

Summary: Intervention & Options

Department /Agency: Department for Transport	Title: Impact Assessment of possible reforms to regulations governing the use of mobility vehicles (DRAFT)	
Stage: Development	Version: 1	Date: 1 February 2009
Related Publications:		

Available to view or download at:

<http://www.>

Contact for enquiries:

Telephone:

What is the problem under consideration? Why is government intervention necessary?

Great Britain has legal requirements to ensure the safe use of vehicles on public footways and carriageways. There is evidence that the use of mobility vehicles is growing and, while mobility vehicles are not solely used by older people, the likelihood of an increasingly ageing population means that the trend is set to continue. Given the steady increase, changes to the laws that govern the use of mobility vehicles may be required.

What are the policy objectives and the intended effects?

The main objective of any reforms taken forward following this consultation will be to support continued mobility for disabled people while delivering cost-effective improvements to the safety of mobility vehicle users, pedestrians and other road users.

What policy options have been considered? Please justify any preferred option.

A series of possible reforms under consideration relate to the following areas:

- Improving design and safety standards
- Lowering the minimum age for Class 3 vehicles
- Better training and assessment
- Regulation through registration, insurance and enforcement

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? Depending on conclusions from the consultation, the policy and possible next steps will be reviewed.

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Rt Hon Sadiq Khan MP, Minister of State for Transport

.....Date: 26 February 2010

Summary: Analysis & Evidence

Policy Option: n/a

Description: Possible reforms to regulations governing the use of mobility vehicles.

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' A full impact assessment will be undertaken on any proposals taken following the consultation.
	One-off (Transition)	Yrs	
	£ To be determined		
	Average Annual Cost (excluding one-off)		
£ To be determined		Total Cost (PV)	£ To be determined
Other key non-monetised costs by 'main affected groups' To be informed during the consultation process.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' A full impact assessment will be undertaken on any proposals taken following the consultation.
	One-off	Yrs	
	£ To be determined		
	Average Annual Benefit (excluding one-off)		
£ To be determined		Total Benefit (PV)	£ To be determined
Other key non-monetised benefits by 'main affected groups' To be informed during the consultation process.			

Key Assumptions/Sensitivities/Risks To be informed during the consultation process.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?			Great Britain? UK?	
On what date will the policy be implemented?			TBD	
Which organisation(s) will enforce the policy?			To be determined	
What is the total annual cost of enforcement for these organisations?			£ TBD	
Does enforcement comply with Hampton principles?			Yes/No	
Will implementation go beyond minimum EU requirements?			Yes/No	
What is the value of the proposed offsetting measure per year?			£ TBD	
What is the value of changes in greenhouse gas emissions?			£ TBD	
Will the proposal have a significant impact on competition?			Yes/No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)	
Increase of	£ TBD	Decrease of	£ TBD	Net Impact £ TBD

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Preparation of partial IA

This partial IA covers some of the possible reforms being considered to improve current legislation governing the use of mobility vehicles ("invalid carriages"). It has been prepared on the basis of a review of existing information and discussions with key stakeholders. Developing an IA is a continuing process and this document will be updated following the consultation period to take account of any further evidence which emerges.

Background

Mobility vehicles

The Use of Invalid Carriages on Highways Regulations 1988 mobility vehicles are divided into three main categories. These include:-

- a "Class 1 invalid carriage" means an invalid carriage which is not mechanically propelled;
- a "Class 2 invalid carriage" means a mechanically propelled invalid carriage which is so constructed or adapted as to be incapable of exceeding a speed of 4 miles per hour on the level under its own power;
- a "Class 3 invalid carriage" means a mechanically propelled invalid carriage which is so constructed or adapted as to be capable of exceeding a speed of 5 miles per hour but incapable of exceeding a speed of 8 miles per hour on the level under its own power;"

Class 2 mobility vehicles are designed to be used on pavements and class 3 vehicles are equipped to be used on the road as well as the pavement. As mentioned earlier, only classes 2 and 3 are under consideration in this consultation.

Estimated number of users

The current evidence suggests that the use of mobility vehicles is growing and, while mobility vehicles are not solely used by older people, the likelihood of an increasingly ageing population means that the trend is set to continue.

At the time the 2005 review was carried out, it was estimated that there were around 70,000 to 100, 000 powered mobility vehicles. More recent survey estimates from the National Travel Survey suggest that there could now be up to 330,000 people who have the use of a mobility vehicle.

Stakeholder views

Stakeholders have expressed growing concerns over the safety of mobility vehicles, in particular, mobility scooters, and the risks they pose to pedestrians. These concerns relate both to the design of these vehicles – including their weight and the presence of external, projecting fittings – and the difficulty of securing redress when accidents do occur. Other stakeholders

have made the case for powered wheelchairs to have a higher unladen weight limit to incorporate more features to assist people with acute clinical needs, consideration to changing the minimum age to use a Class 3 vehicle and improving the registration process for these vehicles.

Possible reforms under consideration

The main objective of any reforms taken forward following this consultation will be to support continued mobility for disabled people while delivering cost-effective improvements to the safety of mobility vehicle users, pedestrians and other road users. Some of the possible reforms under consideration relate to the following areas:

- Improving design and safety standards
- Lowering the minimum age for Class 3 vehicles
- Better training and assessment
- Regulation through registration, insurance and enforcement

The option of 'no action' would involve maintaining the current status quo. This will not address the issues identified above with regard to improving safety for mobility vehicle users, pedestrian and other road users. Therefore, all potential options will be assessed against the 'no action' option.

Legislation on the use of mobility vehicles

The Chronically Sick and Disabled Persons Act 1970 (the primary legislation), defines an "invalid carriage" as "a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability".

The classification, design and use of these vehicles are defined mainly in the Use of Invalid Carriages on Highways Regulations 1988. Other relevant legislation includes the Road Vehicles Lighting Regulations 1989, the Road Vehicles (Registration and Licensing) Regulations 2002 and the Essential Requirements of the Medical Devices Regulations 2002. There may be other regulations not listed that might require amendment such as the testing methods of these products and materials used, to name a few.

Many of the potential reforms under consideration will require changes to both primary and secondary legislation, which will take time to implement and will need to fit with other political and parliamentary priorities. Depending on the approach taken, the devolved administrations may need to amend some of their legislation.

Potential benefits, risks and costs

Improving design and safety standards

Improvements in the design of the vehicle would benefit users by enhancing their quality of life. Increasing the unladen weight would enable the incorporation of features to carry oxygen cylinders in wheelchair. The increased weight may also provide the capacity for the safe and secure carriage of a young child, as there are particular difficulties for adults in mobility vehicles who have to care for young children.

Allowing vehicles capable of higher speeds to be designed would have benefits in terms of reduced journey times for scooter users. It would also be consistent with the arrangements for

other vehicles on the carriageway (such as push bikes) which are capable of travelling at higher speeds.

However, the increased weight of these vehicles may impact on the ability to use these vehicles on public transport (the maximum weight permitted on access ramps is 300kgs), or for stowage in the back of a car. Heavier vehicles may have safety implications for other road users, especially young children and the elderly, therefore potentially inflicting a more serious injury. There may be possible safety implications to consider for allowing faster mobility vehicles into the general mix of traffic.

Changes to make mobility vehicles more conspicuous may add additional costs, but these are not expected to be significant. However, if the designs were to be altered (e.g. removal of external projections) or technology introduced (e.g. automatic stop devices), there would be a cost to manufacture, which may be reflected in the price of these vehicles. The costs are yet to be quantified.

Lowering minimum age

Lowering the minimum age limit for using a class 3 vehicle on the public highway, may allow those younger users with acute clinical needs the benefits of using these vehicles. However, this poses a safety risk in that younger users may injure themselves or others, but this risk may not be significantly greater than to those who use pedal cycles.

Training and assessment

A national training and assessment scheme would benefit users by improving their control and safe handling of mobility vehicles in both pedestrian areas and on the roads. But as there is little evidence that mobility scooter users pose significant safety risks to themselves or others, an assessment process might appear disproportionate, costly and cumbersome. Any associated costs for training or the assessment process, whether compulsory or voluntary, will be fully explored in the full impact assessment following evidence from the consultation.

Registration, insurance and enforcement

The benefits of continuing the current the DVLA registration process with improved enforcement would enable better monitoring of the number of mobility vehicles in use. In addition, if compulsory 3rd party insurance were to be accepted, the system would provide a means of aiding enforcement. This is likely to incur additional administrative and enforcement costs (yet to be quantified).

A locally run registration scheme may be beneficial for users, especially in addressing the local needs of users. Any such local scheme is likely to generate costs, potentially to local authorities, as a result of additional resources required to implement and maintain registration process (yet to be quantified). There may also be enforcement issues to consider.

The benefit of compulsory 3rd party insurance is that it would provide redress for any injury or damage to property caused by mobility vehicle user, and at the same time provides protection to the user. There will be an annual cost to the user of around £50 upwards to have 3rd party insurance. There would be set up costs for the insurance sector, which may be passed on to the user in premiums.

The benefit of prosecuting those who drive mobility vehicles carelessly or dangerously in the same way as with motor vehicles would enable those individuals involved in incidents to seek

redress under criminal law, as mobility vehicles are exempt from most road traffic laws. However there are many enforcement issues to consider, in particular, any sanctions imposed.

Any changes to the laws governing the use of mobility vehicles may have an impact on businesses and the voluntary sector as they may incur additional staff costs to deal with advice on any potential changes.

Which organisations will enforce the policy?

Depending on options taken forward, various organisations may have a role in the enforcement. For example, with registration it could be the DVLA / Local authorities and regarding the use it would be the Police / Local authorities.

Will implementation go beyond minimum EU requirements?

The Medical Devices Regulations are based on a European Directive (93/42/EEC) which was designed to harmonise the essential safety requirements for medical devices such as mobility vehicles. An agreement at EU level may be required for some of the amendments regarding the design of the vehicle.

Will the proposal have a significant effect on competition?

It is not possible to form a definite view on the effect on competition, but this will depend on options taken forward following evidence provided in this consultation

Equality Impacts

There are no ethnicity/race, gender, sexual orientation or transgender implications resulting from these considerations. On disability issues, it is possible that some of the possible reforms being suggested could help improve the quality of life for disabled mobility vehicle users. On age there are no inequality implications.

Conclusions / next steps

This document seeks to identify the advantages, disadvantages and costs of possible reforms to existing legislation concerning the use of mobility vehicles. Additional evidence is required, including public views, to enable the further development of the impact assessment.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

Annexes

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