

ELECTRICALLY ASSISTED PEDAL CYCLES (EAPCs)
in GREAT BRITAIN

Statement

The legislative requirements for certain types of Electrically Assisted Pedal Cycle (EAPCs) have changed in recent months. European Community Directive 2002/24/EC came into force on 9 November 2003 and this has resulted in uncertainty regarding the use and construction of EAPCs in Great Britain. This fact sheet provides our view of the current situation but should not be taken as definitive legal advice as this is a matter for the courts.

1. Effect of The Electrically Assisted Pedal Cycles Regulations 1983 – Statutory Instrument 1983 No.1168 and The Pedal Cycles (Construction and Use) Regulations - 1983 Statutory Instrument 1983 No. 1176 together “the Regulations”.

An Electrically Assisted Pedal Cycle which complies with the technical requirements in SI 1983/1168 (an “EAPC”) is not considered to be a motor vehicle within the meaning of The Road Traffic Act 1988. An EAPC is not required to be registered, have a vehicle licence or a nil licence, pay vehicle excise duty (road tax) or be insured as a motor vehicle. An EAPC cannot be ridden by anyone under the age of 14 years.

The Regulations apply to bicycles, tandem bicycles and tricycles fitted with pedals by means of which it is capable of being propelled. If the vehicle is to be regarded as an EAPC the motor assistance must be provided by an electric motor and not by an internal combustion engine. The electric motor must not be able to propel the machine when it is travelling at more than 15mph.

Furthermore, in order to be an EAPC within the meaning of SI 1983/1168, the vehicle must also meet the following requirements:

Maximum kerbside weight (not including rider) shall not exceed	- bicycle - 40kg - tandem bicycle – 60kg - tricycle – 60kg
Maximum continuous rated power output of the motor shall not exceed	- bicycle - 0,2kW - tandem bicycle – 0,25kW - tricycle – 0,25kW

The Pedal Cycles (Construction and Use) Regulations 1983 (SI 1983/1176) imposes construction and use requirements for pedal cycles and EAPCs.

2. The effect of the European Community Directive 2002/24/EC – the amending framework Directive for European Community Whole Vehicle Type Approval (ECWVTA) of powered two and three-wheeled vehicles

European Community Directive 2002/24/EC sets out harmonised technical construction standards for powered two and three-wheeled vehicles, including quadricycles (small four wheeled vehicles of limited mass and power). It is implemented in the UK by the Motor Cycles Etc. (EC Type Approval) Regulations 1999 (SI 1999/2920) as amended. The system of ECWVTA normally applies to volume produced vehicles with manufacturers issuing a Certificate of Conformity (“CoC”) in compliance with a type approved model. This provides a route for the vehicle to be registered and enter into service. An alternative approval route for vehicles is by way of the Motorcycle Single Vehicle Approval (MSVA) scheme under The Motor Cycles Etc. (Single Vehicle Approval) Regulations 2003 (SI 2003/1959). This scheme provides for the approval of individual vehicles on the basis of an inspection, resulting (where appropriate) in the issue of a Minister's Approval Certificate (“MAC”).

The Directive includes within its scope low powered mopeds that may also be similar in definition to EAPCs. These are vehicles with pedals and fitted with an auxiliary electric motor having a continuously rated power output not greater than 1.0kW, capable of speeds not exceeding 25km/h.

However, there are certain vehicles in this category which may be regarded as EAPCs and are exempt from both ECWVTA and MSVA. These are cycles with pedal assistance and an electric motor having a maximum continuous

rated power output of not more than 0,25kW where the electrical assistance is cut off when the machine reaches a speed of 25km/h or where the cyclist stops pedalling. The exemption applies to two, three and four wheeled vehicles. Exempt EAPCs do not need a CoC or a MAC.

A vehicle is **not** exempt from ECWVTA or MSVA if it is fitted with pedals and a motor that can provide power assistance at any time without the rider pedalling (see also section 3 below).

However, if such vehicle (i.e. one which is able to provide power assistance without the rider pedalling) is an EAPC, our understanding is that the appropriate authorities (i.e. Trading Standards) are unlikely to take action to prevent the sale of these vehicles simply on the ground that they have neither a CoC or MAC. But they must conform to the appropriate safety and construction and use Regulations/Directives cited in this fact sheet. Nevertheless, if you are a dealer intending to supply such vehicles elsewhere in the European Community or the European Economic Area, it may be advisable to consider obtaining ECWVTA.

3. Vehicles outside the requirements of The Electrically Assisted Pedal Cycles Regulations 1983

Any vehicle outside the scope of The Electrically Assisted Pedal Cycles Regulations 1983 due to the motor power output, speed up to which power can be provided, weight, or that do not have pedals by means of which the machine can be propelled, are considered to be motor vehicles. They will need to be registered, licensed and taxed, insured and the rider will need an appropriate driving licence and wear a motorcycle safety helmet.

Four wheeled vehicles and vehicles propelled by an internal combustion engine are also considered to be motor vehicles.

Machines resembling a child's scooter but which are fitted with either an electric motor or an internal combustion engine, have been determined by two High Court judgements to be motor vehicles within the meaning of The Road Traffic Act 1988.

4. Other legislation

EAPCs may also need to comply with the Electrical Equipment designed for use within certain Voltage Limits Directive 73/23/EEC (as amended) (commonly known as the Low Voltage Directive) and the Electromagnetic Compatibility Directive 89/336/EEC (as amended). Confirmation should be sought via the Department of Trade and Industry (Local Authorities Co-Ordinators of Regulatory Services (LACORS i.e. Trading Standards).

5. Access to the Regulations and Directives

(a) The Electrically Assisted Pedal Cycles Regulations 1983 – Statutory Instrument (SI 1983 No.1168) and The Pedal Cycles (Construction and Use) Regulations 1983 - Statutory Instrument (SI 1983 No. 1176) are available from The Stationery Office (See below).

(b) Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles is also available from The Stationery Office and is published on the EUR-Lex European Legislation website: http://europa.eu.int/eur-lex/en/search/search_lif.html

The address of the Stationery Office is The Publications Centre, PO Box 276, London, SW8 5DT (tel 0870 600 5522, website: www.hmsso.gov.uk, Virtual Bookstore: www.tso.co.uk).

6. Further Information

If you require any further information regarding the Regulations covered by this fact sheet, please contact the DfT at the address below:

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