



Department
for Transport

Consultation – Electrically Assisted Pedal Cycles (EAPC) Deregulation

November 2014

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Foreword

i. The Electrically Assisted Pedal Cycles (EAPC) Regulations 1983¹ prescribe the class of electrically assisted pedal cycle that is treated as not being a motor vehicle when used on roads in Great Britain. The Pedal Cycles (Construction and Use) Regulations 1983² include requirements that apply when such EAPCs are sold for use on, or used on, roads in GB. This consultation is about proposed amendments to both of those Regulations.

ii. A consultation in 2010³ invited comments on earlier proposals to amend the 1983 EAPC Regulations. It was decided to re-consider those proposals, and the responses, in a broader Red Tape Challenge review of all pedal cycle legislation. The Department subsequently commissioned the Transport Research Laboratory (TRL) to *"gather, generate and expert-review evidence from a wide variety of sources (including Red Tape Challenge and EAPC consultation responses) on the forces and pressures influencing pedal cycle construction, sale and use in Great Britain, and provide DfT with costed, practical and appropriate options for legislative change."*

The resulting Cycle Regulations Review Report has been published on the TRL web site:

<http://trl.co.uk/reports-publications/trl-reports/report/?reportid=6986>

iii. The proposals in this consultation reflect the potentially significant benefits identified from deregulating the requirements that currently define an EAPC for use on roads in GB, and by bringing up to date references to withdrawn standards. In particular, they take account of the recent EU Regulation⁴ on the approval and market surveillance of two or three-wheel vehicles and quadricycles, and the British/European standard for electrically power assisted bicycles (BS-EN 15194:2009)⁵.

iv. Changes to other pedal cycle regulations remain under review.

¹ The Electrically Assisted Pedal Cycles Regulations 1983 - SI 1983/1168

See <http://www.legislation.gov.uk/ukxi/1983/1168/made>

² The Pedal Cycles (Construction and Use) Regulations 1983 - SI 1983/1176

See <http://www.legislation.gov.uk/ukxi/1983/1176/contents/made>

³ Electrically Assisted Pedal Cycles Consultation 5 January 2010

See <https://www.gov.uk/government/consultations/electrically-assisted-pedal-cycles-consultation>

⁴ Regulation (EU) No 168/2013 of The European Parliament and of The Council dated 15 January 2013

See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:060:0052:0128:EN:PDF>

⁵ BS EN 15194:2009 - Cycles. Electrically power assisted cycles. EPAC Bicycles.

Executive summary

The Electrically Assisted Pedal Cycles (EAPC) Regulations 1983

1. The current EAPC Regulations introduced a classification for electrically assisted pedal cycles that are not to be treated as motor vehicles when used on roads in Great Britain - i.e. that do not need to be licensed and registered etc.. The current requirements are:

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

2. The draft amending regulations that are the subject of this consultation would make the following changes:

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

3. These changes align with the classification of electrically assisted pedal cycle in Article 2 (h) of EU Regulation 168/2013 - a category of vehicle that is exempt from type or individual approval prior to entry into service on roads.

4. In addition, references to withdrawn British Standards in the 1983 Regulations are replaced by the latest appropriate European standard, and a "mutual recognition" provision will enable other technically equivalent European standards to be accepted.

The Pedal Cycles (Construction and Use) Regulations 1983

5. The Pedal Cycles (Construction and Use) Regulations include provisions specific to EAPCs on the brakes that must be fitted and on what information must be marked on the vehicle.

6. For vehicles not already approved in accordance with EU Regulation 168/2013, the amendments now proposed for fitted brakes substitute the latest appropriate standard - BS EN ISO 4210-2:2014⁶ - for the currently specified but withdrawn standard. Similarly, the vehicle marking requirements are aligned with the recommendations in the current standards BS-EN 15194:2009⁷ and BS EN ISO 4210-2:2014, thus removing the need for additional information on EAPCs used on roads in GB.

7. Vehicles conforming with the current requirements may continue to be used without change and a "mutual recognition" provision will enable other technically equivalent European standards to be accepted.

Further Information

8. Because of the particular benefits for elderly and disabled users, pedal cycles providing electrical assistance without initial use of the pedals - usually called "twist and goes" - would continue to be covered by these regulations. For use on roads in GB, such cycles must however:

- be capable of pedal operation;
- comply with the above restrictions on maximum motor power and assistance cut-off speed;
- be type or individually approved if within the scope of EU Regulation 168/2013 (which will be a requirement for new vehicles from January 2016).

9. The relevant provisions of the Road Vehicle Lighting Regulations 1989⁸ as amended⁹ will continue to apply to EAPCs when used on roads in GB.

⁶ BS EN ISO 4210-2:2014 - Cycles. Safety requirements for bicycles. Requirements for city and trekking, young adult, mountain and racing bicycles.

⁷ The Department is aware that a new version of this standard is being drafted. The relevant provisions within the draft are likely to be technically equivalent to those in BS-EN 15194 and 14764 and so would be accepted via "mutual recognition" provisions in the amending regulations.

⁸ Road Vehicle Lighting Regulations 1989 - SI 1989 No. 1796

⁹ Road Vehicle Lighting (Amendment) Regulations 2005 - SI 2005 No. 2559

10. EAPCs might also need to comply with The General Product Safety Regulations 2005. The Department of Business Innovation and Skills (BIS) can advise retailers regarding compliance with these requirements.

Other Pedal Cycle Legislation

11. The Red Tape Challenge Review and the TRL Report covered other aspects of pedal cycle legislation. Some mismatches between point of sale and in-use requirements for pedal bicycles were identified, and other points concerning technical standards were considered. These will remain under review and specific proposals for change will be made as soon as practicable.

How to respond

12. The consultation period began on 3 November 2014 and will run until 8 December 2014. Please ensure that your response reaches us before the closing date.

13. The previous consultation, Red Tape Challenge review and TRL Report form the basis of the detailed proposals now being made. We are now particularly interested in any final views about the practicability of the legislative change in the accompanying draft amending legislation as explained in the detailed changes table below.

14. This document can be seen on the Government's web site: https://www.gov.uk/government/publications?publication_filter_option=consultations and you can contact us at the addresses below if you would like alternative formats (Braille, audio CD, etc.).

Please send consultation responses to

e-mail:

eapc.consultation@dft.gsi.gov.uk

Postal:

EAPC Consultation
Department for Transport
1/34 Great Minster House
33 Horseferry Road
London
SW1P 4DR

15. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

16. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

17. If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

18. The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The proposed changes in detail

The following table shows the proposed changes and their forecast impact. The proposals stem from the recommendations made in the TRL Report commissioned by the Department - see paragraph ii on page 4 of this consultation. That report details the factors that underpin the proposals.

The draft Electrically Assisted Pedal Cycles (Amendment) Regulations 2015 are at Annex A
 The draft Pedal Cycles (Construction & Use) (Amendment) Regulations 2015 are at Annex B.

| Electrically Assisted Pedal Cycles Regulations 1983 / Electrically Assisted Pedal Cycles (Amendment) Regulations 2015 | | | |
|--|---|---|---|
| Item | Actions | Changes to regulatory text in the Amendment Regulations | Cost / benefit of change |
| <p>Power limit and related definitions</p> <p>The current Regulations permit a maximum continuous rated power of 200W for bicycles and 250W for tandems and tricycles. The EU classification permits a maximum continuous rated power of 250W for all electrically assisted cycles.</p> <p>Maximum rated power and rated voltage are defined by reference to a withdrawn 1971 British Standard.</p> | <p>Amend GB EAPC Regulations so that the maximum continuous rated power is 250W for all assisted cycles.</p> <p>Define maximum rated power by reference to current standards - and recognise any other technically equivalent European standards.</p> <p>The current standard for determining maximum</p> | <p>Draft regulation 2 (4) amends regulation 4 of the 1983 EAPC Regulations to stipulate that the maximum continuous rated power permitted for all cycles is 250W.</p> <p>Draft regulation 2 (2) and (5) updates the definition of "maximum continuous rated power" by reference to EU Regulation 168/2013. (That definition is in paragraph 33 of Article 3 of 168/2013 and is the "maximum 30 minutes power"</p> | <p>No costs.</p> <p>This enables manufacturers to use the same motor across the range of their cycles and not differentiate for bicycles. It also allows for opportunities to source motors that are already used on European cycles.</p> <p>This change was supported by most consultees previously.</p> |

| Item | Actions | Changes to regulatory text in the Amendment Regulations | Cost / benefit of change |
|---|--|--|--|
| | <p>rated power does not rely on a separate definition of rated voltage and so the latter can be removed.</p> | <p>specified in UNECE Regulation 85¹).</p> <p>Draft regulation 2 (5) also provides for the "mutual recognition" of other technically equivalent European standards covering maximum continuous rated power (such as BS-EN 15194:2009).</p> <p>Draft regulation 2 (2) removes the definition of "rated voltage".</p> | |
| <p>Cycle weight The EU classification does not specify any maximum weights.</p> <p>The 2010 consultation sought comments on removing the GB restrictions of 40kg for bicycles and 60kg for tandems and tricycles. Industry supported removal but some consultees expressed concern about the consequences of removing the limits (or increasing them). The 1983 GB limits reflected the weight and positioning of lead-acid batteries. Further</p> | <p>Deregulate - Remove all weight limits.</p> | <p>Draft regulation 2 (4) (a) removes the references to weight restrictions.</p> | <p>No costs. This will enable manufacturers to produce the same bicycles and tandems for the GB and European markets.</p> <p>This will benefit users, retailers and delivery businesses through an increased choice of vehicles.</p> |

¹ UNECE Regulation 85 - Uniform provisions concerning the approval of internal combustion engines or electric drive trains intended for the propulsion of motor vehicles of categories M and N with regard to the measurement of the net power and the maximum 30 minutes power of electric drive trains.

| Item | Actions | Changes to regulatory text in the Amendment Regulations | Cost / benefit of change |
|--|---|--|--|
| <p>review has indicated that modern battery technology does not present such problems, whilst experience elsewhere in Europe has shown that the motor power limit is self-regulating in terms of what weight can be moved in practice.</p> | | | |
| <p>Maximum speed at which motor assistance is cut-off. The GB Regulations specify 15 mph. The EU classification specifies 25 km/h.</p> | <p>Align more accurately with EU classification</p> | <p>Draft regulation 2 (4) (b) (ii) substitutes 15.5 mph, which is a more accurate equivalent of the 25 km/h used in the EU classification.</p> | <p>No costs. Technical non-compliance in this respect with models available in the European market is avoided.</p> |
| <p>Number of wheels The EU classification does not specify how many wheels an electrically assisted cycle may have.</p> | <p>Align with the EU classification.</p> | <p>Draft regulation 2 (4) (a) removes the references "bicycle" and "tricycle" and so removes the overall limitation to tricycles.</p> | <p>No costs. Has the potential to benefit users, retailers and delivery businesses through an increased choice of vehicles, although there is no evidence of demand at present.</p> |
| <p>B: Pedal Cycles (Construction & Use) Regulations 1983 / Pedal Cycles (Construction & Use) (Amendment) Regulations 2015</p> | | | |
| <p>Definitions The current regulations refer to definitions in the Electrically Assisted Pedal Cycles Regulations 1983, which are themselves being amended, and cite other withdrawn technical standards - see items</p> | <p>Re-state or update the definitions as necessary.</p> | <p>Draft regulation 2 (2) (a) to (d) makes the necessary adjustments.</p> | <p>No costs: necessary to complement the changes explained below.</p> |

| Item | Actions | Changes to regulatory text in the Amendment Regulations | Cost / benefit of change |
|---|---|---|---|
| below. | | | |
| <p>Vehicle Marking Regulation 4 of The 1983 Regulations requires a plate to be fitted showing:</p> <ul style="list-style-type: none"> - the name of the manufacturer; - the nominal voltage of the battery; - the continuous rated output of the motor. <p>The EPAC BS-EN 15194:2009 recommends:</p> <ul style="list-style-type: none"> - maximum rated motor power; - electric-assist cut-off speed <p>and, by cross reference to the City Bikes BS-EN 14764, requires the name of the manufacturer to be marked on the frame.</p> | <p>Align with BS-EN 15194:2009 thus removing the need for a separate plate in GB; and aiding enforcement through display of electric assist cut-off speed. (Continue to accept vehicles meeting the existing plating requirements).</p> <p>NB: A new EPAC BS-EN standard is being drafted and BS-EN 14764 has just been replaced by BS EN ISO 4210-2:2014. The proposed amendments are compatible with the requirements in the current draft EPAC standard and with the new City Bikes standard; all technically equivalent provisions will be covered by "Mutual Recognition" provisions - see draft regulation 2 (2) (e).</p> | <p>The effect of draft regulation 2 (3) (a) and (b) is to require the vehicle to be marked either in accordance with the existing 1983 Regulations or the provisions of BS-EN 15194:2009.</p> | <p>No costs: The existing plating requirements will continue to be accepted; and acceptance and adoption of the new markings will avoid the need for additional plates for European market vehicles and aid enforcement by showing key EAPC classification information.</p> |
| <p>Fitted Brakes Regulation 4(b) of The 1983</p> | <p>Refer to the current BS EN ISO standard.</p> | <p>Draft regulation 2 (4) - confirms that vehicles:</p> | <p>No costs: (The existing requirements will continue to</p> |

| Item | Actions | Changes to regulatory text in the Amendment Regulations | Cost / benefit of change |
|---|---|---|---|
| <p>Regulations requires that cycles must be fitted with brakes conforming to clause 6 of BS 6102 Part I 1981. BS 6102 has been withdrawn. The current equivalent requirement is section 4.6.8 of BS EN ISO 4210-2:2014.</p> | <p>Exclude "Twist and Goes" from this requirement because they must be type-approved in accordance with EU Regulation 168/2013</p> <p>NB: A new EPAC BS-EN standard is being drafted. These changes are compatible with the requirements in the current draft. All technically equivalent provisions will be covered by "Mutual Recognition" provisions - see draft regulation 2 (2) (e).</p> | <p>approved in accordance with EU Regulation 168/2013 must be fitted with brakes to the relevant approval standard; - substitutes a reference to the current BS-EN "City bikes" standard for all other cycles.</p> <p>Draft regulation 2 (2) (e) also provides for the "mutual recognition" of other technically equivalent European standards covering brake efficiency.</p> | <p>be accepted through the mutual recognition of equivalent standards).</p> |
| <p>Brake Efficiency Testing and Inspection Sale or Supply - Regulation 5 of The 1983 Regulations requires that brakes must be maintained in efficient working order. - Regulation 11 empowers the police to test and inspect cycles. - Regulation 12 stipulates that EAPCs must not be sold or</p> | <p>Preserve these general requirements.</p> | <p>Draft regulations 2(5) and (6) make consequential adjustments - i.e. arising from the above changes.</p> | <p>No costs: no change to the current position.</p> |

| Item | Actions | Changes to regulatory text in the Amendment Regulations | Cost / benefit of change |
|---|----------------|--|---------------------------------|
| supplied unless they are equipped with a braking system compliant with the above fitment requirement. | | | |

What will happen next

A summary of responses, including the next steps, will be published on our web site within three months of the consultation closing. Paper copies will be available on request.

Frequently Asked Questions

Q1 What is the scope and purpose of the current regulations?

The Electrically Assisted Pedal Cycles Regulations 1983 set out the requirements which bicycles, tandems and tricycles must meet in order to be legally classified as EAPCs (i.e. not motor vehicles) when used on roads:

- The vehicle must be fitted with pedals capable of propelling it.
- Motor assistance must be provided by an electric motor and not by an internal combustion engine.
- The electric motor must not be able to propel the machine when it is travelling at more than 15 mph.
- The maximum continuous rated power output of the motor must not exceed 200 Watts for a standard bicycle or 250 Watts for tandem bicycle and tricycles.
- The maximum unladen weight (but including batteries) must not exceed 40kg for a standard bicycle and 60kg for tandem bicycles and tricycles.

An EAPC which meets the above requirements is not considered to be a motor vehicle within the meaning of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1988. As a result, it is not required to be registered, pay vehicle excise duty (road tax) or be insured as a motor vehicle. The rider does not need to have a driving licence but an EAPC cannot be ridden by anyone under the age of 14 years.

The Pedal Cycle (Construction and Use) Regulations 1983 include requirements on the sale of EAPCs and their use on roads.

Currently, EAPCs intended for use on roads cannot be sold if their brakes do not meet the requirements in Clause 6 of British Standard BS 6102 Part I 1981.

When used on roads, an EAPC must be fitted with:

- Brakes that comply with the above BS requirements.
- A battery that does not leak dangerously.
- A device biased to the off position that allows power to be applied only when operated to do so.
- a plate showing manufacturer's name; nominal battery voltage; and the continuous rated power output of the motor.

Q2 Are there any exemptions from the Regulations?

No. When used on a road, any vehicle which does not meet the requirements set out in the EAPC Regulations (whether this is due to the motor power output, speed up to which power can be provided, weight, lack of pedals by means of which the machine can be propelled or having more than three wheels) is considered to be a motor vehicle. The vehicle will need to be registered, taxed and insured and the rider will need to have an appropriate driving licence and will have to wear an approved motorcycle safety helmet. Similarly, there are no exceptions to the Construction and Use requirements.

Q3 Where do the Regulations apply and how are they enforced?

Both Regulations apply to Great Britain only; they do not apply to Northern Ireland.

The requirements applicable to motor vehicles are enforced by the Police. Other requirements are enforced by either the police or trading standards officers.

Q4 Who is affected by the Regulations?

- EAPC manufacturers and retailers.
- Individuals and businesses using EAPCs on public roads and cycle tracks.

Q5 There is a European Regulation on the type approval of motorcycles, including low powered electric mopeds. Does this apply to EAPCs?

It will apply to new "twist and go" EAPCs - see Q6 below - from January 2016.

EU Regulation 168/2013 concerns the type approval of motorcycles, including low powered electric mopeds, intended for use on roads. Any vehicle that falls within the scope of that Regulation will need to be approved to the necessary technical requirements before it can be used. This will normally be done at the manufacturing stage but importers and individuals may seek an individual approval if the manufactured cycle does not have a type approval.

Approval will be mandatory for all new vehicles within the scope of the Regulation from January 2016.

Excluded from the scope of that Regulation are:

"pedal cycles with pedal assistance which are equipped with an auxiliary electric motor having a maximum continuous rated power of less than or equal to 250 W, where the output of the motor is cut off when the cyclist stops pedalling and is otherwise progressively reduced and finally cut off before the vehicle speed reaches 25 km/h [15.5 mph]."

EAPCs complying with this exemption do not have to be approved prior to use and individual Member States set the construction and use requirements for such cycles.

Q6 What is "Twist and Go"?

This refers to EAPCs that can be powered solely by the electric motor without any pedal assistance from the rider. "Twist and go" refers to the fact that the rider can simply twist the throttle to obtain power, much like a motorcycle.

EAPCs with a "twist and go" feature are within the scope of EU Regulation 168/2013 on the type approval of motorcycles (see Q5) and so new vehicles will be subject to mandatory type or individual approval before use from January 2016.

However, in GB, "twist and goes" are classified as electrically assisted pedal cycles for use on roads provided the vehicle is fitted with pedals that are capable of moving the vehicle and all the other EAPC requirements are met.

If you still have questions after you have read this section please contact;

EAPC Consultation
Department for Transport
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33 Horseferry Road
London
SW1P 4DR

Email: eapc.consultation@dft.gsi.gov.uk

Impact Assessment

A draft Impact Assessment for these proposals is on page 76 of the TRL Report referred to in the Foreword of this consultation – i.e. “Policy Option 2”. If you have any further comments please provide supporting evidence wherever possible.

Consultation criteria

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at <https://update.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/14 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

Consultation Principles

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Regulations made by the Secretary of State, laid before Parliament under section 134(4) of the Road Traffic Regulation Act 1984 and section 195(5) of the Road Traffic Act 1988, for approval by resolution of each House of Parliament.

S T A T U T O R Y I N S T R U M E N T S

2015 No. XXXX

ROAD TRAFFIC

The Electrically Assisted Pedal Cycles (Amendment) Regulations 2015

Made - - - - ***

Laid before Parliament ***

Coming into force - - ***

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 140(1)(c) of the Road Traffic Regulation Act 1984⁽¹⁾ and section 189(1)(c) of the Road Traffic Act 1988⁽²⁾.

In accordance with section 134(2) of the Road Traffic Regulation Act 1984 and with section 195(2) of the Road Traffic Act 1988 the Secretary of State has consulted with such representative organisations as he thinks fit.

Citation and commencement

1. These Regulations may be cited as the Electrically Assisted Pedal Cycles (Amendment) Regulations 2015 and come into force [14 days after the date on which they are approved by resolution of each House of Parliament].

Amendment of the Electrically Assisted Pedal Cycles Regulations 1983

2.—(1) The Electrically Assisted Pedal Cycles Regulations 1983⁽³⁾ are amended as follows.

(2) Regulation 2 is omitted.

(3) In regulation 3—

(a) for “section 103 of the Road Traffic Regulation Act 1967 and section 193 of the Road Traffic Act 1972”, substitute “section 140 of the Road Traffic Regulation Act 1984 and section 189 of the Road Traffic Act 1988”; and

(b) for “bicycles and tricycles”, substitute “pedal cycles”.

(4) In regulation 4—

(a) paragraph (a) is omitted; and

(b) in paragraph (c)—

(i) for sub-paragraph (i), substitute—

⁽¹⁾ 1984 c.27.

⁽²⁾ 1988 c.52.

⁽³⁾ S.I. 1983/1168.

- “(i) has a maximum continuous rated power which does not exceed 250 watts; and”; and
(ii) in sub-paragraph (ii), for “15”, substitute “15.5”.

(5) After regulation 4 insert—

“5.—(1) For the purposes of regulation 4(c)(i) above, “maximum continuous rated power” has the same meaning as in Regulation (EU) No 168/2013⁽⁴⁾ of the European Parliament and of the Council of 15th January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.

(2) Notwithstanding paragraph (1) above, maximum continuous rated power may be determined in accordance with—

- (a) any relevant standard or code of practice of a national standards body or equivalent body of any EEA State; or
- (b) any relevant international standard recognised for use in any EEA State; or
- (c) any relevant technical regulation with mandatory or de facto mandatory application for marketing or use in any EEA State

in so far as the standard, code of practice, technical regulation or process in question enables maximum continuous rated power to be determined in an equivalent manner.”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

⁽⁴⁾ OJ No. L60, 2.3.2013, p.52.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electrically Assisted Pedal Cycles Regulations 1983 which prescribe the class of electrically assisted pedal cycles treated as not being a motor vehicle within the meaning of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1988.

The amendments made by these Regulations change the prescribed class of electrically assisted pedal cycles in order to:

- permit such vehicles to have more than three wheels;
- remove any weight limits applicable to such vehicles; and
- increase the maximum permitted power of the electric motor in electrically assisted bicycles.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the International Vehicle Standards Division of the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk. A copy of the impact assessment has been placed in the library of each House of Parliament.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC (OJ No L204 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ No L217 5.8.1998, p.18).

 STATUTORY INSTRUMENTS

2015 No. XXXX

ROAD TRAFFIC

 The Pedal Cycles (Construction and Use) (Amendment) Regulations
 2015

| | | |
|-------------------------------|---------|-----|
| <i>Made</i> | - - - - | *** |
| <i>Laid before Parliament</i> | | *** |
| <i>Coming into force</i> | - - | *** |

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 81(1) and (2) of the Road Traffic Act 1988⁽¹⁾.

In accordance with section 195(2) of that Act the Secretary of State has consulted with such representative organisations as he thinks fit.

Citation and commencement

1. These Regulations may be cited as the Pedal Cycles (Construction and Use) (Amendment) Regulations 2015 and come into force [on 6th April 2015].

Amendment of the Pedal Cycles (Construction and Use) Regulations 1983

2.—(1) The Pedal Cycles (Construction and Use) Regulations 1983⁽²⁾ are amended as follows.

(2) In regulation 3—

- (a) in paragraph (1)(b)(ii), for “section 103 of the Road Traffic Regulation Act 1967 and section 193 of the Road Traffic Act 1972”, substitute “section 140 of the Road Traffic Regulation Act 1984 and section 189 of the Road Traffic Act 1988”;
- (b) in paragraph (1)(c), for “has the same meaning as in the Electrically Assisted Pedal Cycles Regulations 1983”, substitute “means the specification for motors for battery operated vehicles published by the British Standards Institution under the reference 1727: 1971⁽³⁾ as amended by Amendment Slip No. 1 published on 31st January 1973, Amendment Slip No. 2 published on 31st July 1974 and Amendment Slip No. 3 published on 31st March 1978”;
- (c) for paragraph (1)(d), substitute—
 - “(d) “the 2014 BS EN Standard” means the specification for safety requirements for city and trekking, young adult, mountain and racing bicycles published by the British Standards Institution under the reference BS EN ISO 4210-2:2014⁽⁴⁾”;
- (d) after paragraph (1)(d), insert—

(1) 1988 c.52.

(2) S.I. 1983/1176.

(3) ISBN 0 580 06861 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

(4) ISBN 978 0 580 78278 7. Copies can be obtained from the British Standards Institution at www.bsigroup.com.

“(e) “Regulation (EU) 168/2013” means Regulation (EU) 168/2013⁽⁵⁾ of the European Parliament and of the Council of 15th January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.”; and

(e) after paragraph (2), insert—

“(3) Any requirement in these Regulations for a pedal cycle to comply with a specified standard shall be satisfied by compliance with—

- (a) a relevant standard or code or practice of a national standards body or equivalent body of any EEA State; or
- (b) any relevant international standard recognised for use in any EEA State; or
- (c) any relevant technical regulation with mandatory or de facto mandatory application for marketing or use in any EEA State

in so far as the standard, code of practice, technical regulation or process in question enables the objectives pursued by these Regulations to be met in an equivalent manner.”.

(3) In regulation 4—

(a) omit the words “it is fitted with”;

(b) for paragraph (a) substitute—

“(a) it is—

(i) fitted with a plate securely fixed in a conspicuous and readily accessible position showing—

- (aa) the name of the manufacturer of the vehicle;
- (bb) the nominal voltage of the battery (as defined in the 1971 British Standard) of the vehicle; and
- (cc) the continuous rated output (as defined in the 1971 British Standard) of the motor of the vehicle; or

(ii) visibly and durably marked with—

- (aa) the name of the manufacturer of the vehicle;
- (bb) the maximum speed of the vehicle at which the motor can propel the vehicle specified in miles per hour or kilometres per hour; and
- (cc) the maximum continuous rated power (as defined in the Electrically Assisted Pedal Cycles Regulations 1983) of the motor of the vehicle specified in watts or kilowatts.”;

(c) omit paragraph (b); and

(d) at the beginning of paragraphs (c) and (d), insert “it is fitted with”.

(4) After regulation 4 insert—

“**4A.** No person shall ride, or cause or permit to be ridden, on a road a pedal cycle to which the Electrically Assisted Pedal Cycles Regulations 1983 apply unless it is fitted with braking systems which are so designed and constructed that—

- (a) if it is a pedal cycle to which Regulation (EU) 168/2013 also applies, they comply with standards no less than those contained in the relevant type approval requirements; or
- (b) if it is a pedal cycle to which Regulation (EU) 168/2013 does not apply—
 - (i) in the case of a bicycle, they comply with the standards specified in paragraph 4.6.8 of the 2014 BS EN Standard; or
 - (ii) in the case of a pedal cycle which is not a bicycle, they comply with standards no less than the standards of braking systems fitted to a bicycle which comply with clause 4.6.8 of the 2014 BS EN Standard.”.

(5) In regulation 5(b), for “4(b), (c) and (d)” substitute “4(c) and (d) and 4A(a) or (b)”.

⁽⁵⁾ OJ No. L60, 2.3.2013, p.52.

(6) In regulations 11 and 12, for the words “Regulation 4(b)” substitute “Regulation 4A”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pedal Cycles (Construction and Use) Regulations 1983.

The amendments made by these Regulations change the requirements which apply to electrically assisted pedal cycles (vehicles of class prescribed by the Electrically Assisted Pedal Cycles Regulations 1983). The changes:

- update the reference to a 1981 British Standard for braking requirements to the 2014 BS EN Standard;
- alter the requirements for the information plate of the vehicle to allow for alternative marking requirements; and
- update the braking requirements for such vehicles to require compliance with the 2014 BS EN Standard or compliance with the standards required when the vehicle was type-approved (if applicable).

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the International Vehicle Standards Division of the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk. A copy of the impact assessment has been placed in the library of each House of Parliament.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC (OJ No L204 21.7.1998, p37) as amended by Directive 98/48/EC (OJ No L217 5.8.1998, p18).