

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Sixth Delegated Legislation Committee

ELECTRICALLY ASSISTED PEDAL CYCLES (AMENDMENT) REGULATIONS 2015

Tuesday 24 February 2015

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The Committee consisted of the following Members:

Chair: MR ANDREW TURNER

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| † Baron, Mr John (<i>Basildon and Billericay</i>) (Con) | † Perry, Claire (<i>Parliamentary Under-Secretary of State for Transport</i>) |
| † Coffey, Dr Thérèse (<i>Suffolk Coastal</i>) (Con) | † Shannon, Jim (<i>Strangford</i>) (DUP) |
| Gapes, Mike (<i>Ilford South</i>) (Lab/Co-op) | † Smith, Chloe (<i>Norwich North</i>) (Con) |
| Gilmore, Sheila (<i>Edinburgh East</i>) (Lab) | † Stewart, Bob (<i>Beckenham</i>) (Con) |
| † Hemming, John (<i>Birmingham, Yardley</i>) (LD) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| Hillier, Meg (<i>Hackney South and Shoreditch</i>) (Lab/Co-op) | † Ward, Mr David (<i>Bradford East</i>) (LD) |
| † James, Mrs Siân C. (<i>Swansea East</i>) (Lab) | Watson, Mr Tom (<i>West Bromwich East</i>) (Lab) |
| † Jones, Graham (<i>Hyndburn</i>) (Lab) | † Wiggin, Bill (<i>North Herefordshire</i>) (Con) |
| † Luff, Sir Peter (<i>Mid Worcestershire</i>) (Con) | Oliver Coddington, <i>Committee Clerk</i> |
| † Marsden, Mr Gordon (<i>Blackpool South</i>) (Lab) | † attended the Committee |

Sixth Delegated Legislation Committee

Tuesday 24 February 2015

[MR ANDREW TURNER *in the Chair*]

Electrically Assisted Pedal Cycles (Amendment) Regulations 2015

2.30 pm

The Parliamentary Under-Secretary of State for Transport (Claire Perry): I beg to move,

That the Committee has considered the Electrically Assisted Pedal Cycles (Amendment) Regulations 2015 (S.I. 2015, No. 24).

It is a pleasure to serve under your chairmanship, Mr Turner. As you can hear, my hon. Friends and colleagues have all had a good lunch and are excited to get on with discussing the regulations.

The regulations will change how electrically assisted pedal cycles are defined, as part of the Government's red tape challenge, which is aimed at simplifying legislation—something that we would all like. They will make a small but significant change that will unify how pedal cycles are treated in the UK and Europe, and potentially help to develop a new British export market in this important technology.

The existing regulations came into force in 1983, and set out the requirements that bicycles, tricycles and tandem bikes must meet in order to be classified as electrically assisted pedal cycles for use on the road. I am going to skip all the good stuff about driving licences, because I do not think that it is relevant, but I will say that since 1983 there have been significant improvements in technology, particularly in terms of power supply. As we know, attitudes to cycling have been transformed, particularly in this great city but also right across the country. In 2013, a new EU framework regulation on the mandatory approval of motorcycles included a classification of pedal cycles that are exempt from approval. The existing UK requirements are more restrictive than those in the EU, so it is right that we make harmonising changes that will provide a wider choice of vehicles for those who wish to buy them in the UK. As I said, that will potentially allow some exports from the UK.

Sir Peter Luff (Mid Worcestershire) (Con): Did the Minister just say that Europe is driving deregulation in this instance?

Claire Perry: I must say that this a classic case in which historically we have gold-plated EU regulation, and we would now like to scrape off the gold plate and harmonise the situation in a way that will benefit UK consumers.

Bob Stewart (Beckenham) (Con): I am thrilled by the regulations, but are we going to have cheaper electric cycles that will take fat men up hills more easily?

Claire Perry: I could not possibly comment on my hon. and gallant Friend's girth, but I recently undertook a 25-mile charity bike ride, and I had my arse whipped—I think that is the phrase—by an 86-year-old who was assisted up the hills by the technology that we are discussing. I was terribly impressed. It is important that we should all look to buy these bikes in future.

Chloe Smith (Norwich North) (Con): Will my hon. Friend spare a thought for my father-in-law, who is an avid pedaller of an electric bicycle? His son and I, however, prefer to ride normal bicycles. I note that the unladen weight comes into question in the regulations; will my hon. Friend explain how unladen bicycles ought to be weighed?

Claire Perry: I am happy to write to my hon. Friend with the detailed answer to that important question. May I send her father-in-law my best wishes? [*Interruption.*] Oh, I am told that we are abolishing that provision. I am grateful for the assiduous attention that is being paid to the regulations.

I was about to say that there should be no problems for our Opposition friends regarding the regulations.

Jim Shannon (Strangford) (DUP): I have a pertinent question: what discussion has the Minister had with her counterparts in Northern Ireland? A number of businesses in my constituency are involved in related manufacture, so there will be direct implications for them. What work has been done with the equivalent Minister in Northern Ireland? How will the regulations affect Northern Irish businesses, which are exporting all over the world?

Claire Perry: I thank the hon. Gentleman for raising that point. I understand that the regulations relate to Great Britain. Like many other transport matters, this one is devolved to the Northern Ireland Assembly, so I have had no specific conversations with Members of the Assembly. I am sure that conversations will continue, as they do on many other issues. Northern Ireland has comparable primary enabling powers, but to date has not chosen to exercise them. Enforcement for breaches of the current or future legislation is a matter for the police and trading standards officers. I hope that that answers the hon. Gentleman's question adequately.

The previous Government sensibly consulted on this matter in 2010—they wanted to harmonise the relevant legislation. We received further supportive views when we launched the red tape challenge review in 2011. We commissioned the Transport Research Laboratory to gather, generate and expert-review evidence from a wide variety of sources on the forces and pressures influencing pedal cycle construction, sale and use, and to provide the Department for Transport with costed, practical and appropriate legislative change. The amending legislation before the Committee is thus, I can confidently say, the culmination of extensive and careful consideration.

Let me review the three main changes proposed. This first is about unifying the regulations with EU provisions: the maximum motor power for standard bicycles is being increased from 200 W to 250 W, allowing us to go half a mile an hour faster when under full electric vehicle power.

Bob Stewart: Half a mile?

Claire Perry: When my hon. and gallant Friend reaches an advanced age, he will realise that that is quite a lot. The new maximum power matches the most popular EAPCs manufactured for the European market, and will mean that UK consumers can access a far wider range of vehicles manufactured at a higher wattage and import them without fear of infringement of the law.

Bob Stewart: Are all these new vehicles going to be produced in this country rather than in Europe?

Mr Gordon Marsden (Blackpool South) (Lab): We are in Europe.

Claire Perry: Yes, as the hon. Member for Blackpool South says, we are indeed in Europe. However, my hon. and gallant Friend the Member for Beckenham shares with me the ambition of continuing to rebuild the astonishing success of British manufacturing. This country, of course, has created more jobs than the rest of Europe put together since 2010, and I would like to see jobs created in the bicycle manufacturing industry, in which he will know we already have great brands such as Brompton and Pashley. With the harmonisation that the regulations will provide, there is no reason why we cannot make home-grown electric vehicles and export them to the EU.

Secondly, we have decided to remove the current weight limits for EAPCs—the 40 kg limit for standard bicycles and the 60 kg limit for tandems and tricycles. Again, this matches the position elsewhere in Europe.

Transport for London and the Mayor have raised concerns about the regulation of pedicabs, and particularly about allowing EAPCs not to be treated as motor vehicles on the road. However, we are satisfied that the change is largely self-limiting, as a 250 W motor would simply not provide enough power to move an unacceptably heavy load. No one will be moving heavy freight around on these vehicles.

We have no evidence from other European countries, where these vehicles have been in use for some time, that there will be any additional safety risks following the change. The realistic unladen weight for a cargo tricycle is between 125 kg and 150 kg, well above the current weight limit of 60 kg. The current weight limit forces manufacturers to use parts and materials that are not suitable for commercial use. The removal of the limit could encourage the use of innovative designs, lightweight materials, or potentially a 3D printed version, and allow a greater choice of construction materials.

We are concerned about the problems that Transport for London is experiencing with the rise of pedicabs in central London. The regulations will apply only to a proportion of pedicabs and therefore will not address all those issues, but we will work as hard as we can with TfL to help with its plans to control pedicabs.

The third change being made in the regulations is to allow vehicles with more than three wheels to be classified as EAPCs. There is not much evidence of current demand for that, but we consider that harmonising with the European framework has the potential to stimulate demand and the manufacture of those products.

We also plan a change in the speed at which the motor must cut off from 15 mph to 15.5 mph, to harmonise with the European standard of 25 kph. We believe that that will be of distinct benefit to disabled and elderly users, who will be able to travel that little bit faster. Finally, we are taking the opportunity to replace references to a withdrawn British standard on power measurements with the latest British and European equivalents, and to recognise any other comparable European measurements.

Our impact assessment anticipates that the changes will stimulate significant growth in EAPC sales, and forecasts savings to consumers of between £92 million and £267 million over the next 10 years, through car operating cost savings, health benefits, reduced congestion and wider impacts. Businesses that could use these vehicles are forecast to save between £5.8 million and £22.9 million a year.

Bob Stewart: Does that mean that people in disability trikes will speed even faster down our pavements?

Claire Perry: While my officials draft a response, I will carry on, but I hope not. Indeed, the full force of the law could apply, because I believe that those vehicles will be subject to the speed limit of 15.5 mph. As I mentioned, we have some fantastic British bicycle manufacturers who are making unique products using great designs. My hon. Friend will be pleased to hear that mobility scooters are covered by different legislation.

The changes being made in the regulations have been broadly welcomed by consumer and business groups alike. It is worth noting that more than 30 years have passed since the existing regulations came into force. The new regulations make some sensible changes, which I believe have cross-party support.

2.41 pm

Mr Marsden: It is a pleasure to serve under your chairmanship, Mr Turner. It is a delight to hear that the Minister is bringing forward a measure from Europe with which she fully agrees. She has spiced up the debate already through references, if I am quoting her correctly, to having her arse whipped by an 86-year-old. That might, of course, attract the attention of the sketch writers or “Today in Parliament”, or it might get the Minister a role in the follow-up to “Fifty Shades of Grey” or invitations from groups of gerontophiles.

I will move on to the regulations. To give the Minister relief, we do not plan to oppose them. As she rightly says, they harmonise British regulations on electric bikes with the regulations in force in the rest of the European Union. As she said, they bring us into alignment with the system proposed since 2010, but it has taken the Government far too long to bring them forward. I do not know about the pace of cycles, but some unkind people might think that the Government’s pace was glacial. However, we are where we are, and it is good to hear that electrically assisted bikes will remove many of the barriers for commuters and women, such as safety fears and longer journey times,

Claire Perry: I just want to clarify that the elderly person who beat me soundly on the hills was a grandmother of 86. I completely support the point that the hon. Gentleman is making.

Mr Marsden: The Minister should be careful what she says, because she gives us another twist for the next movie.

Claire Perry: You need to get out more.

Mr Marsden: Well, I perhaps get out slightly more than the Minister, by the sound of it.

To return to the subject, the regulations mean that e-bikes will be exempt from type approval, licensing and tax requirements in Britain, and that they will be treated the same here as in the EU. That is important in cutting costs for consumers, and it will potentially increase sales, too.

If the Minister cannot provide this information today, perhaps she will provide it in writing, but given that the consultations on harmonising regulations concluded in 2012 and the final EU standards were adopted in 2013, why on earth has it taken nearly two years to bring forward the regulations? Am I unkind in thinking that fears of calumny from some of her Eurosceptic colleagues might have influenced the process?

What we do know is that the shadow Roads Minister, my hon. Friend the Member for Birmingham, Northfield (Richard Burden), tabled an amendment during the Committee stage of the Infrastructure Bill that would have required the Secretary of State to deliver on a long-term commitment to increase the rates of walking and cycling. It is good that the Government have brought forward the regulations today, but given their slowness in doing so and the overall context of what they have done, it is unfortunate that they backed down in that case only after a concerted campaign from cycling, transport and health organisations.

The impact assessment for the regulations states that the change could increase take-up by between 26% and 68%, which is rather broad. There is considerable uncertainty about how the market will be affected. The impact assessment states that

“due to their cost, consumers are only likely to purchase an EAPC if they cycle regularly.”

As we know, cycling is the main mode of transport for only 2% of people in Britain, compared with 13% in Germany and 31% in the Netherlands. Does the Minister agree that more action is needed to make cycling a mainstream option for everyone? Now that the Infrastructure Bill has committed the Government to publishing their long-term investment strategy, will she update Members on the status of the consultation on that cycling delivery plan?

I wish also to touch on the issue of the classification of faster e-bikes, which do not need to be pedalled to engage the motor. When the EU standards were being revised, I understand that there were proposals to allow the use of—this sounds a little bit dodgy, as well—twist and go throttle bikes, which work without pedalling. However, the industry has raised significant concerns that that would blur the distinction between what is and what is not a bicycle, and potentially increase the road safety risks associated with increased speed and acceleration.

Is the Minister in a position to provide clarity on what the classification of those bikes will be? Will they be regarded as mopeds? Also, taking on board the point that she and other hon. Members have made about the need to maximise potential take-up for manufacture in this country, is the Department for Transport considering separate classification, along the lines of the classification that I gather has been adopted in the Netherlands and Germany, so that we do not lose out on that development?

As I have said, we broadly welcome the regulations, but they have to be seen in the light of the Government coming late to the table on spending on cycling, and some of what they have done is smoke and mirrors. Ministers have top-sliced Bikeability funding from the local sustainable transport fund, claimed credit for funding that was actually allocated by the last Labour Government, and counted Cycling England’s budget in their figures, even though they have abolished it. However, that said, we welcome this modest measure today, and we will support it.

2.47 pm

Claire Perry: I am pleased to have the support of the shadow Minister. On his point about why this process has taken so long, there were two consultations, in 2010 and 2012, which needed to be analysed and reviewed, and we had asked for expert evidence. He will also be aware that any change in cycling regulation or in road speed limits creates an awful lot of questions—quite rightly—that need to be carefully considered and answered.

I found the shadow Minister’s comments about cycling a little bit churlish. As a keen cyclist and Boris biker, I have to say that this Government have provided an enormous level of support for cycling. However, I am sure that he will agree that the trick is to get cycling away from just the typically lycra-clad dad commuting speedily to work—if I may say so, cycling often tends to be a male sport at the moment—and broaden it out to have much more application. Also, as that generation ages, the new technology could be helpful. In any case, this is the sort of measure we need to broaden the reach of cycling to younger and older people, and perhaps to people who do not live in the more affluent parts of the country.

There is one more point to respond to. The twist and go classifications will be permitted up to 15.5 mph. A vehicle under that limit will be designated as an EAPC, because it is considered to be a benefit to elderly and less able people. Any twist and go vehicle that can achieve a speed above that will be classified as a moped. Also, an information plate defining what an EAPC is will be fitted on vehicles, so hopefully there will be no doubt about that.

I hope that that concludes our debate and that I have answered the questions that have been put to me. I am delighted to have cross-party support for this measure.

Question put and agreed to.

2.49 pm

Committee rose.