for declining scooters but, in practical terms, those operators who have implemented or are developing scooter-friendly policies have worked on the principle that the scooter must comply to the standard wheelchair dimensions. This provides a common denominator between both types of equipment, while allowing the exclusion of larger and heavier scooters that are either unsuitable for use on buses or impractical to manoeuvre into the dedicated wheelchair space.

The Committee might wish to note in this context that guidance dated 5 December 2000 produced by the then Department of Transport, Local Government and the Regions (DTLR) states:

"... the Public Service Vehicles Accessibility Regulations 2000 prescribe the minimum that is acceptable to meet the needs of disabled people. The guidance explains the intention of the regulatory requirements and provided advice on best practice that should be followed, recognising that there may be circumstances in which design or operational constraints apply".

Clearly, for practical reasons already mentioned, operational constraints do preclude the acceptance by operators of all scooter types. There is also the point that operators do not wish drivers to become ad hoc disability experts to the detriment of their functions and responsibilities including the duty of care to other passengers.

In terms of other sources of advice to scooter users, Arriva is aware that some scooter models are promoted as being suitable for travel on public transport. However, this is inaccurate (and unacceptable) as it usually requires the scooter to be partially dismantled into separate components, each of which would need to be safely stowed on the bus. Consequently, we are not confident that scooter users who wish to travel on public transport have recourse to correct, impartial advice from retailers or suppliers.

LACK OF CLARITY IN GUIDANCE

Since the initial DTLR guidance was published, Arriva believes that inconsistency has developed between the sources of advice and guidance available to scooter users. The Disabled Persons' Transport Advisory Committee's Door to Door website includes a note on payement scooters. This advises that, in general, scooters are not designed to be carried on public transport vehicles, while effectively conceding that carriage is at the discretion of operators or subject to conditions. However, the two main sources of further advice given on the website—"Wheels Within Wheels" published by Ricability; and "Get Wheelchair Wise: A Wheelchair User's Guide To Public Transport"—do not, in the versions that we are aware of, make any reference to carriage of scooters.

The Department for Transport (DfT) website is more helpful in including research prepared by the MVA Consultancy in 2005–06 on the feasibility of permitting scooters on public transport. The following extracts from the Executive Summary of MVA's Feasibility Study report outline the reasons for the research; the key recommendation in respect of the carriage of certain types of scooter not exceeding specific dimensions; and recommendations both for further research and associated changes to the relevant Regulations:

Extract 1

MVA was commissioned by the Department for Transport's Mobility and Inclusion Unit to carry out research in order to ascertain whether the existing policy that 'mobility scooters are not suitable for public transport' remains appropriate. This study involved discussions with UK public transport operators and mobility scooter manufacturers and an international literature review.

- 2 The primary objectives of the research were to:
 - establish in what circumstances it would be reasonable for transport operators to allow disabled people using some models of mobility scooter to use the wheelchair spaces or other suitable areas aboard transport vehicles or to permit the carrying of scooters as luggage;
 - make any recommendations—if sufficient evidence is available—about changes to the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) and Rail Vehicle Accessibility Regulations 1998 (RVAR) or other regulations, and
 - provide research based evidence to inform guidance documents for mobility scooter users and the transport industry.

Extract 2

- 10 An important finding of the research was the apparent lack of information on the topic. . . However, based on the discussions with public transport operators in the UK and the results of the literature review, there is sufficient evidence to make sound recommendations on certain aspects concerning the carriage of mobility scooters on different modes of public transport . . .
- 11... Therefore, mobility scooters that are within the following threshold (which are the same as reference wheelchair, although this does not include a weight criterion) should be considered for use on public transport services in the UK.
 - Height—1,350 mm
 - Length—1,200 mm
 - Width—700 mm
 - Weight (including occupant)—less than or equal to 300 kg
 - 12 In addition, the mobility scooter should have a maximum turning circle diameter of 1,500 mm...

Extract 3

- 18 Although there is evidence from UK operators and examples of research from other countries, there are clear gaps identified in the research. These need to be understood before sound policy decisions can be made. There is a need for the DfT to undertake a second stage of this research in the form of practical trials of mobility scooters that adhere to the size, weight and maneuverability limits discussed earlier on different forms of public transport . . .
- 19 It is also recommended that complementary research on mobility scooter use on public transport be undertaken [through] in-depth interviews... with representatives from a number of public transport operators [and by] involving mobility scooter users themselves... Such research could further inform policy decisions...
- 20 Based on the findings of this report it is also recommended that the DfT amend the rail vehicle and bus and coach accessibility regulations to widen the definition of the reference wheelchair to include "mobility aids" such as mobility scooters. It is also recommended that, to assist transport operators, the DfT (subject to further research) issue a guidance document outlining which mobility scooters currently available in the UK are suitable for carriage on public transport vehicles.

The Feasibility Study's final recommendation was that, subject to the outcome of related future research, transport operators should be required to transport the recommended types of mobility scooter. In developing our own policy for scooter accessibility on bus services in the UK, Arriva has adopted the practice of requiring the scooter to comply with the dimensions stated in the research (and which are consistent with PSVAR). We are not aware if and how the DfT has acted on this or the Study's other key recommendations.

In the longer term, of course, any change to this position would require a potentially fundamental change in internal vehicle design and configuration. But it is clearly unsatisfactory to both operators and customers that policies on access to buses for scooter users have to be predicated on standards and guidance material formulated around wheelchair accessibility; and that there is little or no means of independent or authoritative standards.

CONCLUSION

The dearth of further research tailored explicitly to the requirements of scooter users and what this might involve for public transport providers means that Arriva and other operators have been left to devise appropriate policies that meet our legal obligations in practice or in spirit, while also trying to ensure that the carriage of scooters does not put unacceptable pressures on both customers and operational staff.

We suggest to the Committee that the need for such research is both timely and necessary in the interests of equitable treatment of customers with impaired mobility, and improved clarity for operators.

22 January 2009

Memorandum from the Department for Transport (MOB 09)

1. Introduction

- 1.1 This evidence is submitted for the Transport Committee's inquiry into mobility scooters. It provides an overview of the issues that the Committee has indicated it would like to investigate.
- 1.2 In summary, our recent work on this area has indicated to us that a review of the fitness of the current legislation is appropriate, and we intend to produce a consultation document on this matter shortly.

2. Background

- 2.1 The use of mobility scooters and powered wheelchairs (called "Invalid Carriages" in legislation) is covered by the Chronically Sick & Disabled Persons Act 1970 (section 20); the primary legislation. The Use of Invalid Carriages on Highways Regulations 1970 introduced the possibility to drive a powered invalid carriage with a speed not exceeding 4mph on the pavement (a Class II vehicle). The Use of Invalid Carriages on Highways Regulations 1988 brought in additional requirements for a Class III vehicle which can travel up to 8 mph and which can be used on both road and pavement, but which must be limited to 4 mph on pavements.
- 2.2 A review of Class II and Class III vehicles was carried out on behalf of the Department for Transport in 2006 (Available on the DfT website at—http://www.dft.gov.uk/transportforyou/access/tipws/pwps/). It estimated that there were between 70,000 and 100,000 vehicles in use. However more recent information from the National Travel Survey suggests that the number of people who now use mobility vehicles now is about 330,000. The 2005 review also made some key recommendations, ie that vehicle users should have third party insurance, that they should have a fitness to drive assessment, that Road Traffic law should apply to invalid carriage users in cases of being under the influence of drink or drugs, for driving and using a mobile phone and that vehicle users should receive more advice and training in the use of mobility scooters. Our postbag suggests that the increasing numbers of scooters is resulting in more conflict with pedestrians and other road users resulting in injuries and some cases of deaths. Typically the correspondence calls for compulsory insurance, some form of driving test and that Road Traffic law should apply to mobility vehicles. Similar views have been raised by Members of Parliament and in media reports.
- 2.3 Class III vehicles are required to be registered with the DVLA but there is no penalty for failing to do so. There were 25,766 Class III vehicles registered as of 31st December 2008. There are certainly many more Class III vehicles in use that are unregistered and this is further exacerbated by the number of Class III vehicles that are sold on the second hand market and consequently drop out of the registration regime.
- 2.4 We have recently announced a consultation on non-standard small electric vehicles that perform some similar functions to mobility scooters. We are also proposing to consult on options for change in respect of mobility scooters (see section 5, below).

TRANSPORT COMMITTEE QUESTIONS

- 3. Is the current legal position clear with regard to mobility scooters and pedestrians use of space
- 3.1 The Use of Invalid Carriages on Highways Regulations 1988 clearly stipulate that Class II vehicles are predominately for pavement use (including other pedestrianised areas such as shopping centres) and that Class III vehicles can be used on both the pavement and on the road. The Regulations also stipulate the maximum unladen weight limits and maximum speeds mobility vehicles may travel at. Class II carriages can travel on pavements at up to 4 mph and must weigh not more than 113.4 kg. Class III carriages can be up to 150 kg and may additionally travel on the roads at up to 8 mph. Amongst other specified pieces of design, such as lighting, the regulations also require that they are fitted with a speed limiter which the user is supposed to turn on when driving on pavements to limit the vehicle to 4 mph.
- 4. Does the current situation protect both pedestrians and other road users?
- 4.1 All the evidence suggests that the use of mobility vehicles is growing and this trend is likely to continue as the population ages. The number of people aged over 80 is likely to increase by 85% over the next 20 years. Therefore there is a need to review the current legislation to ensure that the mobility needs of scooter users and the safety of pedestrians and of other road users have been balanced correctly. It is difficult to obtain an accurate position on safety because routine data on mobility scooter incidents are not recorded centrally by the police or by the NHS.

- 4.2 Because pavements speeds are limited to 4 mph, injuries are rare and most injuries are minor in nature. From the information available it is likely that mobility scooters resulted in at least one pedestrian death in 2009 and at least one death in 2008. This can be compared to seven deaths per day on the roads overall. This would indicate that the dangers posed by mobility scooters to pedestrians and to other road users are very small compared with deaths caused by vehicles overall.
- 4.3 In terms of the law, most road traffic offences do not apply to mobility scooters because they are defined as "mechanically propelled vehicles" and not as "motor vehicles". Therefore a mobility scooter user cannot be prosecuted for most motoring offences. However it is possible that a person injured by a mobility scooter could take out a claim for damages or personal injury.
- 5. Does an increase in mobility scooter use and a greater variety of similar non-standard vehicles mean that new legislation and guidance is needed?
- 5.1 Mobility scooters and particularly powered wheelchairs have become more sophisticated, allowing people with physical and social needs a more innovative way of getting around. Given the likely growth in their use in the future it would seem sensible to review the issues of their design, how they are used and how they interact with pedestrians and with other modes of transport. Having held preliminary discussions with the key stakeholders on 16 December 2009 (see appendices**), the main issues that could be addressed in a public consultation on mobility scooter use are:
 - Whether the term "invalid carriage" should be replaced with a more suitable term, such as "mobility vehicle".
 - Whether Class III carriages should be allowed to be heavier than 150 kg.
 - Whether Class III carriages should be allowed to go faster than 8 mph.
 - Whether mobility carriage users should be required to have 3rd party insurance.
 - Whether Class III carriages should be subject to a local registration scheme similar to the Blue Badge scheme, to display a registration plate, whilst no longer being required to be registered with the DVLA.
 - Whether there should be any assessment of user's fitness to drive.
 - Whether the use of the speed limiter be made clearly visible to pedestrians, through an illuminated sign, especially if the maximum speed of these vehicles is increased.
 - Whether there should be a modern offence of riding a mobility scooter in a dangerous manner and of riding a mobility scooter while drunk.
 - How the collection of safety data could be improved.
 - Other relevant issues that we could address in the consultation are the absence of design standards for the carriages. They may have external metal fittings and sharp-edges yet are primarily designed to be mixed with pedestrians, often in densely used areas. Collisions typically involve the leg, and fractures, especially in the elderly are a common consequence. Better design, and safety features, such as automatic stop facilities could improve their safety.
- 5.2 In addition to specific use of mobility scooters, constructed in line with "invalid carriage" legislation, the Department for Transport (DfT) is aware of a number of other small electric vehicles, designed for use by one person rather than just by people with some form of disability. A separate public consultation has been launched on 5 January 2010 in respect of these small electric vehicles.
- 5.3 At least one of these electric personal vehicles (EPVs), the "bikeboard" is, we understand, "type approved" to relevant motor vehicle standards and can be registered for use on the road. Other such vehicles, however, (eg the Segway, the Toyota Winglet, the Yikebike) do not in the DfT view currently meet road traffic law requirements (eg regarding lighting and construction & use provisions) and so may only be used at present on private land, with landowner permission.
- 5.4 Promoters of another EPV, the Segway, have lobbied for changes to the law so as to permit use of their vehicles on the road, and on dedicated cycle tracks. They point out that some other countries, such as the Netherlands, have changed their law to permit such use.
- 5.5 To enable full consideration of the issues relating to general use of small one-person electric vehicles, the Secretary of State for Transport concluded that public consultation should be undertaken on the principle of whether the law should be changed to permit certain EPVs which do not meet existing road traffic law requirements to use the carriageway of public roads (not pedestrian footways) and possibly also cycle tracks.
- 5.6 The public consultation was launched on 5th January 2010 and will seek views on the principle of changing the law to permit the use of small electric personal vehicles on public roads and cycle tracks. Responses to the consultation will inform consideration of whether new legislation and guidance is needed.

- 6. What evidence is there about the safety of pedestrians and mobility scooters and similar non-standard vehicles sharing space?
- 6.1 It is difficult to come to a firm conclusion about this issue because of the absence of accurate data on incidents involving pedestrians and mobility scooters or other non standard vehicles. If there is an incident involving such vehicles they are recorded by the police in the general category of "other" vehicles. There is anecdotal evidence from incidents reported in the media. The Department is therefore procuring surveys to assess the number of mobility scooter users, the number of injuries caused by them, and people's attitudes to mobility scooter use.
- 6.2 Some data are collected by the Health and Safety Executive (HSE) and Medicines & Healthcare Products Regulatory Agency (MHRA), but they are subject to underreporting and consider incidents very selectively—eg those which might occur at work. It is not possible to use these sources to make reliable assessments of national trends either in the number of vehicles there are nor injuries these vehicles cause. We recognise that this is a deficiency which we propose to address in the consultation.
- 6.3 DfT strongly recommends that mobility vehicle users purchase insurance, but it is not compulsory. Available figures suggest that some 72% of scooter users have some form of insurance. Statistics that the insurance industry were prepared to divulge to the 2005-06 review suggested that there might be one reported incident involving a powered wheelchair or scooter in a major shopping centre, for each 15 million visitors to such a facility. With the Shopmobility scheme, there will be one insurance claim relating to an injury for each 200,000 users of the scheme.
- 6.4 Crude estimates from police data suggest that there could be as many as one injury incident per 88 to one incident per 617 users per year. Estimates from a set of data collected from 18 representative A&E Departments from a survey undertaken between 2000 and 2002 suggested that nationally, there might be up to 750 incidents per year involving a three or four wheeled mobility vehicles that would warrant a visit to an A&E department. No indication of the severity of such incidents is available.
- 6.5 Data about people who have an NHS hospital stay of three days or more due to trauma is available from the UK's Trauma Audit Research Network (TARN). This covers over half of the hospitals in the UK that might receive such patients. Reasonable quality data is available for 2006-08 inclusive. This shows that in the contributing hospitals, less than 20 patients per year were admitted with an injury resulting in a three or more day hospital stay. If replicated nationally, this suggests fewer than 40 people injured in such a way. Around 95% of the injuries reported were to mobility scooter drivers rather than the people they hit.

7. Conclusion

- 7.1 In summary our view is that mobility scooters appear to present a small hazard to pedestrians. We are concerned about the increasing number of these vehicles, and the right to redress for people who are injured by them.
- 7.2 We intend to seek views on the fitness of current legislation and shall be producing a consultation document shortly.

APPENDICES²⁰ In House Policy Consultancy Review Letter to stakeholders (November 2009) January 2010

Memorandum from the Department for Transport (MOB 09a)

I am writing to clarify some information I provided to the Committee during my evidence session for your Inquiry on Mobility Scooters on Wednesday 3 March.

On steps we are taking to ensure more reliable statistics for incidents involving mobility scooters, I stated that we have asked the National Travel Survey to collect data specifically on incidents with mobility scooters, starting this year. I would like to clarify that this amendment will be to the "STATS19" system, not to the National Travel Survey. The 'STATS19' data is collected by the Department and comes from police systems. The changes will be implemented following a recent review, which will require all police forces to report from 2013, although it may be possible to obtain data from some forces before then.

When speaking about the Motability scheme, I stated that this scheme allowed people to purchase a mobility scooter via the Department of Work and Pensions. To clarify, the position is that people can exchange the higher rate mobility component of the Disability Living Allowance for the purchase or lease a scooter over a period of time.

²⁰ Not printed.

Finally, I would also like to clarify the position regarding the relationship with the Blue Badge scheme for the provision of medical assessments. 40% of people applying for a Blue Badge have automatic entitlement so do not require any form of medical assessment. Of the remaining, around 70% are assessed by GPs, although some local authorities do not use any medical assessments, basing decisions on information provided by the applicant. We will take this in to account when working up the details of any potential registration scheme following consideration of responses to the consultation.

I hope this additional information is helpful.

March 2010

Memorandum from Jeff Ennis MP (MOB 10)

Very many thanks for your recent correspondence with regards to your future enquiry into mobility scooters. As you know this a great concern to me, so much so that I recently called for an Adjournment Debate in the House on 5 January 2010, to highlight what I believe are certain issues that need to be addressed by the Government to make mobility scooters more safe both for the user and the public. I have enclosed a copy of my Adjournment Debate for your members' perusal. ²¹ I would just like to highlight the three main points from my debate which I believe ought to form part of your recommendations .

The first issue is to consider the merits of considering a voluntary proficiency scheme, preferably at no charge to the user. In my opinion such a test could be administered in conjunction with both reputable retailers of mobility scooters and local Police Authorities accompanied by Local Government working together. As is the case that is currently done by Norfolk Police in Great Yarmouth. When you read my Adjournment Debate you will see that I mention Penny Carpenter who is responsible for the scheme in Norfolk and I believe that such a scheme should come under the scrutiny of the Select Committee as an example of best practice. In my opinion any proficiency test scheme should be drawn up by local people and local agencies and it should not be used as a simple pass or fail mechanism It should be geared to improving the proficiency of the user both in terms of controlling the scooter and pedestrian awareness.

The second issue which I feel ought to be considered is the possibility of creating a new offence of riding a motor scooter in a dangerous way. This is the point that was drawn to my attention by Mrs. McNair, the case that I highlighted in my adjournment debate, of her daughter Madison being seriously injured in Doncaster after being knocked down by an elderly lady riding a mobility scooter.

The final point I would like the Select Committee to consider is to introduce a specific category of mobility scooter in relation to Departmental statistics. Currently as I am sure you are aware it is not possible to identify from a Departmental point of view statistics specifically related to incidents because scooters fall in to the "other motorised vehicles" category. I know that this is a point that the Minister in his closing remarks to my debate said that Department would consider.

As you will also see from the Adjournment Debate my very good friend and colleague Hugh Bailey MP for The City of York highlighted the issue of possibly introducing some sort of compulsory third party insurance, so that when an incident does occur, the person riding the scooter will then be covered from an insurance point of view.

In a response to my Adjournment Debate the Minister changed his estimate and said that currently it estimated that some 72% of owners of mobility scooters have such insurance. Surely it would be prudent to make all users comply with an insurance requirement. A further point I would like to make is that more mobility scooters are now being bought over the internet and through other second hand means.

This is an issue that I feel ought to be considered by the Committee as well. I look forward to the outcomes from your Committee's inquiry on the points raised about mobility scooters and I know that the outcomes of the Select Committee will be taken extremely serious by the Department of Transport I wish you all the very best with the enquiry.

January 2010

Memorandum from Hugh Bayley MP (MOB 12)

I am writing in support of the recommendation that the Government urgently review the use and safety of mobility scooters with a view to introducing compulsory insurance and training.

In the summer of 2008 I was contacted by York Older People's Assembly when a York resident, Margaret Macalagan, was knocked over by a mobility scooter whilst she was out shopping. She sustained serious injuries which meant she was admitted to hospital and her own mobility was badly affected. The Assembly

asked me to press the government to require people using these scooters to take out insurance and I have been in contact with Ministers at the Department for Transport and the Department for Work and Pensions ever since.

My correspondence with Ministers has established three key facts. These are:

- (1) The Department of Transport does not collect statistics about the number of people involved in scooter accidents although, in the debate which took place in the House of Commons on 5 January, the Minister estimated there are about 750 incidents a year with about 40 people injured severely enough to need a lengthy stay in hospital, and on average one person a year is killed by a mobility scooter. (See letter of 4 November 2008, from Paul Clark MP, Parliamentary Under Secretary of State, at the Department for Transport).²² I would like to see accident statistics involving mobility scooters collated nationally. They should be separated out from other accidents.
- (2) In November 2009, Transport Minister Sadig Khan explained in a letter that the Government "are considering consulting on issues such as compulsory insurance and training, a more comprehensive registration scheme and on the design and safety standards for mobility vehicles." (A copy of this letter is enclosed for reference).²³ I think the government should begin a consultation on compulsory insurance and training for mobility scooter users at the earliest opportunity.
- (3) The Government provides thousands of scooters for people claiming Disability Living Allowance. These scooters, supplied by the Motability Scheme, come with compulsory insurance in case the scooter rider has an Accident. (See letter of 19 September, 2008 from Anne McGuire MP, former Minister for the Disabled).²⁴ I would like the Government to consider making insurance for mobility scooters compulsory. The DWP funds a number of people to run scooters through the disability allowance scheme and one scheme under which people can obtain scooters that are paid for with their DLA is the Motability powered wheelchair and scooter scheme. Those who get scooters under this scheme are required to insure the scooters, both for injury to third parties and fire and theft. I should like the Government to ask Mobility how much this costs. If the Government fund scooters they believe insurance is not only reasonable but necessary and I should like to see the same prescription rolled out to all mobility scooter users.

I am pleased the Transport Select Committee is carrying out this one-off evidence session about Mobility Scooters and I hope the Government will follow this up with a consultation in the near future.

March 2010

Memorandum from Age Concern and Help the Aged (MOB 13)

1. Introduction

- 1.1 Age Concern and Help the Aged welcome the Committee's inquiry into mobility scooters and is grateful for the opportunity to submit written evidence. The inquiry comes at a time when debate about safety concerns surrounding mobility scooters and discussion about expanding voluntary proficiency schemes and updating legislation surrounding driving offences are all taking place in the media and within government.
- 1.2 This type of vehicle is of great value to people with mobility problems and can be of significant help in maintaining their independence. Our population is ageing at a rate more significant than anyone expected and the persistent and rapid rise in average life expectancies means it is inevitable that there will in the near future, be a significant increase in the number of those for whom a mobility scooter will be their primary mode of transportation.
- 1.3 The Department for Transport in its 2006 report estimated that there were in 2004, 44,778 powered wheelchair/scooter users in the UK. At the time they cautioned this was likely to a low estimate, suggesting that the actual number was closer to 90,000²⁵. We can safely assume that estimate will have increased by 2010.

2. Current Legal Position

2.1 Age Concern and Help the Aged acknowledge that there is currently only limited regulation of Class 2 and Class 3 vehicles and that this has given rise to concern among some bodies about their safety and use on pavements and roads. For example, they are not considered, by law, to be a motor vehicle for some parts of the Road Traffic Act 1988, so are exempt from many road traffic regulations. However, where Class 3 vehicles are used on the road, they are obliged to conform to many of the regulations covering motor vehicles.

Not printed

Not printed

Not printed

Review of Class 2 and Class 3 Powered Wheelchairs and Powered Scooters (invalid Carriages) summary report 27 February 2006.

- 2.2 Class 2 vehicles are designed to be used on pavements only, apart from when they are crossing from one side of the road to another and are limited to 4 mph, whereas Class 3 vehicles can be used on roads and can travel at up to 8 mph. Class 3 vehicle owners are not required to hold a current driving licence, but like Class 2 owners, must be over 14 and have a physical disability.
- 2.3 We think that that these vehicles should be seen as helping people who have difficulty walking and not as a means of transport for them. Bearing in mind their maximum designed speeds, we do not think they can be seen as equivalent to a motor car. The DfT's own research suggests that these vehicles are most commonly used on pavements, and also for crossing the road²⁶. On that basis, any requirements for powered scooters and wheelchairs should be equivalent to those required for pedestrians and cyclists rather than those for motor vehicles. We do not think they should be subject to minimum fitness standards or minimum eyesight standards. Nor do we think they should be subject to additional requirements under the Road Traffic Acts, registered with DVLA or be subject to Vehicle Excise Duty. However, we think the current requirement that they should only be used by people with a physical defect or disability should be retained.
- 2.4 Even though Class 2 vehicles are not currently designed to be driven on the road, there clearly will be, as with pedestrians, occasions when they will have to be. In particular, people living in rural areas with no footpaths will have no option other than to travel on the road alongside cars and lorries. Therefore, we do not think it would be reasonable to legally prohibit Class 2 vehicles from travelling on the road. However, pre-sale information should make it clear that these vehicles are not primarily designed for road use.
- 2.5 Age Concern and Help the Aged believes the current legal position reflects the valuable role that these vehicles play in helping those with mobility problems maintain their independence and that at this time, evidence does not exist that suggests regulation should be tightened.

3. POTENTIAL BENEFITS OF GUIDANCE AND INSTRUCTION

- 3.1 However, we do believe there is an argument for providing opportunities for users of these vehicles to take a proficiency test on a voluntary basis, without charge, along the lines of the scheme recently trialled by Norfolk Police. This would not be on the basis of a pass or fail, but would help to instil basic road sense and vehicle handling skills in those who use these mobility scooters on a regular basis. It would be preferable that such training was offered at the point of sale of such vehicles, but we accept that as many are sold second hand through the small ads, this would not cover all potential users.
- 3.2 It is important that people are sold the right vehicle to match their needs and that they are given the opportunity to try out the product. We support the code of practice of the British Healthcare Trades Association which requires their members to "ensure to the best of their ability that the product supplied will satisfy as far as is reasonably possible the mobility requirements of the prospective user". The code also requires their members, before the conclusion of any transaction, to "ensure that the prospective users of the products are given reasonable tuition covering their use and maintenance."
- 3.3 There should be an obligation on all sellers of mobility scooters to ensure a vehicle meets the needs of the person and that the person should be given the opportunity to try out the vehicle. However, we do not think that this should extend to a requirement for an assessment of an individual's ability and fitness to operate a mobility scooter. If a person is able to try the vehicle out prior to purchase, we do not think there is a need for any further formal training. However, people should be encouraged to take training on a voluntary basis and provision of such training facilities should be encouraged. It would also provide an appropriate opportunity to bring the guidance contained in the Highway Code to the attention of purchasers.²⁷

4. New Legislation

- 4.1 In calling for evidence, the Committee has asked whether new legislation and guidance is needed. We have addressed the issue of the latter above, but would urge government not to consider additional legislation at this time. We do not believe that the current level of regulation is disproportionate to the sale and use of these vehicles, but we do have concerns that additional laws could discourage those among the most vulnerable in society from being able to access local services, stay in touch with friends and family, and maintain their independence.
- 4.2 We are aware of calls for legislation to be considered to allow users of these vehicles to be prosecuted for operating them in a dangerous manner, but would suggest that existing powers already allow the police to prosecute where necessary and that the need to do so is exercised extremely rarely.
- 4.3 There have also been calls for compulsory insurance, which we would similarly oppose, at the same time noting that the Minister has reported that anything up to 90% of users may already hold such insurance²⁸. However, it would be helpful if people were advised to consider taking out insurance to cover breakdown, damage to the vehicle and personal injury insurance at the point of sale.

²⁶ Review of Class 2 and Class 3 Powered Wheelchairs and Powered Scooters (invalid Carriages) summary report 27 February 2006.

²⁷ http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_069852

²⁸ HC Deb 5 January 2010 c65WH.

5. SAFETY OF PEDESTRIANS AND SCOOTER USERS

- 5.1 The call for evidence states that this the Committee's inquiry is in response to apparent public concern over some aspects of legislation and regulation, but other than providing a couple of examples reported to it by the Royal Society for the Prevention of Accidents (RoSPA) and noting the press has highlighted incidents, it does set out what precisely these concerns are or how widespread they are. Age Concern and Help the Aged has not received any enquiries raising any specific problems in this area. We are however concerned there is a danger that mobility scooter users will be subject to the same stereotyping as older drivers. As with older drivers, there is no need to condemn all older drivers of such vehicles, or demand any changes in legislation because of the behaviour of a few people who misuse the vehicle and fail to behave responsibly.
- 5.2 We therefore consider that one of the recommendations arising out of the analysis of this consultation must include research and monitoring of incidences and experience of the use of these vehicles.
- 5.3 We note that the Department for Transport has undertaken fieldwork for a survey to assess the number of mobility scooters and the extent to which their use may have caused injuries to pedestrians and to themselves where they have been involved in accidents. The survey appears to have been focused primarily on public attitudes to regulatory issues and while data has been collected on injuries caused by scooters, it is not clear whether this will be statistically robust enough to be helpful. It remains the case that information on incidents involving and injuries caused by mobility scooters is not recorded centrally.
- 5.4 The Minister has recently suggested that because pavement speeds are limited to 4 mph, injuries are rare and mostly minor and that this assertion is supported by several studies.²⁹

6. Other Issues

- 6.1 We do not think there are any further requirements for use in a pedestrian environment apart from the current maximum speed of 4mph unless there is clear research evidence to point to the need to reconsider this. However, the current road and pavement infrastructure, and indeed transport policy more generally is ill equipped to deal with the current and likely increase in use of these vehicles. We would submit that it is these shortcomings, rather than any deficiency in the ability of those who use these vehicles that causes accidents. Local authorities must ensure that roads and pavements are maintained to a standard that will alleviate any potential problems for users. Transport policy makers and engineers should be required to take account of the needs of these vehicles and ensure that their use is compatible both with other motor vehicles, cyclists and pedestrians.
- 6.2 The 2006 DfT research suggested that there should be a greater emphasis on the removal of parked cars from pavements etc, to improve access for mobility scooter users. Those consulted at the time were strongly against the placing of more restrictions, or outright bans, on the use of mobility scooters on pavements, as they felt that too many physical barriers already existed. We would concur with that view and urge the Committee to consider carefully any further moves that might inadvertently restrict the use of these vehicles.

February 2010

Memorandum from Living Streets (MOB 14)

SUMMARY

- Mobility scooters can be lifelines for many people who have difficulty walking.
- Their use on pavements should never cause intimidation or injury to pedestrians.
- The 4 mph setting for pavement use needs to be better enforced.
- Third party insurance should be required for all mobility scooter use on the highway, and training should be compulsory for all uses.

1. ABOUT LIVING STREETS

- 1.1 Living Streets is the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk. We work with professionals and politicians to make sure every community can enjoy vibrant streets and public spaces.
- 1.2 The history of Living Streets demonstrates the strength of our agenda. We were formed in 1929, as the Pedestrians Association, and have grown to include a network of 100 branches and affiliated groups, 28 local authority members and a growing number of corporate supporters. As well as working to influence policy on a national and local level, we also carry out a range of practical work to train professionals in

²⁹ Ibid.

good street design, and enable local communities to improve their own neighbourhoods. We run high profile campaigns such as Walk to School and Walking Works, to encourage people to increase their walking levels and realise a vision of vibrant, living streets across the UK.

2. Responding to the Inquiry

- 2.1 This response from Living Streets focuses on the need to ensure that pavements are as safe as possible for all legitimate users.
 - 2.2 Pavements are first and foremost for pedestrians. To clarify:

Pavement is the colloquial term for the legal term footway which, as opposed to a public footpath away from normal roads, is:

"a pedestrian right of way within the boundary of an all-purpose highway" 30

Under the 1835 Highways Act it is an offence to:

"wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot-passengers or shall wilfully lead or drive any carriage of any description upon any such footpath or causeway."

2.3 The advent of mobility scooters for those who have difficulty walking has been welcome. However they should never lead to situations where pedestrians feel either intimidated or endangered by their inappropriate use. Therefore mobility scooters, as substitutes for walking on the pavement, should be restricted to no more than walking speed. In this respect the 4 mph setting is appropriate—and it is also for this reason that pavement cycling remains, quite rightly, illegal.

3. REGULATION AND ENFORCEMENT

- 3.1 We welcome that the Highway Code states explicitly that mobility scooters should not be used above 4 mph on pavements.
- 3.2 However we have concerns that the obligatory use of the 4 mph setting on class 3 vehicles is rarely enforced, and that the requirement for DVLA registration of scooters capable of more than 4 mph is also not enforced enough.
- 3.3 Given the aging population and the therefore likely increase in the use of mobility scooters in the future we believe that a formal review should be undertaken, to consider enforcement of existing regulations and limits and consider strengthening the registration and/or licensing framework for mobility scooter use.
- 3.4 Insurance is not currently compulsory. We expect 3rd party insurance to be a condition of using a mobility scooter on the public highway and that this should be properly enforced.
 - 3.5 Adequate training should be a requirement for all mobility scooter use.
- 3.6 Adequate provision must be given by planners to provide appropriate space allocation to ensure that pavements are fit for pedestrians and mobility scooters.

February 2010

Memorandum from the Disabled Persons Transport Advisory Committee (MOB 15)

- 1. The Disabled Persons Transport Advisory Committee (DPTAC) is grateful for the invitation to submit evidence to the inquiry by the House of Commons Transport Committee into personal mobility scooters (PMS).
- 2. As you know, DPTAC was established under the Transport Act 1985 to advise the Government on the transport needs of disabled people. DPTAC has identified four overarching principles on which we base our advice to Government, other organisations and disabled people. These are that:
 - Accessibility for disabled people is a condition of any investment.
 - Accessibility for disabled people must be a mainstream activity.
 - Users should be involved in determining accessibility.
 - Achieving accessibility for disabled people is the responsibility of the provider.
 - 3. These principles are also the basis on which we offer the following comments.

³⁰ Department for Transport, Draft LTN 2/04—Adjacent and Shared Use Facilities for Pedestrians and Cyclists. 2004

INTRODUCTORY REMARKS

- 4. Individual mobility and expectations of improved access to facilities, including the wider public realm have increased over the last 25 years, partly due to successive government and local authority intervention. Mobility scooters have enabled a historically mobile generation to continue to enjoy that mobility and we cannot expect people to readily accept it being reduced.
- 5. DPTAC consider this inquiry is timely and are pleased that the Department for Transport is actively involving us in the development of this area of policy, but consider that the scope for consideration should be as wide as possible—we would seek full research in this area now, to ensure future actions are soundly evidence based.
- 6. DPTAC consider the research on the use of PMS should be wider than limiting it to their use on the pavement. We would seek that research and evidence gathering should cover the full usage of PMS:
 - on public transport;
 - on the road;
 - within buildings; and
 - where possible conflicts with pedestrians and other road users could take place.
- 7. DPTAC also consider that a clear outcome of the research should be the production of a sound evidence base, flexible enough to support future technological developments covering: increase in traffic; improvement in size and effectiveness of PMS themselves; changes in proposed street scape (shared space); developments from the EU; and any other technical developments in personal transport.
 - 8. Turning to your four specific questions:
 - Is the current legal position clear with regard to mobility scooters and pedestrian use of space?

The current legislation has not kept pace with developments in personal mobility. Therefore the current legal framework is unclear. DPTAC would seek the production of research to produce a firm evidence base, to provide clarity, and which could be used to develop a framework for the future that would ensure the safe use for all users of the road, pavement and public transport.

— Does the current situation protect both pedestrians and other road users?

The lack of evidence means that pedestrians may well not be sufficiently protected, or for that matter other road users and users of mobility scooters. This lack of clarity creates uncertainty and leaves all users vulnerable and could lead to conflict.

DPTAC would wish to see research and evidence gathering to investigate, as a minimum: type and value of training; understanding of the Highway Code; considering the benefits of wearing high visibility vests/ clothing; and the value of compulsory insurance.

 Does an increase in mobility scooter use and a greater variety of similar non-standard vehicles mean that new legislation and guidance is needed?

The range and type of mobility scooters and electric vehicles has grown considerably in recent years, but there is currently a lack of sound evidence on which to base the development of legislation. DPTAC consider that this situation needs to be rectified.

 What evidence is there about the safety of pedestrians and mobility scooters and similar non-standard vehicles sharing space?

DPTAC is aware of a range of anecdotal evidence and some factual evidence, albeit not statistically significant. What DPTAC do not have is clear information of the scale of the "problem". This lack of clear information can lead to a misunderstanding of the real situation. Some of what is said about PMS can also be said about small children using their bikes on the pavement.

CONCLUDING COMMENTS

- 9. The principal concern of DPTAC is to ensure continued and increased accessibility for disabled people. We believe that PMS already are making a significant contribution towards these aims and they have the potential to contribute even more in the future.
- 10. DPTAC consider that detailed research in this area by the Department for Transport is essential. The production of a sound evidence base, flexible enough to take account of technical developments and changes in personal expectation, will in the long run save time and money in the drafting of effective legislation in the future.

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Memorandum from Norfolk Constabulary (MOB 17)

1. Submitter Introduction

I am employed by Norfolk Constabulary as a Crime Reduction Officer within the Community Safety Department and I work in Great Yarmouth. Within my role I am responsible for vulnerable and elderly victims of crime as well as assisting Safer Neighbourhood Team's with problem solving projects. I am a Trustee of Age Concern, Great Yarmouth, and I represent the Constabulary at local level when attending Older Peoples Network & Safeguarding Adults meetings.

2. Executive Summary

Mobility scooters are being used more and more and while people's ability to be mobile is very important, the safety of mobility scooter users and other pedestrians is equally important.

The safety of the public is the priority of Norfolk Constabulary and after listening to concerns about the use of mobility scooters the Constabulary devised an awareness course to help enhance users' ability to use their scooter in a safe and appropriate manner.

An awareness DVD for mobility scooter users is being produced by Norfolk Constabulary to be used in conjunction with the practical safety awareness course that was piloted in Great Yarmouth. Safer Neighbourhood Teams across Norfolk will be encouraged to run courses and distribute the DVDs to users as part of our proactive approach to engage with these communities.

A selection of charitable and commercial partners with similar concerns about user safety are being sought to support our efforts in Norfolk with a view to making this available nationwide.

3. Background Information

- 3.1 Norfolk Constabulary devised a mobility scooter awareness course together with partner agencies in the early part of 2009 in response to community concerns. The main concern raised to officers at a local Safer Neighbourhood Team in Great Yarmouth was the manner of driving on roads and footways—in particular mobility scooter riders hitting into market stalls and going too fast.
- 3.2 An awareness course was devised by officers in partnership with Norfolk County Council's Road Safety Officer and local traffic management from the Constabulary. The course included negotiating cone slalom and other hazards, reversing, familiarity of the dials on the vehicle, use of the mirror and indicators and generally improving users' road safety.
- 3.3 Our partners for this multi-agency initiative were the Red Cross, Dial and Help the Aged, and local mobility scooter outlets who provided stands and equipment for the day. The day also provided an opportunity for the Safer Neighbourhood Team and partners to engage with people who represent some of our most vulnerable members of society and who are often not well represented at many local meetings. In addition to offering advice on a wide range of subjects from our partners, we were also able to provide security advice for both person and home.
- 3.4 Following the success of the first course in March a second event was held in December 2009. A DVD is going into production this month which will offer Highway Code guidance and important safety advice for users to absorb both in a group situation and in the comfort of their own home.

4. Research

4.1 Identifying public concern

- 4.1.1 During the build up to the first course local research was carried out to assess the problems which had been reported by the public. We found that the common concerns were:
 - (a) Poor driving behaviour.
 - (b) Speeding in pedestrian areas.
 - (c) Collisions with parked vehicles and stalls on the market place.
 - (d) Concern for some being used along busy roads.
- 4.1.2 Further research identified that any training was down to mobility scooter outlets and the level of training/guidance varied. It became clear that a person buying a mobility scooter from an official showroom/ shop would be measured to specific machines to fit their size and needs but this would not be the case if purchased second hand or off the internet. This meant that some users put themselves at risk by using perhaps unsuitable machines.
- 4.1.3 What concerned us was that someone who had no previous experience of driving on the road could now use a slow moving scooter on a road and even a dual carriageway, without any or limited training provided. Class Three scooters should only be used by those members of the community who are registered disabled from the age of 14 and upwards. Even more concerning was that they did not require any insurance.

4.2 Incidents involving mobility scooters

- 4.2.1 Gaining access to figures on incidents involving mobility scooters has proved extremely difficult as often they are not reported and police officers are not required to attend. If someone attends hospital suffering from leg injuries sustained from a mobility scooter incident these are often recorded as personal injury.
- 4.2.3 Even when police officers attend an incident it is often difficult to determine how to deal with it. We found incidents locally of a person who sustained serious leg injuries and Crown Prosecution Service decided it was not in the public interest to prosecute as the driver was on benefits and had no insurance.
- 4.2.4 There have been incidents where the rider has driven off having knocked an elderly person over causing them injuries and requiring hospital treatment. If they had been in a car this would have been classed as a hit and run, and failing to stop/stay at the scene of an accident. Unfortunately incidents like these are occurring and are not being recorded, making it difficult to gauge the level and frequency of these collisions.
- 4.2.5 It is reported that there were nationally in the category of other incidents in which scooters come under. 1,970 incidents occurred in 2006, this rose to 2,971 in 2007 and in 2008 this rose again to 3,238. There is however no way of knowing how many of these were attributable to mobility scooters.

4.3 North Yarmouth safety awareness course

- 4.3.1 Our training course was designed by our Traffic Management Officer, Mr David Law and the Norfolk County Council Road Safety Officer, Mr Robert Daynes.
- 4.3.2 The course was based loosely on the National Cycling Proficiency and was designed around everyday problems that mobility scooter users encounter, such as restricted/obstructed footways due to dustbin days, the need to reverse to avoid obstructions and people. There was no pass of fail for the course attendees.
- 4.3.3 A Keystone Eye sight tester was made available at the events and those whose sight appeared to be below acceptable levels were advised to seek professional assistance. A mobility scooter provides individuals with a great amount of flexibility and independence and we wanted to encourage them to continue to enjoy this but in a safe and responsible way.

4.4 Course analysis

- 4.4.1 Important lessons were learnt from both our training days. The courses were carried out at indoor venues so we were not affected by weather, but ideally it should or could be carried out on roads and footways as we would with cycle proficiency.
- 4.4.2 Our training courses highlighted the need for people to be assessed but also to allow them to recognise their own limitation and highlight the need to raise their awareness on their ability to use the scooters safely.
- 4.4.3 Some users had limited upper body movement making reversing hazardous as they were unable to physically look behind and the mirrors on the scooters were small and poor quality and you lost sight of what is behind you when the steering column is turned. Some lacked confidence and were concerned at the quick acceleration but after a number of attempts began to feel more comfortable.
- 4.4.4 The size of the scooter's also caused a problem as the larger machines needed greater areas to turn and manoeuvre. One user on the first course admitted to having had more than six collisions on their scooter in just over a year. This clearly demonstrated the need for training courses to be implemented to help educate the user on a safe code of practice.

5. RECOMMENDATIONS

5.1 Suggested improvements

There are a number of suggestions we would like to make that would improve the safety of the users and the public at large. These fall into two categories, the first being legislation and the second being construction of the mobility scooters.

5.2 Legislation

- 5.2.1 To make legislation that requires users of Class Two and Three scooters to have third party insurance. This will provide the user with peace of mind regarding fire and theft of their machines but also allows anyone injured as a result of a collision to gain compensation for their injuries. Some people have argued that pedestrians and cyclists do not require insurance but can cause injuries to others, however a scooter can weigh up to 150Kg unladened and at 4mph or 8mph can cause severe damage to peoples legs if struck, and these type of collisions are happening more often than is being recorded.
- 5.2.2 The recording of incidents involving mobility scooters. At present local hospitals record injuries suffered by scooters as personal injury, we would like to see them recorded as scooter collisions, and should police be involved then they should be recorded as a Road Traffic Collision (mobility scooter), this will assist in providing more accurate information for future data.

- 5.2.3 Compulsory safety awareness courses should be adopted and could be carried out under a partnership arrangement between local authority Road Safety Departments and Constabularies. We would suggest running four courses a year from a central point within a county. These would be pre-planned and well publicised events to provide the public with early notification to allow users to plan ahead.
- 5.2.4 County courses run on a quarterly basis would enable partnership participation from mobility scooter outlets and manufacturers, who would be able to offer advice and guidance to those considering a purchase. Safety awareness courses should be standardised to offer encouragement guidance and assistance to users and most importantly confidence in the individuals' ability. Our courses are by no means the finished article, however they do provide a platform in which to build on for a guide to standardise awareness training.
- 5.2.5 Regulations should be introduced to improve guidance and enforcement on driving without due care and attention, leaving the scene of an incident, hit and run, driving whilst under the influence etc.

5.3 Recommendation on improvements to mobility scooters for manufacturers

In January 2010 we held a meeting with Sunrise Medical, one of the main manufacturers of mobility scooters to discuss considerations for improvements to the scooters. They took away our recommendation for consideration. We would like all manufacturers to consider these points:

- 1. Since Class Two and Class Three are permitted on the road and more often than not Class Two carriages are forced onto roads because there is often insufficient space on footways or lack of crossing facilities. In more rural towns and settlements often there are no footways at all. Class Two should be fitted with the same lights, reflectors, horn and mirrors that benefit a Class Three model.
- 2. One of the difficulties highlighted was that mobility scooters are often difficult to see in poor visibility or in darkness, could consideration be given to having a full width rear red reflector, and better reflective material along the sides? Could consideration be given to thin fibre optic orange coloured lighting strips to go along the edges of the machine to raise the profile in poor visibility?
- 3. Many scooters are dark in colour, could they be made/painted brighter colours or increase the reflective surfaces on them?
- 4. Since the Highway Code states that users should wear bright clothing, could consideration be given to providing fluorescent jackets with each purchase of a machine to try to standardise the need to wear these items of clothing?
- 5. During the training course we set up, it quickly became clear that many scooter users lacked upper body movement. This was due to a number of reasons but it resulted in them relying on their mirrors for guidance, they quickly ran into difficulty when they tried to reverse around an obstacle as they quickly lost sight of what was behind them. Could consideration be given to either larger mirrors or gyro type mirrors that would remain looking in one direction whilst turning in another?
- 6. Due to the problems some people experience in reversing, could consideration be given to some form of audio warning to give pedestrians prior notice of their intention or an audio warning to let the operator know when they are approaching an obstacle or person similar to that used on vehicles?
- 7. We are concerned as to the easy access to scooters on the second hand market; these can be purchased from e-bay, auctions, and markets, boot sales without any advice or guidance. When a family member has died and the family are left with one of these scooters all they want to do is to get rid of it. Perhaps if the mobility scooter industry offered a buy back scheme where the price could be based on age and condition, the scooter could then be serviced and placed back into the market as a serviced scooter. We feel this is a better way of recycling the item as the scooter is then sold back through the industry to the end user in a controlled way. A similar scheme operates in Holland.
- 8. A buy back scheme would also help to recycle the unit in a responsible manner. Should the unit be found to be past repair there are disposal issues around the electronics, plastics, tyres and batteries to be taken into consideration?
- 9. Security is a key issue. We suggest that adjacent to the tiller (on the inside of the unit) it would be really useful to have a lockable box, fixed to the unit, or moulded into the unit similar to a glove compartment found in motor vehicles. This should not interfere with the user's ability to control the scooter or make it difficult for the user to move onto or off the unit. We are not asking for a large storage box but a discrete compartment where the end user could place for example, house keys, purse, wallet, or mobile phone. It is all to easy for the user to place their handbag in baskets or sling them over the back of the chair, this can make them unwittingly victims of crime when they are stolen out of the basket or removed from the back of the chair while in motion. We have seen scooters with large lockable storage boxes which are an excellent idea for security.
- 10. On some models under the seat/chair fixings there is a small round reflective disc which we believe could too easily be covered up by the users clothing, blankets, cushions etc. This makes it ineffective as a reflective aid.

- 11. Are there any speed inhibitors that enable the user to go slower than four miles per hour? As a pedestrian we would be walking quite briskly to meet that speed. We would suggest manufacturers look at three speed settings of 2,4 and 8 mph. 2 mph within crowded shops and or super markets is a far more controlled speed.
- 12. Are there any speed inhibitors, similar to parking sensors, when the scooter is turning or negotiating an obstacle where the scooter sensors can identify an object etc? The sensor would recognise this and automatically bring the machine to a slower speed.

6. NORFOLK CONSTABULARY MOBILITY SCOOTER SAFETY AWARENESS INITIATIVE

- 6.1 Norfolk Constabulary will launch a campaign in the Great Yarmouth area next month to tackle the social issues that surround mobility scooters. The campaign will focus on community engagement to empower the users with safety advice and tips to help them retain their independence.
- 6.2 A series of safety awareness events will be held across Norfolk modelled on the initial course in Great Yarmouth. These will be run in association with a commercial sponsor and a number of key partner agencies. Mobility scooter users will be encouraged to attend the non-compulsory events to learn tips and techniques to improve theirs and others safety. The events will be publicised through SNTs, local and national partners, retailers and the media. We also hope to conduct more research to demonstrate the benefits of the safety awareness activities to other organisations.
- 6.3 An integral part of the course will be a safety awareness DVD. This will be designed to help scooter users understand how to cope with a range of different driving scenarios which they may encounter on a daily basis. The main purposes of the DVD are tips and techniques for staying safe and secure, guidance to The Highway Code and the law and mobile scooter etiquette. Event attendees in Norfolk will receive a complimentary DVD alongside useful safety products and advice from partners and sponsors.
- 6.4 Roadshows will also be held in the Great Yarmouth area to encourage users to learn how to undertake maintenance and other safety checks. SNTs in Norfolk will be supplied with training packs and encouraged to run mobility safety awareness courses where they believe there is a local requirement. Copies of the DVD will also be made available free of charge to mobility scooter users in Norfolk on a request basis and through SNTs.
- 6.5 RoSPA have confirmed their support of our inititative and will be presented with a DVD treatment later this month to ensure the appropriate safety advice has been covered in the content. Motability launch their new wheelchair user and scooter scheme in July and have also expressed an interest in our initiative
- 6.6 After making the events and DVDs freely available in Norfolk we plan a national rollout with an accompanying mobility scooter user guide to the Highway Code and a safety awareness training pack being sold to police forces, local and district councils and other agencies to enable them to host their own events across the country.

7. Conclusions

We feel that the current situation with regard to mobility scooters does not protect both pedestrians and other road users. There has been a marked increase in mobility scooter use over recent years and we feel that new guidance is now needed. Norfolk Constabulary would like to pilot the idea of running non-compulsory course alongside the production of a safety awareness DVD which would compliment the course. The DVD will be a useful guide for mobility scooter users to help them understand how to stay safe and secure whilst coping with a range of different driving scenarios which they may encounter on a daily basis. This DVD will be made available to all mobility scooter users in Norfolk who attend the courses and upon request for those unable to get along. The Constabulary plans a national roll out of the training materials and DVD with the support of commercial and charity partners to recover the costs incurred. A number of markets have been identified to host courses across the country including other police forces, local and district councils, sheltered housing associations and some health related organisations. Scooter manufacturers will be targeted to encourage them to make the DVDs available freely to their customers.

During the campaign Norfolk Constabulary and our partners will carry our research into users' behaviours with regard to safety and security. Our research will be made available to the Transport Committee.

February 2010

Memorandum from Mr Ian Faulks (MOB 18)

1. Introductory Remarks

Concern about safety issues associated with mobility scooters is world wide, and there are increasing scientific and grey literatures addressing this issue.

In Australia, a project has commenced to develop a consistent national policy for the regulation/control of alternative vehicles (including, of course, mobility scooters) that might share roads or pathways with cars, bicycles or pedestrians. Amongst other matters, the project requires a review that will include an examination of similar questions to those posed by the committee. It may be useful for the Transport Committee's inquiry to have access to this information, as the Australian and UK legal systems and approaches to driver licensing and vehicle registration are very similar, and there may be some useful cross over and information sharing.

2. A OUESTION OF COMPETENCE

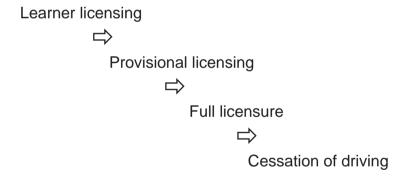
"Competence is a habit. The distinction between being qualified and competent is analogous to that between potential and actual. Currently, completion of the [New South Wales] Roads and Traffic Authority computer knowledge test ... and successful completion of the on-road driving test ... establishes a person as a qualified driver. Competence requires the habitual demonstration of driving competencies in the actual and dynamic on-road traffic environment, and as such it requires a broader array of structured tuition and assessment techniques".

From: Faulks (2009), a policy review document commissioned by the driver training industry that prompted the New South Wales government to introduce the new structured lesson planning program for learner drivers that commenced just before Christmas 2009.³¹

Just as competence is a critical issue in any consideration of a beginning driver, so too an assessment (and an understanding) of competency is important for other drivers within a driver licensing system.

3. Whole of Driving Life

In 1995 I developed a useful concept for discussing driving licensing issues: the idea of "whole of driving life". This concept provides for an understanding or an assessment of the effectiveness and efficiency of the operation of a driver licensing system throughout the tenure of a drivers licence. In common understanding, this means the various stages of licensing that are familiar to us as drivers, typically spanning 60 or more years of driving:



It is useful to view a person's lifetime interaction with driving motor vehicles as extending from a predriving and prelicensing stage, through to a period of licence acquisition and then on to the lengthy period of licence tenure when they are let loose on the road, probably with no further testing, until that the time that they hand in their licence or they are deemed to be unsafe to be holding a licence.

³¹ Faulks, I J. (2009). An Enhanced Training Program (ETP) for learner drivers within the New South Wales RTA graduated driver licensing system. Report 2009-07/01. Wahroonga, NSW: Safety and Policy Analysis International.

There are a number of interventions within this basic model that can also be added, including:

Pre-licensing (pre-driving) interventions

- ⇒ Education (school-based, community, parent-based)
- ⇒ Offending (Proof of age offences)

Learner, Provisional licensing and Full licensure

- ⇒ Other licences classes (motorcycle, heavy vehicles, bus, occupational licensing—taxis, hire cars, various work-related vehicles)
 - ⇒ Training, updating and retraining relating to, or as required by, the working environment
 - ⇔ Offending (Traffic offences, other offences)
 - ⇒ Fitness to drive
 - ⇒ Disqualification, suspension and cancellation of a drivers licence
 - □ Demerit points
 - ⇒ Probationary licensing
 - Restricted licensure

Cessation of driving

□ Continued mobility (alternative vehicles)

4. STAGES OF DRIVER LICENSING

The predriving and prelicensing stage is a stage lasting through the childhood years and is characterised by interventions such as the road safety curriculum in New South Wales schools from Kindergarten through to Year 12 and in a number of additional, often cimmunity-based schemes (eg. the New South Wales Police Force's Community and Road Education Scheme, CARES). In the main, the focus in the predriving and prelicensing stage is on road safety as a pedestrian, as a cyclist or as a passenger. It is only towards the end of this stage that the prelicensing programs for intending drivers are introduced. An important point here is that throughout this stage children are exposed to innumerable instances of good and poor driver behaviour, which can be remembered and later modelled in their own driving.

The stage of licence acquisition and several years afterwards is characterised by interventions such as the mandatory requirements for a learner driver, the passing of a test of road safety law and, of course, road safety knowledge. There is a test of practical driving ability and a period of provisional licensing. It is during this stage that the predominant interventions under the driver licensing system occur.

The final stage—the typical lengthy period of licence tenure, which ends when a person no longer drives a motor vehicle—is characterised by a progressive reduction in risk of injury during driving, which only reverses in the latter part of a person's driving life and, of course, in the elderly. There are comparatively few interventions during this stage—we have major interaction between a driver and the licensing system occurring during the licence renewal process, or if a driver's behaviour is so poor that the police and, ultimately, the courts take action. An important issue in this stage is the process of testing and assessment of (usually) older drivers, typically associated with medical review of fitness to drive.

Another set of issues relate to drivers who are, because of their poor behaviour, forced from the driver licensing scheme by the court. How should these drivers be reintroduced into the licensing system? What barriers exist to discourage reentry into the licensing system? Finally, there are issues associated with the rehabilitation and effective return to work of these persons who, through injury or disease, may require assistance in regaining their driving skills.

5. A New Area of Concern

Driver licensing systems are also strongly linked to a standard classification system for vehicles—typically with different licensing requirements for driving a car, driving heavy vehicles (with different mass, number of axles, dimensions, etc.), riding motorcycles, and so on.

Vehicle design has changed in recent decades, with motor vehicles incorporating new materials, new manufacturing techniques, etc.

As well, there has been what is termed vehicle morphing. Morphing is a term derived from aerodynamic engineering, usually relating to adapting the wing shape in flight. In motor vehicle design and engineering, vehicle morphing refers to changes and adaptations to vehicle categories, including, for example, the adaptation of military-style 4WD light truck technologies into SUVs and AWD vehicles. The influx of these new morphed vehicles into the road transport system have been associated with calls for new categories of driver licensing (eg, 4WD driver licences) and vehicle registration, as well as concerns that both roadworthiness and crashworthiness may be adversely affected in the new types of vehicles.

With a range of alternative vehicles, including mobility scooters, we may be seeing another instance of vehicle morphing, as vehicle design, materials and technologies allow for new (and sometimes radically different) vehicles. Prominent examples are the range of vehicles developed by Segway, some of which are already in production and in the marketplace, but it is also noted that many of the major vehicle manufacturers have developed concept vehicles that reflect vehicle morphing towards lighter, less protected and less crashworthy vehicles.

6. ALTERNATIVE VEHICLES (INCLUDING MOBILITY SCOOTERS)

A consistent policy framework for the assessment of alternative vehicles for access to the road transport system is required.

Alternative vehicles, which might also be called Personal Mobility Devices (PMDs), are wheeled vehicles that are generally designed for use amongst conventional road vehicles or pedestrians or on dedicated pathways. Bicycles are one (common) example of an alternative vehicle, and are generally used on roads or bike paths. Some variants of motorcycles, such as quad bikes (eg all-terrain-vehicles), miniature and electric motorcycles, can also be considered alternative vehicles³² but, in general, are not approved for use on roads or footpaths. Other alternative vehicles include electric wheelchairs, power assisted pedal cycles, Segway personal transporters, motorised skateboards and motorised recreational scooters. It is evident that some designs of alternative vehicles do not mix well with either conventional road vehicles or pedestrians, when using existing infrastructure.

In recognition of health, environmental and congestion reduction benefits there has been a recent increase in bicycle-related infrastructure (including bike paths, bike lanes and other measures to make roads more "friendly" to cyclists). This infrastructure is primarily intended (and is therefore designed) for bicycle use, however there may be scope for use by alternative vehicles where there is a net public benefit and safety levels are maintained.

Identified public benefits of alternative vehicles may include:

- Environmental benefits (eg, reduced emissions, reduced use of resources);
- Road congestion reduction (shift from cars to alternative vehicles using separate infrastructure);
- Improved standard of living;
- Increased capacity for social interactions (aged/disabled users);
- Reduced burden on community services (eg, devices that increase mobility of disabled/aged users will reduce the need to carers that assist with mobility);
- Health benefits; and
- Direct cost savings (eg, reduced spending on petrol, reduced spending on tolls, reduced spending on vehicle maintenance and reduced capital costs such as vehicles and garaging, compared with cars).

Some motorised alternative vehicles (eg "pocket bikes", Segways, motorised skateboards) are primarily designed for recreational purposes. As such, any claimed benefits should be compared with those of bicycles, which are also primarily recreational devices. It is considered inappropriate to compare motorised recreational alternative vehicles with cars.

The Australian Road Rules, which are used as a template for State/Territory regulations, set stringent performance requirements for some alternative vehicles, such as motorised recreational scooters (including that the motor power shall not exceed 200W, maximum speed of vehicle limited to 10km/h). The definition of "motorised scooter" may encompass other motorised alternative vehicles such as motorised skateboards and Segways. It is understood that very few of these motorised recreational devices currently on the market meet the requirements of the Australian Road Rules (as their performance generally exceeds the requirements). It is also understood that there is no regulatory support to allow motorised recreational devices that exceed the performance limits set out in the Australian Road Rules. There are also concerns about enforcement (and capacity for enforcement) of these Australian Road Rules.

7. PRINCIPLES FOR A POLICY FRAMEWORK CONCERNING ALTERNATIVE VEHICLES

As new types of alternative vehicles, perhaps marketed for use amongst conventional road users, enter the market and existing alternative vehicles are adapted for use on roads and road related areas, it is important that a policy framework be developed to assess the suitability of road/bicycle path/footpath/shared zone use for these alternative vehicles. There is an increasing availability (and demand) for alternative vehicles that are not designed primarily for use in conjunction with conventional road vehicles, do not meet the Australian Design Rules and are not permitted by the Australian Road Rules. Most of these vehicles are not eligible for registration in any Australian State or Territory (an exception is of motorised mobility devices—disability scooters or mobility scooters—in Queensland). Furthermore, it is possible that an

Motorcycle Safety Consultative Committee (2009). Motorcycle and Scooter Safety Summit—The road ahead, 10–11 April 2008. Canberra, ACT: Australian Department of Infrastructure, Transport, Regional Development and Local Government

alternative vehicle could be designed (or adapted) so that it would meet the Australian Road Rules (or other regulations) but that remain inappropriate for use on roads or footpaths. A policy framework that addresses these issues is now required.

Current vehicle standards recognise and require registration of conventional road vehicles (eg, trucks, buses, cars, motorcycles) and requires that these vehicles meet the Australian Design Rules. They also allow for conditional registration of agricultural equipment (eg, tractors and seasonal moving plant such as headers and harvesters), industrial equipment (eg, cranes, forklifts) and road maintenance vehicles (eg, streetsweepers). However, it should be noted that, in general, these vehicles require registration for occasional or seasonal road use, have a specific work purpose and are driven by qualified operators (eg holding appropriate certification under the AQF system³³).

For the current Australian project examining alternative vehicles, it is proposed to develop a set of principles to guide the formulation of the policy framework. These principles ensure that the policy stays relevant to the main aims of the Australian Road Rules and ensures that the policy will be practical. The following is an early draft of these principles.

- A. Alternative vehicles that are designed as a mobility aid should be regarded as a substitute for walking. When used amongst pedestrians, users of these devices should not expect, or be permitted, to travel at speeds much greater than those of pedestrians (however, dual speed modes may be feasible).
- B. Similarly, other motorised alternative vehicles that are to be permitted to be used amongst pedestrians should not be capable of speeds much greater than those of pedestrians.
- C. Alternative vehicles are not to be regarded as a car-substitute in cases where a driver has a licence suspended or cancelled or is too young for a licence. However, they may be regarded as a carsubstitute for commuting purposes, where suitable infrastructure is available to accommodate these vehicles.
- D. Any regulation or policy changes should not impact negatively on genuine wheelchair or mobility device users and should not reduce the amenity for other users of that infrastructure.
- E. Wherever possible, controls on the design and operation of alternative vehicles should be performance-based rather than prescriptive.
- F. Wherever possible, safety risks should be managed through smart engineering design of the alternative vehicle rather than relying upon rider qualifications, attitude, skills and abilities.
- G. Requirements for alternative vehicles should take into account.
 - (i) that the standards are appropriate for the class of vehicle and, where possible, are based on existing Australian or international standards or regulations;
 - (ii) the ability of the vehicle to produce a sustainable environmental outcome;
 - (iii) the ability of the vehicle to operate safely in the road/path environment;
 - (iv) minimal risk of operator harm, including the need for protective devices such as helmets;
 - (v) if permitted amongst main road traffic, minimal disruption to the flow of this traffic while also taking into account potential to reduce congestion and reduced environmental impact through a reduction in the number of commuting cars;
 - (vi) ease of enforcement and ease of controlling importation and sale of alternative vehicles, including unique identification of each motorised vehicle; and
 - (vii) health and community benefits.

It is important to note that the preceding list is indicative, rather than definitive in nature, as the current Australian project examining alternative vehicles has only just commenced.

8. Users of Alternative Vehicles

The users of alternative vehicles may include the following:

- Commuters;
- Persons undertaking fitness activities;
- Persons undertaking recreational activities;

³³ The Australian Qualifications Framework (AQF) links together education and training qualifications and is a quality-assured national system of educational recognition. It covers qualifications issued by secondary schools, vocational education and training (VET) providers and higher education institutions. All qualifications are nationally recognised. Within the framework, there are six vocational education and training qualifications available: Certificates I, II, III and IV; Diploma; Advanced Diploma; Vocational Graduate Certificate and Vocational Graduate Diploma. Training Packages specify the combination of competency standards required to achieve a particular qualification. Learners who complete some, but not all, standards for a qualification are awarded a statement of attainment. When they are assessed as competent in the remaining standards, they get the qualification. The qualifications to operate many of the alternative vehicles used as plant (agricultural, etc.) are industry-based under the AQF, typically in the Transport & Logistics skills area, but also in other areas (eg the Agriculture skills area).

- Mobility impaired, disabled and/or aged users (and/or their carers);
- Commercial operators (eg, low speed deliveries in pedestrian zones, recreational tours);
- Enforcement and/or public sector agencies needing access to non-road areas (eg, police, council rangers); and
- Taxi substitute for short trips.

The above user groups can be further broken into subcategories of more specific user type.

9. The Stakeholders to a Discussion of any Proposed Regulatory Environment for Alternative Vehicles

Stakeholders include:

- Local councils:
- Vehicle registration authorities/regulators;
- Driver licensing authorities/regulators;
- Enforcement agencies;
- Other federal and state government agencies (eg, customs/importation, fair trading, health, community services);
- Alternative vehicle users and their associations (eg, cycling groups/clubs);
- Family/Friends of alternative vehicle users;
- Suppliers and retailers of alternative vehicles and their industry associations;
- Driver trainers, and their associations and peak bodies;
- Emergency services;
- Pollution reduction advocates and environmental organisations;
- Aged/Disabled care providers and organisations (including rehabilitation providers, occupational therapists, etc.);
- Other road users and their organisations (eg, motoring clubs, pedestrian advocates, public transport advocates);
- Insurers; and
- Owners of non-public infrastructure such as shopping centres and retirement villages.

10. CATEGORIES OF ALTERNATIVE VEHICLE USE

Five main uses of alternative vehicles have been identified:

- Walking Substitute (for disabled persons or persons with limited mobility for short duration trips, ie, less than 5km total distance);
- Recreational (used primarily for enjoyment/fitness);
- Commuter (used primarily as a mode of transport to and from a place of employment);
- Commercial vehicle (used to transport goods or in an activity that generates income (with the
 exception of taxi vehicles); and
- Taxi Substitute (used as a means of conveying passengers in addition to at least one driver).

It is recognised that the use of any given alternative vehicle may fit into more than one of the above descriptions, however, its would seem appropriate for the purpose of any assessment of a regulatory environment for alternative vehicles to consider the primary use of the device at any time.

11. ROAD TRANSPORT SYSTEM INFRASTRUCTURE RELATED TO THE USE OF ALTERNATIVE VEHICLES

It is beyond the scope of this submission to provide a comprehensive listing of related infrastructure that potentially could be accessed and used by alternative vehicles, but a provisional list is set out below:

- Roads and associated infrastructure;
- Marked bicycle lanes (adjacent to road lanes);
- Bus lanes;
- School zones:
- Footpaths;
- Road shoulders;
- Shared pedestrian/bicycle pathways; and
- Dedicated bicycle paths.

Within these environments alternative vehicles can be expected to interact with a mixture of pedestrians, bicycles, other alternative vehicles and conventional road vehicles.

While some vehicles are appropriate for use in some areas they are not appropriate for use in all areas due to factors such as visibility, performance, crashworthiness and operating dynamics. An obvious example of this is that bicycles may be used on shared pathways and many roads however they are not appropriate for use on freeways as their performance, visibility and crashworthiness are inadequate for that environment. Similarly, bicycles are not appropriate for use on many pedestrian pathways as their higher speed makes them a potential danger to pedestrians. This is likely to be true for many alternative vehicles; they are appropriate for use in some areas, but not others.

To determine where an alternative vehicle can be used appropriately it is important to consider the types of vehicles (or pedestrians) that the infrastructure has been designed to accommodate and the characteristics of those vehicles or pedestrians (eg performance, visibility, crashworthiness, operating dynamics).

12. Barriers to Implementation of a Comprehensive Regulatory Scheme for Alternative Vehicles

Barriers to the development of a comprehensive system for the regulation of alternative vehicles include:

- Ambiguous definitions in the Australian Road Rules which allow for design of new vehicles that still meet the definitions but that do not meet the intent of the legislation;
- Confusion amongst the community, alternative vehicle users, enforcement agencies and other road users over what vehicles may legally access transport networks;
- Educating users, enforcement officers, the community and other relevant stakeholders in changes to legislation or new initiatives;
- Environment and sustainability—the need for more environmentally friendly vehicles and the need to reduce congestion could be used as an argument against the restriction of use of some alternative vehicles:
- It is anticipated that some existing users will be resistant to initiatives. Any initiative where users may suffer a loss of enjoyment, income, quality of life, independence or other loss will be resisted by those users potentially affected;
- There are a multitude of alternative vehicles consisting of significantly different designs. It might therefore be difficult to define and categorise these vehicles;
- Setting technical requirements and ensuring that new and imported vehicles meet these requirements;
- Possible allegations of restriction of trade (interstate and overseas);
- Applying performance measures to different vehicles may be difficult;
- Lack of existing technical standards relevant to alternative vehicles;
- Setting unique standards in Australia may mean that some imports do not meet these standards. As Australia is a small market, it may be unreasonable to expect products to be redesigned to meet Australian requirements:
- Differences in road/bike path design between jurisdictions—this may mean that some vehicles are appropriate for use in some jurisdictions but not others (eg, the Australian Capital Territory allows all bicycle riders to use footpaths). Issues are likely to arise when alternative vehicle users travel from one jurisdiction to another; and
- Policing—education of police (or other enforcement agencies) may be complex and making an onthe-spot determination for a new vehicle type may be difficult. Furthermore, policing of areas where alternative vehicles may operate may not be practical (eg, bike paths, peak hour traffic).

Again, it is stressed that this is a draft list, and is thus to be considered indicative, rather than definitive in nature, as the current Australian project examining alternative vehicles has only just commenced.

13. Options for a Comprehensive Regulatory Scheme for Alternative Vehicles

Consideration of options to be included in a comprehensive regulatory scheme for alternative vehicles is at a very early stage. Steps in the development of these options include:

- Refining the list of infrastructure categories and reviewing design standards/guidelines applying to each category of alternative vehicle;
- Developing a list of possible basic performance limits for each of the infrastructure categories (eg., minimum and maximum speed, maximum width, minimum and maximum height, maximum weight, etc.);
- Refining the proposed categories of alternative vehicles and identifying examples in each category;
- Determining for the likely range of performance measures for each category of alternative vehicle;

- Developing a matrix of an alternative vehicle category versus infrastructure category, in order to identify which infrastructure categories, if any, may be suited to each type of alternative vehicle (feasible combinations);
- Considering the safety, environmental and other issues relevant to each feasible combination of alternative vehicle category and infrastructure category; and
- Where possible, developing appropriate requirements to address any concerns about the feasible combinations (eg, dual range speed limiting, rider qualifications, helmets etc)

Possible options to be considered include:

- Identification of appropriateness of use based on designs specifications for various use environments;
- Licensing of operators (ie, driver licensing);
- Deterrents (eg, financial);
- Incentive schemes (eg, financial);
- Consumer rating/education schemes;
- Policing;
- Dynamic testing;
- Vehicle impounding, immobilisation;
- Conditional approval;
- Conditional registration;
- Importation restrictions.

14. Competency Revisited

Earlier, it was noted that a critical issue in the operation of any driver licensing system was an assessment of the competence of the driver (or vehicle operator). Driver licensing systems traditionally only assess basic skills and competencies sufficient to allow for the award of a qualification (ie, a drivers licence).

A concern regarding the use of alternative vehicles is that the drivers of such vehicles have not traditionally been subject to any assessment of competency. In fact, a move from driving a motor vehicle to using an alternative vehicle such as a bicycle or mobility scooter is often prompted by the cessation of driving as a result of repeated traffic offending or as a result of unfitness to drive (assessed by a medical practitioner or by a driving examiner).

The question arises: Can a person removed as a qualified driver be allowed, or in fact enabled, to use an alternative vehicle such as a mobility scooter on the road? As noted earlier, competence requires the habitual demonstration of driving competencies in the actual and dynamic on-road traffic environment. If this is not occurring for users of alternative vehicles (such as mobility scooters) then it may well be that incompetent and potentially dangerous drivers may continue to enter and use the roadway regardless of any removal or deterrent action by driver licensing authorities.

February 2010

Memorandum from Nexus (MOB 20)

NEXUS

Feedback Category Analysis
Feedback Receipt Date between 1 August 2008 and 18 March 2010
Status = Any, Category = "Feedback Type" (Selected options)

Feedback type	Number	%
Metro		
Complaint		
Safety and Security		
Wheelchair/scooter access	40	39.6
Special Needs	61	60.4
Total	101	100.0

March 2010