



Department for Transport

From the Secretary of State
The Rt. Hon Mark Harper MP

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Web site: www.gov.uk/dft

5 April 2023

Dear Ms Marsh,

Thank you for your letter of 15 February 2023, enclosing your Regulation 28 Report to Prevent Future Deaths, relating to the inquest into the death of Natalie Ann Young, who tragically passed away on the 13 April 2022 from a lower respiratory tract infection which she was more prone to develop following a period of immobility after an incident on the 9 March 2022 where she was knocked over by a mobility scooter.

I am sorry to hear of the tragic death of Natalie Ann Young, for which I offer my sincere condolences to her family and friends.

The 'Use of Invalid Carriages on Highways Regulations 1988' sets out the conditions of use for both mobility scooters and powered wheelchairs dividing them into two main categories. The Class 2 type can travel at 4 mph and is primarily intended for use on the footway or footpath. The Class 3 type can travel on the road at up to 8 mph, but must have the facility, via a limiter, to be driven at no more than 4 mph when used on the footpath.

Class 1, Class 2 and Class 3 mobility vehicles are not legally defined as motor vehicles and, therefore, the user is not required to have a driving licence or to take a test and the vehicles themselves are not subject to Vehicle Excise Duty ('road tax'). The consequence of this is that such a mobility scooter is not subject to the drink and drug drive provisions under the Road Traffic Act. However, if the mobility scooter does not comply with the prescribed requirements or conditions of use in the regulations, then the High Court has found that drivers of them can be subject to the drink drive provisions of the Road Traffic Act.

There are other less common kinds of mobility scooter, generally faster, wider, or heavier than Class 3 mobility scooters, which are allowed to be driven on the road but not on the pavements. You must hold a driving licence

to use those mobility scooters, and they may be subject to Vehicle Excise Duty and require insurance. Users of these mobility scooters will be subject to certain provisions of the Road Traffic Act that do not apply to users of Class 1, Class 2 or Class 3 mobility scooters, including the offences of dangerous driving, causing death by dangerous driving and driving, or being in charge, when under the influence of drink or drugs.

All road users have a responsibility to themselves and others to behave in a safe and appropriate manner and this includes mobility vehicle users who ride on the pavement or in pedestrianised areas. Mobility vehicle users are encouraged to have an assessment with a dealer or supplier before acquiring a vehicle and to take training in their use.

The Department has developed a comprehensive guide for users of mobility scooters and powered wheelchairs, including legal requirements, eyesight requirements and relevant Highway Code information. It is available to view at: <https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules>

There are specific issues relating to vetting and training. Currently, all British Healthcare Trades Association retailers undertake a pre-assessment process which includes testing the skills of the user to ensure they can drive the mobility scooter safely. However, there is a large market in second-hand mobility scooters where no such evaluation of ability is performed. The same issues apply to training where the difficulty is managing the second-hand market. However, there are many training courses available through individual mobility scooter manufacturers and the Mobility Centres offer far more complex and detailed training and assessments. We encourage all users of mobility scooters to consider training to ensure that they can confidently handle their vehicle in all conditions.

Creating a consistent, reliable mobility scooter policy which balances the interests of all road users continues to be a challenge. The Department seeks to improve the safe use of mobility vehicles, while ensuring that they remain accessible for the people who use them and for whom they are a lifeline.

Proposed action

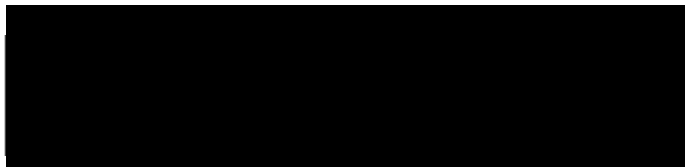
Letter to retailers from Baroness Vere

In February 2020 Baroness Vere wrote to retailers of mobility scooters reminding them to advise their customers of the need to show consideration for other pavement users and to encourage their customers to undertake training in the use of the vehicle they are buying. A copy of that letter is attached.

We are also supporting the roll-out of a nationwide certified powered wheelchair and mobility scooter assessment and training scheme. Through our DfT Road Safety Research programme, we have provided funding to

Driving Mobility, a registered charity with a network of driving assessment centres covering the whole of GB. The training scheme will help retail and hire business to assess a client's safe driving ability, along with providing information on best practice and recommendations on how to convey that knowledge to others. Short tests will be included in order to judge competency and provide any extra support where needed. Driving Mobility are currently seeking to launch the scheme this summer.

Yours sincerely,



The Rt Hon Mark Harper MP

SECRETARY OF STATE FOR TRANSPORT