



Department
for Transport

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9 January 2024

My Lords,

Pedicabs (London) Bill

Following Grand Committee held on Monday 11 December on the Pedicabs (London) Bill, I am writing to provide further clarity and detail on points raised by Noble Lords during the debate.

Pedicab definition

Viscount Goschen raised a question testing the extent of the pedicab definition in the Bill. The intention of the Bill is to close the legal anomaly relating to London's pedicabs. A key aspect of these vehicles is that they are, at least in part, pedal powered. The definition in the Bill is clear that this relates to pedicabs constructed or adapted for the carrying of one or more passengers and made available with a driver for hire or reward. This definition has been tested in bringing forward the Bill, and the Government is content that it fulfils the policy intention.

In instances where a vehicle has no pedals or is not pedal powered, the classification would depend on the specific characteristics of the vehicle. However, such a vehicle would most likely be a motorcycle/motor vehicle. These vehicles are regulated under section 185 of the Road Traffic Act 1988 and are likely to be within scope of taxi or private hire vehicle licensing in London.

Reward

Baroness Anelay of St Johns probed the reference to 'reward' in the Bill's definition of a pedicab. "Hire or reward" is a recognised legal term that is used in various road traffic legislation and which has been subject to interpretation by the courts. In construing the term in other contexts, the courts have suggested that in deciding whether there has been a carriage for hire or reward,

the test is whether there has been a “systematic carrying of passengers for reward which goes beyond the bounds of mere social kindness”. The courts have also said that a distinction should be drawn between "carriage for reward" and "reward for carriage" – the former is likely to encompass a formal business arrangement agreed in advance, whereas the latter is likely to encompass informal gifts given after the fact. Taking this into account, the Government is satisfied that it is very unlikely that regulations would apply to someone who is not operating a business but who occasionally receives small gifts after having transported someone else.

Geographic scope of legislation

Lord Berkeley raised the issue of the Bill’s geographic scope. The Bill seeks to regulate pedicabs in public places in Greater London. The administrative area of Greater London is defined in the London Government Act 1963, as comprising the areas of the London boroughs, the City, and the Temples.

This Bill provides for TfL to make regulations for pedicabs, as defined by Clause 1(2). This definition of a pedicab will only be applicable within Greater London, and outside of London pedicabs will continue to fall under taxi legislation. Consequently, any London pedicab driver who sought to operate outside of the boundaries of Greater London would need to apply to the relevant local licensing authority for a taxi licence.

Safety of power assisted pedicabs

Lord Berkeley raised the safety risks associated with power-assisted pedicabs. Clause 2(6) provides for regulations to set out safety requirements for pedicabs, as well as matters including the testing of pedicabs and speed restrictions.

In terms of the post implementation review, the Government has committed to undertaking a voluntary review. In line with standard practice, this would take place five years post implementation and given TfL will be overseeing pedicab regulations, the Government would work with TfL to conduct this. It is too early to comment on the review’s process however, given safety is a major factor behind this Bill’s introduction, it would seem very likely it will be a central part of the review.

Micromobility

A number of Noble Lords raised the issue of legislation for e-scooters. Pressures on the legislative timetable mean that the Government is not planning to legislate for micromobility in the current parliamentary session. The next opportunity to legislate will consequently follow the general election. I am unable to comment on the content or timing of the Government’s plans for future legislation beyond this.

The Government will consult on options for e-scooter regulations in due course, including such things as the requirement for users to hold a driving licence or to register and insure the vehicle, and various technical specifications for vehicles including maximum speed limits.

Until any changes are brought forward and come into effect, private e-scooters remain illegal to use on public roads, cycle lanes and pavements, and rental e-scooters can only be used in national rental e-scooter trial areas. A range of motoring offences and penalties already apply to using an e-scooter illegally and/or irresponsibly. Users can face criminal prosecution, a fine or fixed penalty notice, points on their driving licence, and the e-scooter can be impounded. Those caught riding an e-scooter, or cycling, on the pavement can face a fine of up to £500. Enforcement is a matter for the police.

Baroness Stowell of Beeston raised the issue of enforcement of illegal use of private e-scooters. Law enforcement is an operational matter for the police and therefore neither the Home Office nor the Department for Transport can intervene in or comment on any individual case or on the police's approach to resource deployment. It is for the police to enforce the law and investigate incidents using their professional judgement. Any general policy within a force is a matter for the force's Chief Officer, who will decide how to deploy available resources, taking into account any specific local problems and demands.

I wish to reassure you that the Government will continue to support the police to ensure they have the tools needed to enforce road traffic legislation, including those relating to offences involving e-scooters.

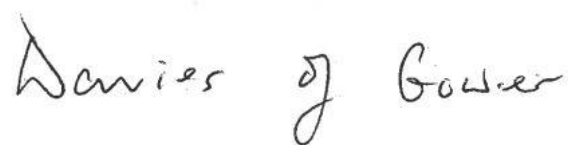
Delivery drivers

Baroness McIntosh of Pickering raised the issue of delivery drivers on scooters. Riders in the GIG economy are subject to the same licencing requirements as all other motorcyclists and scooter riders. Unless they have passed their practical motorcycle test to gain their full licence those riders are required to successfully complete their Compulsory Basic Training course (known as CBT).

The CBT certificate is valid for two years and if after the two-year period the rider has not passed their motorcycle test, they will need to retake their CBT. Other than this requirement to retake CBT every two years there is no time limit within which the rider has to pass a test. The Government does not monitor whether or not riders continue to take CBT or whether they do go on to take a test.

The understanding and reading of the Highway Code is part of the CBT syllabus. Enforcement of the regulations is a matter for the Police.

I thank Noble Lords for their interest in these issues and for their participation in the debate. I am copying this letter to everyone who spoke in the debate and will place a copy in the Library of the House.

A handwritten signature in cursive script that reads "Davies of Gower". The ink is dark and the handwriting is fluid, with a large 'D' and a stylized 'G'.

LORD DAVIES OF GOWER