



**WHEELCHAIR
ALLIANCE**

A report considering the implications of outdated legislation and the changes to regulations covering powered mobility scooters and powered wheelchairs implemented by the Department for Transport in early 2024.

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Contents:

Section		Page
1.	Executive summary	4
2.	Introduction	9
3.	A discussion on the changes to the guidance	10
4.	How the change to guidance impacts on different stakeholders	13
5.	Recommendations	23
6.	Conclusion	24

Appendices

1.	Classes of mobility scooter and powered wheelchair	p.25
2.	Global Medical Devices Nomenclature	p. 26
3.	BHTA consultation 2015	p.27
4.	FOI request November 2024	p. 31
5.	FOI response	p. 32
6.	BHTA/Driving Mobility open letter to the Secretary of State for Transport	p.33
7.	Wheelchair Alliance open letter to the Secretary of State for Transport	p.35
8.	DfT: Comparison between 2015 and 2024 guidance on mobility scooters and powered wheelchairs	p.37
9.	Literature research	p.40
10.	Online survey of powered wheelchair users	p.43
11.	BHTA update to members	p.52
12.	Examples of powered wheelchairs and their weights	p.63
13.	Using powered wheelchairs and mobility scooters: France & Germany	p.66
14.	Third sector workshop minutes	p.70
15.	Bibliography and references	p.73

1. Executive summary:

Background

In Spring 2024 the Conservative Government published an amendment to *Using mobility scooters and powered wheelchairs*. The process was led by the Department for Transport (DfT) and, when questioned, the Government stated that this was not a change to regulation or law, rather, it was an update to guidance. Among other things, it appears to revise the DfT's 2015 *Mobility scooters and powered wheelchairs on the road – some guidance for users*. The reason for the change has not been made clear, however an assumption could be made that it was due to consideration of pedestrian safety or greater scrutiny regarding e-mobility devices but with no consultation on the impact on powered wheelchair users, their carers and families nor on mobility scooter users.

The change in guidance was poorly communicated, and once awareness was raised it also highlighted the challenges that outdated legislation presents for disabled people. This report focuses specifically on the implications for powered wheelchair and mobility scooter users.

Currently, the Government is at risk of being considered discriminatory against disabled people, breaching their human rights. It has not addressed the long-standing confusion that exists with regard to legislation and the guidance supporting it. This report shows clearly what the challenges are, provides solutions for consideration and shows that stakeholders are keen to meet with the key ministers and work collaboratively to deliver positive change enabling disabled people to live independent lives and be active members of society.

The Wheelchair Alliance has acted as the lead organisation for this report, with some funding and resource from the Motability Foundation, in particular with the survey capturing the voice of the powered wheelchair users that are affected.

The impact

Not in a class powered wheelchair and mobility scooter users

- **can only use their vehicles on the road**. They are not allowed on pavements, public recreation areas, cycle paths or shopping precincts which limits their rights to access public areas. Individuals may be prevented from leaving their homes as they cannot traverse the pavement
- **must have a driving licence**. Children and many adults with complex needs or visual impairment will not be eligible. If children cannot have a driving licence but must drive a 'Not in a Class' vehicle on the road they will either be breaking the law or be prevented from using the equipment prescribed for them
- **risk significant injury or possible fatality** if having to share roads with cars, buses etc. This risk may result in many people deciding not to leave their homes, impacting their physical and mental wellbeing
- **may be prevented from accessing education, work and leisure activities**. This is possibly in contravention of the United Nations Convention on Human Rights
- **are governed by legislation that uses derogatory terminology** with the phrase 'Invalid Carriage' repeated across many pieces of legislation.

The problem

As the amendment states that, should a powered wheelchair or mobility scooter fall into the new 'Not in a Class' classification, the user must have a driving licence - a legal requirement: the authors consider this to be a change in legislation and therefore an Equality Impact Assessment should have been undertaken, not least as it places disabled people of all ages in a position where they may be breaking the law. This is explained clearly in the case study at the end of the executive summary.

Legal advice was sought, and it is considered that the amendments to the guidance discriminate against disabled people who may not be eligible to get a driving licence and especially those under 16. In fact, many people give up their driving licence in recognition of their change in abilities and in favour of using a mobility scooter or powered wheelchair.

The change of guidance considers the weight, width and speed limits for powered wheelchair and mobility scooter users and more specifically states that if these limits are exceeded that the individual must possess a driving licence and drive on the road. The requirement to have a driving licence and drive only on the road also seems to be in contravention of Section 20 of the Chronically Sick and Disabled Persons Act 1970.

The change in guidance prevents access to education, work and leisure amongst other things and places these individuals at further disadvantage. It is important to highlight that powered wheelchairs and mobility scooters are classed as medical devices, prescribed for disabled people. They are not a lifestyle choice and the situation created by DfT's 'update' as currently written could breach the UN Convention on Human Rights (Articles 2,3,4,5,7,9,20,24,30 in particular). This says that a disabled person should enjoy their human rights to:

- equality before the law without discrimination
- make their own decisions
- have their family life respected
- freedom from exploitation, violence and abuse
- an inclusive education
- a decent standard of living
- support to participate in society and live in the community
- accessible physical environments and information.

Discussion with all stakeholders in the powered wheelchair and mobility scooter field has also highlighted the long-standing problems with the outdated '*The Use of Invalid Carriages on Highways Regulations 1988*'. Over many years voices have challenged this legislation, not least the outdated terminology which wheelchair users find derogatory. There is lack of clarity in the regulations on:

- VAT
- import classification
- insurance considerations
- vehicle legislation (such as what type of licence would be required to drive a 'Not in a Class' vehicle).

The inaction completely ignores the impact on expert clinical assessment, the advances in technology since 1988 and, crucially, the need to communicate effectively with individuals who could, as a result of these changes, unwittingly be breaking the law.

The ask

- relevant Government departments work in partnership with the Wheelchair Alliance and the stakeholders they represent, especially those directly affected
- the quick wins are implemented without delay and communicated widely.

This report sets out the problems that affect powered mobility equipment users, manufacturers, retailers and third sector bodies. It has been compiled following workshops with key stakeholders and a survey of powered wheelchair users, with over 400 responses. The result of the change impacts negatively on the Government's claim to focus on accessibility, return to work and their statement that disability and inclusion must be considered across all departments.

The solutions

- To remove the requirement for some powered wheelchairs and mobility scooters to be driven on the road, which places the occupant at significant risk of injury; instead, they should be allowed to access the pavement
- To remove the requirement for a driving licence, as is the case for other forms of transport such as bicycles
- To simplify the classification system by bringing weight limits and speed restrictions in line with other EU Countries
- To review and update *The Use of Invalid Carriages on Highways Regulations 1988*. The language used in the legislation should be updated in line with modern legislation, social values and attitudes
- To remove the anomaly regarding VAT free goods and import duty by clearly defining devices used by disabled people to enable independence.
- To develop clear information for all stakeholders.

All those who have been involved in this report have been clear that in highlighting the problems, they must also identify solutions to enable the Government to rectify this unacceptable situation. There are some 'quick wins' that would improve the situation significantly however the Government is encouraged to review outdated legislation as soon as possible with all involved in the report prepared to support the process fully.

This situation is powerfully explained by Mr Joe Buckham, who has kindly given permission to include his comments which were written after Driving Mobility and British Healthcare Trades Association received a reply to their Freedom of Information question regarding the changes. It sets the scene for the in-depth report that follows.

From Mr Joe Buckham parent of powered wheelchair user.

From my son's position I think there are a number of issues that are critical;

- *The complete absence of any reference to children in the document. My son will be disproportionately impacted if these regulations are enforced. There are no suitable chairs that comply with the regs - he is a criminal in the eyes of the law. He can't drive an offroad chair because they are all class 3 and the regulations are really targeted at heavy adults, looking at unladen weight and not laden weight. This situation needs to be sorted out quickly, before a child ends up being sued or prosecuted. It needs to be sorted out so that the regulations allow children to use their current chairs, both "class 2" and "class 3" off-road.*
- *The fact that he is currently driving a non-class chair as if it's a class 2 chair makes him a criminal in the eyes of the law because he can't drive on "pavements or any other pedestrian areas" nor the road as at 8yrs old he can't get a driving license.*
- *The change in emphasis from "highway" to "pavements or any other pedestrian area" - the latter being so vague, it's impossible to tell if that applies to places like schools, hospitals or shops.*
- *The fact that when he passes his NHS power chair assessment, he will be offered a chair described as class 2, but, because of its higher rated batteries, it will be over 113.5kg and therefore non-class.*
- *The fact that if we buy him a suitable off-road chair (one that will work on surfaces such as mud, sand and snow) it will be a class 3 (or non-class if you read the manufacturer's specification weight). He can't drive a class 3 or non-class chair as he is only 8. Not being able to access the woods and other outdoor spaces that he is used to for the next 6 years is not acceptable, especially as the chair we have looked at is already used by many children.*
- *The fact that the DfT's failure to take this issue seriously means that chair users are being turned into criminals. In many cases this isn't by choice, but because they are supplied with illegal chairs.....*
- *Do chair users need to be out on the streets protesting, pointing out the ridiculous situation the DfT's intransigence has created?*

This has put me in a position where I have to choose between complying with the law or allowing my son to live his life. He will have a short life, so it needs to be his best life. Every minute needs to count. That goes for so many children with rare life limiting conditions. Parents and children have enough to deal with without problems like this one. We should be able to trust the government to support us, not throw us to the wolves. This is an issue that should involve all the relevant ministries;

- *Health*
- *DWP*
- *Disabilities*
- *Local government*

- *Education*
- *Transport*

In response to reply to the FoI received by DM and BHTA, Mr Buckham continued by saying

Your submission really doesn't have the passion that I would have expected as the parent of a child who could lose all of his independence if the government gets this process wrong. It doesn't have the passion that any person who relies on a power chair would expect on an issue of this magnitude. This could potentially prevent all medical power chair users from leaving their houses, stop them going to work, from shopping, from accessing education, from using any pedestrian areas, from going for a "walk" with loved ones, even going to hospital - this list goes on and would impact every area of a power chair user's life.

I hope this insight into how a chair user's will be impacted if we don't do something is useful."

2. Introduction:

In Spring 2024, led by the Department for Transport (DfT), the Government published *Using mobility scooters and powered wheelchairs*¹. The Government does not class this as a change to regulation or law, rather, as an update; among other things, it appears to revise *DfT's 2015 Mobility scooters and powered wheelchairs on the road – some guidance for users*².

However, the reason for the change has not been made clear, with an assumption being that it was due to consideration of pedestrian safety. One of the principal insurance companies covering powered wheelchairs and mobility scooters reported that claims had not increased, although no robust data can be found to confirm this. However, a recently released report³ indicates that there has been an increase in fatalities of mobility scooter users when using the road.

The 'update' has caused considerable concerns for many stakeholders, with open letters to the Rt. Hon. Louise Haigh MP (Secretary of State for Transport at that time) being sent from The Wheelchair Alliance (the Alliance) and British Healthcare Trades Association (BHTA) in collaboration with Driving Mobility (DM). There appear to be many questions that need to be addressed, including the lack of consultation with key stakeholders.

This report examines the implications of the revision that need to be considered by relevant Government stakeholders including DfT, the Driving and Vehicle Licensing Agency (DVLA), His Majesty's Revenue and Customs (HMRC), and – to a lesser degree – the Medicines and Healthcare products Regulatory Agency (MHRA).

The report aims to:

- Highlight the lack of clarity around recent Government changes to guidance related to mobility scooter and powered wheelchair usage
- Highlight the inconsistencies across different legislation and guidance
- Explain the risk of perceived discrimination and disadvantage to disabled people
- Propose solutions for consideration and implementation.

The report is structured in the following sections:

- A discussion on the change to the guidance,
- How the current situation impacts on different stakeholders in the mobility scooter and powered wheelchair sector,
- Recommendations to overcome the challenges.

¹ [Using mobility scooters and powered wheelchairs: Overview - GOV.UK](#)

² [Mobility scooters and powered wheelchairs on the road - some guidance for users](#)

³ [Call for mobility scooter users to be included in the Highway Code as fatalities nearly double - THHS Magazine](#)

3. A discussion on the change to the guidance

The Government classes mobility scooters and powered wheelchairs as single-seat vehicles with a battery. They are designed to help those with a disability and/or trouble walking and are only able to be driven by those to whom one of the following applies:

- Have trouble walking because of injury, physical disability or medical condition
- Are taking the vehicle to or from maintenance or repair
- Are the manufacturer testing the equipment
- Are demonstrating the vehicle before sale
- Are training a disabled user

The manufacture and provision of powered wheelchairs and mobility scooters is governed by MHRA regulations⁴. Under these regulations (UK MDR 2020), most assistive technology devices are likely to be classified as Class 1 or custom-made medical devices. Powered wheelchairs and mobility scooters both fall into Class 1 under this regulation and therefore will have CE or UK Conformity Assessed (UKCA) marking.

For clarity, assistive technology is defined as ‘a product or system that supports and helps individuals with disabilities, restricted mobility or other impairments to perform functions that might otherwise be difficult or impossible. These devices support individuals to improve or maintain their daily quality of life by easing or compensating for an injury or disability’.

Before driving a mobility scooter and/or powered wheelchair, it must be determined into which Class it falls, which will define:

- Where it can be driven (road, pavement, pedestrian area)
- Eyesight requirements
- Registration and licensing requirements
- Insurance requirements

The Government sets out the different rules that apply to mobility scooters or powered wheelchairs depending on what Class it is in (see *Appendix 1*). It is important to note that this is not a reference to Medical Device Class under *UK Medical Device Regulation 2020*⁵. In this instance Class refers to the three types of “invalid carriage” defined in *The Use of Invalid Carriages on Highways Regulation 1988*⁶. These rules/regulations have not kept up to date with technological advances and therefore do not consider power assist/propulsion systems which, when added to a manual wheelchair, will convert it to a three wheeled rather than four wheeled propulsion system. *These systems should be included as Class 1 assistive devices under UK MDR 2020*. The Global Medical Device Nomenclature⁷ (GMDN) provides a clear definition of these different systems (see *Appendix 2*).

In March 2015, following involvement with charities such as Newlife, there was an amendment to this classification which increased the upper limit on the weight of mobility scooters and powered wheelchairs as long as that weight was due to ‘necessary equipment’. This change

⁴ [Assistive technology: definition and safe use - GOV.UK](#)

⁵ [Regulating medical devices in the UK - GOV.UK](#)

⁶ [The Use of Invalid Carriages on Highways Regulations 1988](#)

⁷ <https://members.gmdnagency.org/>

enabled powered wheelchair users under the age of 17 to access heavier equipment as a driving licence was not necessary⁸. More specifically, the amendment in 2015 vastly improved the quality of life for disabled people, particularly children, many of whom have the most complex needs. It allowed them to have their lifesaving, specialist equipment on their wheelchairs and to have more choice, opportunity and freedom outside of their homes. The Impact Assessment undertaken at that time looked at five options that the Government could consider, with the fifth being selected as the best approach to improve the mobility of powered wheelchair users and have a minimal impact on the safety of pedestrians and road users⁹. This was implemented in March 2015. It is of note that the 2015 guidance states that Class 3 vehicles cannot be used by people under 14 years of age. Therefore, 10 years on, the situation as so well described in the executive summary by Mr Buckham, has not improved as it could or should have.

Government has since updated the guidance with a fourth designation, 'Not in a Class'. There seems to have been very limited public consultation on the impact of the update to the guidance. To date, the only consultation process that can be identified was in relation to proposed changes to the legislation covering 'invalid carriages' (see *Appendix 3*) which helped to inform the 2015 amendment. A Freedom of Information Request, (see *Appendix 4*), submitted in November 2024 requesting a copy of the equality impact assessment and other supporting consultation documentation underpinning the change to the guidance was responded to in December (see *Appendix 5*). The Department for Transport Road Safety Division stated that this assessment was not necessary as there was no change to the 1988 legislation. However, the guidance supporting the legislation now includes not only a fourth class but a legal requirement to hold a valid driving licence for 'Not in a Class' powered wheelchairs and mobility scooters. There is no reference to this within the legislation, nor in the guidance issued in 2015 where registering with the DVLA was a requisite for certain classes of powered wheelchair. As some disabled people are unable to have a driving licence either due to their condition (e.g. occasional epilepsy, visual impairment) or their age (too young or too elderly) this could be considered discrimination against people with protected characteristics. **We believe that the change in guidance now requires an urgent review of the legislation.**

The addition of a fourth designation also seems to contravene section 20 of the *Chronically Sick and Disabled Act 1970*¹⁰. This states that 'invalid carriages' are not to be treated as motor vehicles for the purpose of the Road Traffic Act nor are they to be subject to any statutory provisions prohibiting or restricting their use on footways. In addition, under 20(2) of the Act 'invalid carriages' are defined as "a vehicle whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability". As such a wheelchair or mobility scooter would be classed as an 'Invalid Carriage' as defined in the *Use of Invalid Carriages on Highways Regulations 1988*. These two pieces of legislation act at odds with each other and need clarification at the least or complete reconsideration at best.

The BHTA (British Healthcare Trades Association) and Driving Mobility published an open letter addressed to the Secretary of State for Transport (see *Appendix 6*) highlighting the lack of clarity around recent Government updates to the guidance which needed to be considered urgently to

⁸ ['Tens of thousands of children could gain from new wheelchair laws' – Disability News Service](#)

⁹ [IA No: DfT00286](#)

¹⁰ [Chronically Sick and Disabled Persons Act 1970](#)

prevent the direct discrimination arising from disability at a time when the UK seeks to lead the way on accessibility. The letter continued to stress the risk of a deleterious effect on employment, the ability to make economic and cultural contributions, leisure and quality of life for tens of thousands of users of these essential assistive technologies.

The Wheelchair Alliance submitted an open letter to the Secretary of State for Transport, copied to the Secretary of State for Health (see *Appendix 7*), at a similar time highlighting that the changes would restrict access to public spaces such as parks, leisure centres and shopping areas, limiting the independence of powered wheelchair users. This should be extended to include disadvantages to the families and carers of those users too. The changes in classification could potentially exclude the prescription of certain products, meaning provision of life changing equipment would be restricted. The situation as it now stands means that compliance with the Public Sector Equality Duty could be questioned¹¹

To support the discussion and proposed solutions contained within this report, a comparison between 2015 and 2024 guidance has been produced to simplify the detail (see *Appendix 8*). In addition, desk research was conducted on publicly available resources (see *Appendix 9*) to understand the impact of regulatory change on mobility scooter and powered wheelchair users and support the discussion within this report.

In January 2025, THIS magazine published a report produced by an insurance company quoting data in relation to the increase in fatalities of mobility scooter users on roads¹². It called for a change to the Highway Code with regard to mobility scooter users, which this report does not consider. There is a question however about the impact of the change of classification as mobility scooters are frequently heavier than powered wheelchairs – the users of mobility scooters will be expected to use an environment which the insurance company data indicates is more dangerous for them.

The next section of this report highlights the impact of the change to the guidance and the lack of clarity on different stakeholders in the powered wheelchair and mobility scooter sector.

¹¹ [Public Sector Equality Duty: guidance for public authorities - GOV.UK](#)

¹² [Call for mobility scooter users to be included in the Highway Code as fatalities nearly double - THIS Magazine](#)

4. How the change to guidance impacts different stakeholders

To inform the content of this section of the report the Wheelchair Alliance captured the views of a wide range of stakeholders through:

- Discussion with the Wheelchair Alliance User Engagement Group (all wheelchair users)
- A survey of powered wheelchair users
- A roundtable workshop with industry, retail, NHS Supply Chain, Commissioners, NHS wheelchair service providers and mobility scooter providers
- A round table discussion with charitable organisations supporting wheelchair users or who represent people with a condition requiring them to need a wheelchair
- Discussion with a lawyer and barrister with expertise in discrimination, equality and human rights law

The outcome of these discussions, the desk research and the responses to the open letters are included in this section.

4.1 Implications for Powered Wheelchair Users

This sub-section captures the impact on powered wheelchair users themselves. A powered wheelchair is prescribed for an individual following careful assessment by a clinician who is skilled in posture and mobility needs, taking into account that person's medical and lifestyle needs. A national survey of powered wheelchair users and discussion with the Alliance Wheelchair User Engagement Group has informed the discussion below.

- 4.1.1 Legislation: Wheelchair users were shocked to know that the 1988 legislation used the phrase 'invalid carriage'. They considered this to be language not fit for use in the 21st Century and was perceived as derogatory. The group used the phrase 'outraged' to express their dissatisfaction with the changes which they considered to be 'unintelligent' with any consequence either not thought through or not considered at all. Two people at the meeting stated that they unwittingly had been breaking the law. One of them had an assistance dog and questioned whether any consideration had been made about a dog needing to run in the road beside the person they were supporting.

Proposed solution

- **Update the 1988 legislation so that it reflects the situation in the 21st century**
- **Change the outdated and derogatory terminology, removing any references to 'invalid carriage' from all legislation, policy and websites**

- 4.1.2 Driving licences: The updated guidance states that anyone with a 'Not in a Class' powered wheelchair must have a driving licence. There are approximately 75,000 wheelchair users up to the age of 18 in the UK, of which approximately 15% are powered wheelchair users, and at least 100,000 Class 3 mobility scooter users registered with

the DVLA¹³. A significant proportion of these disabled people will have ‘Not in a Class’ powered wheelchairs and also fit into categories that would find it impossible to be issued with a driving licence. Those who are being unfairly penalised would include those under 16 years old, people with Special Educational Needs or complex needs, who, by the nature of their condition, need larger and therefore heavy weight wheelchairs. There are also others who would not be issued with a driving licence due to age or need to review them regularly as they are over 70.

Proposed solution

- **Remove the need for a driving licence for medical devices, therefore removing the need for the Government to consider licensing other micro-mobility users (e.g. currently cyclists, who are road users, do not need a licence)**

- 4.1.3 Insurance/legal enforcement: Questions have been asked about enforcement of the new guidance as there is lack of clarity for the police, insurers as well as the DVLA. The guidance states that the police could stop a person with a Class 3 vehicle that does not have certain features¹⁴ however there is no clear indication of what could happen to a person with a ‘Not in a Class’ vehicle. Should a police officer think someone is breaching the guidance, do they consider enforcing the law and arrest a person? If so, how do they transfer the individual into a police vehicle? What happens to the powered wheelchair? Should an accident happen, and the person is unaware of the change in guidance or doesn’t have adequate insurance, insurance companies may challenge claims. This situation puts both law enforcement officers as well as powered wheelchair and mobility scooter users at risk.

Proposed solution

- **Produce and publish clear guidance on insurance: who is responsible for distributing the information and also who must take out insurance. For example, a powered wheelchair prescribed by the NHS will fall under NHS responsibility for wear and tear or repair however the user may need to be advised that further third-party insurance is needed and how to get this**
- **Remove direction for ‘Not in a Class’ powered wheelchairs and mobility scooters to travel on the road**

- 4.1.4 Communication: Communication of the guidance has been poor, with awareness being raised almost entirely by the contributors to this report. Wheelchair Users have stated they were completely unaware of the ‘Not in a Class’ classification and that they could be breaking the law (see the Powered Wheelchair User Voice section below). Parents and carers are unlikely to be aware of the change to the guidance. Following legal advice, we have been advised that, due to the poor communication by the DfT, the window to challenge any changes has passed (three months) further disadvantaging key stakeholders who could not raise concerns.

¹³ [Vehicle licensing statistics: notes and definitions - GOV.UK](#)

¹⁴ <https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/driving-on-the-road>

Proposed solution

- **To work with all stakeholders to agree on a communications plan explaining all the actions as a result of the report. Within this, to define the best location to hold information that powered wheelchair and mobility scooter users may need and ensure stakeholders hyperlink to a single place. All information must be developed with those with lived experience to ensure plain English is used. Information must be clear, with no risk of misinterpretation preventing the right mobility equipment being provided by funding bodies.**

4.1.5 Technological advancement: Innovation in mobility equipment enabling disabled people to be more independent has improved significantly since legislation was last reviewed in 1988. Powered wheelchairs now have denser batteries enabling the user to travel further resulting in improved access to work, education and leisure. The development of powered add-ons and other assistive technology have significantly improved independence for disabled people however are not considered in the out-of-date legislation.

Proposed solution:

- **Identify assistive technology that supports disabled people to be more independent through a workshop with manufacturers, NHS Supply Chain and MHRA. Only medical devices with the appropriate CE/UKCA mark would be considered**
- **Include power assisted technology in the formulary that NHS clinicians can prescribe from ensuring better independence and quality of life and at the same time improve value for money e.g. a manual wheelchair (Class 1) with a power assist device (Class 3 or Out of Class) provides more flexibility indoors, outdoors, accessing work etc than providing a powered wheelchair**

4.1.6 Impact: The contributors to this report have been cautious about making statements about potential discrimination with regard to protected characteristics (age, disability, etc). We hope that any impact as a result of the change in guidance has been unintentional however must be considered urgently. The change will stop children having fun – how can they go to school with their peers if they cannot drive their powered wheelchair on the pavement, cannot travel on the road as they cannot be issued with a licence in fact, cannot access pedestrian spaces? Implementing the guidance to the letter may mean an individual couldn't leave their home as they cannot traverse a pavement. The impact of this is far reaching as access to work will be affected which in turn will impact a person's income as well as potential income to the treasury from tax contributions. This in turn may increase demand on the welfare system at the very time the Government is looking to remove possible barriers for disabled people to return to work.

Proposed solution:

- **An urgent discussion on the content of this report should be held with key Government department ministers. The resulting action plan with key deliverables,**

targets and outcome measures could be led by the All-Party Parliamentary Group (APPG) for Wheelchair Users, to be launched in May 2025, ensuring that the implications for mobility scooter users are also considered for this particular piece of work.

- Ensure leadership for any action plan through a well-placed organisation such as the Wheelchair Alliance ensuring adequate funding is provided to complete the deliverables and provide oversight

4.2 Powered Wheelchair User Voice:

In November and December 2024 an online survey was conducted on behalf of the Wheelchair Alliance. The research focused on getting a better understanding of powered wheelchair users' awareness of the official guidance provided by the DfT, which regulates where they can be used and essential documentation that is needed. The survey was promoted widely through different social media channels and through third sector bodies linked to powered wheelchair users.

After cleansing the data, 434 people responded. The full survey results are captured in *Appendix 10* and explored

- user characteristics
- powered wheelchair characteristics
- insurance and registration
- driving licences
- awareness of guidance

An overview of the findings is captured noting that 434 responses only provide a snapshot of the possible responses from powered wheelchair users, however, it provides interesting insight into a topic which does not seem to have been explored much, if at all, by social research. The survey found that

- the majority of powered wheelchair users (62%) were not aware of UK government guidance for using their powered wheelchair outdoors in public areas, such as pavements and roads
- the majority of respondents (79%) had not received information or advice about UK government guidance
- the majority of respondents (69%) did not know which class their powered wheelchair was in.

The survey also asked powered wheelchair users who self-identified as using a 'Not in a Class' powered wheelchair and did not have a driving licence whether they would be able to get one. Most people stated it would not be possible to obtain a licence, although the sample was very low (n=23) and cannot be reflected across the whole population. However, in the absence of other research or consultation in this area, it does indicate that there could be a problem.

The research raised the challenge of establishing what classes of powered wheelchair individuals are using via a survey. There is room for error as people may not know the speed, dimensions, weight with additional medical equipment etc. This has been flagged in previous research by Atkins Jacobs et al (2021).

Proposed solution

- Government commissions research to provide the gaps in the data regarding those who would not be able to obtain a driving licence, ensuring that the sample is more inclusive i.e. the online survey excluded those without access to digital devices. However, this is unnecessary if the common sense approach is taken i.e. removing the need for a driving licence

4.3 Implications for mobility scooter users

Mobility scooters are used by disabled people and the elderly as aids to daily living and give thousands of people who struggle to walk independence. They enable people who live with a disability, and do not qualify for equipment provided by the NHS, to live on an equal footing to those who do not live with a disability¹⁵. All the issues experienced by powered wheelchair users will be the same for mobility scooter users.

4.4 Industry, retail, commissioning and provider stakeholders

This sub-section captures the implications of the change in guidance highlighted by a wide range of experts in the wheelchair supply, procurement and provision field. There was also input from policy experts in the third sector.

In July 2024 BHTA and Driving Mobility circulated an update to their members regarding the change in guidance and the questions these raised for them (see *Appendix 11*). Some of the content of that document has been used throughout this report. The following key issues were highlighted in that document and by the expert panel contributing to the stakeholder meeting. These issues need to be urgently clarified by Government:

- 4.4.1 VAT: As the Government has stated that the amendment is a 'clarification of the guidance' and not a change in legislation, 'Not in a Class' vehicles fall outside of the definition of 'invalid carriages' and therefore could fall outside of the qualification for VAT relief available for chronically sick or disabled people. Furthermore, the Government indicated that it would be up to the retailer or supplier to decide on the correct amount of VAT on anything they sell. The guidance states that the supplier should check with the manufacturer to see that the goods have been designed solely for the use of disabled people before agreeing to sell goods VAT-free. A supplier should ask a person to provide a written statement of eligibility for VAT-free goods or provide a form to complete which are kept with the supplier's records. A separate declaration is needed for every supplier. The third sector stakeholders would question if there were an expectation that all suppliers ensure VAT-free goods are provided where this is appropriate. In addition, sales of goods online should also qualify and customer research on one popular online platform (Amazon) expected the disabled person to pay

¹⁵ [The UN Convention on the Rights of Persons with Disabilities: UK implementation - House of Commons Library](#)

the full amount for a powered wheelchair and then retrospectively email the customer services department requesting a declaration form. This potentially disadvantages many individuals who find such complex processes challenging, or do not have the financial means to pay the additional cost of VAT, even if they were to get it back eventually.

Proposed solution:

- **Urgent resolution of the confusion regarding VAT needs to be addressed by the development of guidelines drafted by key stakeholders, to include but not limited to: Government (including the Devolved Nations), commissioners, manufacturers and retailers. This has been discussed by BHTA in the past with membership of the EEC being an issue for the Treasury. As this is no longer the case this confusion can and should be addressed by stating VAT relief should apply to all wheelchairs and mobility aids no matter what their classification**
- **Clear and simple communication regarding the approach or exemption to VAT must be developed and published through multiple channels, such as Government websites, NHS websites, third sector channels and other official Government channels**
- **Online retailers need to be included in ensuring VAT decisions are implemented**

4.4.2 Import Classification of Mobility Scooters: Mobility Scooters are not classified as 'Carriages for Disabled People'¹⁶ and therefore incur a 10% custom duty, plus import VAT which increases the cost for disabled people. This has been challenged (*Invmad Group Ltd v HMRC, Court of Appeal in 2020*), with Government losing the appeal however choosing to continue to conform with outdated EU law¹⁷. This means mobility scooters are grouped with golf carts, snowmobiles and racing cars – all vehicles that support hobbies or leisure, not enable day to day living. A policy review on the classification of mobility aids should be undertaken to broaden access to disabled people and older people who may fall outside of the eligibility criteria for a powered wheelchair however need some form of mobility aid. By removal of the improper import code classification and the 10% duty it attracts plus the VAT that duty attracts, sellers would be able to offer 12.5% lower prices to users, significantly increasing the availability for those who need them. There would be a relatively small decrease in income to the Government compared with the benefits in reduced cost to the NHS and social care due to improved physical health and mental wellbeing for those using mobility scooters. It should be noted that mobility scooters are predominantly purchased with private income or savings, however making them more affordable will allow a larger proportion of the population to live independently for longer.

¹⁶ [Carriages for disabled persons, whether or not motorised or otherwise mechanically propelled - UK Integrated Online Tariff - GOV.UK](#)

¹⁷ [Get VAT relief on certain goods if you have a disability - GOV.UK](#)

Proposed solution:

- **Remove customs duty and VAT from all mobility devices for disabled people**
- **Develop exemptions using the Medical Devices Regulations for prescribed devices**

4.4.2 Driving Licences: The need to have a driving licence is not included in the 'Use of Invalid Carriages on Highways Regulations 1988', and the response to the FOI regarding not needing to undertake an Equality Impact Assessment could be challenged as there has been a change to legislation. As it stands, there needs to be clarification regarding which kind of driving licence a 'Not in a Class' powered wheelchair or mobility scooter user would require. The change in guidance may inadvertently give the NHS commissioners and providers a legal versus ethical dilemma: should powered wheelchairs be loaned to individuals who cannot be issued with a driving licence? If this is the case, what about all the powered wheelchairs already on loan, should these be recalled with the significant impact on the independence of the individual concerned and the implications regarding replacing the powered wheelchair with some sort of alternative. The potential increase in demand for licences from DVLA is of concern as we are advised there is already a delay in the provision for a conventional licence, however conventional drivers have choice with regard to other modes of transport: powered wheelchair users do not have such a luxury.

Proposed solution:

- **Remove the need to have a driving licence from the guidance as this discriminates against individuals (most powered wheelchair users drive on the pavement: see survey results)**
- **Review the outdated legislation to address the many conflicting and confusing areas. In particular,**
- **bring the 1988 legislation up to date addressing the unacceptable terminology (i.e. Invalid carriage) and considering the significant technological developments in the last 37 years and**
- **Amend legislation to ensure that high specification wheelchairs up to 300kg fall within the remit of section 20 of the Chronically Sick and Disabled Act 1970**
- **Enable children under 14 to be provided with any classification of powered wheelchairs (a prescribed medical device) and included in the competency framework mentioned below**
- **Ensure the Quality Framework for Wheelchair Provision is mandated, with all wheelchair providers having the responsibility of supplying wheelchair information packs for wheelchair users including information on model, basic care, battery charging etc, provide training to the wheelchair user on safe and effective use of their wheelchair and sign post the wheelchair user to wider skills training**
- **Coordinate all recommendations centrally through an accountable officer**

4.4.3 Insurance considerations: There has been no consultation undertaken with specialist mobility scooter/powered wheelchair industry experts regarding the implications of the introduction of the new class. This may pose unintentional risk of discrimination and disadvantage disabled people using 'Not in a Class' mobility aids affecting their employment, leisure and day to day life. NHS stakeholders were unsure where the

responsibility for insurance for loaned equipment would sit if there was an expectation that powered wheelchair users would now be using the road. Further incongruity arises as guidance states that insurance for 'Not in a Class' powered mobility aids must be taken out if the total weight *excluding* additional equipment is 254kg¹⁸. This is expanded in section 4.4.7

Proposed solution:

- **Increase the unladen weight limit to 300kg which would be in line with the European approach. It is acknowledged that the weight limit for ramps to access public transport is a total of 300kg (47 stones) and it is considered that exceeding this for public transport may be an exception (via prescribable medical device as mentioned previously) and should be clearly stated for those using the different modes of transport available that require ramp access.**

4.4.4 Power Add-on Units: There is lack of clarity on how manual wheelchair users who use a powered add-on unit can conform with the legislation. For example, road going requirements envisaged in the update cannot be added to a manual wheelchair; it is not clear how users of a manual wheelchair (Class 1) with its power add-on (potentially converting it to 'Not in a Class') register with the DVLA and how these units should be insured or linked to any speed considerations.

Proposed solution:

- **Include power assist/propulsion systems in the UK MDR 2020 as they are medical devices supporting disabled people. These devices will have the relevant CE or UKCE mark which will need to be considered by manufacturers and the MHRA**
- **Include the addition of a power assist/propulsion device in the driving competency framework**
- **Look at the approach in Scotland where the Scottish Government operates the Accessible Vehicles and Equipment (AVE) Scheme, which allows individuals receiving the enhanced rate mobility component of the Adult Disability Payment (ADP) or the higher rate mobility component of the Child Disability Payment (CDP) to lease manual wheelchairs with powered add-ons.**

4.4.5 Registration: There is lack of clarity on registration of Class 3 vehicles. Do all Class 3 vehicles need to be registered with the DVLA or are those used only on non-road surfaces exempt? In addition, it is not clear how a powered wheelchair or mobility scooter would be registered as they do not have a licence plate. To add further to the ambiguity, if there is a need to register a vehicle and it must be driven on the road will there be a requirement to pay road tax? This would show prejudice against powered wheelchair users and mobility scooter users in comparison with other road users such as cyclists, e-bikes, e-scooters etc.

¹⁸ [Using mobility scooters and powered wheelchairs: Vehicle tax, registration and insurance - GOV.UK](#)

Proposed solution:

- **Remove the need to register Class 3 vehicles with the DVLA. There is a significant risk that this data will be out of date as the equipment may have changed hands/ been sold through private networks**
- **Better assurance would be the clear communication that the individual using the equipment needs to be competent and has a responsibility to other people in the vicinity**

- 4.4.6 Eyesight requirements: There is lack of clarity on eyesight testing requirements. Can this be undertaken with a practical (12.3m) test as part of the sales/handover process rather than putting increased demand on the limited medical practitioner resources should certification be a requisite. In addition, those with sight impairment should not be denied access to a powered wheelchair or mobility scooter as long as they have compensatory strategies in place.

Proposed solution:

- **A recognised assessment and provision qualification for those who prescribe wheelchairs and mobility scooters would ensure that the ability to carry out the eyesight test was performed to the agreed standard. A pass/fail test is not sensitive enough to include those with visual impairments.**
- **The design and approval of an approved Trusted Assessor Training programme is being discussed, and the Government should provide funding to support this being implemented. This should be a professional development qualification for all those prescribing wheelchairs and mobility scooters, whether via the NHS or private sectors.**

- 4.4.7 Weight limits: The revised guidance states that a mobility scooter or powered wheelchair is considered 'Not in a Class' if it exceeds 150kg, or 200kg if necessary equipment is added. There are a number of powered wheelchairs regularly prescribed that, even without additional equipment, are close to the upper threshold (see *Appendix 12*). In other EU Countries, such as France and Germany the weight limit for mobility scooters and powered wheelchairs is 300kg (*Appendix 13*), however the Government has chosen a weight limit which is half of this. Wheelchair technology has moved on significantly in the past 37 years, meaning powered wheelchairs are heavier but offer significantly greater levels of independence and functionality to the person. Further, the current weight limit arguably discriminates against those whose body weight demands a heavier duty wheelchair (typically those who are plus-size/bariatric, but also those who are naturally tall and broad); such chairs routinely exceed the 150/200kg restriction.

Proposed solution:

- **Medical device add-ons are essential items. They should be classed separately, and their weight is excluded to prevent the risk of impacting on the clinical reasoning of prescribers based on keeping within a weight limit rather than the needs of the individual**
- **Government looks at the EU best practice and amends weight limit to 300kg**

4.4.8 Speed limits: Currently powered wheelchairs that are to be used on pavements have a speed limit of 4mph (walking pace). However, if the powered mobility aid exceeds the weight limit the user is prohibited from using cycle lanes, cycle tracks, pavements and other pedestrian areas (shopping precincts/leisure centres/ parks etc). Other types of micro-mobility equipment do not have such low-speed limits, further risking the inadvertent discrimination of young people, disabled people and the elderly. It is of note that a publicly rented e-scooter can travel at a maximum of 15.5 mph¹⁹, or 12.5mph in London and some other local authority areas²⁰, although they should not be ridden on pavements but often are. Even a person running with a pushchair will exceed 4mph however they are not governed by any speed limits, although any impact will have less momentum than a heavier powered wheelchair.

Proposed solution:

- **Reconsider speed limits in a more nuanced way. The lighter a device, the less damage it may cause and the better a device stops then the likelihood of an impact is minimised. Current limits are too general.**
- **When on pavements, a speed limit of 4 mph max for all prescribed medical devices with the potential to use speed restrictors on all powered mobility devices. Of note: this does limit a powered wheelchair user from keeping up with a peer who may be jogging and needs careful discussion.**

4.4.9 Clinical assessments: The introduction of "Not in a Class" seems to set aside a number of mobility devices from the Medical Device regulations and effectively places them within the Machinery Directive. Currently Medical Devices are prescribed for persons to assist in alleviating a medical condition. Designating some mobility products to "Not in a Class" seemingly removes the protection afforded by the Medical Devices regulations and could affect the clinical expert's assessment and prescription of the most appropriate device. For example, some wheelchair therapists have expressed concern at the addition of 'Not in a Class', as NHS loaned wheelchairs that fall into this class may no longer be prescribed because of the need for a driving licence or insurance implications. A decision to amend the guidance by the DfT that results in a negative impact on the prescribing of equipment by clinical experts should be challenged. In addition, the *Use of Invalid Carriages on Highways Regulations 1988* legislation currently prevents NHS providers from issuing a powered wheelchair to a child under 14 thus preventing them from independence, travelling to school with their peers, going around shopping centres or to leisure centres with friends.

¹⁹ <https://www.gov.uk/guidance/e-scooter-trials-guidance-for-users#other-safety-rules-for-trial-e-scooter-users>

²⁰ https://tfl.gov.uk/modes/driving/electric-scooter-rental-trial?utm_source=chatgpt.com

Proposed solution

- **Powered wheelchairs/mobility scooters are classed as medical devices and as such are exempt from ‘Not in Class’ classification enabling clinical experts to prescribe appropriate equipment**
- **To support this manufacturers, and subsequently the MHRA, will need to consider/re-assess any safety features or stipulations which should be included in technical files including training implications for prescribers and users**
- **To review and update the legislation ensuring it conforms with UK, EU and international directives and embraces technological advancements over the last 37 years ensuring the ability for NHS prescribers to best support wheelchair users.**

4.5 Implications for third sector stakeholders

The views of third sector stakeholders who provide powered wheelchairs to disabled people, commission those services or support specific conditions that require a powered wheelchair to enable independence, and the best quality of life were canvassed at a workshop held in October 2024 (see *Appendix 14*). It is of note that the implications are significant, and the previous sections have set the scene to ensure the reader fully appreciates the impact.

5. Recommendations

This report has highlighted some significant issues that stakeholders who wrote the report are keen to address in collaboration with the Government. The key recommendations which can deliver ‘quick wins’ are as follows:

- To remove the requirement for some powered wheelchairs and mobility scooters to be driven on the road, which places the occupant at significant risk of injury; instead, they should be allowed to access the pavement
- To remove the requirement for a driving licence, as is the case for other forms of transport such as bicycles
- To simplify the classification system by bringing weight limits and speed restrictions in line with other EU Countries
- To review and update The Use of Invalid Carriages on Highways Regulations 1988. The language used in the legislation should be updated in line with modern legislation, social values and attitudes
- To remove the anomaly regarding VAT – free goods and import duty by clearly defining devices used by disabled people to enable independence.
- To develop clear information for all stakeholders which is accessible through a central point.

6. Conclusion:

This report has captured the views of as many stakeholders as possible. It has indicated and evidenced the problems that have been identified either historically or due to the change in guidance. It has provided solutions to all these problems, some of which may take time, others that will deliver results quickly. All the people involved in this report are keen to work with Government to address the issues and support their desire to ensure disability and inclusion is a consideration across all departments. An APPG for Wheelchair Users will be launched in May 2025, and would be an excellent forum to develop the action plan to steer this much needed change. The Wheelchair Alliance, in its position as the voice of wheelchair users and of the sector, is well placed to support all stakeholders to deliver the recommendations.

Appendix 1

Classes of mobility scooter and powered wheelchair

Class 1	Manual wheelchairs
Class 2	Mobility scooters and powered wheelchairs with a maximum speed of 4mph or less
Class 3	Mobility scooters and powered wheelchairs with a maximum speed of 8mph
Not in Class	Mobility scooters and powered wheelchairs to which any of the following apply: <ul style="list-style-type: none">- Maximum speed more than 8mph- Width more than 0.85m- Weight more than 150kg (or 200kg if attached equipment is required e.g. medical equipment)

The addition of Not in a Class has resulted in Government setting out the following additional restrictions:

- Class 2 and Class 3 vehicles limited to 4mph **can** be used on pavements, pedestrian areas and cycle tracks²¹
- Class 2 and Class 3 vehicles **cannot** be used on cycle lanes²²
- Class 3 vehicles **can also** be used on the road if registered with the DVLA
- Not in Class vehicles **can only** be used on the road
- Not in Class vehicles **cannot** be used on pavements, pedestrian areas, cycle tracks or cycle lanes
- Not in Class vehicles **must** be registered with the DVLA
- Not in Class vehicle drivers **must** hold a valid driving licence

²¹ **Cycle tracks** are separated from the road by barriers or distance

²² **Cycle lanes** are painted on the road and run alongside where usual road traffic goes

Wheelchair electric-motor-driven propulsive system:

An assembly of devices added/retrofitted to a manual wheelchair (occupant or attendant driven) to provide the occupant with an electrical powered drive mechanism, including the energy source (batteries) to achieve this. The steering, control and brake systems will typically be included. This retrofitted accessory may alter the wheel configuration of the wheelchair in order to provide the powered propulsion (e.g. from a conventional four-wheeled to a tricycle configuration or additional propulsion wheels at the rear of the wheelchair).

Electric motor-driven wheelchair, attendant-controlled:

An electrically-powered wheeled mobility device with a seat designed to enable a healthcare provider/carer to transport a non-bariatric person without the full capacity to walk with the assistance of an electric motor. The electronic control of speed and manual control of direction is performed by an attendant; it does not allow for electronic control by the occupant.

Electric motor-driven wheelchair, occupant-controlled:

An electrically-powered wheeled personal mobility device with a seat designed to enable a non-bariatric person with a disability, or without the full capacity to walk to self-mobilise using power from an electric motor(s). It includes controls (typically a joystick) to allow the occupant with electronic control of speed/direction; it is not designed with a foot platform and handlebars (i.e. not a mobility scooter).

Assistive scooter, electric-motor-driven:

A battery-powered, electric-motor-driven mobility device designed to be operated by a person with a disability and consisting of a seat over two rear wheels, a platform for the feet, and handlebars in front to turn one or two steerable front wheels connected via a steering-column. Commonly referred to as a mobility scooter, it is used to enhance the user's ability for self-transportation in the local environment and/or to promote the user's physical/recreational activities.

Appendix 3 Consultation on proposed changes to regulations covering powered mobility scooters and powered wheelchairs

The date of the consultation is currently unknown and not captured on the consultation response form. The questions were as follows:

Part 1: Information about you

- Name
- Address
- Postcode
- Email address
- Company name/organisation if applicable

Tick box to indicate how the individual/organisation would best be described

- Member of the public
- SME (up to 50 employees)
- Large
- Company
- Representative organisation
- Interest Group
- Local Government
- Central Government
- Police
- Other (specify)

How many members and how their views were captured were indicated by Representative Organisations and Interest Groups

Part 2: Your views

Section A: Legal Classification of vehicles

Q1: Do you think “invalid carriage” should be replaced with a different term?

Q2: What term would you suggest?

Q3: Do you think 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”?

Q4: Do you think the legislation should make a distinction between mobility scooters and powered wheelchairs?

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?

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 that 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)

Q8: If you think the current 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?

Q10: If you suggested changes in reply to Q8 and Q9, 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?

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?

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

Conspicuousness

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

Q14: If you think that other requirements should be imposed, what do you suggest?

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?

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

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?

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

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

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

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

Section D: Vehicles in Use

Registration

Q22: Do you think a mobility vehicle registration scheme is needed? If so, why?

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

Q25: Do you think it would be better to register users rather than registering vehicles? If so, how might it work?

Q26: Do you have any other suggestions for how a registration scheme might work?

Q27: Do you think the registration scheme should be required for Class 2 vehicles as well as Class 3 vehicles? If so, why?

Insurance

Q28: Do you think that a minimum of third-party insurance should be compulsory for users of mobility vehicles?

Criminal offences

Q29: Do you think that the section 35 offence (drivers of carriages injuring persons by furious driving) is adequate? 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?

Q31: What do you see as the potential benefits and risks of an increase speed limit?

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

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?

Data collection

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

Please send responses to:

Mobility Vehicles Consultation

Department for Transport

Zone 2/15

Great Minster House

76 Marsham Street

London

SW1P 4DR

Email; mobilityvehicleconsultaion@dft.gsi.gov.uk

Appendix 4

FOI request: FOI-00026591

(submitted 7th November 2024 & acknowledged 8th November 2024)

Dear Department for Transport team,

Re: Using Mobility Scooters and Powered Wheelchairs

In early 2024 Government, led by the Department for Transport, published [Using mobility scooters and powered wheelchairs](#) (available [in HTML](#) or [print version](#)). Government does not class this as a change to regulation or law, rather, as an amendment; it appears to amend, *inter alia*, [DfT's 2015 Mobility scooters and powered wheelchairs on the road – some guidance for users](#).

The Wheelchair Alliance and our partners, believe this has been done without due consideration of the impact on wheelchair users and under FOI we request the following:

- A copy of the Equality Impact Assessment underpinning the change to the guidance, resulting in the introduction of the 'Not in a Class' classification.
- Confirmation of the date that the amendment to the guidance was published.
- Copies of any other Assessments undertaken to evaluate risks of discrimination and disadvantage to users of Not in a Class vehicles resulting from requirements around: driving licences, vehicle width & weight, powered add-on units, and insurance.

This FOI request is supported by

Nick Goldup, Chair, Wheelchair Alliance

Sarah Pugh, CEO, Whizz-Kidz

Abigail Lock, CEO, Back Up Trust

Ian Johnson, CEO, BLESMA

Nik Hartley, CEO Spinal Injuries Association

Sally Hughes, Director of Services and Partnerships, MND Association

Emily Reuben, CEO, Duchenne UK

David Stockdale, CEO, BHTA

Simon Collins, Commercial Operations Director, Sunrise Medical

Tamsin Flint, Head of Emergency and Urgent Care Commissioning, NHS Kent & Medway

Martyn Sibley, Co-founder, Purple Collective



Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Tel: 0300 330 3000

Web Site: www.gov.uk/dft
Your Ref: 00027157

5 December 2024

Karen Pearce
Wheelchair Alliance

Dear Karen Pearce

Thank you for your correspondence of the 11 November 2024 addressed to DfT about Use of Powered Wheelchairs and Mobility Scooters on pavements or roads. Your query has not been answered as a freedom of information request as an equality impact assessment was not required to update the mobility scooter pages on GOV.UK as no changes have been made to legislation.

The legislation that applies to mobility scooters has not changed. The guidance on GOV.UK was updated in January 2024 to clarify the existing legislation that applies to 'not in a class' mobility scooters but no changes were made to the law.

The Department updated the guidelines published on GOV.UK to ensure that they provide information for manufacturers and users who have not taken the opportunity to familiarise themselves with the relevant requirements for less common mobility vehicles which do not qualify for the classes 1, 2 and 3. "non-class" mobility scooters were never allowed on the pavement.

Yours sincerely
Road Safety Division

Appendix 6 Open letter from BHTA & Driving Mobility

Louise Haigh MP Secretary of State Department for Transport

Great Minster House

33 Horseferry Road London SW1P 4DR

Via Email: pocorrespondence@dft.gov.uk

Dear Secretary of State,

I am writing to congratulate you on your appointment and to say that we, at the British Healthcare Trades Association (BHTA) were delighted to hear that your DfT's new motto is "move fast and fix things." To that end, I write with an urgent issue that BHTA, and our colleagues at Driving Mobility (DM), believe presents a chance to do just that.

Addressing lack of clarity around recent Government (Govt) updates to mobility scooter and powered wheelchair usage is essential to preventing unintentional discrimination and disadvantage at a time when the UK seeks to lead the way on accessibility. There is a real risk of deleterious effect on employment, ability to make economic and cultural contribution, leisure, and quality of life for tens of thousands of users of these vital assistive technologies.

Answering the questions below – outlined in detail in the attached document, which is both a guide for our members and a discussion document for industry and Govt – constructively, in partnership with industry, is a golden opportunity for DfT to live its motto. I would welcome the opportunity to discuss further with you or your team this key issue impacting our sector, which is causing much harm and uncertainty. If easier, our Chief Executive, David Stockdale could meet with you at your constituency office, as he is one of your constituents.

Background – 2024 Government Update to Mobility Scooter Usage

Led by the Department for Transport (DfT), Govt published in spring 2024 Using mobility scooters and powered wheelchairs (available in HTML or print version). Govt does not class this as a change to regulation or law, rather, as an update; among other things, it appears to revise DfT's 2015 Mobility scooters and powered wheelchairs on the road – some guidance for users.

Questions & Issues in Need of Resolution

Please see the attached document for full detail around the following essential questions:

- Regulation – Updated Guidance and The Use of Invalid Carriages on Highways Regulations 1988
- Regulation – Qualification for VAT Relief
- Import Code Classification of Mobility Scooters
- Driving Licenses for Not in a Class Vehicles – Assumptions
- Driving Licenses for Not in a Class Vehicles – Acceptable Types
- Insurance Considerations • Powered Add-On Units – Special Considerations
- Registration – Class 3 Vehicles
- Eyesight Requirements

Conclusion

This is an opportunity in two parts: first, for DfT to take a lead with other departmental stakeholders (DBT, DVLA, HMRC, MHRA) whose collaboration will be required; second, for the UK to leverage new regulatory flexibilities to bring tangible benefits to tens of thousands of people annually. This initiative would enable industry to provide cost-saving benefits to disabled and older people in the UK, thereby increasing access to mobility scooters as essential medical devices.

In short, making mobility scooters more accessible and affordable to individual consumers will allow a larger proportion of the population to live more independently for longer – relieving otherwise substantial burdens on the NHS and social services – and with only positive net financial impacts on the benefits system.

I look forward to a reply from you or your team at your earliest convenience.

Best Regards,

William Lee BHTA Head of Policy & Compliance

CC (via email): David Stockdale – BHTA CEO Edward Trehwella – Driving Mobility CEO

An open letter to Rt Hon Louise Haigh MP, Secretary of State for Transport

Dear Ms Haigh,

I am writing to you on behalf of the [Wheelchair Alliance](#), a community interest company (CIC) dedicated to strengthening the voice of wheelchair users through collaboration across the wheelchair sector.

Our membership comprises of a growing number of wheelchair users, the NHS, British Health Trade Association, the Posture and Mobility Group, the National Wheelchair Managers Forum, and representatives from the charity sector.

Through engagement with our membership, we have been made aware that the Department of Transport, under the previous Government's guidance, issued in Spring of this year an update on the legislation surrounding the use of power wheelchairs.

These guidelines effect powered wheelchairs and power add-on devices that can be fitted to manual chairs.

It states that power wheelchairs over the 150KG weight limit (200kg if there are medical add-ons), will be changing its classification to 'not in class'. Such a change in classification would mean that wheelchair users in this category:

- *can only* be used on the road
- *cannot* be used on pavements, pedestrian areas, cycle tracks, or cycle lanes
- *must* be registered with the DVLA
- drivers *must* hold a valid driving license

Our members are extremely concerned. Such changes would make it near impossible for a wheelchair user to benefit fully from their mobility product and eliminates a number of products creating a backward step for wheelchair users in this country. For context, many power wheelchairs that are fitted with powered lift, tilt and seating go over 150Kg and the government would be forcing users to drive onto the road environment under cover of a driving license, restricting their access to public spaces like parks, shopping areas and ultimately limiting their independence.

For children and young people using wheelchairs, this problem is exacerbated as the user is simply too young to hold a driving licence, restricting the prescription of life changing equipment they should be entitled to.

We work hard to ensure that wheelchair users are heard, and it is unclear to us how wheelchair users have been properly represented with this change in guidance. Many of our members who hold prominent positions within the sector have been unaware of this work. It has landed as a surprise, and I am sure you can imagine their worry and concern.

I have also received surprise and horror from our members at the use of outdated terminology in this guidance, referring to 'invalid carriages', which I hope you agree feels like wording from a bygone age and wholly inappropriate in today's world.

We therefore seek your confirmation of the impact of these changes versus our concerns and your reassurance that our Alliance voice, the voice of the wheelchair users we represent, and that of industry has been heard on this matter. It is worth mentioning that we have an active Wheelchair User Engagement Group who would be more than willing to help inform any incoming legislation if it is not too late.

We look forward to hearing from you and we would be very keen to meet to discuss this in greater depth, ensuring the outcomes are right for our community.

Yours sincerely,

Nick Goldup

Chair and Chief Operating Officer at Wheelchair Alliance

Email: nick.goldup@wheelchair-alliance.co.uk

CC:

Rt Hon Wes Streeting MP - Secretary of State for Health and Social Care

Rt Hon Liz Kendall MP – Secretary of State for Work and Pensions

Appendix 8:

Department for Transport: Comparison between 2015 and 2024 guidance on mobility scooters and powered wheelchairs

The last major regulatory change was via a statutory instrument in 2015 (The Use of Invalid Carriages on Highways (Amendment) (England and Scotland) Regulations 2015). The previous amendment was in 1988. The THHS article quotes a DfT spokesperson on the 2024 update: “There has been no change to the law. We have updated the guidelines on mobility scooters and powered wheelchairs to provide greater clarity to manufacturers on vehicles that are not covered in existing classifications.”²³

2015			2024		
Mobility scooters and powered wheelchairs on the road – some guidance for users (March 2015) See: Mobility scooters and powered wheelchairs on the road – some guidance for users (publishing.service.gov.uk)			Using mobility scooters and powered wheelchairs (March 2024) See: Using mobility scooters and powered wheelchairs: Classes of mobility scooter and powered wheelchair - GOV.UK (www.gov.uk)		
Category	Class 2	Class 3	Category	Class 2	Class 3
Speed limit - pavement	Max 4mph	Max 4mph	Speed limit	Max 4mph or less	Max 8mph
Speed limit - road	Not applicable	Max 8mph	Usage allowed	Cycle tracks Pavements and other pedestrian areas	Cycle tracks Pavements and other pedestrian areas Road (If registered with DVLA)
Usage allowed	Footpaths, Pavements, Bridleways Pedestrian areas (Max 4mph)	Footpaths, Pavements, Bridleways Pedestrian areas (Max 4mph)			

²³ THHS Magazine (14/03/24) [EXCLUSIVE: Government updates guidance over “non-class” mobility scooters and powered wheelchairs](#)

		Roads (Max 8mph)			
Usage not allowed	Cycle lanes	Cycle lanes	Usage not allowed	Cycle lanes	Cycle lanes
Insurance	Not mandatory	Not mandatory	Insurance	Not mandatory	Not mandatory
Registration	Registration with DVLA not required	New/Used must be DVLA registered annually	Registration	Registration with DVLA not required	Registration with DVLA required
Max width	Not applicable	0.85 metres	Max width	Not stated	0.85 metres
Max weight	113.4KG	150KG	Max weight	Not stated	0.85 metres

‘Not in class’

The criteria for powered wheelchairs and mobility scooters to be classified as ‘not in class’ are below.

Using mobility scooters and powered wheelchairs (2024) See: Using mobility scooters and powered wheelchairs: Classes of mobility scooter and powered wheelchair - GOV.UK (www.gov.uk)	
Category	Not in class
Speed limit	Over 8mph
Usage allowed	Road
Usage not allowed	Cycle lanes
	Pavements and other pedestrian areas
	Cycle tracks
Insurance	Not mandatory unless over 245KG (excluding attached equipment)
Registration	Registration with DVLA required
Driving license	Mandatory
Width	0.85 metres or wider
Weight	More than 150KG (or 200KG if equipment required)

Appendix 9

Literature research undertaken by the Motability Foundation

Understanding the impact of regulatory change on mobility scooter and powered wheelchair users

Desk research has been conducted on publicly available sources to build a picture of:

- the number of ‘not in class’ users who could be affected by the DfT clarification; and
- the number and types of vehicles which are ‘not in class’.

Secondary sources have also illustrated trends around the functions and size of vehicles, inadequate user needs assessments and ambiguity in the regulations.

Mobility scooters and powered wheelchairs: increasing growth of vehicles and users

There are no accurate estimates on the number of users or number of powered wheelchairs or mobility scooters in the UK.

- The DVLA database estimates there are over 100,000 Class 3 mobility scooters.²⁴ This figure will not include rental units.
- A 2014 estimate of the use of mobility scooters in the UK, reported a marked increase of 5-10% per annum (Barton et al, May 2014)
- A 2020 assessment, of global annual growth rates of mobility scooter purchases, estimated that these would achieve 7.3% growth between 2020 and 2026. (Isaacson and Barkay, 2020).²⁵

Nonetheless, the literature reports that the number of users of these vehicles are increasing (Atkins Jacobs, 2021). There has been a “significant increase” in mobility scooters. Many of these will be designed for road use and outdoor use (Jones et al, 2020). Product growth has been driven by function, as well as design factors.

- Vehicles are being marketed as “sports”, “boot scooter”, “beach” and “off road” to target specific markets, according to Jones et al.
- There has been an increase in the adaptation of existing devices to be used in diverse environments and terrain (Atkins Jacobs, 2021).
- There are now bariatric-specific units (Jones et al, 2020), reflecting a general societal trend of increasing obesity in the UK population over the past four decades.
- Users of mobility devices tend to own more than one and use them for different purposes (Barton et al, May 2014).

Mobility scooters and powered wheelchairs: increasing size of vehicles

The most recent authoritative research on specifications (conducted by Atkins Jacobs for the DfT) identifies that mobility scooters and powered wheelchairs are increasing in size and weight. On size, this is noticeably the case for vehicle length and lap height (with implications for users’ eyesight height). These increases are being driven by consumer demand, with users expecting to have better range and functionality in their vehicles.

²⁴ See **Table 2: Body types not considered “road using vehicles” in these statistics**. Available at: [Vehicle licensing statistics: notes and definitions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684442/vehicle_licensing_statistics_notes_and_definitions.pdf)

²⁵ But this estimate was published during Covid-19. So excludes its impact. It also excludes the increase in long-term health conditions, which can impact mobility and drive demand for requiring powered wheelchairs and mobility scooters.

Mobility scooters and powered wheelchairs: inadequate user needs assessments?

Pertinent to the introduction of a 'not in class' category is whether users know which classification their powered wheelchair or mobility scooter is in. If they do not know they could be unaware of the regulatory requirements in using their vehicles. An assessment of user needs should be a key point for understanding this.

Rica (now RiDC) conducted research into this ten years ago and identified that, at the time, many users (including those getting a powered wheelchair for the first time), did not receive an assessment. Nor were they guaranteed access to good information to be able to determine the suitability of a scooter for their needs (Rica, November 2014). Regarding clinical assessments, Frontier Economics (2023) carried out research into assessments by NHS services. It found that wheelchair and postural support assessment did not always consider all aspects of an individual's current and future needs. Rica also reported that online retail did not give some users the opportunity to receive an assessment of their needs. Looking ahead to 2024, online retail of these products will have substantially grown since 2014. For these reasons plus the lack of recent, relevant evidence, the consistency and quality of assessments may well be worth exploring in future research.

Mobility scooters and powered wheelchairs: ambiguity of regulations?

User awareness and understanding of statutory regulations for manual wheelchairs, powered wheelchairs and mobility scooters (Class 1,2,3) was reported to be sub-optimal ten years ago. There appears to be issues of ambiguity amongst users and enforcers.

- Rica stated: "Scooter legislation is often not followed by buyers, retailers or manufacturers, either because it is not understood or because of flaws in the system." (Rica, May 2014).
- On enforcement, Rica found that local authorities and police were not aware of their responsibility to determine if users of Class 3 vehicles were complying with the law (Ibid).

There is also ambiguity apparent in the regulations for powered wheelchairs or mobility scooters which now fall into the 'not in class' category. These vehicles require a user to have a driving license according to the guidance published by the Department for Transport. Yet other areas of the guidance still state: "You do not need a driving licence for electric bikes, mobility scooters or powered wheelchairs."²⁶

Also, it is not necessarily clear what kind of driving license a user needs for 'not in class'. Which of the following would be sufficient as a minimum requirement:

- Category B (vehicles up to 3,500kg maximum authorised mass)?
- Category B1 (motor vehicles with 4 wheels up to 400kg unladen)?
- Category A (motorbikes and motor tricycles)?
- Category AM (2-wheeled or 3-wheeled vehicles with a maximum design speed of over 25km/h (15.5mph) but not more than 45km/h (28mph)?

The evidence base for mobility scooters and powered wheelchairs

Evidence regarding powered wheelchairs and mobility scooters is poor. What is available is incomplete – there are significant gaps - and it can rely on out-of-date research in places. Most of the studies reviewed have conducted quantitative research with disabled users via surveys and can have low sample bases. It is either not the case or it is unlikely that their findings are representative of the disabled population in the UK.

²⁶ See DfT, **Driving licence categories**. Available at: <https://www.gov.uk/driving-licence-categories> [Accessed on 19/08/24]

The comparability of evidence from different sources can also be difficult because studies have used definitions of mobility which were applicable at their time (for example, ‘wheeled mobility aids’, ‘mobility devices’, ‘invalid carriage’, ‘electric wheelchair’, ‘powered wheelchair’). Invariably, the evolution of terminology will develop to accompany and keep pace with the technological, social and market changes associated with these products.

Evidence gaps

A recent study, commissioned by the Department for Transport (DfT), identified that: “There is no singular source of data regarding the number of wheeled mobility aid users in the UK, the level and type of usership (full time, part time, etc.) or the number of wheeled mobility aids owned in the UK.” (Atkins Jacobs, 2021). Nor is there robust evidence on the prevalence of different categories of mobility devices in the UK (Jones et al, 2020). This is still the case today despite an “urgent need for accurate statistics on mobility scooter use” called for a decade ago (Rica, May 2014). Jones et al point out that, without this, conclusions on the number of users of specific categories of device cannot be made (Jones et al, 2020).

On user/usage data, although there has been a trend to larger mobility devices, there is no information available on the extent to which these are used for public transport journeys (Jones et al, 2020). Guest et al (2024) report that this is “difficult to find and often is outdated”. For example, the Atkins Jacobs study (2021) relies on a 2004 study (Barham, Oxley and Board), to estimate the number of Class 2 and Class 3 powered wheelchairs and mobility scooters in circulation. Guest et al (ibid) report that the only estimate for UK usage of ‘motorised mobility scooters’ is a 2014 study by RiDC (see Rica, May 2014). On more general demand and supply data, Frontier Economics also recommended that “further work be undertaken to estimate the scale of demand for wheelchair services, and their provision.” (2022²⁷).

On demographic data, there does not appear to be evidence on the characteristics of the disabled users of powered wheelchairs and mobility scooters. There are important implications here because Guest et al (2024) referred to ‘motorised mobility scooter’ use as likely differing due to a variety of intersectional factors (age, gender, ethnicity, disability type, geography). They too acknowledge that there is little research on this.

On commercial data, in 2014, RiDC reported that there was not a comprehensive picture on the size of the mobility scooter market. And market sales data was not accurate due to the focus on sales, not units sold (Rica, May 2014). Recently (2022), the lack of understanding of the size and composition of the retail sector was raised. This is important to understand because some users have to rely on private provision of powered wheelchairs due to “deficiencies in NHS provision” (Frontier Economics, 2022²⁸). Furthermore, the used/second-hand market has not been accurately estimated either (Atkins Jacobs, 2021). The advent of online marketplaces, with numerous e-platforms, makes estimation difficult.

²⁷ [Wheelchair-economic-study-final-report Section 1 Full Report.pdf](#)

²⁸ [Wheelchair-economic-study-final-report Section 1 Full Report.pdf](#)

Online Survey of Powered Wheelchair users

Key findings

The purpose of this research is to get a better understanding of powered wheelchair users' awareness of the official guidance, provided by the Department for Transport, which regulates different types of mobility scooters and powered wheelchairs, and where they can be used outdoors in public areas in the UK. These devices are classified as either: Class 1, 2 or 3 depending on their speed, width and weight.

In 2024, the Department for Transport published a clarification about what constitutes a powered wheelchair and a mobility scooter not being on one of the three classes - 'not in a class'.²⁹ The addition of a 'not in a class' section clarifies where vehicles, within this classification, can be used.

This research focuses only on powered wheelchair users' understanding about this guidance. The findings are based on an online survey of 434 powered wheelchair users in November and December 2024.

Awareness of UK Government guidance for using powered wheelchairs

- The majority of powered wheelchair users (62%) were not aware of UK government guidance for using their powered wheelchair outdoors in public areas, such as pavements and roads.
- Possible sources of information and advice, regarding using a powered wheelchair in public areas, include the places where someone purchased (e.g. from a retailer) or received (e.g. from the NHS) their powered wheelchair. The majority of respondents (79%) had not received any information or advice about UK government guidance.

Awareness: of the classification of their own powered wheelchair

- UK Government classifies powered wheelchairs and mobility scooters into three classes (Class 1,2,3) and also clarifies what is 'not in a class', for the purpose of using these devices outdoors. The majority of respondents (69%) did not know which class their powered wheelchair was in.

The following sections explore:

- **User characteristics** – age of user, how they acquired their powered wheelchair and where they use them.
- **Powered wheelchair characteristics** – speed, width and weight of powered wheelchair users' devices.
- **Insurance and registration** – whether or not users have third party or greater insurance coverage and whether they have registered their wheelchair with the Driver and Vehicle Licensing Agency (DVLA).
- **Driving licenses** – what types of driving licenses users might have, if any at all.
- **Awareness** – whether users are aware of the Government's regulatory guidance about using powered wheelchairs outdoors in public places; whether they had ever received any information or advice about this; and whether they know what classification (according to the guidance) their powered wheelchair is in.

²⁹ See: [Using mobility scooters and powered wheelchairs: Classes of mobility scooter and powered wheelchair - GOV.UK](#)
Mk3 2024.07

User characteristics

Age

The age profile of respondents is as follows:

- Young people (17 and under) made up 3% (12) of respondents;
- Young adults (18-24) made up of 5% (19) of respondents;
- Adults aged 25-54 made up 60% (247) of respondents; and
- Adults aged 55 and over made up 32% (133) of respondents.

And 1% (4) of respondents preferred not to state which age cohort they were in. Sample bases for each question are provided, in this case n=415.

Most respondents were aged between 25-54 (60%), followed by those aged 55+ (32%), then those aged 18-24 (5%). Those aged 17 and under, accounted for 3% of respondents.

Acquisition of powered wheelchair

The most popular way for respondents to acquire their powered wheelchair was by purchasing it themselves (either new or used). This was followed by getting one via the NHS, then by a charity. A small proportion (3% or 14) received their powered wheelchairs through gifting.

- 41% (177) of users bought their powered wheelchair brand new, with another 14% (59) buying theirs as used/second-hand.
- The next most popular way to acquire their powered wheelchair was from the NHS (including via top-up funding or by their personal wheelchair budget), with 30% (131) having this option.
- 6% (25) of respondents received their powered wheelchairs from a charity.
- A similar proportion, as per above (6%), responded that they leased/rented their wheelchairs.
- 3% (14) of users had their powered wheelchairs gifted to them. (n=434).

Over the past ten years (2014–2024), 94% (404) of all respondents started using their current powered wheelchair. The data suggest that many respondents are using wheelchairs acquired relatively recently. However, it is important to note that this does not necessarily indicate that the wheelchairs were recently manufactured or of the latest model, as no specific questions were asked about the age or type of the powered wheelchairs. (n=431)

Usage of powered wheelchairs

Users of powered wheelchairs were asked where they used their devices. They could select more than one of the options listed below. The most popular surfaces and environments, in descending order were as follows.

- **On pavements:**
 - 97% of respondents use their powered wheelchair on pavements, making this the most common terrain.
 - Pavements accounted for 21% (419) of all responses.
- **Other pedestrian areas** (e.g., railway stations, bus stations, shopping malls/centres, etc.):
 - 92% of respondents used these areas.
 - They accounted for 19% (396) of all responses.
- **On dedicated footpaths** (including public rights of way for walking, running, mobility scooters, etc.):
 - 86% of respondents use dedicated footpaths.
 - These accounted for 18% (370) of all responses.

- **Indoors:**

- 69% of respondents use their wheelchair indoors.
- Indoor use accounted for 15% (297) of all responses.
- **On bridleways** (e.g., public rights of way for walking, horse riding, bicycles, etc.)
 - 50% of respondents use bridleways.
 - These accounted for 11% (215) of all responses.
- **On roads:**
 - 44% of respondents use roads.
 - Road use accounted for 9% (188) of all responses.
- **On cycle tracks:**
 - 34% of respondents use cycle tracks - the least common terrain.
 - These accounted for 7% (146) of all responses.

(n=430, total number of respondents; N=2,031, total number of responses as respondents could select more than one option)

The high number of responses (2,031) from 430 respondents indicates that powered wheelchair users use their devices across a variety of different terrains. Pavements, other pedestrian areas and dedicated footpaths are highly accessible areas for wheelchairs, so it is unsurprising these were the top three responses. The relatively lesser use of terrains like bridleways or cycle tracks, could be because they are not as accessible, not in a user's area of travel or less commonly preferred.

Using roads should only be for those using Class 3 or 'not in a class' powered wheelchairs. Yet, the majority of users responding (65% of the 188 responses), were from those who did not know what classification their wheelchair was in. Another 12% were from those who identified that they had a Class 2 wheelchair; and 6% were Class 1 users.

Powered wheelchair characteristics

Speed

By asking powered wheelchair users about the maximum speed of their devices, a basic understanding can be developed about what classification their devices might belong to, according to Government guidance. However, this finding alone may not provide a full picture because classification of powered wheelchairs is also based on the width and weight of devices as well. As for the maximum speed of respondents' powered wheelchairs, the findings are as follows.

- The majority (55% or 236) were using a Class 2 device because their maximum speed was 4 mph.
- A further 27% (115) were using a Class 3 device because their powered wheelchair had a maximum speed of 8 mph.
- 8% (34) appeared to be using a 'not in class' device because it could travel faster than 8 mph. If a powered wheelchair has a top speed of more than this, it is defined as 'not in a class' according to the guidance issued by the Government.
- A further 11% (48) did not know the maximum speed of their powered wheelchair. (n=433).

Width

Respondents were asked how wide their powered wheelchairs were. They were asked to provide a response based on the widest part of their powered wheelchair, not the seat/pelvic width.

Nearly three quarters of respondents (74% or 316) reported that their powered wheelchair was less than 0.85 metres wide; 9% (39) reported that their powered wheelchair was more than 0.85 metres wide. This is

important as powered wheelchairs beyond this width, are designated as ‘not in a class’. A further 17% (72) did not know how wide their powered wheelchairs were. (n=427).

Weight

Respondents were asked two questions about the weight of their powered wheelchairs: firstly, without any additional equipment; and secondly, with equipment. Equipment could include medical devices plus any other equipment a user would need. It also could include additional fittings, like a wheelchair canopy, which was not originally fitted to the wheelchair when originally manufactured. In both cases, respondents were asked to discount their own body weight.

Weight without equipment

According to the Government’s guidance, a powered wheelchair, which weighs more than 150KG without additional equipment, is designated as a ‘not in a class’ device.

- Nearly three fifths (58% or 249), stated that their powered wheelchair weighed 150KG/331 lbs or less without any additional equipment.
- A fifth (21% or 88) had wheelchairs weighing between 151KG/333 lbs and 199KG/439 lbs.
- Close to 3% (12) stated that their powered wheelchair weighed 200KG/441 lbs or more.
- A further 19% (80) did not know the weight of their powered wheelchair without any additional equipment. (n=429).

Weight with equipment

According to the Government’s guidance, a powered wheelchair, with additional equipment, which weighs more than 200KG, is designated as a ‘not in a class’ device.

- When considering any additional equipment added to their powered wheelchairs, over half (53% or 226) stated they had a powered wheelchair weighing 150KG/331 lbs or less.
- Just over a fifth (21% or 91) stated their wheelchair weighed between 151KG/333 lbs and 199KG/439 lbs.
- And 5% (20) had a powered wheelchair weighing 200KG/441 lbs or more.
- Just over a fifth of respondents (21% or 92) did not know the weight of their powered wheelchair with additional equipment. (n=429).

Insurance and registration

Insurance

UK government guidance states that powered wheelchairs and mobility scooters require mandatory insurance “if it’s not [the user’s mobility device] in a class because its total weight is heavier than 254kg”.³⁰ Aside from the consideration of this weight threshold, powered wheelchair users (Class 1, 2 and 3) do not need to be insured. Nonetheless, government guidance does recommend that users get insurance.

The survey asked respondents whether or not they had insurance. In this context insurance was defined as having either third party insurance, fire and theft insurance or comprehensive insurance. Respondents were evenly split 50/50 in having and not having insurance. (n=429)

Registration with DVLA

The majority of powered wheelchair users (90% or 384) reported not registering their device with the Driver and Vehicle Licensing Agency (DVLA). Of those that had registered, 4% (16) had their retailer/dealer do this and 1%

³⁰ See: <https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/vehicle-tax-registration-and-insurance#:~:text=it%20to%20DVLA%20.-,Insurance,not%20include%20any%20equipment%20attached.>

(4) registered themselves (via a V55/MV form). A further 0.5% (2) stated they were registered but were unsure who completed the registration. Additionally, 5% (22) of respondents did not know whether their powered wheelchair was registered with the DVLA. (n=428).

Government guidance on using mobility scooters and powered wheelchairs (available on gov.uk) states that Class 3 and ‘not in a class’ wheelchairs must be registered with the DVLA.³¹

- When analysed by classification, of the 24 respondents who self-reported that they had a ‘not in a class’ powered wheelchair, 23 stated that they had not registered with the DVLA. The remaining respondent did not know whether their ‘not in a class’ device was registered.
- Turning to the 29 respondents stating that they were using a Class 3 powered wheelchair, half (14) had not registered with the DVLA and half were registered (14). The remaining one respondent did not know.

Interestingly, some respondents self-reported that they were using either a Class 1 manual wheelchair or Class 2 powered wheelchair. These are not required to register with the DVLA.

- Of the 19 who stated they had a Class 1 wheelchair, two responded that their dealer registered their powered wheelchair for them. The rest (15) stated ‘No’ and another two respondents did not know.
- Of the 56 using a Class 2 powered wheelchair, the majority (51) stated ‘No’ – they had not registered with the DVLA. A further three did not know. But two respondents stated their dealer had registered their powered wheelchair for them.

These findings suggest potential misunderstanding of the requirements to register powered wheelchairs with the DVLA. It is also important to comment on the findings regarding those stating they used Class 1 wheelchairs. Class 1 manual wheelchairs were not the target of this research. An initial screening question was used to explicitly define what a powered wheelchair is and exclude those using manual wheelchairs, with one exception. Inclusive of this definition are Class 1 wheelchairs equipped with independent power systems (i.e. powered add-ons). See box below. And 5% of the sample identified as using Class 1 wheelchairs. The survey did not explore what kinds of powered add-ons were being used.

Definition of powered wheelchair used to screen survey respondents

A powered wheelchair is also known as an electric wheelchair or a motorised wheelchair. It is a motorised device which is powered by a battery and controlled by a small joystick or other control mechanisms (such as by the head, knee or eye).

As well as purpose-built powered wheelchairs, manual wheelchairs can be converted with ‘power add-ons’. These enable the wheelchair to be electric-powered. If you use a powered add-on wheelchair, please consider this to be the same as a powered wheelchair.

Driving licenses

Types of driving licenses held, if any

Respondents were asked whether or not they held any types of driving license. They could select any UK driving license in the following table.

Cars	Mopeds	Motorcycles
Cars Category B Cars Provisional Category B Cars Category B auto Cars Category BE	Mopeds Category AM Mopeds Category P Mopeds Category Q Mopeds Category A1	Motorcycles Category A1 Motorcycles Category A2 Motorcycles Category A

	Mopeds Category A2	
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Half (50% or 212) of the 423 respondents did not hold any of the driving licenses listed above at the time of participating in the survey. Of the 50% (211) who did, the types held are explored below. This analysis is based on 365 responses as respondents could hold more than one license.

For those that did hold a license(s) for motor vehicles, the most popular one related to driving cars. 70% (256) of responses related to holding a license for a car in the following categories: Categories B, B Auto, BE, or Provisional.

- **Cars Category B:** This accounted for 33% (122) of all responses and was the most popular response. A Category B license allows someone to drive a vehicle and trailer combination up to 8,250kg maximum authorised mass (MAM); or vehicles up to 3,500kg maximum authorised mass (MAM), with up to eight passenger seats; or motor tricycles with a power output higher than 15kW (if aged over 21 years old).
- **Cars Category B auto:** This accounted for 20% (71) of all responses. It enables people to driving automatic vehicles only.
- **Cars Category BE:** This response option accounted for 13% (47) of all responses and allows a vehicle to be driven with a maximum authorised mass (MAM) of 3,500kg and a trailer.
- **Cars Provisional Category B:** This accounted for 4% (16) of all responses. Physically disabled drivers only (with provisional category B entitlement) have provisional entitlement to ride category A1 or A motor tricycles.

Other than licenses to drive cars, the next most popular license to hold was for mopeds, with 17% of responses (Categories AM, P, or Q).

- **Mopeds Category AM:** This accounted for 9% (34) of all responses. An AM license allows holders to drive two-wheeled and three -wheeled vehicles which have a maximum speed of 45km/h (28mph).
- **Mopeds Category P:** This accounted for 4% (14) of all response and allows people to drive a moped (two wheeled) which has a maximum speed of 50km/h (31mph).
- **Mopeds Category Q:** This also accounted for 4% (14) of all responses. A Category Q license allows individuals to drive a two-wheeled and three -wheeled vehicle (without pedals), which has a maximum design speed of no more than 25km/h.

Aside from cars and mopeds, motorcycle licenses (Categories A1, A2, or A) received 13% (47) of all responses.

- enables users to drive motorbikes, with a power output more than 35kW, and motor tricycles with a power output more than 15kW.
- **Motorcycles Category A1:** This accounted for 4% (13) of all responses and entitles users to drive light motorbikes and motor tricycles (with an engine size up to 125cc or a power output of up to 11kW). Motor tricycles can also be driven (up to 15kW).
- **Motorcycles Category A2:** This accounted for less than 1% (4) of all responses.
- An A2 license is for motorbikes with a power output up to 35kW.

(n=423, total number of respondents; N=577, total number of responses as respondents could select more than one option)

Obtaining a driving license

The update in UK government guidance clarifies which mobility scooters and powered wheelchairs are ‘not in a class’. To recap, devices which go more than 8 mph or are wider than 85 centimetres, or weigh more than 150KG

(or 200KG, if including additional equipment) need the user to have a driving license because they can only be used on roads.

Respondents were asked how possible it would be to obtain a driving license, to keep driving their powered wheelchairs, if they needed one. Of the users who identified that they had a 'not in a class' powered wheelchair, and who also responded to the question about whether or not they held a driving license (n=23), half had a driving license (11) and half (12) did not. For users not holding a license, the majority (9/11) stated that it would not be possible for them to obtain one. Only one stated that it would be possible and a further two users did not know.

Awareness

Awareness of guidance

The UK government provides guidance on using powered wheelchairs and mobility scooters, which is published on gov.uk. In the context of using powered wheelchairs outdoors, respondents were asked how aware they were of this guidance.

Most users of powered wheelchairs stated that they were not aware of government guidance (62%) to different degrees.

- This breaks down as 39% (163) who were 'unaware' and 23% (97) who were 'very unaware'.

Close to two fifths (38%) were aware of the Government guidance. Again, this was to varying degrees of awareness.

- 30% (124) were 'aware' and 8% (32) 'very aware'. (n=416).

Receiving information on guidance

The survey explored whether powered wheelchair users had ever received any information or advice about the UK government's guidance in regard to which kinds of powered wheelchairs or mobility scooters can be used in public areas, like roads, pavements and pedestrian areas.

Examples of the kinds of information sources were provided in the question, such as the seller (e.g. retailer/dealer) or provider (e.g. the NHS or a charity) of the powered wheelchair. Or information could be provided by someone else entirely.

- The majority (79% or 326) of powered wheelchair users had not received any information or advice about the UK government's guidance, compared to 12% (51) who had.
- A further 9% (38) could not remember. (n=415).

Awareness of classification of own wheelchair

The UK government has established three classes of powered wheelchairs and mobility scooters. Focusing on wheelchairs only, and as originally established, the classifications are the following.

- **Class 1** refers to manual wheelchairs.
- **Class 2** refers to powered wheelchairs which cannot travel no faster than 4mph.
- And **Class 3** refers to powered wheelchairs which can travel no faster than 8mph.
- Additionally, in 2024 the UK government clarified what was '**not in a class**' – those powered wheelchairs which could travel faster than 8mph or were wider than 0.85 metres or weighed more than 150kg (or 200kg when considering additional equipment).

Respondents were asked if they knew which class their own powered wheelchair was in:

- 5% (19) had a Class 1 manual wheelchair.

- 13% (56) had a Class 2 powered wheelchair.
- 7% (29) had a Class 3 powered wheelchair.
- 6% (25) had a 'not in class' powered wheelchair.

Nonetheless, the majority of users (69% or 286) did not know what class their wheelchair was in. (n=415)

Regarding those users who self-reported that their wheelchair was in Class 1, as mentioned previously, those using Class 1 manual wheelchairs were excluded from the research. But those using Class 1 wheelchairs equipped with powered add-ons were eligible to take part. This was made clear in the definition of what a powered wheelchair was at the outset of the survey.

Awareness of implications of causing an accident

The UK government guidance on gov.uk states: "If you cause an accident while driving a mobility scooter or powered wheelchair that's not in a class, you can be given the same penalty as if you were driving a car. You can go to prison, get a driving ban or get an unlimited fine."³²

As another gauge of their understanding of the guidance, all respondents were asked if they knew this.

- 26% (107) did know this.
- Three quarters (74% or 308) did not. (n=415).

Conclusion

The findings from this survey identify gaps in awareness and understanding of UK government guidance, regarding powered wheelchair classifications and their use in public areas.

Usage patterns indicate that powered wheelchairs are predominantly used on pavements, pedestrian areas, and footpaths, while terrains like roads, bridleways, and cycle tracks see less frequent use. Interestingly, some users reported operating their wheelchairs on roads, even though some classifications, such as Class 2 devices, are not designated for road use. Could this reflect potential misunderstanding or non-adherence to the guidance?

The survey also reveals disparities in users' knowledge about key device attributes such as speed, width, and weight, which are crucial for determining classification. For example, over a tenth of respondents did not know the maximum speed of their powered wheelchairs. Close to a fifth did not know the width of their devices. Similar findings were found with regard to weight of devices.

Potential for response error (for example, unintentionally providing the wrong answer) and bias is a critical consideration in interpreting the findings. It could be the case that some respondents lack knowledge about the specifications of their powered wheelchairs to accurately know their classification.

Technical notes

Sampling Approach

A combination of convenience and snowball sampling techniques were employed to recruit respondents for the survey. This approach included targeting members of the Wheelchair Alliance's membership list. Given the absence of a comprehensive sampling frame for powered wheelchair users, additional recruitment efforts included disseminating the survey link via social media platforms (e.g., LinkedIn) and sharing it with networks relevant to powered wheelchair users.

The aim was to engage a wide and diverse range of participants. This approach recognises the inherent limitations of using non-probability sampling methods, including potential biases and lack of population

³² See: <https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/classes>

representativeness. Despite these limitations, this approach provides valuable exploratory insights into the awareness of powered wheelchair users, regarding the UK Government guidance for using powered wheelchairs in public areas.

Data Collection and Fieldwork

Data collection was conducted online using a dedicated survey platform. The survey was accessible digitally, on multiple devices, including PCs, laptops, tablets, and smartphones, ensuring broad accessibility for participants.

Prior to the full launch, the survey underwent a pilot phase involving a small group of powered wheelchair users. This pilot phase was designed to gather feedback on the clarity of question design and the relevance of the issues explored.

Fieldwork was conducted over a five-week period, from 1st November 2024 to 6th December 2024, allowing ample time for respondents to participate.

2024 Government Update to Mobility Scooter Usage BHTA / Driving Mobility Guidance and Questions

Contents

Introduction	53
Overview	53
Classes of mobility scooter and powered wheelchair	54
Driving on the road	54
Driving on pavements, footpaths and bridleways	54
Eyesight requirements	55
Vehicle tax, registration and insurance	55
Questions for Govt	55
Regulation – Updated Guidance and The Use of Invalid Carriages on Highways Regulations 1988	55
Regulation – Qualification for VAT Relief	55
Import Code Classification of Mobility Scooters	56
Driving Licenses for Not in a Class Vehicles – Assumptions	56
Driving Licenses for Not in a Class Vehicles – Acceptable Types	56
Insurance Considerations	57
Powered Add-On Units – Special Considerations	57
Registration – Class 3 Vehicles	57
Eyesight Requirements	57
Annex 1: Comparative Table	58
Annex 2: BHTA Note Mobility Scooter Import Code Classification	60



Introduction

Led by the Department for Transport (DfT), Government (Govt) published in spring 2024 [Using mobility scooters and powered wheelchairs](#) (available [in HTML](#) or [print version](#)). Govt does not class this as a change to regulation or law, rather, as an update; among other things, it appears to revise [DfT's 2015 Mobility scooters and powered wheelchairs on the road – some guidance for users](#).

The British Healthcare Trades Association (BHTA) and Driving Mobility (DM) are publishing this interim guidance for members. There appear to be many outstanding questions, so this guidance will be updated in due course as we seek answers from relevant Govt stakeholders (including DfT, DVLA, HMRC, and – to a lesser degree – MHRA). The guidance is aligned to the six areas in the 2024 [Using mobility scooters and powered wheelchairs](#):

1. Overview
2. Classes of mobility scooter and powered wheelchair
3. Driving on the road
4. Driving on pavements, footpaths and bridleways
5. Eyesight requirements
6. Vehicle tax, registration and insurance

This is followed by Questions for Govt identified by [BHTA](#), [Driving Mobility](#) and several member companies, followed by the Annexes referred to in the guidance. Please note:

- Unless otherwise stated, Questions for Govt and Annexes are BHTA/DM opinions and work-product.
- The contents of the BHTA/DM websites and BHTA/DM communications (written and electronic) do not constitute legal advice and are provided for information purposes only; BHTA/DM disclaim and exclude any liability in respect of the contents, or for action taken or not taken based on this information.

Overview

Govt defines mobility scooters and powered wheelchairs as single-seat vehicles with a battery; designed to help those with trouble walking; and only able to be driven by those to whom one of the following applies:

- Have trouble walking because of an injury, physical disability or medical condition
- Are taking the vehicle to or from maintenance or repair
- Are the manufacturer testing the vehicle
- Are demonstrating the vehicle before sale
- Are training a disabled user

Before driving a mobility scooter and/or powered wheelchair, it must be determined into which Class it falls, which will define:

- Where it can be driven (road, pavement, pedestrian areas, etc.)
- Eyesight requirements
- Registration and licensing requirements
- Insurance requirements

Classes of mobility scooter and powered wheelchair

Govt sets out the different rules apply to a mobility scooter or powered wheelchair depending on what Class it is. Please note, this is not a reference to Medical Device Class (Class I, Class II, or Class III) under [UK medical device regulation](#). Rather, Class here refers to the three types of “invalid carriage” defined in [The Use of Invalid Carriages on Highways Regulations 1988](#), **which Govt appears to have updated with a fourth designation**,

Not in a Class:

- **Class 1:** Manual wheelchairs
- **Class 2:** Powered wheelchairs and mobility scooters with a maximum speed of 4 mph or less
- **Class 3:** Powered wheelchairs and mobility scooters with a maximum speed of up to 8 mph
- **Not in a Class:** Powered wheelchairs or mobility scooters to which any of the following apply:
 - Maximum speed of more than 8 mph
 - Width of more than 0.85 m
 - Weight of more than 150kg (or 200kg if attached equipment is required, e.g. medical equipment)

The addition of Not in a Class appears to be the most significant update; Govt also sets out the following restrictions and requirements:

- Class 2 and Class 3 vehicles limited to 4mph **can** be used on pavements, pedestrian areas, and cycle tracks³³
- Class 2 and Class 3 vehicles **cannot** be used on cycle lanes³⁴
- Class 3 vehicles **can also** be used on the road – if registered with DVLA
- Not in a Class vehicles **can only** be used on the road
- Not in a Class vehicles **cannot** be used on pavements, pedestrian areas, cycle tracks, or cycle lanes
- Not in a Class vehicles **must** be registered with DVLA
- Not in a Class vehicle drivers **must** hold a valid driving license

Please see Annex 1 for a table built by BHTA that attempts to set out a compare-and-contrast view of Class 2, Class 3, and Not in a Class vehicles.

Driving on the road

Govt sets out requirements and restrictions for Class 3 or Not in a Class vehicles on the road, including:

- Equipment requirements
- Speed requirements
- Rules of the road

Please see Annex 1 for further detail.

Driving on pavements, footpaths and bridleways

Govt sets out requirements and restrictions for Class 2 or Class 3 vehicles on non-road surfaces: pavements, footpaths, and bridleways. Please see Annex 1 for further detail.

³³ **Cycle tracks** are separated from the road by barriers or distance.

³⁴ **Cycle lanes** are painted on the road and run alongside where usual road traffic (like cars) go.

Eyesight requirements

Govt sets out eyesight requirements for Class 2, Class 3, and Not in a Class vehicles. Please see Annex 1 for further detail.

Vehicle tax, registration and insurance

Govt sets out tax, registration, and insurance requirements for Class 3 or Not in a Class vehicles. Please see Annex 1 for further detail.

Questions for Govt

BHTA and selected member companies have proposed clarification questions for Govt. Please write to info@bhta.com, subject line “FAO 2024 Mobility Scooter Update” if you wish to suggest additional questions.

Regulation – Updated Guidance and The Use of Invalid Carriages on Highways Regulations 1988

Does Govt plan to add “Not in a Class” to the defined “invalid carriages” in The Use of Invalid Carriages on Highways Regulations 1988? The Explanatory Notes currently read: “(b)Requirements - (i)Only invalid carriages of Class 1, 2 or 3 may meet the requirements (reg. 6(a))”. Thus, it would appear that, howsoever designed or defined by manufacturers, Not in a Class vehicles fall outside the purview of “invalid carriages” – which may present unintended consequences, including possible barriers to qualification for VAT relief. Could Govt please provide clarification?

Regulation – Qualification for VAT Relief

To a question posed earlier this year (Will Class 2, Class 3, and Not in a Class vehicles be able to qualify for VAT relief under the envisaged update?), Govt provided the answer in quotations below. This answer underscored two components that contribute to qualification for VAT relief – Product Design Considerations and Individual User Considerations. Can Govt please confirm how it will balance these two considerations under the envisaged update – and how that balance will take into account related guidance such as 2024 MHRA Assistive technology: definition and safe use, which addresses the status of mobility scooters or powered wheelchairs as medical devices?

“[Product Design Considerations]: It would be up to the retailer or the supplier to decide, and they would be responsible for charging the correct amount of VAT on anything they sell. Guidance states they should check with the manufacturer that the goods have been designed solely for the use of disabled people before agreeing to sell any goods VAT-free. So the decision would not sit with any other party other than the supplier who would be best placed to communicate with the manufacturer.

Quoting 2019 HMRC Get VAT relief on certain goods if you have a disability on mobility scooters: You’ll not have to pay VAT if you’re buying a mobility scooter that’s designed not to exceed 4 miles per hour and is intended for use on the pavement and not on the road. This category of scooter is known as Class 2. Class 3 carriages are designed to exceed 4 miles per hour and are intended for use on the road, and cannot be bought VAT-free unless they’ve been designed solely for disabled people.

[Individual User Considerations, also quoting 2019 HMRC Get VAT relief on certain goods if you have a disability on mobility scooters]: You’ll only be able to have eligible goods VAT-free if you’re chronically sick or disabled and the goods are for your personal or domestic use. You do not need to be registered disabled or eligible for any other benefit to qualify for VAT-free goods.

What HMRC means by ‘chronically sick or disabled’

For VAT purposes, you’re chronically sick or disabled if you have a:

- Physical or mental impairment which has a long term and substantial adverse effect on your ability to carry out everyday activities
- Condition that the medical profession treats as a chronic sickness (that’s a long term health condition)

For VAT purposes, the term ‘chronically sick or disabled’ does not include a person who’s only temporarily disabled or incapacitated, for example with a broken limb or someone who’s elderly but is not chronically sick or disabled. You do not need HMRC’s permission to declare that you’re disabled or chronically sick and HMRC advisers cannot tell you if you’re disabled or chronically sick.

Eligibility declarations

To show that you’re entitled to buy the goods VAT-free, your supplier will probably ask you for a simple written declaration stating your eligibility. If the supplier does not give you a form to fill in you can use our [eligibility declaration by a disabled person for VAT reliefs](#). You’ll need to do a separate declaration for each supplier for them to keep with their VAT records.”

Import Code Classification of Mobility Scooters

Can Govt please comment on how the envisaged update joins up with mobility scooter import code classification? BHTA and its member companies propose that now is the time to address a disconnect between competing import code classifications for mobility scooters. If rectified, this would allow mobility scooters to be accessible at lower prices to more people, with significant economic benefits. Please see Annex 2 – BHTA Note on Mobility Scooter Import Code Classification for full detail.

Driving Licenses for Not in a Class Vehicles – Assumptions

Can Govt please address industry’s fundamental concerns that requiring driving licenses for Not in a Class vehicles may restrict access to vital transportation aids, and how they propose to remove these risks? These include:

- One of the principal reasons many users require mobility scooters or powered wheelchairs is that the characteristics of their abilities have caused them to make the difficult decision to give up driving other motor vehicles, and their driving license; re-inserting driving license requirements for mobility scooters or powered wheelchairs seems anathema to the intentions of the UK’s accessibility goals.
- Powered add-on units – which convert manual wheelchairs to powered wheelchairs – may fall into the definition of Not in a Class, which could deprive thousands of users from transport options essential to their employment, leisure, and day-to-day life.
- The width and weight definitions of Not in a Class vehicles may pose an unintentional risk of discrimination and disadvantage to many classes of users – e.g. bariatrics or those whose housing adaptations require certain equipment characteristics.

Driving Licenses for Not in a Class Vehicles – Acceptable Types

Can Govt please confirm that the following answer (provided in discussions earlier in spring 2024) to which kind of driving licenses are envisaged to be required still holds true:

- “If a Mobility Scooter requires a driving license because it’s ‘Not in a Class’ then it can be driven on any motorcycle driving license (A, A1, A2, AM), a car driving license under B or the old B1 license used for invalid carriages. Each of the motorcycle categories cover the equivalent weight/power requirements in respect of tricycles and light/medium quadricycles whilst B & B1 cover all tricycles, and quadricycles.”

Insurance Considerations

Can Govt please confirm what consultation, if any, has been carried out with the specialist mobility scooter/powered wheelchair industry about the implications of the envisaged update? Unsatisfactory consideration of insurance issues may pose unintentional risks of discrimination and disadvantage to users of Not in a Class vehicles, with deleterious effect on their employment, leisure, and day-to-day life.

Powered Add-On Units – Special Considerations

Can Govt please confirm how they will regulate powered add-on units – which convert manual wheelchairs to powered wheelchairs – specifically:

- Is Govt aware that it will be very difficult in practice to equip manual wheelchairs to which powered add-on units are fitted with all of the required Road-Going Requirements envisaged in the update (see Table at Annex 1, Row 13) – which may pose an unintentional risk of discrimination and disadvantage to users of powered add-ons?
- How will users register a manual wheelchair (Class 1) with its powered add-on (which converts it to Not in a Class) with DVLA – as a unit, as individual components? Unsatisfactory consideration of this issue may pose an unintentional risk of discrimination and disadvantage to users of powered add-ons, with deleterious effect on their employment, leisure, and day-to-day life.
- Is Govt clear on how users will insure their powered add-on/wheelchair combinations? Again, unsatisfactory consideration of this issue may pose an unintentional risk of discrimination and disadvantage to users of powered add-ons, with deleterious effect on their employment, leisure, and day-to-day life.

Registration – Class 3 Vehicles

Can Govt please confirm whether all Class 3 vehicles need to be registered with DVLA – or only in instances where users plan to use Class 3 vehicles on the road? That is, if they are only used on non-road surfaces, can Class 3 vehicles be used without DVLA registration?

Eyesight Requirements

Can Govt please confirm that these eyesight requirements may be assessed with a practical test (12.3m) as part of the sales process rather than certification by a medical practitioner such as an optometrist?

Annex 1: Comparative Table

		Class 2	Class 3	Not in a Class
1	Max weight (unladen)	113.4 kg (248 lb)	150 kg (330 lb)	More than 150 kg (330 lb) -or- More than 200kg (441 lb) w/ required attachments, e.g. medical equipment
2	Max speed	6.4 kph (4 mph)	12.8 kph (8 mph)	More than 12.8 kph (8 mph)
3	Max width	Up to 0.85 m (2'9")	Up to 0.85 m (2'9")	More than 0.85m (2'9")
4	Driving license required	No	No	Yes
5	DVLA registration required	No	Yes (road-use) / No (non-road-use)	Yes
6	DVLA registration details	N/A	DVLA V55/MV / Log Book (V5C)	DVLA V55/MV / Log Book (V5C)
7	Pavement	Yes	Yes	No
8	Pedestrian areas	Yes	Yes	No
9	Cycle tracks	Yes	Yes	No
10	Cycle lanes	No	No	No
11	Road	No	Yes	Yes (only allowed on road)
12	Non-road requirements	Speed limited to 6.4 kph (4 mph)	Speed limited to 6.4 kph (4 mph)	N/A
13	Road-going requirements	N/A	<ul style="list-style-type: none"> Max speed \geq 12.8 kph (8 mph) Efficient brake system Clear view of road/traffic Front/rear lights/reflectors Direction/hazard indicators Rear-view mirror Audible horn Amber flasher (dual carriageway) 	<ul style="list-style-type: none"> Max speed \geq 12.8 kph (8 mph) Efficient brake system Clear view of road/traffic Front/rear lights/reflectors Direction/hazard indicators Rear-view mirror Audible horn Amber flasher (dual carriageway)
14	Road-going prohibitions	N/A	Dual carriageways w/ speed limit > 50 mph, cycle lanes, bus lanes, motorways	Dual carriageways w/ speed limit > 50 mph, cycle lanes, bus lanes, motorways
15	Eyesight requirements	N/A	Ability to read car reg plate at 12.3 m (40')	Ability to read car reg plate at 20 m (65.5')
16	Insurance required	No	No	No – if total weight < 254 kg (560 lb) -or- Yes – if total weight > 254 kg (560 lb)
17	Liable to vehicle tax	N/A	No – if DVLA registered as a MS or PWC	No – if DVLA registered as a MS or PWC
18	Special Requirement – Not in a Class: A vehicle w/ max speed > 24 kph (15 mph) requires two dipped-beam headlamps			

19	Special Requirement – Not in a Class: A vehicle w/ max speed > 40 kph (25 mph) requires a speedometer
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Annex 2: BHTA Note Mobility Scooter Import Code Classification

Background

Mobility scooters give thousands of people who struggle to walk independence. Customs law should fairly reflect their key role as mobility aids of disabled people. But unfortunately, as things stand, the customs treatment for mobility scooters does not take into account their vital and primary role in supporting disabled people with limited mobility, many of whom are elderly, to live more independent lives.

This is because Govt have apparently made a policy decision that mobility scooters are not to be classified as [8713 – Carriages for Disabled People](#) which would result in a charge of 0% custom duty on import. Instead, mobility scooters are surprisingly grouped in [Code 8703 – Motor Cars and Other Motor Vehicles](#) with golf carts, snowmobiles and racing cars. That results in a 10% charge of customs duty, plus import VAT, and increases the cost for disabled consumers.

Pursuit of Legal Relief

Govt lost on this issue in *Invamed Group Ltd v HMRC* in the Court of Appeal in 2020. Govt's current policy decision derives from outdated EU law in the form of a 2009 Regulation, which is not in keeping with modern social values and attitudes towards disability in the UK. Disability is not just about a physical condition, but also about the challenges this brings in interacting with an unaccommodating world. The [UN Convention on the Rights of People of Disability](#) reflects this change in the understanding of disability, and imposes concrete obligations on signatories like the UK to ensure people who live with disability can live on an equal footing to those who do not live with disability. Tools like mobility scooters can alleviate those challenges, giving real independence to users who struggle to walk meaningful distances. Otherwise house-bound disabled persons can head out on their own to go shopping, or meet friends at a café, or even just live where they want, rather than where is most accessible; they can live normal lives.

Definitional Issues

Clearly, the two classifications reflect different product uses and different typical end-users:

- **Mobility scooters** are used by disabled people and the elderly as aids to daily living; for example, they allow people who struggle to walk, to leave their home to go to the shops or visit outdoors; medical devices certification, road traffic and VAT law already recognises this
- **Golf carts** are used for golf, or to travel around large estates or parks in comfort; it is not legal to take them on pavements under the road safety rules, VAT is charged on them, and they do not have to comply with medical devices certification

Historically, it appears that Govt has taken the view that mobility scooters are similar to golf carts because, unlike electric wheelchairs, they have a steering column and not a joystick. This arises out of a reductive understanding of disability: the product must be designed for a paraplegic, and not someone who by virtue of struggling to walk meaningful distances requires a tool for independence and access. Because mobility scooters are mis-classified under code

8703, however, their users are burdened with additional cost because they do not benefit from the same import duty exemptions of other products that are considered to be designed for disabled people under code 8713 (e.g. powered wheelchairs).

While there is much legal background to the classification of these devices it seems strikingly obvious that mobility scooters are not developed, bought, or used, for fun or general transport, but to help those with mobility problems live independent lives. The UK courts have agreed in *Invamed Group Limited v HMRC*. But historic EU regulation is currently being interpreted by Govt to impose a different approach across the board.

Reclassify Mobility Scooters as [8713 – Carriages for Disabled People](#)

There is now a positive opportunity for the UK to consider a new approach to classify these important mobility aids. To the extent that there may be policy concerns about how such a change might impact other similar products, or indeed the very definition of disability under the social care system, we feel strongly that such concerns are unfounded. Customs issues are entirely separate from wider questions around social care, not least since the UK is now in a position to formulate its own laws and regulations.

Meanwhile, we understand that the cost to Govt for this change is small, especially if separated from wider benefits, whereas there would be a significant positive impact for end users. This is an opportunity for the UK to take advantage of having left the EU in a way that has a tangible benefit to thousands of people every year. This would allow the industry to pass on the benefit of zero-rating to disabled people and older people in the UK and widen access to mobility scooters as important medical devices.

In short, making mobility scooters more affordable to individual consumers will allow a larger proportion of the population to live more independently for longer – relieving otherwise substantial burdens on the NHS and social services – and with only positive net financial impacts on the benefits system, not least since many mobility scooters are purchased with private income or savings.



Appendix 12

Examples of powered wheelchairs and their weights, without additional features

There are many more powered wheelchairs available therefore this is not an exhaustive list.



Q300M mini (riser and tilt) 150.1kg



Ottobock 77.1kg



Q500M 188.3kg



Q400M 175.2kg



Q300M Mini 147.8kg



Q300R 135kg

Appendix 13

Using powered wheelchairs and mobility scooters: France and Germany

Note: This draft uses online translation tools so there is a possibility of errors in translation and/or understanding of context.

In France, powered wheelchairs and mobility scooters are generally classified as "véhicules pour personnes à mobilité réduite" (vehicles for people with reduced mobility) or VPMRs.

Powered wheelchairs are categorised into A, B and C.³⁵ These are based on three criteria:

- **Distance** - the minimum distance a powered wheelchair can travel (ranging from 15 to 35 km),
- **Slope capability** - the minimum degree of slope it can traverse (ranging from 3 to 10 degrees) and
- **Turning radius** - the maximum turning circle (ranging from 2 metres upwards).³⁶

Speed and usage

Wheelchair users and mobility scooter users are considered as pedestrians under the Highway Traffic Act (Code de la route) and must use the pavement where possible, travelling at a speed comparable to pedestrians.³⁷ The maximum speed for wheelchairs is 6 km/h (3.7mph).³⁸ If the powered wheelchair or mobility scooter has a maximum speed above 6 km/h, the user will still be regarded as a pedestrian as long as they do not travel faster than 6 km/h.³⁹

Wheelchair users can use the road if a pavement has obstructions or is in poor condition.⁴⁰ The fine for improperly using a wheelchair (i.e. using the road instead of

³⁵ See: CERAH, 'Choosing your wheelchair powered by an electric motor: Practical Guide'. Available at: https://www.automobile.ceremh.org/assets/media/fichierPDF/CEREMH_guide_FRE.pdf

³⁶ ACA Global Mobility Solution. Available at: <https://aca-france.com/fauteuil-roulant-electrique-comment-faire-le-bon-choix/>

³⁷ See: Article R412-34, Section 6: Pedestrian traffic, Code de route. Available at: <https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006177125>

³⁸ See: Service-Public.fr. Travel by electric scooter, roller skates or skateboard. Available at: <https://www.service-public.fr/particuliers/vosdroits/F308>

³⁹ See: The Connexion. 'What are the rules for driving a mobility scooter in France?'. Available at: <https://www.connexionfrance.com/practical/what-are-the-rules-for-driving-a-mobility-scooter-in-france/679673>

⁴⁰ See: Service-Public.fr. Travel by electric scooter, roller skates or skateboard. Available at: <https://www.service-public.fr/particuliers/vosdroits/F308> AND Article R412-35, Section 6: Pedestrian traffic, Code de route. Availability at: https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000019277029

the pavement when there are no pavement obstructions, driving outside protected crossings or failing to comply with traffic lights etc)⁴¹ is 4 Euro.⁴²

Weight

There does not appear to be a French law or regulation which imposes a maximum weight requirement on a powered wheelchair or a mobility scooter. But this requires further exploration. It may be the case that the only weight parameters to adhere to are those associated with safety and accessibility standards (e.g. ISO 7176-1:2014) for different types of mobility products.

Driving license

As French law does not classify wheelchairs (VPMRs) as vehicles, users of these devices are not required to hold a driving license to use them. But if vehicles, such as mobility scooters, can travel faster than 6 km/h, they are subject to the same regulations for mopeds. In that case, a driver will require a license (A1) or a road safety certificate (Brevet de sécurité routière). This authorises the driving of mopeds (50cc max) and light motor quadricycles (50cm³).⁴³ The minimum age someone can take the BSR is 14 years old.

Registration

Motor vehicles must be registered to travel on public roads. A registration card (certificat d'immatriculation) is required for vehicles including:

- passenger cars,
- 2-wheelers and scooters (including those under 50 cm³),
- motorcycles,
- quad bikes,
- mopeds,
- tricycles, quadricycles etc.⁴⁴

Powered wheelchairs and mobility scooters do not need to be registered, as long as they do not have a maximum speed above 6 km/h.

Insurance

⁴¹ See: Service-Public.fr. Travel by electric scooter, roller skates or skateboard. Available at: <https://www.service-public.fr/particuliers/vosdroits/F308>

⁴² See: Institut National de la Consommation, Table 'Amount of the fixed fine, depending on the seriousness of the offence (article 49 of the code of criminal procedure)'. Available at: https://www.inc-conso.fr/content/vous-circulez-avec-un-engin-de-deplacement-personnel-les-regles-connaître#montant_amende

⁴³ See: Service-Public.fr. Road safety certificate (BSR), category AM of the driving license. Available at: <https://www.service-public.fr/particuliers/vosdroits/F2890>

⁴⁴ See: Service-Public.fr. Registration card (certificate of registration). Available at: <https://www.service-public.fr/particuliers/vosdroits/N367>

Third party insurance for wheelchair users and mobility scooters, can be covered by the user's home insurance if the mobility device has a top speed of 6 km/h or less.⁴⁵ This insurance would cover the costs of damages to third parties (pedestrians, vehicles) should the user cause damage.⁴⁶

Keywords:

Term	English
Handicapé	Disabled person
Personne à mobilité réduite (PMR)	Person with limited mobility
Véhicules pour personnes à mobilité réduite (VPMR)	Vehicles for people with reduced mobility
Véhicules pour personne handicapée	Vehicles for disabled people
Fauteuil roulant	Manual and powered wheelchairs
Fauteuil roulant électrique	Electric wheelchair
<ul style="list-style-type: none"> • Scooter électrique Mobilité réduite • Scooters électrique pour personnes à mobilité réduite 	Mobility scooters for people with reduced mobility

The following is a copy of an email from Sunrise Medical Director of Marketing in Germany in response to the query about German legislation.

Subject: AW: Assistance - Law change in UK and Insight from German Law

Dear Simon,

In Germany, this is completely regulated by the Road Traffic Act (StVO) and only the chosen speed matters, not the weight.

A user must therefore adapt to the circumstances and must not exceed walking speed, even if they could.

However, as soon as the maximum achievable speed exceeds 6 km/h, insurance is required, along with a sticker.

Here's the excerpt (I made the translations here with deepl)

****Where are you allowed to drive an electric wheelchair according to the StVO? ****

An electric wheelchair (according to current regulations) may be driven on public roads and spaces.

⁴⁵ See: The Connexion. 'What are the rules for driving a mobility scooter in France?'. Available at: <https://www.connexionfrance.com/practical/what-are-the-rules-for-driving-a-mobility-scooter-in-france/679673>

⁴⁶ See: Service-Public.fr. Travel by electric scooter, roller skates or skateboard. Available at: <https://www.service-public.fr/particuliers/vosdroits/F308>

According to § 24 of the Road Traffic Act (StVO), it is also permitted to drive on sidewalks as long as walking speed is not exceeded.

From a traffic law perspective, a person in an electric wheelchair is considered a pedestrian, even though they are operating a motorized vehicle.

Accordingly, they are allowed to use all paths that are designated for pedestrians, such as pedestrian zones, at walking speed.

At pedestrian crossings, people on electric wheelchairs must be given priority.

Source: [Krankenfahrstuhl - Führerscheinfreie Fahrzeuge 2024](#)

I hope this helps.

Appendix 14

Third sector stakeholder meeting minutes



DfT Wheelchair Classification Changes meeting with third sector stakeholders 18/10/2024

Present:

Karen Pearce (Wheelchair Alliance, Chair), Jon Sawford (Wheelchair Alliance & Whizz-Kidz), Jo Fashan (Whizz-Kidz), Mollie Bonnamy (Whizz-Kidz), Tamsin Flint (Commissioning, Kent & Medway ICB), Glyn Hayes (Spinal Injuries Association), Ian Johnson (BLESMA), Anne Buchanan (MND Association), Paul Casey (Motability Foundation), Abigail Lock (Back Up), Hayley Philippault (Duchenne UK)

Changes to guidance in Spring 2024:

- Any person with a powered wheelchair/mobility scooter > 85cm wide, >150kg(200kg with added medical equipment), > 4mph must register with the DVLA, must have a driving licence, must drive on the road

Wheelchair Alliance (WA) overview:

- WA made aware of the changes to the guidance approximately 2 months ago by wheelchair manufacturer
- Both BHTA/Driving Mobility & the WA sent open letters to SoS for Transport (at that time) raising concerns on impact of changes to the sectors they represented
- FOI requests on number of wheelchair users no longer able to use the pavement: numbers unknown
- Discussion with Wheelchair User Engagement Group
- Development of a survey (circulation soon)
- Discussion with legal experts re discrimination and what approached can be taken (a judicial review cannot be requested as it is over the 3-month window, a County Court judgement would only have local implications. The best route would be to ask if an Equality Impact Assessment was undertaken and if it was, that the change to the guidance has had unintended consequences and a new assessment should be undertaken
- Organisation of third sector stakeholder meeting (today!)
- Organisation of broader wheelchair sector stakeholder meeting (13/11/24)

- Pull together overarching report to take to the DfT on behalf of wheelchair users and the wider sector.

Discussion points:

1. What was the driver for the change in guidance?
 - Possibly pedestrian safety
 - Possibly attempting to clarify old guidance as powered wheelchairs/mobility scooters were being registered that did not fit in the previous 3 classes
 - Possibly review to bring the price of mobility scooters down
 - It was noted that the guidance is based on 'The Use of Invalid Carriages on Highways Regulations 1988' which came into force on 30/1/1989. It forms part of the Chronically Sick and Disabled Persons Act 1970.
 - The act is unclear and ambiguous and there are questions regarding
 - Whether powered wheelchair and mobility scooters should be included in the same Act/Regulation as powered wheelchairs are specifically prescribed for disabled people
 - What is classed as medical equipment (is it MHRA/ISO/BSI marked kit?)
 - The archaic and unacceptable term 'Invalid Carriage'
 - There was review of the regulations in 2005 and 2010
2. Who has been involved in any consultation process/Equality Impact Assessment
 - None of the organisations at the meeting had been consulted/taken part in an Equality Impact Assessment
 - Wheelchair manufacturers were involved in consultation possibly in 2010. The timeline for this will be confirmed at the wider stakeholder meeting in November.
 - FOI request to DfT asking for a copy of the Equality Impact Assessment: *update response to FOI was that an EIA was not necessary as they stated that the legislation had not changed.*
3. What are the critical impacts
 - a. Discrimination
 - i. Wheelchair users not consulted therefore impact unknown.
 - ii. Carers: risk if must walk in the road to support a wheelchair user. Unknown implications of insurance cover if a carer must take over control of a powered wheelchair if the user is no longer able to (fatigue/temporary decline in condition)
 - iii. Young/old: unable to get a driving licence or medical condition prevents a person having a licence
 - iv. Complex needs: Those with most complex needs are likely to have heavier wheelchairs, have the need for carer support therefore unfairly penalised
 - v. Bariatric powered wheelchairs are, by their nature, heavier and it would not take much to move the equipment into out of class
 - b. Technological advancements: since 1988 there have been significant improvement in mobility equipment enabling disabled people to be more independent e.g. batteries denser to facilitate travelling further etc
 - c. Change in practice:

- i. Whizz-Kidz have already changed their approach to prescribing with all power add-ons being limited to 4mph. If there is request for a faster speed e.g. in rural locations where negotiating the terrain requires more power the parents must sign a disclaimer
 - ii. There is concern that the change could affect clinical assessment even though it should be needs based
 - d. Insurance:
 - i. Are people aware this is needed
 - ii. Who is responsible for the insurance e.g. NHS loaned wheelchair and the person has an accident
- 4. Other considerations:
 - a. Other organisations are concerned about/trying to influence change that we should be aware of e.g. Wheels4Wellbeing are concerned more people will be in cycle lanes

Agreed issues:

The critical issue is considered to be the weight of the powered wheelchair.

Manufacturers state the weight of the powered wheelchair on their websites in the 'stripped back state' i.e. canvas back, basic footplates etc. Knowing the actual weight of a wheelchair configured for the individual's specific needs is difficult.

In Germany/Europe powered wheelchairs up to 300kg are allowed on the pavement: why has the UK taken a figure half this?

Communication of implications to wheelchair users has been non-existent.

Actions:

1.	Check notes for accuracy & comment to Karen	All	ASAP
2.	Case studies of people affected (permission to share and willingness to be part of any media awareness campaign necessary). Send to Karen	All	ASAP
3	FOI wording to be drafted for all organisations to submit individually to DfT	Jo, Mollie, Karen	25/11/24
4.	Powered wheelchairs that weigh > 150kg or 200kg before any adaptations	All	ASAP
5.	Ask manufacturers to alter the configurators on their websites so an accurate weight can be identified	Jon/Karen	13/11/24
6.	Circulate the survey link to all members for as wide a distribution as possible	Karen	ASAP
7.	Outcome of meeting to be shared at the wider stakeholder meeting	Karen/Jon	13/11/24

Appendix 15

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1] See: [Using mobility scooters and powered wheelchairs: Classes of mobility scooter and powered wheelchair - GOV.UK](#)

[2] See: <https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/vehicle-tax-registration-and-insurance#:~:text=it%20to%20DVLA%20.-,Insurance,not%20include%20any%20equipment%20attached>.

[3] [Using mobility scooters and powered wheelchairs: Classes of mobility scooter and powered wheelchair - GOV.UK](#)

[4] See: <https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/classes>