

'Mini-motos', 'Go-peds' and other small powered vehicles such as quad bikes have become popular as gifts for children and even as 'fun' vehicles for adults. Used responsibly, they can give a great deal of enjoyment. However there is widespread concern about misuse of such vehicles, as they can be dangerous and can cause very distressing noise and environmental nuisance. This short note aims to provide helpful information on the subject for Members of Parliament.

Use on the public road

A number of quad bikes and at least one model of mini-moto hold Certificates of Conformity indicating that they have European Community Whole Vehicle Type Approval (ECWVTA), and so are eligible for road-registration. It is possible that some other mini-motos or other similar vehicles without ECWVTA could pass a Motorcycle Single Vehicle Approval (MSVA) inspection, which would result in a Ministerial Certificate of Approval and permit them to be road-registered. **If so, their drivers are subject to driver licensing, vehicle registration, road tax and insurance requirements, as for other road vehicles.** Riders of powered two-wheeled vehicles on the road must also wear a suitable helmet. **But the vast majority of such vehicles cannot meet the legal requirements, cannot be road-registered and must not be used on public roads** (this includes pavements beside the road, public rights of way and other highways).

Use off-road

Unregistered vehicles may be used on private land, **with the permission of the landowner**. The Department for the Environment, Food and Rural Affairs (DEFRA) has issued a circular giving guidance on the use of vehicles on rights of way and off-road. This is available on-line at:

- www.defra.gov.uk/wildlife-countryside/cl/mpv/index.htm

The guidance sets out the powers available to police and local authorities for tackling illegal and inappropriate motor vehicle use, but also points out that there are additional ways in which local communities, with police and local authorities, and other relevant organisations, can work together. Local MPs can sometimes help to facilitate these solutions.

For example, local communities can look at providing safe off-road areas for the use of mini-moto and other vehicles. The Department for Culture, Media and Sport, Defra and the Department of Trade and Industry, together with motorcycling organisations, are considering this issue. Some off-road facilities already exist, and the Government welcomes these initiatives.

The Auto Cycle Union Ltd has developed useful Recreational Mini Bike Guidelines and can be contacted on 01788 566400 or at dw@acu.org.uk .

Legislation and Enforcement

Enforcement of the law on use of these vehicles, whether on or off road, is a matter for individual Chief Officers of Police. The Association of Chief Police Officers (ACPO) has concluded that sufficient powers to counter illegal use of these vehicles are available to the police under existing legislation. For example, the police have powers to seize the vehicles of unlicensed or uninsured riders under **sections 165A and 165B of the Road Traffic Act 1988**. Vehicles ridden on roads or public places without due care and attention, or off-road so as to cause alarm, distress or annoyance, may be seized (after a warning has been given) under **section 59 of the Police Reform Act 2002**.

The Home Office's Respect Task Force - see www.respect.gov.uk - is working to tackle all aspects of anti-social behaviour, including the misuse of vehicles. On 2 August 2006 the Task Force launched an initiative to inform parents, children and others about the dos and don'ts of mini-moto riding, with a step-by-step guide to tackling misuse, and provided funding for targeted enforcement to 25 areas.

The Home Office and the Department for Transport have each issued advice about vehicle misuse, available on their websites at:

- www.respect.gov.uk/members/article.aspx?id=7684
- www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_039126.hcsp

Defra offers advice on tackling noise nuisance issues at:

- www.defra.gov.uk/environment/noise/neighbour.htm.

Some poorly designed and constructed mini-motos and similar products have been found by Local Authority Trading Standards departments to be non-compliant with the requirements of the European Union Machinery Directive, implemented here by the Supply of Machinery (Safety) Regulations 1992. (The Directive established harmonised safety requirements to create a single market for safe products across the EU.) Some sub-standard machines have been withdrawn from sale as a result. The Department for Trade and Industry has also written to remind importers about their responsibilities.

The Police and the Government agree that additional legislation is not necessary, and that effective local enforcement action is possible under current legislation.

The Government believes that vehicle misuse is essentially an issue of local law enforcement and effective local partnership working. New legislation, or additional bureaucratic requirements, would be - at best - unnecessary and ineffective. At worst, they could be serious and unhelpful distractions from the real task.