

Consultation response form

CONSULTATION ON PROPOSED CHANGES TO REGULATIONS COVERING POWERED MOBILITY SCOOTERS & POWERED WHEELCHAIRS

PART 1 – information about you

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Company Name or Organisation if applicable)	Spinal Injuries Association (SIA)

Please tick one box from the list below that best describes you/your company or organisation

<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Small or medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input checked="" type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Other (please specify)
<input type="checkbox"/>	Are you a mobility vehicle user?
If you are responding on behalf of an organisation/interest group how many members do you have and how did you obtain the views of your members: 5,000 spinal cord injured (SCI) members. Response was put together by SIA's Public Affairs team (all SCI) and board of trustees (all SCI and elected by SCI members as user representatives)	
If you would like your response or personal details to be treated confidentially please explain why (and please see the Freedom of Information advice on page 10 of the consultation package):	

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PART 2: YOUR VIEWS

This consultation seeks your views on proposed changes to the legislation covering “invalid carriages”.

Section A: Legal classification of vehicles

Q1. Do you think that the term “invalid carriage” should be replaced with a different term?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Q2. What term would you suggest?
SIA wishes to see a clear distinction between mobility scooters and powerchairs, recognised in any future legislation. There is considerable difference between these two classes of vehicle, their primary users and their intended uses, and each should be treated differently for the purpose of future legislation. The department should consider using the terms ‘mobility vehicle’ and ‘powerchair’ side by side to clearly define a difference between these vehicles.
Q3. Do you think that the terms “Class 2” and “Class 3” should be replaced by more descriptive terms such as “slower speed mobility vehicle” and “faster speed mobility vehicle”?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, what terms would you suggest?
The respective classes of mobility vehicle are designated by virtue of weight as well as speed. It may be easier to retain these classes, ensuring that a description of each is available wherever the terms are used. Alternatively, classification should be made along the lines of powerchairs and mobility scooters.
Q4. Do you think the legislation should make a distinction between mobility scooters and powered wheelchairs?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
SIA is concerned that any potential change in legislation targeting users of mobility scooters could impinge adversely on those who use powerchairs. There are clear differences in these vehicles: a powerchair is meant for use

not only to cover distance but to use around the home. The lack of front on a powerchair leaves their users far more vulnerable than their counterparts on mobility scooters, and consequently they are more likely to be risk averse.

SIA strongly calls for the department to ensure that these vehicles are recognised separately in law so that legislation aimed at scooter users does not inadvertently encompass those who use powerchairs.

Section B: Design standards for mobility vehicles

Maximum speed capability

Q5. Do you think that Class 3 vehicles should be designed to be capable of travelling at speeds higher than 8mph on the carriageway?

Yes

No

Q6. If you think there should be a higher speed capability, what maximum speeds do you suggest, and why?

Vehicle Weight limits

Q7. Do you think the current unladen weight limit is still appropriate? (The weight limit for Class 2 vehicles is 113.4kg, and for Class 3 vehicles is 150kg?)

Yes

No (class 2 vehicles)

Yes

No (class 3 vehicles)

Q8. If you think the permitted unladen weight should increase, what should it increase to, and why?

Q9. Should some mobility vehicles permit the carriage of a baby or a small child as a passenger?

Yes

No

Q10. If you suggested changes in reply to questions 8 and 9 above, do you have evidence to support your suggestions? If you have evidence what is it? Or do you believe that further research and trialling is needed before a decision is taken?

Disabled parents would doubtlessly welcome any opportunity to increase their independence when looking after their children. Due to the wide range of impairments that may lead someone to use a powerchair, there is great merit in conducting further research into the needs of disabled parents and how they would wish any such modifications to be designed.

Any such option on a powerchair, if designed correctly, may well offer a safer approach to moving children than the methods such parents currently employ. Safety for the child must obviously be paramount in any design legislation that the department produces.

However, such changes should not compromise current weight restrictions. Many modes of public, and personal, transport are built to accommodate chairs of certain dimensions and access to these may well be rendered prohibitive in the event that sizes increase.

Safer vehicle design

Q11. Do you think that technology is available that could reduce the likelihood and severity of injury caused by a collision with a mobility scooter?

Yes No

If yes, what technology do you have in mind?

Mobility vehicles could be designed so they have more bumper protection front and rear and less sharp corners, where it is possible to do so. Reversing sensor beepers may also help prevent accidents when people are travelling backwards.

Q12. Should any increase in weight only be permitted if such technology is used?

Yes No

Conspicuousness

Q13. Do you think that additional requirements should be imposed to make mobility vehicles more conspicuous to help to improve the safety of the mobility vehicle user and the safety of other road users?

Yes No

Q14. If you do think that additional requirements should be imposed, what do you suggest?

A powerchair user is likely to use it not only outside, but also domestically and in social settings. These users are conspicuous at the best of times and may often feel they receive unwanted attention in every day situations when they would rather go about their business with the same anonymity as anyone else. As such, SIA does not believe a powerchair user should be compelled to make their chair more conspicuous, but recognises the safety benefits and would welcome optional guidance that a user could adopt if they wished to.

However, any optional guidance that a user could adopt if they desired would be welcomed.

Section C: Users of mobility vehicles

Minimum age

Q15. Do you think that the minimum age of 14 when a person may use a Class 3 vehicle should be kept the same, removed or lowered?

Kept the same
Lowered
Removed

Q16. If you think the minimum age should be lowered, what do you suggest it be lowered to?

Age is an artificial boundary and suitability should instead be assessed in terms of ability rather than age. A proficient 12 year old may well prove a more suitable candidate than a less proficient 18 year old.

Information, training and fitness to drive

Q17. What do you think should be done to improve the information and advice that is available to people who want to use a mobility vehicle?

Information should be made available at all retailers of mobility vehicles and other places where users may come into contact with mobility vehicles, such as Shopmobility schemes. Also formal assessments should be made to ensure that the user gets the vehicle that is right for their needs and are aware of any alternative options.

Q18. Should all mobility vehicle users be required to undergo compulsory training?

Yes No

Q19. How do you suggest such training might be organised and delivered? How could it be funded (for example through user fees)?

To secure a NHS powerchair one already has to pass a driving competency test on a circuit. SIA sees no reason why this situation should be changed for users of powerchairs. Whilst there should be an initial competency test in line with current NHS practice, to avoid unnecessary bureaucracy this should not be continuing assessment.

Q20. Should all users be required to undergo an assessment of their suitability to drive a mobility vehicle?

Yes No

Q21. How do you suggest such an assessment might be organised and delivered? How could it be funded (for example through user fees)?

The NHS assessments as they currently exist are adequate for ensuring that those who can control their own powerchairs are able to do so, and any new assessment should be built around these guidelines.

Section D: Vehicles in Use

Registration

Q22. Do you think a mobility vehicle registration scheme is needed?

Yes No

If so, why?

Q23. Do you think the current registration scheme with DVLA should be improved, for example, through better enforcement?

Yes No

If yes, how?

Q24. Do you think the current registration scheme should be replaced by a locally run registration scheme? (We would be interested in exploring whether this could be linked to existing schemes, for example the Blue Badge disabled parking scheme.)

SIA does not advocate a registration scheme for powerchairs..

Q25. Do you think it would be better to register users rather than registering vehicles?

Yes No

If so, how might it work?
Q26. Do you have any other suggestions for how a registration scheme would work?
Q27. Do you think the registration should be required for Class 2 vehicles as well as Class 3 vehicles?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If so, why?

Insurance

Q28. Do you think that a minimum of third party insurance should be compulsory for users of mobility vehicles?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SIA does not agree with compulsory insurance. It is an added cost and something that no doubt will only get more expensive as time passes. SIA would however support a promotion of insurance to protect against injury, both to the user or a third party and how it may protect a user against a legal claim.

Criminal offences

Q29. Do you think that the section 35 offence (drivers of carriages injuring persons by furious driving) is adequate?
Yes <input type="checkbox"/> No <input type="checkbox"/>
Which driver behaviours do you think are not at present adequately covered by the legislation and should be the subject of further detailed proposals?

Maximum permitted speed

Q30. Do you think that a Class 3 vehicle should be permitted to travel faster than the current limit of 8mph on the road?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Q31. What do you see as the potential benefits and risks of an increased speed limit?

Although mobility vehicles are currently supposedly limited to 4 miles per hour in pedestrian settings, this limit is commonly broken by drivers with the capacity to reach 8 miles per hour. Increasing the speed limitation of what are already larger vehicles would represent an unnecessary risk to pedestrians.

Q32. What do you think the new maximum permitted speed should be?

SIA approves of the status quo.

Q33. When the speed limiter is switched off, users of Class 3 vehicles may drive above 4mph provided they are on the carriageway and not on the footway. To aid concordance with this regulation, should mobility vehicles then automatically display a sign on the rear that indicates that they must not be used on the footway?

Yes

No

Data collection

Q34. What type of data do you think it would be helpful to record and why?

As mentioned earlier in this consultation response, SIA believes that, for the purposes of future legislation, a clear distinction must be made between class 2 and class 3 mobility vehicles, or even between powerchairs and mobility scooters. When data is collected it should be done with this in mind and be recorded in two, separate and distinct groups, so that any differences can be recognised.

It would also be useful for the department to be aware of the feedback from this consultation and how changes in legislation will affect users' abilities to use taxis, trains and other forms of public transport.

Please send consultation responses to:

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