EXPLANATORY MEMORANDUM TO

THE PEDAL CYCLES (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS 2015

2015 No. 474

1. This explanatory memorandum has been prepared by The Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

These Regulations change the requirements for information to be marked on electrically assisted pedal cycles when sold for use on roads and used on roads in Great Britain. They also replace references to a withdrawn technical standard on brake performance for electrically assisted pedal cycles with appropriate current references.

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

3.1 None

4. Legislative Context

4.1 These Regulations are made pursuant to section 81(1), (2), (4) and (5) of the Road Traffic Act 1988. Those powers enable the Secretary of State to make regulations as to the use on roads of pedal cycles, their construction and equipment and the conditions under which they may be so used.

4.2 The Electrically Assisted Pedal Cycles Regulations 1983 prescribe the class of electrically assisted pedal cycles (EAPCs) that are to be treated as not being motor vehicles when used on GB roads. Those Regulations are the subject of concurrent amendment. The changes in these Regulations are complementary.

5. Territorial Extent and Application

5.1 This instrument extends to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The Pedal Cycles (Construction and Use) Regulations 1983 include requirements for EAPCs on brake construction and performance, and on vehicle

markings to aid enforcement. There have subsequently been significant developments in: technology and applicable technical standards; EU regulation; cycle use; and consumer markets. Deregulatory amendment of the separate Regulations that define an EAPC is being progressed concurrently to reflect those developments. The changes to the 1983 Regulations are complementary and harmonise the brake and vehicle-marking requirements with current European standards.

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

- simplify and reduce the legislative burden whilst maintaining or improving safety standards; and
- facilitate enforcement through harmonised and practicable vehicle marking requirements.

Vehicle Marking

7.3 The current Regulations require a plate be fitted to the vehicle that shows:

- The name of the manufacturer of the vehicle.
- The nominal voltage of the battery of the vehicle.
- The continuous rated output of the motor of the vehicle.

The amending Regulations require, as an alternative to the above, that the vehicle be marked with:

- The name of the manufacturer of the vehicle.
- The maximum speed at which the motor can propel the vehicle.
- The maximum continuous rated power of the motor of the vehicle.

This aligns with the European industry standard BS EN 15194:2009+A1:2011 for electrically power assisted bicycles and, where applicable, is compatible with the marking requirements for vehicles within the scope of EU Regulation 168/2013 (see 7.5 below).

The amending Regulations define “the 1971 British Standard” because the current definition in the Electrically Assisted Pedal Cycles Regulations 1983 will disappear once the complementary Regulations amending the 1983 Regulations come into force.

Brakes

7.4 The 1983 Regulations cite a withdrawn standard - BS 6102: Part I: 1981 - with regard to the requirements for braking systems fitted to EAPCs. These Regulations substitute BS EN ISO 4210-2:2014, which is the current and Europe-wide industry standard and contains provisions equivalent to those in the withdrawn British Standard.

Vehicles within the scope of EU Regulation 168/2013

7.5 From January 2016, EAPCs that provide power assistance without the rider pedalling (but otherwise conform to the GB EAPC classification) will have to be approved in accordance with EU Framework Regulation 168/2013 before they can be sold or first used on roads. The amendments made by these Regulations include a cross-reference to the standards for braking systems required on such vehicles as part of the approval process.

Consolidation

7.6 It is not proposed to consolidate the Regulations amended by these Regulations.

8. Consultation outcome

8.1 The draft SI was based on a Department for Transport-commissioned independent review of pedal cycle legislation conducted by the Transport Research Laboratory in 2012-2013, and included comments made during the Red Tape Challenge review in 2011. The draft amending Regulations were the subject of a public consultation in 2014.

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

- "Private individuals should not be expected to comply with obscure and esoteric standards that are not freely available".
- "Braking: Devise a simple test that enables a USER to satisfy themselves that the brakes are adequate and compliant".
- "We welcome the proposal that electric assist cargo bikes and trikes are fitted with brakes which meet the latest BS EN ISO standard".
- Support for the proposal to 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 and the continued acceptance of vehicles meeting the existing plating requirements.
- "We support the proposed amendments for fitted brakes and retaining the requirements for braking efficiency testing and inspection".

9. Guidance

9.1 The Department for Transport has published guidance about EAPC classification and other in-use requirements on the Government web site. These will be revised to reflect changes to the Regulations.

10. Impact

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

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

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

12. Monitoring & review

12.1 There are no proposals to review the changes at a particular time.

13. Contact

International Vehicle Standards Division at the Department for Transport Tel: 0207 944 2086 or email: Claire.rees@dft.gsi.gov.uk can answer any queries regarding the instrument.