

NATIONAL ACCESS FORUM – 20 SEPTEMBER 2019

E-bikes – discussion paper

Purpose

1. The purpose of this paper is to provide some background for the proposed discussion on electric bikes (e-bikes) at the Forum meeting on 20 September 2019.

Background

2. The exponential growth in sales of e-bikes¹ can bring many benefits, for example by providing greater opportunities for people of varying fitness levels to enjoy outdoor access on bicycles. However, there are also concerns about potential adverse impacts, such as damage to fragile habitats. Some of the pros and cons of e-bikes are discussed (in an English context) in a *Sunday Times* article available on youtube². This issue was also discussed at the 2018 Scottish Mountain Bike Conference³, and the *Strategy for Scottish Mountain Biking 2019-2025*⁴ includes some early consideration of the opportunities and challenges that e-mountain bikes might present.

Status of e-bikes under Scottish outdoor access legislation

3. NAF previously considered e-bikes (in February 2016) in the context of a paper on “Novel types of outdoor activities and access rights”. This paper referred to the current legislation regarding the use of e-bikes on public roads (see Annex). The paper argued that if e-bikes with a maximum power output of less than 250 watts/not electrically assisted above 15.5 mph are not regarded as “motor vehicles” for the purposes of road traffic legislation then they should not be regarded as motor vehicles for the purposes of Scottish outdoor access legislation⁵. This working position appears to have become the accepted “norm”, although these two

¹ Reports suggest that although only 6% of cyclists currently own an e-bike, 14% of cyclists intend to buy one over the next 12 months, and sales of e-bikes by volume have increased by 8% year-on-year – see <https://www.sportindustry.biz/news/uk-cycling-numbers-down-despite-ebike-growth#Ugg4TOVslvjHh27r.99>.

² See https://www.google.com/search?rlz=1C1GCEB_enGB852GB853&biw=1536&bih=723&ei=VgJDXfjtGo2bgQaZlo4g&q=e-bikes+in+the+countryside&oq=e-bikes+in+the+countryside&gs_l=psy-ab.12...18515.25808..28007...0.0..3.452.8605.4j4j18j7j2.....0....1..gws-wiz.....0i71j33i10.qzngGuoiags&ved=0ahUKEwj48K3T--HjAhWNTcAKHRmLAWQ4ChDh1QMICg.

³ <http://www.dmbins.com/developing/conference-page/report-scottish-mountain-bike-conference-2018-day-1>

⁴ See page 19 at <http://www.dmbins.com/riders/news/scottish-government-announce-support-for-scottish-mountain-biking>

⁵ If users over-ride the power restrictions on their e-bikes to make them go faster than 15.5 mph, then the use of such a bike would become subject to the same laws as motorbikes and mopeds.

independent pieces of legislation cannot necessarily be assumed to dovetail in this way, and this approach has not been tested in the Courts.

Discussion

5. New recreational activities and technical developments often arouse concerns and further experience is sometimes needed to identify any specific areas where particular management action may be required. Accordingly,

- **Forum members are invited to discuss the pros and cons of the increasing use/ownership of e-bikes, and to consider what further work may be necessary.**

September 2019

ANNEX

ELECTRIC BIKE RULES UNDER ROAD TRAFFIC LEGISLATION⁶

You can ride an electric bike [on the public road] in England, Scotland and Wales if you're 14 or over, as long as it meets certain requirements.

These electric bikes are known as 'electrically assisted pedal cycles' (EAPCs). You do not need a licence to ride one and it does not need to be registered, taxed or insured.

There are different rules in Northern Ireland.

What counts as an EAPC

An EAPC must have pedals that can be used to propel it.

It must show either:

- the power output
- the manufacturer of the motor.

It must also show either:

- the battery's voltage
- the maximum speed of the bike

Its electric motor:

- must have a maximum power output of 250 watts
- should not be able to propel the bike when it's travelling more than 15.5mph

An EAPC can have more than 2 wheels (for example, a tricycle).

Where you can ride

If a bike meets the EAPC requirements it's classed as a normal pedal bike. This means you can ride it on cycle paths and anywhere else pedal bikes are allowed.

Other kinds of electric bike

Any electric bike that does not meet the EAPC rules is classed as a motorcycle or moped and needs to be registered and taxed. You'll need a driving licence to ride one and you must wear a crash helmet.

⁶ See <https://www.gov.uk/electric-bike-rules>