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**Public Consultation**

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# **Road Safety and Vehicle Regulation Division**

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**Proposal for the Mandatory Wearing of Helmets on Motor  
Tricycles**

June 2015

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## Introduction

The Department of Environment is launching a public consultation on a proposal to make the wearing of helmets mandatory for riders and/or drivers of, and passengers on, motor tricycles used on public roads.

In 2011, due to increasing public concern about the risk of serious or fatal injuries to motor quadricycle (quad bike) riders involved in collisions on the public road, the Department decided to investigate a proposal to make the wearing of helmets on these vehicles compulsory.

Following a consultation exercise which the Department ran in 2012, it was evident that there was support to make it mandatory to wear helmets on quad bikes, giving riders on such vehicles much better head protection and helping to reduce serious injuries or fatalities. The Department decided that the appropriate way forward was to implement primary and secondary legislation to require the wearing of helmets by quad bike riders.

The legislative power to mandate the wearing of helmets on quad bikes has been included in the Road Traffic (Amendment) Bill. The Bill is currently going through the required stages of the Northern Ireland Assembly process for primary legislation. Once the Bill has been enacted, the next step for the Department will be to implement subordinate legislation to give effect to this policy decision and to mandate the wearing of helmets on quad bikes in secondary legislation.

During the scrutiny of the Bill in the Committee Stage of the Assembly process, Departmental officials committed to consider also extending the requirement to wear helmets when riding motor tricycles on the public road. As the Department has not previously consulted on this particular policy proposal, we are keen to hear your views on the proposal and would be especially grateful for

comments or responses to the short list of questions in **Annex A** to this document.

The question this consultation paper seeks to address is:

- Should the wearing of helmets be made mandatory for riders and/or drivers of, and passengers on, motor tricycles used on public roads, in order to reduce road casualties?

## **Background**

The term 'motor tricycle' covers a wide range of vehicles of various styles and designed for different usage.

Motor tricycles (referred to as 'trikes' throughout the remainder of this consultation document) range from those built on a donor motorcycle platform to those built on a car based platform. There are those which are a hybrid of motorcycle and car platforms and those which are manufactured as a dedicated high performance sports trike. In addition, there are a number of manufacturers of trikes for disabled people.

Riders and passengers on two-wheeled motorcycles are required by law to wear helmets when riding on public roads, and the Department intends to extend this requirement to quad bikes in the coming months.

The Department is now considering the extension of the mandatory requirement to wear helmets to trikes. This consultation document sets out the various options open to the Department and the implications of these options.

We would welcome your participation in the development of this policy and later in the document you will find details of where to send any suggestions or comments you may have.

## **Legislative requirements**

The legal definition of 'motor tricycle' is broad, and includes a number of small urban cars, as well as 'sport' trikes for road use. Trikes are also used extensively in the agricultural sector and there is a growing leisure industry provision for off-road use of these vehicles.

It is a requirement, across the European Community, for all vehicles including three wheeled mopeds and trikes to be type

approved prior to going into service. Type approval is a set of harmonised design, construction and environmental standards that allow manufacturers to build to requirements set by European Directive 2002/24/EC (as amended) on the type approval of such vehicles.

Trikes must also comply, when used on the public road and for MOT testing purposes, with the Motor Vehicles (Construction and Use) Regulations (NI) 1999 and the Road Vehicles Lighting Regulations (NI) 2000 (both as amended).

Article 27 of the Road Traffic (Northern Ireland) Order 1995 gives the Department power to make regulations requiring the wearing of protective head gear for riders and passengers on motorcycles and other motor vehicles. Passengers in sidecars are specifically exempted. This provision encompasses three wheeled vehicles, thereby giving the Department the power to require the wearing of helmets on trikes.

## **Defining the Trike**

When considering trikes it is necessary accurately to define the type of vehicle to which the proposal is intended to apply. There are a number of different ways of identifying trikes in current European and national legislation and these are detailed below.

### European type approval legislation

Directive 2002/24/EC specifies the approval standards that trikes must meet before they can be used on the road. The Directive was implemented by the Motor Cycles Etc (EC Type Approval) Regulations 1999 (as amended) which defines both a moped and a motor tricycle as follows:-

“moped”                      a two or three wheel vehicle fitted with an engine having a cylinder capacity not exceeding 50cm<sup>3</sup> if of the internal combustion type and a maximum design speed of not more than 45 km/h.

“motor tricycle” means a vehicle with three symmetrically arranged wheels fitted with an engine having a cylinder capacity of more than 50cm<sup>3</sup> if of the internal combustion type and/or a maximum design speed of more than 45 km/h.

#### UK registration and licensing legislation

In UK legislation dealing with registration and licensing of vehicles, the Road Vehicles (Registration and Licensing) Regulations 2002 (as amended), there is a specific definition for trikes as follows:-

“tricycle” a mechanically propelled tricycle (including a motor scooter and a tricycle with an attachment for propelling it by mechanical power) not exceeding 450 kgs in weight unladen and not being a pedestrian controlled vehicle (a vehicle with three or more wheels which does not exceed 450 kgs in weight unladen and which is neither constructed nor adapted for use nor used for the carriage of a driver or passenger).

#### NI driver licensing legislation

Driver licensing is devolved and the associated legislation is contained in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 as amended. These Regulations set out the various categories of vehicles for which driving licences can be obtained.

Driving licence rules for moped, motorcycle and trike riders changed on 19 January 2013. Trike riders now fall under the A and A1 categories.

Category A1 covers small motorcycles and trikes up to 11kw or 125cc. The minimum age for riding an A1 is 17 years. Riders must have a valid Compulsory Basic Training Certificate (CBT)

certificate and pass the motorcycle theory and practical tests to get this entitlement. Once these riders complete their CBT they can practise unaccompanied. When they pass the practical test they are restricted to a speed of 45 mph for a period of one year.

Category A covers unrestricted motorcycles above 35kW and includes trikes over 15kW. Learner riders must be accompanied at all time by an Approved Motorcycle Instructor (AMI). These riders are not restricted to 45 mph and are trained and tested at higher speeds. Once they pass their test they must display "R" plates but are not restricted to 45 mph.

It should be noted that the completion of CBT and access to tests for motor tricycles in categories A1 and A is only available to driving test candidates with a physical disability.

Able bodied candidates wishing to ride motor tricycles cannot use these vehicles for the completion of CBT or for a test and must gain access to a full licence via training and tests using a motorcycle.

### **Body types**

The above legal definitions of a trike encompass not only those that look like a motorcycle (such as the Honda Gold Wing) but also those which looks like cars (such as the Reliant Robin).

There are also hybrid vehicles with both a car platform and a motorcycle platform such as a Honda front end and Volkswagen Beetle rear end. There are also trikes which are manufactured as a dedicated high performance sports vehicle such as the Can-am Spyder or Polaris Slingshot.

In addition, there are a number of manufacturers of trikes for disabled people such as Nippi Trikes, which allow wheelchair bound riders to clamp their wheelchair on board a trike platform



Examples of all these types of trike can be found at **Annex B**. The examples provide some understanding to how far reaching the legal definition of a trike can be.

### **Trikes – identification**

If various types of trikes are to be treated differently in regulation there is a need for clear identification of the types concerned. For example, if ‘car-like’ trikes are to be exempted from any mandatory requirement to wear helmets, then a suitable definition is needed for use in legislation.

At this juncture, it should be highlighted that the proposal is only concerned with riding or driving on public roads, as the Department’s remit does not extend to private land. Therefore, all-terrain vehicles (ATVs) or trikes used exclusively off-road, which are never intended to be driven on the public highway, are outside the scope of motor vehicle legislation.

However, this proposal would impact on those trikes which are used on public roads such as road going leisure vehicles. Also affected by this proposal would be agricultural trikes used exclusively for farm work which are also permitted to travel on roads for limited distances, for instance between fields divided by roads.

The aim of improving rider/driver safety through mandating the wearing of helmets needs to be correctly targeted. Therefore the construction of the vehicle is paramount in deciding who needs to wear a helmet. Clearly, people riding/driving vehicles fitted with a fixed roof or roll over protection and side protection may not need to wear a helmet.

Riders and/or passengers on some trikes may be required to wear seatbelts depending on:

- the unladen weight;

- the date they were first used;
- if they are equipped with seats of a type that requires the driver/passenger to sit astride it longitudinally; and
- whether the vehicle was constructed or assembled by a person not ordinarily engaged in the trade or business of constructing those sorts of vehicles.

However, even though a trike has seatbelts fitted it may not have a roof or other suitable roll over protection and side protection. In the absence of these other fixtures it would enhance safety greatly if the riders/occupants of the tricycle were wearing helmets.

In respect of disabled riders/drivers, the Department feels there are no equality issues from mandating the wearing of helmets based on the construction of the vehicle.

**Therefore your views are invited on the Department's proposal to legislate for the mandatory wearing of helmets on trikes as follows:**

**Every person driving or riding a motor tricycle on a road must wear protective headgear, except when a motor tricycle:**

- (a) is horizontally confined by a body enclosing each person carried which also provides protection; and**
- (b) is fitted with a fixed roof or other rollover protection for each person carried in or on the vehicle; and**
- (c) has seatbelts fitted when required by the relevant regulations.**

**Alternatively, the Department is legislating to make it a requirement to wear a helmet when riding/driving a quad bike on a public road. The definition used to ensure that the legislation only extends to those non-car like quad bikes is as follows:**

**“motor quadricycle”**      **any motor vehicle having –**

- a. 4 wheels;**
- b. an unladen weight not exceeding 550 kilograms; and**
- c. handlebars,**

**and designed to be operated with the driver seated astride a seat longitudinally.**

**The alternative proposal would be to use a similar legislative definition for trikes with the main differences being the number of wheels and the unladen weight not exceeding 450kgs which is aligned with the UK registration and licensing legislation.**

### **Road casualties on trikes**

From 2008 to 2014 there were two people killed riding motor tricycles used on public roads in Northern Ireland with three people seriously injured and five people slightly injured.

While the human cost is clearly of paramount importance it is, unfortunately, inescapable that we must try to put some sort of monetary cost to motor tricycle casualties. During those seven years, in cost-benefit terms, the value of preventing these casualties would have estimated to have been around £4.75million (at 2014 values)<sup>1</sup>. However, it should be noted that even if these riders were wearing helmets it would not have necessarily prevented injury or death.

Figures obtained from the DVLA vehicle licensing system for the period from October to December 2014, has 250 motor tricycles registered and 235 motor tricycles with a statutory off road notification (SORN) in Northern Ireland as at the 31 December

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<sup>1</sup> Source: Department for Transport (DfT) web TAG Table A4.1.3 using the [HMT GDP deflator](#) to uplift.

2014<sup>2</sup>. DVA testing data indicates there are 260 motor tricycles which had a full MOT test during the 2013/14 financial year.

## **Costs**

The retail cost of a new motorcycle helmet starts from around £40. Retail prices for motorcycle helmets can rise to several hundred pounds. It may be necessary to also purchase a helmet holder to secure the helmet in an unattended vehicle. These are available from around £50. The total cost to a rider of a trike for both these items would therefore be a minimum of £90 per vehicle user.

In respect of costs to industry, it is impossible to quantify the effect of the various options on consumer choice, in view of the continuing interest in eco-friendly “green” transportation. It is of course possible that mandatory wearing of helmets on trikes could influence at least a portion of the customer base away from these vehicles as a personal transport option.

## **Helmet Standards**

The Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999 as amended provide the standard for motorcycle helmets. All motorcycle helmets when riding or driving on a public road must meet the following standards:

- meet British Standard BS 6658:1985 and carry the BSI Kite mark
- meet UNECE Regulation 22.05
- meet a European Economic Area member standard offering at least the same safety and protection as BS 6658:1985, and carry a mark equivalent to the BSI Kite mark

The Department has liaised with the Health and Safety Executive NI (HSENI) on this policy proposal. HSENI is the lead body

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<sup>2</sup> The licensing figures are sourced to the Department for Transport (DFT) as the relevant producer body for vehicle licensing statistics.

responsible for the promotion and enforcement of health and safety at work standards in Northern Ireland. Their remit extends to the agricultural sector.

In terms of this particular proposal, HSENI strongly advises farmers to wear appropriate headgear (including suitable helmets) when three and four wheeled motorcycles are being used for agricultural work purposes. HSENI works under the Personal Protective Equipment at Work Regulations 1992 (as amended) and the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (as amended).

The Department has discussed with HSENI what would be the most suitable type of helmet for riders/drivers of trikes for agricultural trike riders, given that they would likely be using these vehicles on both private land and public roads. HSENI has confirmed that any helmet being worn on a trike driven on the road should be of a standard which meets the criteria set out in the Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999 cited above.

HSENI did highlight that there are open face helmets available to buy which meet the standard in the aforementioned Regulations. HSENI believe that these types of helmet give a better visibility than full face helmets, and would be suitable for both public road use and off-road use for the purpose of any kind of agricultural work.

However, it is also the case that open face helmets provide less facial protection and if maximum visibility is the prime consideration then it should be remembered that safety can be compromised with an open face helmet.

An alternative is a “flip-front” helmet which is homologated to be used both closed and open as required. This may satisfy the need for better visibility when needed and provides more safety when closed than an open face helmet.

The Department and HSENI would always recommend buying a new helmet from a reliable supplier.

## Options

This section sets out the various options open to the Department, along with their advantages and disadvantages.

Option 1: Do Nothing - This is the simplest option. No legislation would be required and there would be no cost or impact on the community or the small vehicle industry.

### *Advantages:*

- No action required
- No public information required
- No adverse impact on the motor tricycle industry

### *Disadvantages:*

- No impact on casualty figures for trike drivers and passengers.

Option 2: Require the wearing of helmets for riders and passengers on (or in) all vehicles falling within the definition of "motor tricycle"

With this option, the Department would need to make subordinate legislation to implement the requirement.

### *Advantages:*

- Possible reduction in the number and seriousness of injuries resulting from trike accidents
- Increase in the sales of helmets from local retailers

### *Disadvantages:*

- Additional cost impact on agricultural trike users, who use their vehicles on road for movement between farmlands
- Includes car-like trikes

### Option 3: Require the wearing of helmets only on all-terrain or non car-like trikes

This option would require a precise vehicle definition for the purpose of requiring the wearing of helmets on non-car like trikes. As with option 2, the Department would need to make subordinate legislation to implement the requirement.

#### *Advantages:*

- Vehicles in the car like category would be unaffected by the requirement
- Drivers and passengers on all terrain type trikes would have better head protection while using the vehicle on roads
- Increased sales of helmets from local retailers

#### *Disadvantages:*

- Additional cost impact on agricultural trike users who use their vehicles on road for movement between farmlands

### **The Department's preferred option**

The Department's preferred option is option 3, which is to require the wearing of helmets on non car-like trikes only. This option provides the maximum safety potential with the minimum adverse impact on industry or trike users. Given that it will be mandatory to wear a helmet on a public road if you are a motorcycle or quadricycle rider/driver, it would logically follow that the same should be done for trikes. However, no firm decisions have yet been made and the information and views received in response to this consultation document will help shape future policy in this area.

### **How to Respond**

The consultation period began on 24 June 2015 and will run for 8 weeks until 19 August 2015. Please ensure therefore that your response reaches us no later than **Wednesday, 19 August 2015**.

If you would like further copies of this consultation document it can be found at <http://www.doeni.gov.uk/>

Please send consultation responses and any requests for additional copies of the documents, or copies of this document in accessible formats to:-

Vehicle Standards  
Department of the Environment  
Road Safety & Vehicle Regulation Division  
Vehicle Policy Branch  
Clarence Court  
10-18 Adelaide Street  
Town Parks  
Belfast  
BT2 8GB  
Email: [vehicle.standards@doeni.gov.uk](mailto:vehicle.standards@doeni.gov.uk)

When responding, please state whether you are responding as an individual or are representing the views of an organisation. If you are responding on behalf of an organisation, please make clear who the organisation represents and, where applicable, how the views of members were assembled.

A summary of responses to the consultation will be published following the close of consultation at the website address above.

### **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.

**CONSULTATION QUESTIONS**

Q1:	Do you think that one of the listed options is the way forward?	Yes	
		No	
Additional comments:			

Q2:	If the answer to question 1 above was yes, which option do you feel provides the appropriate way forward?	Option 1	
		Option 2	
		Option 3	
Additional comments:			

Q3:	If your answer to question one was no, can you suggest a possible alternative course of action? Please give details.		
Additional comments:			

Q4:	Do you think the sales market for trikes will be affected by the introduction of this policy?	Yes	
		No	
Additional comments:			

Q5:	Do you agree that this policy should also be introduced for disabled drivers/riders?	Yes	
		No	
Additional comments:			

Q6:	Do you feel there is a more effective way to define trikes in legislation? If yes, please give details.	Yes	
		No	
Additional comments:			

## Examples of Trikes

Honda Gold Wing based trike



Reliant Robin



Morgan three wheeler



Hybrid Trike with motorcycle front end and Volkswagen Beetle rear end



Can-am Spyder



Polaris Slingshot



Nippi trike for a disabled rider



Nippi trike with a wheelchair bound passenger





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Your views on this document  
are welcome

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