
CONSULTATION

ROAD SAFETY & VEHICLE REGULATION DIVISION

Consultation on proposed changes to the unladen weight for powered mobility scooters & powered wheelchairs

July 2015

INVITATION TO RESPOND

Alternative Formats of Consultation

If you require access to this consultation document in a different format – e.g. Braille, disk, audio cassette – or in a minority ethnic language please contact Vehicle Standards Team at the email address or text phone below and appropriate arrangements will be made as soon as possible.

Context

This Consultation Paper provides background information and seeks views on proposals by the Department of the Environment (DOE) to the existing legislation that governs the use of mobility scooters and powered wheelchairs.

Your views and comments are invited on the proposals set out in this consultation paper which can be found on the Departmental website (http://www.doeni.gov.uk/index/road_users/corporate-road-safety/road-safety-consultations-and-publications/road-safety-consultations.htm).

The consultation period will close on **Wednesday, 16 September 2015**. Responses to this consultation should be forwarded to reach the Department on or before that date, and should be sent to by post to:

Vehicle Standards Team
Road Safety and Vehicle Regulation Division
Clarence Court
10-18 Adelaide Street
Town Parks
BELFAST
BT2 8GB

Or by e-mail to:

vehicle.standards@doeni.gov.uk

Confidentiality & Data Protection

Your response may be made public by DOE. If you do not want all or part of your response or name made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisations IT system or included as a general

statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA)). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Freedom of Information Act 2000 – confidentiality of consultation responses

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The

Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.

acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

INTRODUCTION

The Road Traffic (Northern Ireland) Order 1995 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”.

Invalid Carriages, or mobility vehicles as we will refer to them in this consultation, provide a vital means to independence for people with reduced mobility. There are two types of mobility vehicle:-

- one type is the mobility scooter. This is intended to help those with reduced mobility. It is a vehicle that is being used increasingly by people, often older people, who have difficulty with walking or standing for long periods of time, but who would not necessarily consider themselves disabled; and
- the other is the powered or non-powered wheelchair. This is generally essential for everyday mobility. It is frequently the disabled person’s only means of getting around.

These two types of vehicle are treated as one in current legislation.

Through this consultation, therefore, we are seeking your views on changes to the existing legislation that governs the weights of these vehicles. Mobility scooters, and particularly powered wheelchairs, have become more sophisticated and the Department believes it is therefore appropriate to consider the weight limits that apply to them.

BACKGROUND

In 2005, the Department for Transport (DfT) in London carried out an internal review into the use of Class 2 and Class 3 mobility vehicles (the 2005 Review). The recommendations made by the 2005 Review are set out in the “Introduction” section of the DfT consultation document. It can be viewed on the DfT website at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2392/consultation-document.pdf

The review was undertaken to provide DfT with a clearer view of the number of mobility vehicles in the UK, the environment in which they are used and the number of incidents that were involved.

The research identified a range of possible reforms to the legislation on mobility vehicles, and suggested some possible future areas for research; however its overall conclusion was that mobility vehicles did not at that time pose a significant safety risk to their users or to other road users.

As part of the DfT review, one particular area looked at ways to support the mobility and quality of life of mobility vehicle users who require equipment on their carriage to satisfy a specific clinical, postural, hygienic, caring or nursing need.

DfT subsequently drafted legislation in March 2015 to address the situation that arises where the additional weight of necessary user equipment results in a mobility vehicle exceeding the unladen weight limit governing its use on the highway. In this circumstance, the user is unable to lawfully use their vehicle on the highway by virtue of having the equipment they need to meet their health needs whilst travelling.

Whilst promoting the mobility of mobility vehicle users with acute medical needs, DfT also sought to minimise the safety risk to other highway users presented by the use of heavier mobility vehicles.

DfT decided to introduce an upper or ‘backstop’ limit of 200kg *including* any necessary user equipment that takes the mobility vehicle above the Class weight limit. The 200kg limit reflects the operational capacity of boarding lifts and ramps for public service vehicles.

This consultation paper seeks your views on introducing an upper weight limit for unladen mobility vehicles in Northern Ireland similar to the weight introduced in the rest of the UK.

LEGAL CLASSIFICATION OF MOBILITY VEHICLES

The Motor Vehicles (Invalid Carriages) Regulations (Northern Ireland) 1999 and the Vehicles (Class 1 Invalid Carriages) Regulations (Northern Ireland) 1999 divide mobility vehicles into three main categories. Those categories are “Class 1”, “Class 2”, and “Class 3”:

“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 4 miles per hour but incapable of exceeding a speed of 8 miles per hour on the level under its own power;”.

Examples of a powered wheelchair and a mobility scooter can be seen at **Annex 2**.

WEIGHT LIMITS OF MOBILITY VEHICLES

The 1999 Regulations specify that the unladen weight of a Class 2 vehicle shall not exceed 113.4kg and that the unladen weight of a Class 3 vehicles shall not exceed 150kg. Weight limits are intended to protect the safety of other road users in the event of a collision.

Mobility vehicles, especially powered wheelchairs, have become more sophisticated since the 1999 Regulations came into force. Powered wheelchairs may include features which are essential to, or could improve a user’s quality of life and which were unavailable previously.

For example, mobility vehicles are now widely available with motorised seats offering back recline, sit to lie and sit to stand functions that aid a largely or completely chair-bound user's circulation and the functioning of their internal organs.

Such features increase the weight of a mobility vehicle and, in some cases, can lead to such a vehicle exceeding the unladen weight limit for use on the highway.

Unladen weight limits are an important way of minimising the safety risk for other highway users (particularly pedestrians) in the event of a collision with a mobility vehicle. However, the current limits are unnecessarily restricting the mobility of a small proportion of mobility vehicle users and the Department considers that a better balance could be struck between promoting mobility and minimising safety risks.

We need carefully to target the use of heavier mobility vehicles by users with acute medical needs so that it does not lead to a proliferation of heavier mobility vehicles. The Department believes this can be achieved by following the action taken by DfT when amending its legislation in this area as follows:

- The Department proposes to retain the current unladen weight limits for each Class but provide flexibility in relation to necessary user equipment which helps to address a specific clinical, postural, hygienic, caring or nursing need.
- The Department also proposes that any permitted additional weight will only be allowed for the weight of necessary user equipment. A mobility vehicle without any necessary user equipment must remain with the current approved Class weight limit.
- Finally, an upper limit of 200kg would be introduced which would provide for any necessary user equipment that would take the mobility vehicle above the approved Class weight limit.

CASE STUDY

Improved mobility, independence and quality of life are considered to be the chief benefits of the measure for mobility vehicle users. The following case study has been provided by Newlife Foundation, a charitable organisation for disabled and terminally ill children, to illustrate how users might benefit from the change.

Hamid is 14 years old and has Duchenne Muscular Dystrophy (a degenerative neuromuscular disorder) and Mitochondrial Disease. Hamid is a full time wheelchair user and relies on a ventilator to help him breath. He is unable to weight bear and needs hoisting for all transfers. Hamid has recently developed scoliosis (the abnormal curvature of the spine to the sides). He has poor functional use of his arms as he is no longer able to lift them up. Hamid is now totally reliant on his carers for all of his needs. The medication keeping Hamid alive has led to him rapidly gaining weight and he no longer fits in a 'paediatric wheelchair'.

Hamid needs a specialist wheelchair (165kg) which is outside of the current Class 3 weight limit. This wheelchair has sit to stand function (to reduce the impact of his scoliosis and improve lung, heart, bowel and circulatory function thus lengthening his life expectancy), tilt in space (to reduce pressure sores and pain he experiences), leg risers (to relieve cramps, reduce the risk of postural deformity and DVT), and large battery for longer distance travel (it's essential for a child unable to weight bear not to be in a wheelchair that breaks down away from home). The wheelchair he requires is large enough and stable enough to allow him to transport all medical equipment required to keep him alive while providing him with as much independence as possible to be 14 years old. Under current limits imposed in NI, Hamid cannot have this life changing wheelchair.

QUESTIONS TO STAKEHOLDERS

Q1:	Do you think that the Department should amend weight limits of mobility scooters as set out in this consultation document?	Yes	
		No	
Additional comments:			

Q2:	If your answer to question one was no, can you suggest a possible alternative course of action? Please give details.		
Additional comments:			

Q3:	Do you think that technology is available that could reduce the likelihood of and severity of injury caused by a collision with a mobility vehicle? If so, what technology do you have in mind?	Yes	
		No	
Additional comments:			

Q4:	Should any increase in weight only be permitted if such technology is used?	Yes	
		No	
Additional comments:			

EXAMPLES OF MOBILITY VEHICLES



Powered wheelchair



Powered mobility scooter (Class 3)