



Informing Progress - Shaping the Future

E-scooters

Content	Page
1 The status of e-scooters.	1
2 The DfT consultation on micromobility vehicles (MV).	2
3 Regulatory approaches to MV set out in the consultation.	3
4 FOIL's response to the consultation.	6
5 E-scooter trials – the consultation.	6
6 FOIL's response to the e-scooter trials consultation.	7
7 The e-scooter trials as finalised.	7
8 Transport Select Committee report.	8
9 The conduct of the e-scooter trials.	9
10 E-scooter injuries – frequency and severity.	11
11 E-scooters in other countries	12
12 E-scooters in Ireland	12
13 The views of insurers	13

1. The status of e-scooters

Subject to the DfT trial of e-scooters current underway (see below) it is illegal to use an e-scooter on a pavement or road in the UK. This arises from the fact that they are classified as motor vehicles under the Road Traffic Act, with their legal use subject to the same requirements as other vehicles – insurance, a driving licence, number plates and the wearing of helmets. They do not fall within the classifications for registration of a vehicle with the DVLA, cannot be registered as a motor vehicle, and therefore cannot be used on public roads.

The position of e-scooters is different to that of Electrically Assisted Pedal Cycles (EAPCs) – e-bikes. Under the Electrically Assisted Pedal Cycles Regulations 1983, e-bikes which meet requirements regarding maximum weight, power and speed are prescribed for the purposes of Section 103 of the Road Traffic Regulation Act 1967 and Section 193 of the Road Traffic Act 1972, allowing them to be excluded from motor vehicle regulatory requirements:

<https://www.legislation.gov.uk/ukpga/1972/20/section/193/enacted>

<https://www.legislation.gov.uk/uksi/1983/1168/made/data.pdf>

The Electrically Assisted Pedal Cycles (Amendment) Regulations in 2015 updated the provisions to refer to the Road Traffic Regulations Act 1984 and Section 189 of the Road Traffic Act 1988, slightly increased the maximum power and speed limits and removed

the weight limit, to bring UK law in line with EU requirements allowing e-bikes to be exempted from motor vehicle regulation:

<https://www.legislation.gov.uk/ukxi/2015/24/contents/made>

E-bikes are subject to a minimum age requirement for users of 14 and driving licences are not required.

Baroness Vere of Norbiton, providing a written answer to a parliamentary question from Lord Berkeley in July 2019, made clear:

“Question for Department for Transport

Electric Vehicles

To ask Her Majesty's Government, further to the Written Answer by Baroness Vere of Norbiton on 5 July (HL16757), whether electrically powered personal vehicles such as scooters, gyroscopic one or two-wheel vehicles and other similar vehicles are permitted to operate anywhere.

Asked 9 July 2019

Electrically assisted pedal cycles (EAPCs) are allowed on cycle routes provided they conform with the Electrically Assisted Pedal Cycles Regulations. If an EAPC meets those regulatory requirements it is treated the same as a pedal cycle.

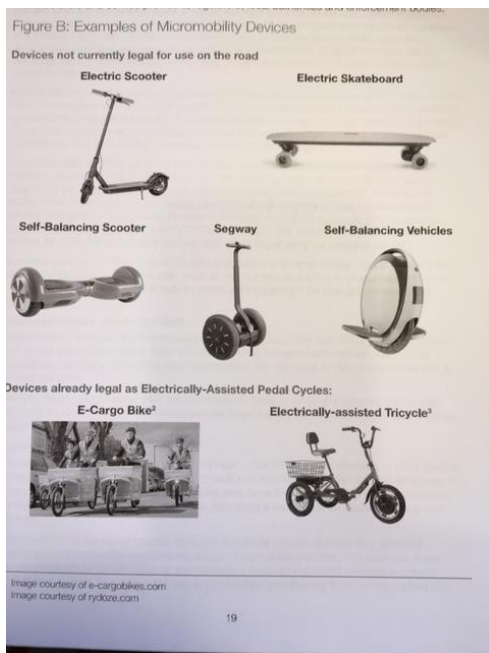
In the UK, electric scooters are treated like any other motor vehicle under the Road Traffic Act. This means they are subject to laws requiring them to conform to technical standards and be used safely. This includes requirements for users to have insurance, driving licences, number plates, and helmets. At present, it is difficult for electric scooters to meet these requirements.

Therefore, it is illegal to use an electric scooter on public roads and pavements. They are legal for use on private land with the landowners' permission.”

2. The DfT consultation on micromobility

In April 2020 the Department for Transport published its paper 'Future for Transport Regulatory Review – Call for Evidence'. The scope of the paper was wide ranging and included a section on micromobility, considering the options for small electric mobility devices on Britain's roads.

A range of micromobility vehicles (MV) were included within the consultation:



The review looked at whether and how regulation should change to legalise the use of some MV on the roads, including:

- Vehicle requirements – minimum design standards and how vehicles should be approved.
- User requirements.
- Use on the road - whether they should be allowed on roads, cycle tracks, cycle paths or pavements. The government was gathering other evidence on this point, aside from the Call for Evidence.
- Service provider requirements – what rules should apply to businesses operating hire schemes and what powers should local authorities have to manage them.

The government was aiming to find the right balance between maximising the benefits offered by the new forms of transport and keeping road users safe. Robust accident data was not available but a number of deaths had already been reported. Data from the USA suggested that most injuries involve the rider falling off or losing control, with many riders not wearing helmets (see further below). The government indicated in the paper that comparative data on accidents per mile travelled would be required, to allow comparison with other modes of transport, to inform an appropriate regulatory framework (see page 11 below).

It was reported by an e-scooter supplier at an ABI event in January 2021 that 2,000 e-scooters are being sold every week and there are several hundred thousand in the UK. The view of those selling e-scooters is that *“the genie is out of the bottle”*.

3. Regulatory approaches to MV set out in the consultation.

The DfT explained that two types of MV were already established and regulated: mobility scooters and electrically assisted pedal cycles (EAPCs). As indicated above, EAPCs are not

classed as motor vehicles, and regulations already govern the construction and use of mobility scooters and EAPCs.

The DfT was expecting to set vehicle specifications that would apply to all MV. These were likely to include as a minimum:

- Maximum speed of 12.5-15.5mph (20-25km/h)
- Specified braking requirements
- Requirements for lights and reflectors

They could also include:

- Maximum power output
- Minimum wheel size and ground clearance
- Maximum vehicle dimensions
- Indicators or ability for user to indicate
- Requirements to have a handlebar

The minimum specification may allow only some MV to be used. For example, a requirement to have a handlebar would prevent the use of hoverboards or uni-wheels.

Similarities can be drawn between MV and the two existing categories of vehicle which are allowed to use the road:

- EAPC (pedal powered vehicles that have an element of power assistance that cuts out at 15.5mph.)
- Mopeds (two or three wheeled vehicles with maximum power of 50cc and a maximum design speed of 28mph)

Mopeds are subject to greater regulation than EAPCs. As MV are lighter and slower than most vehicles on the road, the risk they present was considered to be lower than for most vehicles. The government felt that regulation should be proportionate to risk. It noted however, that users of MV may be at risk themselves and there may be a case to manage that risk by requiring helmet use or training. In brief, at that time the government was considering treating MV in a similar way to EAPCs, with greater regulation in some areas.

The following table sets out the current legal requirements for EAPCs and mopeds and possible new requirements for MV:

Category	EAPC requirements	Moped requirements	Other possible new requirements for MV
Vehicle approval before being used	Technical standards set with which manufacturers must comply but not subject to vehicle approval before being used on the road.	Vehicle type approval needed before vehicle can be registered and used on the road.	A light-touch approach, that helps ensure safety without a disproportionate testing regime.

Vehicle registration and taxation	Not required	Must be registered and display registration plates, for enforcement of vehicle excise duty and insurance.	
Category	EAPC requirements	Moped requirements	Other possible new requirements for MV
Periodic vehicle testing	Not required.	Requires annual MOT testing after three years.	Voluntary testing with guidance on vehicle maintenance.
User driving licence	Not required.	Category A(M) licence is required. Those with a pre-2001 car driving licence can use mopeds on that licence with no further training. Those with a post-2001 car driving licence can use mopeds on that licence after completing a CBT course.	All users required to hold a licence, or to complete user training, or both, before being able to use the vehicles; or holders of other licence categories being able to use the vehicles.
Insurance	Not required.	Mandatory motor vehicle requirements	Personal Liability insurance
Helmet use	Not required, though helmets and Hi-Viz clothing are encouraged.	Motorcycle standard helmet required.	"Pedal cycle" standard helmet.
Minimum age requirement	Minimum age of 14 years.	Minimum age of 16 years old (as a licence is required).	
Use on the roads/cycle lanes or tracks/pavement	May be used on the road or cycle lanes or tracks but not on the pavement.	May only be used on the roads.	Possible exceptions for vehicles used on the pavement as a mobility aid (as with mobility scooters) or which are pedestrian controlled.
Speed limits (design speed limit or road speed limit)	No road speed limit (though the electric motor must stop providing power at 15.5mph).	Normal road speed limits apply though their design limits mopeds to 28mph (45km/h).	Maximum speed of 12.5- 15.5 mph (20-25 km/h) either by setting a road speed limit or by limiting the design speed.

Views were sought on the risks presented by MV, to determine if they should be treated like mopeds for insurance purposes rather than as EAPCs. This would require users to have some form of insurance, which could be motor cover or a third-party liability and personal accident insurance product, similar to the insurance that some cyclists buy voluntarily.

Although a full government response to the consultation is still awaited, the DfT has indicated that those who responded, "*generally supported treating e-scooters like cycles and EAPCs*" rather than as mopeds. FOIL's proposals would place the regulatory regime somewhere between the two.

E-scooter suppliers are lobbying the government to treat e-scooters as e-bikes rather than mopeds. They highlight the difficulty and cost of registration. Any registration plate is difficult on such a small vehicle (although see below, with regard to the trials), and the cost of tens of pounds is highlighted as disproportionate against a cost of a scooter of £250-£1,000.

4. FOIL's response to the consultation.

In its consultation response FOIL supported the introduction of e-scooters and electrically assisted cycle trailers on roads, cycle lanes and tracks but not on pavements. Although there is little hard evidence FOIL believed that properly managed use of these vehicles presented a risk compatible with permitting use on lower speed roads (those with a speed limit of up to 30mph). It was hoped that the proposed trials would provide evidence to support that proposition (see below).

In addition, FOIL took the view that:

- It was likely that new insurance products would be developed to cover e-scooters
- Identification chips or some form of registration allowing an individual vehicle to be identified could assist in the provision of appropriate and affordable cover.
- E-scooters should not be subject to road tax requirements.
- Voluntary testing and guidance on vehicle maintenance would be appropriate, rather than a compulsory regime.
- With regard to a requirement for a driving licence, it was likely that the trials would provide evidence to guide a decision in the medium term, but in the short-term users should be required to hold a driving licence of some kind, or to have undergone specific training.
- With regard to insurance, it was likely that e-scooters would represent a greater risk than e-bikes and it was essential that e-scooters had third party cover. Personal liability insurance rather than full motor insurance would be adequate.
- Whilst recognising the government's desire to encourage casual use of e-scooters, users should be required to wear a cycle helmet.
- The minimum age for use should be 16.
- An initial speed limit of 12.5mph would be appropriate, to be kept under review as more data became available.

5. E-scooter trials – the consultation.

In May 2020, the DfT consulted on urgent legislation to allow trials of rental e-scooters to commence earlier and more widely than had been proposed, reflecting the need to mitigate reduced public transport capacity during the pandemic.

<https://www.gov.uk/government/consultations/legalising-rental-e-scooter-trials-defining-e-scooters-and-rules-for-their-use/legalising-rental-e-scooter-trials>

On design, the DfT proposed to define an e-scooter as a vehicle which:

- is fitted with no motor other than an electric motor
- is designed to carry one person in a standing position with no provision for seating
- has a maximum speed of 12.5 mph
- has 2 wheels, one front and one rear, aligned along the direction of travel
- has a mass, excluding the rider, not exceeding 35 kilograms
- has means of directional control via the use of handlebars
- has means of controlling the speed via hand controls and its power control defaults to the 'off' position

The government intended to issue vehicle orders under Section 44 of the RTA 1988, which allows the government to authorise special vehicles not usually permitted under the Section 41 RTA 1988 requirements on construction and use of vehicles.

The e-scooters involved in the trials were to be covered by insurance provided by the operator of the trial. Users would be required to hold a driving licence in some form, either full or provisional, thereby allowing use the trial vehicles from the age of 16. Use of helmets was to be recommended but not made compulsory.

The trial vehicles would be able to use roads and cycle lanes and tracks, but not motorways or pavements. E-scooters would be exempt from vehicle registration and licencing/road tax obligations.

6. FOIL's response to the e-scooter trials consultation.

In its response to the consultation on urgent legislation, FOIL supported the proposed definition of e-scooters. In addition, FOIL:

- supported the proposed maximum speed of 12.5 mph and maximum motor power of 350 watts, on the basis that that was compatible with a 12.5 mph speed limit.
- argued that a full driving licence should be required, not a provisional licence, except where specific training had been undertaken.
- argued that helmets should be mandatory.
- stated that vehicles should be capable of being individually identified to allow the proper operation of the insurance regime – with some form of vehicle registration.
- presumed that e-scooters would be subject to at least the rules relating to cyclists on the road and the requirement that a user must not be unfit to ride due to drink or drugs.

7. The e-scooter trials as finalised

On 30 June 2020, the government set out the final arrangements for the trials. 2,193 responses had been received to the consultation.

The following requirements were to be put in place:

- Maximum power of 500W and a maximum speed of 15.5 mph/25kph (the same as e-bikes), both higher than initially proposed. This was partly to ensure e-scooters can climb hills and inclines.
- No requirement that e-scooters should not have a seat.
- Use to be allowed by both full and provisional licence holders – supported by the majority of respondents to the consultation.
- Helmets to be recommended but not mandatory.
- E-scooters to be allowed on roads and cycle lanes and tracks but not on pavements.
- E-scooters to be exempted from vehicle licencing and registration but scooters used in the trials to be fitted with a unique identifier to aid enforcement.
- Registration plates would not be required as they were considered unsuitable for e-scooter design.

The government indicated that the evidence from the e-scooter trials would “*help shape future policy for all micromobility vehicles, including e-skateboards*”. (an insurance industry spokesperson at the ABI e-scooter event in January 2021 took the view that the data available from the trials will be “*less than hoped for*”, with McKinsey reporting a 60-70% drop in micromobility usage as a result of COVID, and said the trials should be extended.)

8. Transport Select Committee report.

On 29 September 2020 the House of Commons Transport Committee published its report “E-scooters: pavement nuisance or transport innovation?” The Committee took the view that e-scooters “*have the potential to offer a low cost, accessible and environmentally friendly alternative to the private car.*” It recommended that “*The Department’s focus should be on developing and implementing a sensible and proportionate regulatory framework for legal e-scooter use.*”

The Committee was disappointed that users in the trials were required to have a driving licence, noting that “*people without driving licences ought to be a key demographic for the rental schemes.*” (FOIL took a different view on the basis that users with a licence would have road sense and some knowledge of the Highway Code).

On maximum speed, the Committee took the view that it should be set at a level suitable for the environment in which the e-scooter was operating - there was “*no one-size-fits-all*”.

An e-scooter travelling at 15.5 mph on a pavement was recognised as a serious hazard for the user and pedestrians and it was noted that local authorities would need plans in place to monitor and discourage use on pavements. It recommended that, should they be legalised, privately owned e-scooters should also be banned from pavements, with “*robust enforcement measures*”.

It was recognised that the trials were a crucial evidence base for future legislation, and the Committee called upon the government to ensure that regulations are effective in providing a safe environment for riders and other road users.

The Committee received mixed evidence on the need for insurance: it noted that the DfT had said it was using the rental trials to *"help come to a decision on this", an approach which the Committee approved*. Some witnesses thought insurance necessary to protect against the risk of harm, whilst some called for e-scooters to be treated like bikes and e-bikes with no need for mandatory cover. In the view of the Committee, an e-scooter is more akin to a bike or e-bike than a moped and it *"shared concerns that too many requirements on users or operators may be burdensome and discourage take-up"*.

The Committee believed that the government should encourage the use of helmets and that where possible, operators in the trials should provide them. There was no call for mandatory use of helmets.

In conclusion, the Committee believed that, subject to the conditions in their report being met, that the DfT should take *"swift action to legalise the use of privately owned e-scooters on roads and cycle lanes. We would expect this to take place within the next 18 months."* i.e. by February 2022.

9. The conduct of the e-scooter trials.

The changes to legislation allowing the e-scooter trials to go ahead came into force on 4 July 2020. The DfT issued guidance to local areas and rental operators at the outset:

<https://www.gov.uk/government/publications/e-scooter-trials-guidance-for-local-areas-and-rental-operators/e-scooter-trials-guidance-for-local-areas-and-rental-operators>

Areas were asked to bid to hold a trial, demonstrating that they could meet the requirements, and provide useful evidence to enable e-scooters to be evaluated. It was reported in June that about 30 city councils had expressed an interest including Birmingham, Bristol, Liverpool, Manchester, Cambridge, Bath and London. Peterborough, Northampton, Kettering, Southampton, Oxford and Norwich also joined in.

Detailed technical requirements were set out including the need for scooters to pass stability tests when ridden over bumps and depressions in the road. The guidance set out the regulatory framework and also indicated that local areas may wish to impose their own requirements.

In most cases the Government expected trials to start before the end of August 2020, with trials then running for a 12-month period in each area, starting from the date when e-scooters became available to the public.

(All of the information below has come from press reports)

Trials commenced in Middlesbrough in July, with the provision of 50 scooters by the rental company, Ginger. The scheme ran into difficulties also immediately when two teenagers were seen riding them on the A19, a dual carriageway with a 70mph speed limit, and a shopping centre put up warning signs after claims that customers were being *"terrorised"*. As a result, a second trial in Hartlepool was abandoned.

<https://www.independent.co.uk/news/uk/home-news/escooter-trial-middlesbrough-hartlepool-tees-valley-ben-houchen-ginger-uk-first-a9649561.html>

Milton Keynes was the second city to start a trial, on 26 August, when the San Francisco hire company, Lime, made 500 scooters available.

Other reported providers include Beryl, a British company which it was reported was to provide scooters in Norwich, and Tier, a German company operating in York whose e-scooters came with a built-in helmet and indicators.

In September 2020 it was reported that the provider Voi, which was providing e-scooters in at least 12 UK cities and across Europe, were to introduce basic number plates (large plates, front and back, probably with five digits) to their vehicles in an attempt to reduce anti-social behaviour, reported to be worse in England than anywhere else in Europe. Voi's e-scooter service in Coventry, involving 200 scooters, had to be suspended after four days with report of users mounting pavements and riding in pedestrian zones.

On 5 October it was reported in The Times that Link, an American provider, would be introducing a system using sensors to cut off the power of an e-scooter if it entered prohibited areas such as footpaths or shopping centres. It claimed the system could deactivate a scooter within a second. Link was interested in the provision of vehicles in the south – London, Portsmouth, Southampton and the Isle of Wight. Geofencing can also be used to assist in keeping e-scooters away from specified areas, with an audible message being delivered if the scooter enters a prohibited area, followed by gentle deceleration. The system is reportedly hampered, however, by a slow response time with some reports saying it can take 30 seconds for the system to respond.

On 2 November The Times reported that Tier, in addition to providing helmets and indicators, would in 2021 also fit its e-scooters with artificial noise devices to reduce the risk to pedestrians and road users from silent vehicles.

London was slow to get involved in the trials but TfL announced at the end of November that it would launch trials from early 2021, with three providers to be chosen. A third of the 33 boroughs had expressed an interest in being involved. The provider, Bird, wanted to be involved, having provided e-scooters in the Olympic Park. It incentivised helmet wearing by offering a discount on a future ride if a selfie were posted of the user wearing a helmet. Lime was also interested – it already provides e-bikes in London.

In January 2021 it was reported in the Bristol Post that police chiefs had been “*won over*” by e-scooters, after initial safety concerns. The Bristol e-scooter trial had been launched in October and had been a “*policing non-event*”. The 100 Voi scooters in Bristol had been ridden 50,000 times with the 50 in Bath being used 12,500 times. Numbers of scooters have been increased and the trial area expanded, to provide 450 scooters in Bristol and 100 in Bath. The popularity of e-scooters is confirmed by the figures from Milton Keynes: 23,000 journeys in the first 10 weeks of the trial.

A representative from the Avon and Somerset police force said the vast majority of complaints received concerned privately owned vehicles being used illegally.

In late December it was reported that a private e-scooter rider in Hyde Park, London, had been charged with drink driving and driving without insurance.

The Telegraph reported on 16 January 2021 that Arup, a consultancy, has been hired by the DfT to conduct a national evaluation of e-scooter trials at a cost of £850,000. The evaluation will involve taking industry soundings and is due to be completed by 27 October. A DfT spokesperson quoted in the report said “*E-scooter trials will run until the autumn of 2021 to help us understand their impact on public space and other road users.*” As the trials were due to last a year in each location it is unclear whether the

trials in London will continue into 2022 or will be terminated in late 2021 to fit with the conclusion of the evaluation.

It is reported that insurers are in discussions with the government on the application of *Vnuk*. Dominic Clayden was reported in the Telegraph on 16 January saying "*The [Vnuk] ruling means premium-paying motorists will end up footing the bill for claims involving a bizarre range of vehicles, such as e-scooters, lawnmowers and golf carts, as well as for accidents on private land*". The MIB was said to be in "*constructive dialogue*" with the government on the issue.

At the ABI e-scooter event in January 2021, one attendee highlighted the *Vnuk* issue as a public policy matter. If e-scooters are treated as a vehicle they will fall within the MIB regime when uninsured and users will thereby be subsidised by motorists, which may be perceived as unfair. If they are not treated as vehicles, with no requirement for compulsory insurance, those injured by e-scooters may not be able to obtain compensation, or users may be exposed to personal liability.

<https://www.intelligenttransport.com/transport-articles/110974/what-lessons-have-been-learned-from-e-scooter-trials/>

<https://www.bristolpost.co.uk/news/bristol-news/police-chiefs-won-over-weca-4877525>

<https://www.bbc.co.uk/news/uk-england-coventry-warwickshire-54164922>

<https://www.standard.co.uk/news/transport/london-host-uk-trial-escooters-transport-for-london-b72225.html>

<https://www.intelligenttransport.com/transport-articles/111985/tfl-hoping-to-learn-from-the-mistakes-of-others-in-new-scooter-trial/>

<https://www.thetimes.co.uk/article/numbers-up-for-e-scooter-pests-vq5v3wcvw>

<https://www.thetimes.co.uk/article/eamon-ryan-opens-road-to-e-scooters-by-christmas-rxr5drnbc>

<https://www.theguardian.com/politics/2020/jun/20/rented-e-scooters-ride-to-the-rescue-of-english-commuters-as-covid-lockdown-eases>

.

10. E-scooter injuries – frequency and severity.

The evidence and research on e-scooter injuries available on the internet tends to come from the States. Following a three-month national study of e-scooter incidents at the request of the health and transportation department in Austin, Texas, the public health institute in the United States, the CDC, was in May 2019 reported as finding a surge in emergency room visits for "*fractures, dislocations and head trauma*".

It had been found that 45% of e-scooter accident-related incidents had resulted in a head injury, with many injuries considered preventable by the wearing of a helmet, and by the user taking more care around cars. 27% of injuries were upper extremity fractures, with lower extremity fractures accounting for 12%. The median age of an injured user was 29. The majority of injuries occurred in the street, with 29% connected with first-time riders and 18% involving motor vehicles. Half the people interviewed said that a surface condition such as a pothole or a crack in the street may have caused their injuries. The study found the e-scooter injury rate was 14.3 per 100,000 trips.

To put that into context, a 2007 research paper from the States gives an indication of the level of injury in accidents for other forms of transport (the figures in the report have been divided by 1,000 to give a figure per 100,000 trips). The data relates to the period 1999 to 2003, the best information available to FOIL to date. It is possible that due to technological and highway improvements that since then some modes of transport have become safer:

In a bus 0.16

Walking 0.2

In a car 0.8

Bicycle 1.4

On a motorcycle 10.3

It is therefore the case that, if the 2003 data still holds and the US experience can be translated to the UK, that e-scooter users, at 14.3 accident injuries per 100,000 trips, are more than 16 times more likely to be injured in an accident than car drivers, and more than 9 times more likely to be injured in an accident than cyclists. It would appear from these figures that, on the basis of injury in accidents, e-scooters are more comparable to mopeds than to cycles. No figures are given in the US stats for e-bikes.

https://www.researchgate.net/publication/6378823_Motor_Vehicle_Crash_Injury_Rates_by_Mode_of_Travel_United_States_Using_Exposure-Based_Methods_to_Quantify_Differences

Research by the Insurance Institute for Highway Safety in the US, reported in October 2020, found that more e-scooter injuries occurred on pavements, with potholes and signposts reported as the most common reasons for accidents. 103 individuals seeking medical treatment had been interviewed: 40% of those injured had been taking their first ride. 13% had been injured in a collision with a car, truck or bus.

The risk to inexperienced users was a common feature in both reports, raising the possibility that training may significantly reduce the accident rate.

A study co-authored by the director of upper extremity surgery research at Emory University in Atlanta, reported in August 2020, found that many of the injuries incurred in e-scooter accidents were fractures or head injuries requiring hospital admission. Most riders did not wear helmets. 27% of injuries were to the head, with half being classified as a traumatic brain injury. Drugs and alcohol were an exacerbating factor. Injuries to a number of pedestrians were also reported, involving head injuries, lacerations, concussion, internal organ injuries and extremity fractures.

A number of personal injury law firms in the UK are advertising their services for e-scooter personal injury claims.

<https://medicalxpress.com/news/2020-08-er-e-scooter-injuries-year.html#:~:text=When%20looked%20at%20from%20a,include%20concussions%20and%20skull%20fractures.>

<https://cities-today.com/study-finds-most-e-scooter-injuries-occur-on-pavements/>

<https://www.cnbc.com/2019/05/01/cdc-study-says-e-scooter-injuries-are-largely-preventable-with->

[helmets.html#:~:text=The%20study%2C%20which%20lasted%20nearly,and%2018%25%20involving%20motor%20vehicles](#)

11. E-scooters in other countries

The following information is taken from the DfT consultation document published in April 2020:

Berlin, Germany

Germany has regulated to allow 'small electric vehicles', which include electric scooters, to be used. These are limited to 12.5 mph (20 km/h) and must have handlebars. Electric scooters must be used on the road or cycle lanes (where available), but not on the pavement. Users must have insurance and the vehicle must be registered, but a driving licence and helmet are not required.

Tel Aviv, Israel

Hireable e-scooter providers are licensed and there is a limit in the number of e-scooters available. Users must be 18 years old and hold a specific driving licence. E-scooters are used in cycle lanes and cannot use the pavement. They must be parked in designated spaces.

Barcelona, Spain

E-scooters can use cycle lanes at speeds up to 10 km/h (around 6 mph) and on roads at speeds up to 30 km/h (18.6 mph) but cannot be used on pavements. They must be parked in designated spaces. The minimum age to use an e-scooter is 16. Users of heavier e-scooters weighing between 25-50kg, and commercial users, require helmets. Insurance is recommended but not required.

Kyoto, Japan

In Japan, electric scooters are classed as mopeds. Electric scooter users require a driving licence, motor insurance and crash helmet.

Singapore

'Personal mobility devices' (which includes electric scooters) are defined with a maximum speed of 25 km/h, and maximum sizes and weight. They must be registered and can only be used on cycle paths (not on the road or pedestrian-only paths). Helmets are not compulsory.

It was reported in the American press in October 2020 that Copenhagen was to ban e-scooters from 1 January 2021, on the basis of concerns around the safety of senior citizens using pavements and public spaces.

12. E-scooters in Ireland

As in the UK, e-scooters in Ireland are classified as vehicles, with users therefore required to hold a licence and have insurance. There is no specific legislation covering e-bikes or e-scooters and they are not regulated.

In October 2020, the Dáil voted by two to one to delay for three months the introduction of legislation aimed at regulating e-scooters, introduced by Sligo TD Marc MacSharry. Under the Bill, e-scooters, Segways, skateboards and hoverboards would have been

classified as a new category of transportation, with no requirement for a licence or insurance but requiring compulsory use of helmets. The delay was to allow for the outcome of a public consultation on “powered personal transporters” to be completed. (The consultation opened on 31 August 2019 and according to the gov.ie website the responses are still being reviewed.)

In early November it was reported that the Fine Gael spokesperson for climate action, Alan Farrell, was to introduce a private members’ Bill – the Personal Light Electric Vehicle Bill - to amend road traffic legislation to permit e-bikes and e-scooters to be classified as bicycles and therefore able to be used on public roads and cycle lanes without the need for insurance. The Bill would impose an upper speed limit of 25kph, an upper power limit of 250w and a minimum age of 16 (the same speed and age restrictions as in the UK, but half the maximum power). Mr Farrell has criticised Shane Ross, the Transport Minister, for failing to make progress on the issue of e-scooters despite it having been on the department’s radar for three years.

Later in November it was reported that Transport Minister, Eamon Ryan, had confirmed that legislation permitting e-scooters on Irish roads would be passed before Christmas, with a speed limit of 15.5mph/25 kph and no requirement for a driving licence.

It does not appear that the Bill has yet been initiated, nor that the proposed legislation has been passed.

<https://www.gov.ie/en/consultation/d1531c-public-consultation-on-personal-powered-transport/>

<https://www.irishtimes.com/news/politics/oireachtas/most-political-parties-side-with-government-against-ff-e-scooter-bill-1.4054359>

<https://www.finegaele.ie/if-santa-is-bringing-you-an-e-scooter-be-aware-of-the-new-law-check-it-twice/>

<https://www.belfasttelegraph.co.uk/news/republic-of-ireland/fine-gael-td-brands-shane-ross-waste-of-time-over-electric-scooters-39723004.html>

13. The views of insurers

FOIL held a virtual Roundtable event on micromobility on 11 May 2020, including FOIL members, insurers and representatives from various defendant organisations.

Various views were expressed:

- E-scooters should not be allowed on pavements. They could be limited to lower - speed roads.
- There was a general view that e-scooters should be insured, by personal liability policies rather than motor cover. The possibility of insurance being ‘by person’ rather than ‘by vehicle’ was mentioned, so that a vehicle could be used by any person holding a suitable insurance policy. There was some recognition that new types of authorised insurer might emerge to provide cover, or that new products might be developed. These could offer first person cover, subject to the wearing of a helmet. New insurers will have to belong to the MIB in order to pay the levy for uninsured vehicles. If cover were limited to a fixed amount, the MIB would be

liable for the excess and the user would be exposed to personal liability for compensation over that sum. It was noted that the government is looking for proportionate solutions: there may be little appetite for full RTA cover.

- Even without Brexit, the UK can derogate types of vehicle from compulsory insurance requirements, avoiding an RTA cover v nothing situation.
- There may be a need for a public awareness campaign to stress the importance of proper use of e-scooters.
- There was support for the compulsory wearing of helmets.
- The fact that e-bikes are not subject to similar regulation or attention was noted. Should compulsory helmets for cyclists be revisited?
- At the ABI e-scooter event in January 2021, the idea of a levy payable upon purchase of an e-scooter, to assist in the provision of compensation.

Shirley Denyer LLP **January 2021**

This publication is intended to provide general guidance only. It is not intended to constitute a definitive or complete statement of the law on any subject and may not reflect recent legal developments. This publication does not constitute legal or professional advice (such as would be given by a solicitors' firm or barrister in private practice) and is not to be used in providing the same. Whilst efforts have been made to ensure that the information in this publication is accurate, all liability (including liability for negligence) for any loss and or damage howsoever arising from the use of this publication or the guidance contained therein, is excluded to the fullest extent permitted by law.