EXPLANATORY MEMORANDUM TO

The Electrically Assisted Pedal Cycles (Construction and Use) Regulations (Northern Ireland) 2020

S.R. 2020 No. 31

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 6(1), 88(1), (2) and (3) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 ("the 1995 Order") and is subject to the affirmative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations is to define the class of electrically assisted pedal cycle (EAPC) that is to be treated as not being a motor vehicle, within the meaning of the 1995 Order and to set out the relevant requirements in relation to their construction and use.

3. Background

3.1. Under existing legislation, EAPCs in Northern Ireland (NI) are considered to be motor vehicles, specifically mopeds, and are therefore subject to tax, registration and licensing requirements before they can be used on public roads. However, in the rest of the United Kingdom (UK) many of these vehicles have been exempt from this requirement since 1983.

3.2. These Regulations specify the class of EAPC that is to be exempt from the tax, registration and licensing requirements for motor vehicles and brings NI into line with the rest of the UK.

3.3. The Regulations specify the requirements in relation to braking systems, power output, lighting and vehicle markings and outline the EU and British Standard specifications they must comply with in relation to construction and use. They also make provision for the testing and inspection of EAPCs by a constable in uniform and prohibit the sale or supply of such cycles unless they are equipped with brakes as outlined in the Regulations.

4. Consultation

4.1. A consultation exercise was carried out during the period 16 March 2016 to 11 May 2016. One written response was received which was in favour of the proposals. As there have been no significant changes in the relevant Construction and Use standards required, the Department did not consider another consultation was necessary in advance of the making of this Statutory Rule.

5. Equality Impact

5.1. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998. An Equality Screening Exercise has been completed and as no equality issues were identified, a full equality impact assessment was considered unnecessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has been completed which identified that, although this is a deregulatory measure, there may be a slight cost benefit for businesses that supply and service EAPCs following the introduction of these Regulations.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no matters of concern relating to compatability with section 24.

9. EU Implications

9.1. None

10. Parity or Replicatory Measure

10.1. The equivalent GB legislation is contained in the Electrically Assisted Pedal Cycles Regulations 1983 (S.I. 1983/1168) as amended by S.I. 2015/24 and the Pedal Cycles (Construction and Use) Regulations 1983 (S.I. 1983/1176) as amended by S.I. 2015/474.

11. Additional Information

11.1. None