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# E-Scooter legislation

Discover the latest news about regulation of privately owned e-scooters in the UK for 2023

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## Introduction

As you may know (or not, and that's perfectly fine too!), back in June 2022, the Government has included in the upcoming Transport Bill the legalisation of privately owned e-scooters for use on public roads and cycle lanes in the UK.

With the end of 2022 approaching, what can we expect for 2023?

*Let's find out.*



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To cut a long story short, with the current political turmoil no to little visible progress has been made.

We have witnessed the sunset of Queen Elizabeth II (21 April 1926 – 8 September 2022), the longest-reigning monarch since French king Louis XIV, and at the time of writing this report Liz Truss has resigned, becoming the shortest serving prime minister in UK history.

Despite numerous countries in Europe, such as Austria, Belgium, France, and Germany, legalising e-scooters, **the UK government is yet to make its move**, resulting in frustration for people who are desperate to get their privately owned e-scooters on the road.

Let's see where we are coming from, what is going on now in 2022 and what we can expect for 2023.



## Where are we coming from (2020 and 2021)?

*Once upon a time...*



Everything started back in 2020 with rental e-scooters trials we can currently see a bit everywhere across the country. Initially, those trials were to support a 'green' restart of local travel after the COVID-19 pandemic and help mitigate reduced public transport capacity.

In July 2020, the Department for Transport (DfT) made regulations allowing trials of rental e-scooters to be fast tracked and expanded. E-scooter trials have launched in 32 regions across England.



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The use of rented e-scooters came with a few requirements, such as for the user to have the category Q entitlement on his/ her driving licence<sup>1</sup>, and therefore to be at least 16 years old.

The original deadline for the end of the trials was 30 November 2021, but was extended until 31 March 2022 to take into account the slower start to trials as a result of the pandemic. Trials were further extended to 30 November 2022 in October 2021.

Since then, it has been officially recognised that **the e-scooter has a part to play in the transition to reach net zero carbon emission** by 2050. As a consequence, e-scooters are listed in the Transport Decarbonisation Plan<sup>2</sup>, published on the 14th of July 2021.

A commitment has also been taken in this plan by the DfT:

We will use national e-scooter trials to understand their environmental impact, safety, and mode shift potential to evaluate whether they should be legalised. Evaluation is underway and a key area of focus will be on the nature of mode shift e-scooters achieve. This will help us to understand the potential impact on transport emissions and air quality. (p.184)

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<sup>1</sup> Department for Transport (2020) *E-scooter trials: guidance for users*. Available at: [E-scooter trials: guidance for users - GOV.UK](#) (Accessed: 20 October 2022).

<sup>2</sup> Department for Transport (2021) *Decarbonising Transport - A Better, Greener Britain*. Available at: [Decarbonising Transport: A Better, Greener Britain - GOV.UK](#) (Accessed: 19 October 2022).

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## What is the latest news about e-scooters in the UK 2022?

On the 14th of July 2022, the Department for Transport released a summary of the progress made in the 12 months since the publication of the Transport Decarbonisation Plan.

As expected or feared, no big progress has been made regarding the e-scooter situation, as the data gathering phase is planned to run up to the 30th of November 2022. The next step will be to:

Publish the findings from e-scooter trials, evaluating their environmental and safety impacts and impacts on other road users. This will inform future regulation, including elements to be taken forward through the Transport Bill.<sup>3</sup>

Also earlier this year, on the 11th of May 2022, there has been an announcement by the government via Baroness Vere of Norbiton, following the Queen's Speech:

Safety is at the heart of our plans to create a regulatory framework for smaller, lighter, zero-emission vehicles, sometimes known as e-scooters. Their popularity is clear and new rules are needed to improve safety and crack down on illegal use whilst unlocking innovation and growth in this emerging multi-billion pound industry.

It is our intention that this bill will create *a low speed, zero-emission vehicle category that is independent from the cycle and motorcycle categories.*

New powers would allow the government to decide the vehicles that fall into this new category in the future and how they should be regulated to make sure that they are safe to use. *We hope that e-scooters will be the first of these vehicles.*<sup>4</sup>

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<sup>3</sup> Department for Transport (2022) *Decarbonising Transport - A Better, Greener Britain - One Year On*. Available at: [Decarbonising Transport: A Better, Greener Britain - One Year On - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/102448/Decarbonising_Transport_-_A_Better_Greener_Britain_-_One_Year_On_-_GOV.UK.pdf) (Accessed: 19 October 2022).

<sup>4</sup> Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport (11 May 2022).





The Department for Transport has announced that they will be creating **a new vehicle class for e-scooters!**

This is a long awaited change for privately owned e-scooters because as it stands:

- e-scooters are legal to sell and to buy, but
- they are not permitted to be ridden on the public highway, ie. pavements, cycles lanes, roads and in pedestrian-only areas, and
- you are allowed to ride e-scooters on private land only if you have permission from the landowner.

### **Why are electric scooters currently illegal on roads and pavements?**

Electric scooters are currently classed as '*powered transporters*'<sup>5</sup> by the government and **fall under the same laws and regulations that apply to all motor vehicles, such as cars.**

This means that it's illegal to use them on pavements, in cycle lanes and in pedestrian-only areas. It would only be legal to use them on public roads if they could meet the same requirements as motor vehicles (e.g., in terms of insurance, tax, licence, registration and vehicle construction), which in practice is virtually impossible.

*That's why a new vehicle class for e-scooters is necessary and the government announcement is such a good sign.*

<sup>5</sup> Department for Transport, Driver & Vehicle Standards Agency (2018) *Powered transporters*. Available at: [Powered transporters - GOV.UK](#) (Accessed: 20 October 2022).



Finally, with regards to safety, the government has announced on the 29th of June 2022 the creation of the Road Safety Investigation Branch (RSIB)<sup>6</sup>:

This specialised unit will provide vital insight into safety trends related to new and evolving technologies, which could include self-driving vehicles, e-scooters and electric vehicles (EVs), to ensure the country maintains some of the highest road safety standards in the world and exciting new technology is deployed safely.

And the last milestone in 2022 should be **the end of the rental e-scooter trials on 30th of November 2022** and the post-processing that will follow to feed the DfT with the data they need to progress on the legalisation of the e-scooters.

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<sup>6</sup> Department for Transport, Baroness Vere of Norbiton (2022) *Government launches country's first ever investigation branch focused on road safety*. Available at: [Government launches country's first ever investigation branch focused on road safety - GOV.UK](#) (Accessed: 20 October 2022).



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## What can we expect for 2023 for privately owned e-scooters?

There is still a small risk that the trials could be extended once again, but considering what you just read, there are good reasons to believe that e-scooters will be able to go from private land to public roads in 2023.

To date, no official roadmap has been published by the Department for Transport so if we ~~look into our crystal ball~~ try to formulate an educated guess:

- data processing from the rental e-scooter trials ~ 3 to 4 months, starting December 2022,
- parliamentary background work and legislative process ~ 4 to 6 months.

This means the data to support the bill could be available by the end of March 2023, and **we could expect some decisions to be taken over or just after summer 2023.**





## **But why does this take so long??**

That's a fact that other countries across Europe and beyond have acted much quicker than the UK.

The use of e-scooters on public roads have already been defined in numerous countries, including some of our closest neighbours such as Belgium, Spain, Germany, France, Norway, Sweden, and other major countries, such as the USA or Singapore.

There are many reasons - other than the creation of a completely new class of vehicles - for the UK government not acting as quickly as other countries. Understanding them can shed some light on what the future might hold for these compact and sustainable personal modes of transportation.

*Let's look at the factors that will define the future of e-scooters.*

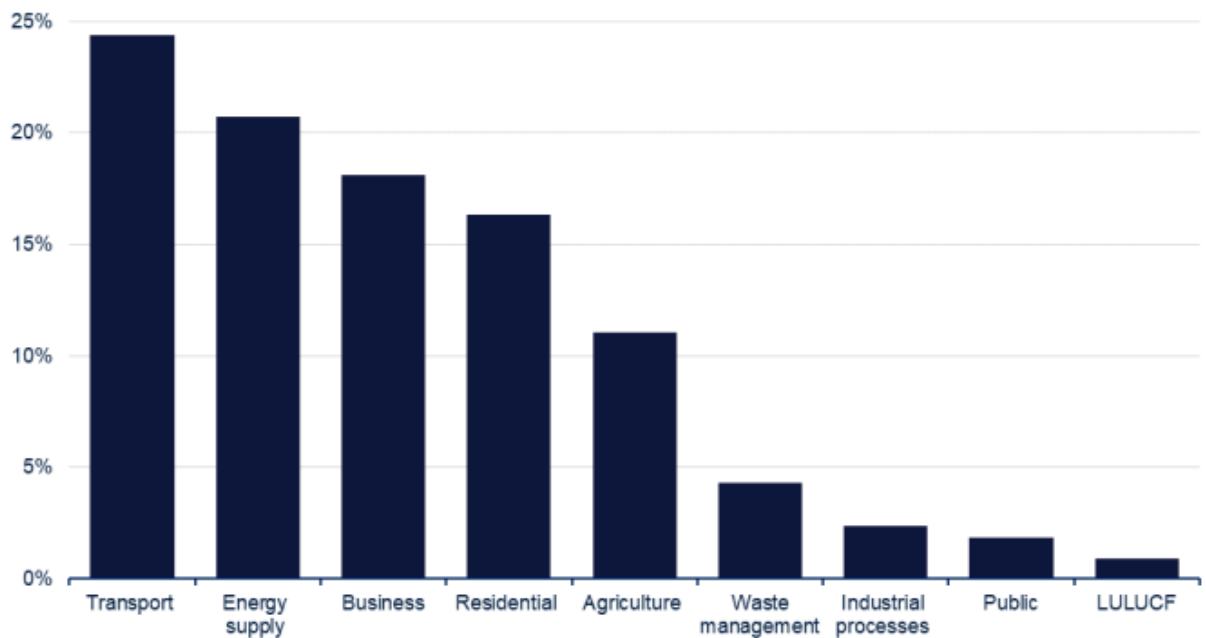


## Environmental considerations

It's been made crystal clear that the UK is aiming to effectively reduce its carbon emissions and contribute to the global effort for a more sustainable environment.

While many sectors create greenhouse gas emissions, transport is the biggest culprit, accounting for 24% of all emissions in 2020:

In 2020, 24% of net greenhouse gas emissions in the UK were estimated to be from the transport sector, 21% from energy supply, 18% from business, 16% from the residential sector and 11% from agriculture.



Source: Table 1.2, Final UK greenhouse gas emissions national statistics 1990-2020 Excel data tables

Note: LULUCF is land use, land use change and forestry.

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<sup>7</sup> Department for Business, Energy & Industrial Strategy (2022) *2020 UK Greenhouse Gas Emissions, Final Figures*. Available at: [2020 UK Greenhouse Gas Emissions, Final Figures](#) (Accessed: 19 October 2022)



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Considering the above, it's obvious that cutting transport emissions can positively influence the environment. That's with this in mind that the DfT has defined the target "*All UK transport will be net zero by 2050*".

As a new mode of transport, **e-scooters could become a personal travel alternative facilitating involvement in tackling climate change** while avoiding public transport or the expenses associated with owning a car.



## Challenges and dangers around the use of e-scooters in the UK

There's some noise made around the safety of e-scooters and the risk of accidents involving an e-scooter. Any accident is a concern, of course, but from a stat point of view, e-scooters are less prone to cause or be involved in an accident than other transport modes:

**E-scooters are safer than many other travel modes**, with significantly lower casualty rates (0.66 collisions per million miles travelled) compared to bicycles which were 5 times more likely to be involved in a collision (3.33 per million miles) and motorbikes which were 9 times more likely to be involved in a collision (5.88 per million miles).

Crash by vehicle type, per million vehicle miles, 2020

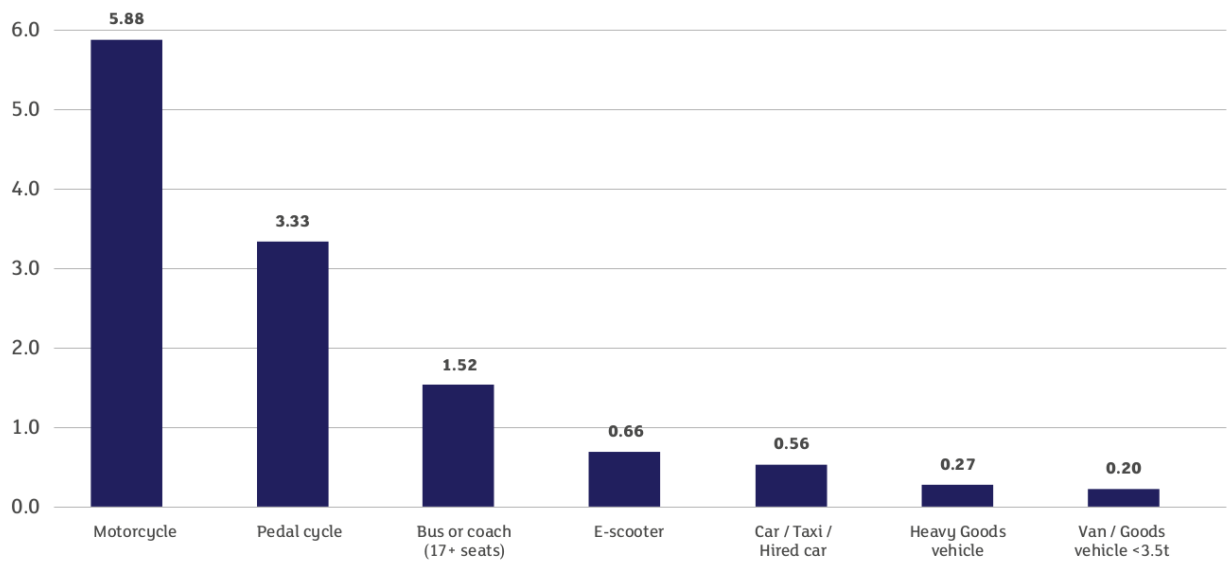


Figure 1: Crash event rate by vehicle type, per million miles, 2020

Source: DFT Stats19

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<sup>8</sup> The Royal Society For The Prevention Of Accidents (RoSPA) (2022) *UK E-scooter Safety Report*. Available at: [UK E-scooter Safety Report | RoSPA](#) (Accessed: 19 October 2022).



On the 29th of January 2022, 8 changes have been made to the Highway Code<sup>9</sup> (and this should be known by all road users!). **A Hierarchy of Road Users has been published**, with 3 rules (H1 to H3).

The H1 rule specifically defines:

those in charge of vehicles that can cause the greatest harm in the event of a collision bear the greatest responsibility to take care and reduce the danger they pose to others<sup>10</sup>



The legislative process will have to define clearly where the e-scooter stands, but **e-scooters should logically be classified between a bicycle and an e-bike, considering weight and speed**. As a consequence, this will also detail the rules e-scooter riders will have to follow as road users.

<sup>9</sup> Department for Transport, Driver and Vehicle Standards Agency (2022) *The Highway Code: 8 changes you need to know from 29 January 2022*. Available at: [The Highway Code: 8 changes you need to know from 29 January 2022 - GOV.UK](#) (Accessed: 20 October 2022).

<sup>10</sup> Department of Transport (2015) *The Highway Code*. Available at: [The Highway Code - Introduction - Guidance - GOV.UK](#) (Accessed: 20 October 2022).





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## Potential safety improvements required

Currently, there are two worlds when it comes to e-scooters: rental and private. The rental sector is regulated (from July 2020) while the private one doesn't have legislation. Some may be tempted to state that the rental e-scooters are safer at this point in time.

Once the government legalises e-scooters, **manufacturers and users will have to comply with safety laws that protect other road users.**

Users may have to register their private e-scooters and secure insurance to confirm their chosen model meets the specifications to become 'road worthy', unless the manufacturer self-certifies each model (as for e-bikes) hence establishing road worthiness.

The government may also impose the use of a helmet (*and we hope that'll be the case!*), and advise us to wear a high-visibility jacket.





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## What may be the outputs of the legislative process?

The trials of rental e-scooters being the backbone of the data collection for the legislative process, it is very likely that the regulations in place will be considered in the new laws.

The government will also be looking to the lessons learned from other countries currently ahead of the UK.

Considering this, **we should expect a set of measures applicable in part to the manufacturers of e-scooters and in part to the users** of private e-scooters.

### The significant role of manufacturers...

Manufacturers of e-scooters will have a major role to play in the new laws. They will need **to demonstrate their machines are safe for the user to operate.**

This could translate into:

- Ensuring the safety of their machines, issuing certificates of conformity, of good performances,...
- Certifying the e-scooter by obtaining a type approval. The type approval ensures the user can register and legally use the e-scooter.



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### ... And what awaits users of privately owned e-scooters?

Once the manufacturers fulfil their new obligations, the users of privately owned e-scooters may have to:

- Hold a provisional driving licence:

You **must have the category Q entitlement on your driving licence** to use an e-scooter. A full or provisional UK licence for categories AM, A or B includes entitlement for category Q. If you have one of these licences, you can use an e-scooter.<sup>11</sup>

- As a consequence, be at least 16 years old
- Have some sort of **liability insurance**, most likely similar to moped
- Ensure their e-scooter is **roadworthy**, including having necessary lights, an audible indicator (horn), good tyres and brakes, etc
- Respect a **maximum speed limit** of 15.5 mph
- **Stick to some specific areas** when operating e-scooter: we could imagine e-scooters being authorised on cycle lanes/ paths and allowed on the roads where there is no cycle lanes, but forbidden on pavement, similar to what is in place in other countries like Germany

Still considering the lessons learned from other countries more advanced, registration of the e-scooter may not be required. Similarly, **helmets and other PPEs** may not be made mandatory but **strongly recommended**.

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<sup>11</sup> Department for Transport (2020) *E-scooter trials: guidance for users*. Available at: [E-scooter trials: guidance for users - GOV.UK](#) (Accessed: 20 October 2022).



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## A final word

There is still a long way to go before seeing the legalisation of privately owned e-scooters becoming a reality.

As detailed previously, there will most likely be measures to respect in order to ride our e-scooters on public roads. Some of them may even require private owners of electric scooters to upgrade their machines to match the requirements (additional lights, reflectors, efficient brakes, horn or warning bell,...).

**The regulation of the use of privately owned e-scooters needs to happen. It is a necessity.**

### How can you play a role in all this?

That's fairly easy. To avoid more delays and hopefully see the e-scooters being legalised in the next year, **everyone must adhere to the existing guidelines** and protect other road users.

Unfortunately, there are too many videos of reckless riders using their machines at high speed amongst pedestrians or even on the motorway...

You can influence by being careful, responsible and by reducing accidents involving e-scooters.

**In doing so, you will contribute to the success of the coming legislation by demonstrating e-scooters are safe to operate, safe for the riders and the other road users, allowing the UK public to benefit from all that e-scooters have to offer.**







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## Hello there!

We are Anna and Thierry, founders of E-Mob Shop ([emob-shop.com](https://emob-shop.com)).

Thank you for downloading this report. We really hope this answers at least some questions you may have about the legal status of privately owned e-scooters.

Having been travelling the world for years (and still doing), we have seen how the electric scooter can be a sensible and popular approach not only to tackle urban congestion but also to limit the effects of mass transportation on the environment. With the electric scooter becoming a flagship of the green transportation revolution, we are convinced that we have an important role to play by guiding and promoting positive and meaningful change.

E-mob Shop aims to provide viable and reliable personal travel alternatives in order to facilitate your involvement in tackling climate change.

We can all contribute at our level!

The future is electric and the future is exciting. Let us know what you think, be inspired and join the green transport revolution today!



Feel free to visit our website <https://emob-shop.com>. You can also follow us on:



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