

Smarter regulation: proposed changes to the regulations on electrically assisted pedal cycles

Response from the National Motorcyclists Council (NMC)

Introduction

The National Motorcyclists Council (NMC) welcomes the opportunity to respond to the Department for Transport's Consultation on proposed changes to the regulations on electrically assisted pedal cycles.

The NMC is the umbrella organisation for the UK's motorcyclists' representative national organisations. Members represent a wide spectrum of motorcycle use from road riding, green road riding, heritage motorcycling, motorcycle sport, motorcycle safety, the motorcycle trade and the service sector. The collective membership of these organisations and its numerous affiliates, is around 200,000 individual motorcyclists.

In summary, the NMC's position is that this consultation is premature, given that there is an urgent need for a wider regulatory review of all unregulated light electric powered two wheeled products, which do not fall under the current specific eBike regulations. Although increasing the legal power of eBikes may have some potential positives, as set out on the consultation, the risk of unintended negative outcomes must not be ignored.

The Consultation Questions

Do you support or oppose the proposed change to how EAPCs are classified so that the maximum continuous rated power of the electric motor must not exceed 500 Watts instead of 250 Watts as set out in the current regulations?

The NMC is not opposed to the evolution of eBike regulations if these are carefully considered and we envisage positives which could result from what is being proposed, in particular for disabled people and also for rural accessibility and recreation. However, given the current issues arising from the unregulated, illegal and sometimes anti-social use of some eBikes and other light electric PTWs which are non-compliant with the current eBike regulations, we feel that this consultation is premature.

There is a case that 'blurring the distinction' between cycling and motorcycling may provide an incentive for more people to take to two wheels and eventually progress onto other areas of motorcycling, which in turn will have a positive impact on congestion and pollution. The proposal would also create products which would be easier to use for recreation, particularly in rural areas.

However, on the other hand, it is known that if regulation can be avoided, many people will choose to avoid it. The proposal may well further disincentivise the use of mopeds and small motorcycles (eBike sales are already negatively impacting the moped market due to rider and product 'regulatory avoidance'). This in turn will have a negative impact on safety, as riders will have access to higher powered two wheel products with no requirement for the type of formal training and assessment, plus further rider training development, that other powered two wheeler riders have and (in the case of post-test training) choose to undertake. This factor, plus emerging evidence about the negative safety impacts of unregulated and sometimes novel electric PTW products leads the NMC to be concerned about how this proposal could impact on safety. One eventual outcome, as the Bicycle Association points out, could be the application of regulations on all eBike use which are akin to motorcycle use regulations.

Recent years has seen a rise in the use of unregulated powered two wheelers, which range from eBikes to eScooters and other novel products. Although eBikes are manufactured to harmonised product safety standards set out in BS EN 15194, many imported products are known to not fully meet these standards properly and can be of poor quality. The tampering of eBikes to create products with higher power and speed is commonplace. In the case of eScooters most in percentage terms are being ridden illegally and there are no effective controls over manufacturing standards, imports and safety standards, with access to such products having unenforceable regulation. There is an urgent need to bring forward current government work in this area, so that proper safety standards for manufacturing and rider safety are put in place.

Given that there are a number of potentially unintended consequences that are likely to flow from the proposals if adopted. It would be preferable to instead consider amendments to current EAPC regulations as part of a wider and more comprehensive review of all light electric powered two wheelers. This would enable the delivery of a structured micromobility framework that better and more safely supports a future sustainable transport system.

Although the proposals envisage that enabling users to ride eBikes with greater power or throttle assistance may reduce the current incentive for users to tamper with the settings of their e-cycles to achieve greater speeds, it is possible that the reverse will be the case. It will also become more difficult for police to distinguish between legitimate EPACs, illegally modified eBikes, road legal mopeds and un-registered electric mopeds “masquerading” as eBikes. This is already a concern for the NMC, as we have noted that many current complaints about illegal and antisocial motorcycling, often involves high powered eBikes and not motorcycles at all.

In conclusion, the NMC calls on the Government to properly commence the long delayed regulatory review of all unregulated light electric powered two wheeled products and incorporate the areas covered within this consultation as part of that review, where they can be considered as part of wider framework.

By way of alternative proposals, the NMC would support the proposed power increase for eCargo Bikes – and throttles, provided these products are restricted to the commercial fleet market.

Restricting higher powered e-Cargo bikes to commercial operators will ensure that these products would be used as intended, rather than becoming part of the ‘shadow’ sector of illegally used high powered eBike products.

Do you support or oppose the proposed change to allow EAPCs to have throttle assistance up to 15.5 mph (25 kilometres per hour) without the need for type approval, instead of the existing 3.73 mph (6 kilometres per hour) as currently regulated?

The NMC is broadly neutral on the matter.

It is however worth noting that the proposal is almost ‘moot’ – there is wide availability of throttle equipped eBikes on the current market with ‘pedal assist’.

24th April 2024.

About the National Motorcyclists Council



The National Motorcyclists Council (NMC) is the UK coalition of motorcycling representative organisations, which works together on commonly held positions about issues where motorcyclists seek to change or influence government policy. It also researches issues to both inform campaigning and support the individual work of its members.

The NMC's mission:

'Working together to help assure a positive and sustainable future for motorcycling'

Members and Partners

The NMC's current members comprise UK motorcycling representative organisation, plus the sport and road safety interests. NMC members have a combined membership of around 200,000 individual riders. The NMC also has wider partnerships with industry and riders groups internationally.



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