

# Wheels for Wellbeing Response to Government Mobility Devices Consultation

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## Introduction

A wide range of resources to extend on the responses to this consultation below are available on [our Every Journey, Everyone campaign page](#) and [our main resources page](#). These vary from simple explainer documents including case studies, to a spreadsheet collating requirements and referencing laws which apply or may apply to people using any pedestrian and cycling-equivalent modes, including using wheelchairs, mobility scooters and less familiar powered and unpowered mobility devices.

Note – the name of the government consultation is “reviewing the law for powered mobility devices”, but the consultation considers unpowered class 1 invalid carriages, cycles, e-cycles and micromobility as well as powered devices presently recognised as powered mobility devices under existing “invalid carriage” regulations.

## Why we have structured our response as we have

We understand that the Department for Transport may be separating responses question by question to analyse what is said, rather than reading full response.

We also understand that the Department for Transport are using artificial intelligence tools (AI) to analyse consultation responses.<sup>1</sup>

We think that the way the consultation document and many of the questions have been written is biased and leading. The consultation information and questions contain oversimplifications and inaccuracies, too.

Together, we think this makes it important to include as much relevant information as possible in every consultation question answer we give.

This means our consultation response is very long and repetitive. This is not how we would ordinarily choose to write documents for people to read.

We have tried to make the response as readable as possible for everyone, using a clear heading structure. If you are reading this using a word processor program like Word, go to “view” at the top of the screen, and tick the “navigation pane” box. This will show you a contents page of headings on the left side of the screen. You can click between these headings to jump to the parts of the document you want to read.

Main sections where questions change topics each start at the top of a new page.

References are largely in endnotes, but there are a few key links within the document itself.

You can find all our human-focused resources on this consultation through links at our [Every Journey, Everyone web page](#). There are simple explainers, webinar links, detailed references and more available there.

If you have any questions about this response, please email us at [info@wheelsforwellbeing.org.uk](mailto:info@wheelsforwellbeing.org.uk).

## Responding to the consultation

We have recommended that respondents email their comments to [mobilitydevices@dft.gov.uk](mailto:mobilitydevices@dft.gov.uk) rather than using the online or downloadable response forms.

We're suggesting this because the online and downloadable response forms have a number of areas where responses are unreasonably restricted, to the extent that we consider the consultation breaches Gunning Principle 2,<sup>2</sup> and fails to meet either Cabinet Office Consultation Principle C<sup>3</sup> or meet civil service questionnaire design guidance, such as "avoid leading questions" and "ask balanced questions"<sup>4</sup>.

For example, the response forms do not allow you to give reasons or examples to support your opinions if you choose certain responses to questions.

So, if you think people using mobility devices should be allowed to use cycle lanes, you can't give your reasons, but if you want people using mobility devices to be excluded from cycle lanes, you're asked for your reasoning.

Other serious issues with the responses form include restricted answer fields. For example, the minimum selectable age for passengers on mobility aids is 1 year. This means respondents cannot give an answer to express that they think the law should allow babies to be carried or otherwise supported by parents/carers who use mobility devices, and encourages respondents to give answers which discriminate against women, who are disproportionately carers, and against people with the "maternity" protected characteristic.

The current consultation effectively values the views of some people over others. Restrictions on people with some opinions but not others providing evidence are inappropriate. The current consultation will obtain biased, unbalanced responses due to both leading consultation contents and question wording, and from restrictions to answering questions if the formal response forms are used.

**Question 1. To what extent do you agree or disagree that these should be the objectives for reviewing the law for powered mobility devices?**

**Strongly disagree**

**Question 2. If you 'disagree' or 'strongly disagree' for any of the 4 objectives, explain what you think our objectives should be for reviewing the law for powered mobility devices?**

If you use the online response form you can **only** answer this question if you disagree or strongly disagree with one or more objectives.

**We strongly disagree with all four objectives**

In line with the Equality Act 2010, the European Convention on Human Rights, the United Nations Declaration on the Rights of Persons with Disabilities and the Mental Capacity Act 2005, we ask that:

The government recognise that everyone has the capacity to make our own decisions including about our own pedestrian, cycling and cycling-equivalent mobility, unless appropriate professionals assess otherwise for a specific individual.

The government recognise and support every individual's right to pedestrian mobility at walking and running speeds, including the right for Disabled people to use unpowered, power-assisted and fully powered mobility aids at pedestrian speeds in pedestrian spaces.

The government recognise and support every individual's right to cycling and cycling-equivalent mobility, including the right for Disabled people to use unpowered, power-assisted and fully powered mobility devices at cycling speeds in spaces where cycling is permitted.

Providing everyone with the right to pedestrian mobility and the right to cycling-equivalent mobility with a least-restrictive, safe and future-proofed definition of mobility aids would remove many of the barriers which are presently restricting Disabled people from obtaining and using appropriate, safe, convenient, cost-effective mobility devices, including obtaining such devices in a timely fashion.

### **Comments on objectives 1 and 2: allow people who need a mobility device to use it and allow greater choice**

#### **We strongly disagree with these objectives**

The consultation document proposes that "Disabled people who clinically need a mobility device should legally be able to use it" and separates people who have a judged "clinical need" for using a mobility aid from Disabled people who need to use mobility aids "to travel easily and with dignity".

We believe these objectives breach the requirements of the Equality Act 2010<sup>5</sup>, in particular s15 – discrimination arising from disability, s19 – indirect discrimination, s20 – the requirement to make anticipatory reasonable adjustments, s21 – failure to make reasonable adjustments, and s149 the Public Sector Equality Duty which requires public bodies including the government to promote equality of access for Disabled people.<sup>6</sup>

The Equality Act requires that all reasonable adjustments are made to provide equality of access for Disabled people and further, that public bodies promote equality of access for Disabled people. Prior professionally-determined "clinical need" for device use is irrelevant.

Using "clinical need" or even just "need" to judge whether people should be permitted to use mobility aids in public spaces would perpetuate existing inequality of access to mobility aids. This would cause ongoing, unnecessary and discriminatory harm to Disabled people's physical and mental health, independence, financial wellbeing, education and employment, relationships and social engagement.

Providing Disabled people with the right to use the mobility aids that we believe best meet our own mobility needs will improve Disabled people's timely and cost-effective access to suitable mobility aids. This will improve Disabled people's physical and mental health, independence, financial wellbeing, education and employment, relationships and social engagement.

The same regulations prohibiting dangerous and antisocial behaviour apply to mobility aid users equally with all other users of public spaces.

## The right to mobility vs “clinical need”

“Clinical need” generally implies that a medical or other healthcare professional should have assessed that a Disabled person has a need for a specific provision or aid. Where “clinical need” is required for permission to use a device or service, current written evidence from medical professionals is typically an essential piece of evidence to gain such permission. Many Disabled people are not able to obtain such evidence, for a wide range of reasons, including long waiting lists, the wide variation in NHS services such as wheelchair services nationwide (the postcode lottery), many NHS services, especially wheelchair services, prescribe on the basis of budgetary constraints rather than clinical need, some NHS wheelchair services expressly prohibit the use of active mobility aids such as handcycles, misdiagnoses, discriminatory healthcare practices, and even due to being unable to get to assessment appointments due to not having adequate mobility aids.

At present, many millions of Disabled people in the UK do not have suitable mobility aids to support basic daily activities, either in our own homes<sup>7</sup> or in our wider community.<sup>8</sup>

Assessment of “clinical” or other “need” and provision of mobility aids via services including NHS wheelchair services<sup>9</sup> and Access to Work<sup>10</sup> or via the Motability scheme<sup>11</sup> is consistently inadequate: The administrative and proof burden placed on Disabled people to demonstrate need is excessive and too often actively hostile. The delays to obtain mobility aids are typically months and often years. Aids which are eventually provided are too often of poor quality, providing badly inadequate function for users.<sup>12</sup> Frequent archaic assumptions and low expectations of Disabled people’s capacity within healthcare and other support services mean that too many Disabled people with limited mobility are assessed as not needing any mobility support at all.

This situation is wildly out of line with governmental expectations of how individuals will participate in society. Governmental expectations include near-continuous participation in activities such as employment, education, attendance at healthcare and benefits appointments and mobility requirements to carry out essential tasks such as caring for dependents and food shopping – none of which can be achieved consistently or at all by many Disabled people without adequate mobility aids. Taking months or years off work or being unable to care for your children is not considered acceptable – yet this is what failure to provide people with suitable mobility aids and other related assistance in a timely and affordable manner is causing.

In addition, assessments of “need” typically only consider an individual’s ability to move alone and unladen for short distances in clinical settings, not allowing for our mobility needs in our real lives, including family and caring needs: For example, no assessment of need presently determines that any Disabled person needs a mobility aid that will allow them to transport children, and yet we know from dozens of Disabled parents and carers that Disabled people frequently need to carry additional people, including babies and children, on our mobility aids or on pushchairs or trailers attached to our mobility aids.<sup>13</sup>

The above points mean that even altering the consultation objective 1 to “need” would continue to encourage public, professional and institutional discrimination against Disabled people who use or would benefit from using mobility aids, including as the harassment and abuse frequently experienced by mobility scooter users.<sup>14</sup>

Further, There is no clear-cut distinction between “clinical need” and “quality of life”, such as consultation objectives 1 and 2 presently suggest. In assuming such a distinction exists, the consultation encourages respondents to assign a lesser importance and worse mobility

rights to Disabled people who have not been assessed, or who have not yet been assessed, as having “clinical need” for their mobility aids.

### **Examples of Disabled people with different levels of mobility who need mobility aids:**

- A non-ambulatory wheelchair user (someone who cannot walk at all) will need to use a wheelchair in their home and outdoors, for essentially all activities which involve moving from place to place.
- A Disabled person who can walk 20-50m at a time, slowly, with significant pain, will need to use a mobility aid such as a wheelchair, mobility scooter or cycle for activities outside their home and possibly use seated aids inside their home, too.
- A Disabled person who can generally walk up to 500m once or twice per day is likely to be able to get around their home and very local area without seated mobility aids, but will still need a wheelchair, mobility scooter, cycle or comparable aid to make longer local journeys, for example to get to their nearest bus stop or local shops.

All these people meet the Equality Act definition of disability and are likely to need a wheelchair or other mobility aid to go to work, to attend school or college, to get around a supermarket or shopping centre, to look after their dependents and to take part in leisure activities.

All these people would suffer worsened physical and mental health, social isolation and worsened economic wellbeing without suitable mobility aids. They would be unable to take part in education, employment, normal daily activities and social activities. They and their family would be likely to need more medical care, social care and direct financial support in future.

**We believe that all these people are protected by the Equality Act and need mobility aids.**

**We believe that all these people should have the right to use any safe, appropriate mobility devices that they choose as their mobility aids, whether or not they have any professional recognition of their need to use mobility aids.**

### **Comments on objectives 3 and 4: protect people’s perceptions of safety and protect people’s safety**

#### **We strongly disagree with these objectives**

- We agree that people should both be safe and feel safe while using public spaces including roads and pavements.
- We believe that Disabled people, including those with sensory, cognitive, mobility impairments and those with health conditions which make collisions or falls more hazardous, need to be given high priority in all assessments of risk and perception of risk, along with others with protected characteristics.

However, we do not think that the current objectives 3 and 4 will achieve better safety for any Disabled people or any non-disabled people using public spaces for a number of reasons.

A persistent attitudinal barrier that Disabled people face is that we are inevitably or disproportionately a risk to ourselves or others when carrying out activities that are considered normal or low risk for non-disabled people. This view appears to have informed the consultation questions which focus on risks of Disabled people using mobility aids which are not proportionate to other groups and which result in discrimination against Disabled people – for example:

1. People routinely underestimate risks and harms caused by motor vehicle use compared to risks and harms from other sources<sup>15</sup>: Continued failure to enable equitable pedestrian and cycling/cycling-equivalent mobility for Disabled people results in more people driving more journeys – including people whose progressive impairments mean they are no longer able to drive safely. This situation is causing deaths and injuries from collisions which could have been prevented.
2. Societal assumptions and the structure of this consultation encourage people to consider only immediate, direct risks arising from mobility aid use, and to ignore wider systemic benefits arising from providing improved rights and access to mobility.<sup>16</sup> For example, with adequate mobility aids that meet our needs, Disabled people are less likely to become physically injured through use of poor-quality aids or lack of aids, and are better able to attend healthcare appointments, care for dependents including children, partners and other family members, attend education and employment, and take part in community activities. Family members of Disabled people who have adequate mobility aids are more likely to be able to remain in work or to work longer hours, meaning families are less likely to experience the serious health consequences of poverty. When Disabled people can access adequate mobility aids, family members, who are often Disabled people ourselves, are less likely to experience manual handling injuries resulting from lifting and manoeuvring, including carrying children using inadequate aids and pushing assistant-propelled wheelchairs.

3. It is worth noting that the UK government recognises the benefits of horse riding and horse driving, and supports inclusion of horse riders in active travel schemes.<sup>17</sup> Anyone is allowed to ride a horse on roads and bridleways or drive a horse-drawn carriage on roads<sup>18</sup>, even though riding and driving horses sometimes results in injuries, including to riders and to others.<sup>19</sup> The benefits of horse riding and horse driving are judged to outweigh the risks to the horse riders and horse drivers, and to others around them.

**We support the right to ride horses on roads, bridleways and restricted byways.**

Horse riding and driving is largely carried out for leisure and exercise, and rarely for essential mobility.

Use of mobility devices is largely for essential mobility, as well as for leisure and exercise.

Giving Disabled people the right to move as pedestrians, cyclists, and using cycling-equivalent devices will carry extremely low risk to both users and others compared to horse riding or driving: Mobility aids do not spook, bolt or kick, have reliable braking systems, can be fitted with additional anti-collision and other safety systems, and are much smaller, lighter and slower than horses.<sup>20</sup> It is simply a matter of basic equity and consistency to provide Disabled people with the right to use a full range of safe mobility aids at pedestrian and cycling speeds in pedestrian and cycling permitted spaces, given the existing right to walk and run, cycle and both ride and drive horses.

4. Autonomous vehicles are being rolled out in London<sup>21</sup> and the Scottish Islands.<sup>22</sup> It is difficult to see how it can possibly be deemed unsafe or inappropriate for all Disabled people to have the right to use small, pedestrian-equivalent low-speed mobility devices in all public spaces given that the government have determined it is reasonable for motor vehicles to control themselves entirely in public spaces.

### **Suggested consultation objectives to provide equal mobility rights and access for Disabled people:**

- 1. To provide equal pedestrian access and mobility rights for Disabled people using a full range of mobility aids at pedestrian speeds in pedestrian spaces.**

To achieve this objective, it must be recognised that Disabled people use a full range of devices as mobility aids, including cycles, e-cycles, micromobility and innovative aids not recognised as mobility aids under current “invalid carriage” laws. Disabled people must have the right to use all these devices at pedestrian speeds in pedestrian spaces, subject to the same laws prohibiting antisocial and dangerous behaviour that apply to all pedestrians.

- 2. To provide equal cycling and cycling-equivalent access and mobility rights for Disabled people using a full range of mobility aids at cycling-equivalent speeds in all cycling-permitted spaces.**

To achieve this objective, it must be recognised that people cycling move at any speed from moderate walking speeds (e.g. someone riding an unpowered cycle towing a laden trailer uphill) to speeds well in excess of permitted maximum powered speeds for e-cycles and e-scooters. We recommend that maximum permitted powered speeds for mobility devices used in public spaces should be aligned with maximum permitted powered speeds for e-cycles and e-scooters.

**Question 3. To what extent do you agree or disagree that an ‘invalid carriage’ should instead be called a ‘mobility device’ in law?**

**Strongly agree.**

**Question 4. If you ‘disagree’ or ‘strongly disagree’, what would be your preferred alternative term?**

If you use the online response form you can **only** answer this question if you answer “disagree” or “strongly disagree” to the previous question.

**We strongly agree with the proposal to change the term “invalid carriage” to “mobility device”.**

The term “invalid carriage” is widely viewed as archaic, derogatory and offensive by Disabled people. Application of the term “invalid” to Disabled people perpetuates stereotyped, inaccurate societal views and encourages discrimination.

In our consultations, we have also found that the term “invalid carriage” is poorly understood, by Disabled and non-disabled people alike, including many who use “invalid carriages” in any of the three classes and “not in class” powered aids. Many Disabled people, including wheelchair users and mobility scooter users, do not realise their devices are classed as “invalid carriages,” and so do not realise “invalid carriage” laws apply to them – for example, some older Disabled people assume the term only refers to 20<sup>th</sup> century “Invacars”.<sup>23</sup>

When the term “invalid carriage” is replaced in law with “mobility device”, consideration must also be given to what term should be used in law to refer to devices of comparable function, speed and size to “invalid carriages” that are used as mobility aids by Disabled people, but which are not included in “invalid carriage” regulations. This term will need to encompass and facilitate the legal use in public spaces of a wide range of devices as mobility aids. Such devices include cycles, e-assist pedal cycles (EAPCs), innovative powered, e-assist and unpowered mobility aids which do not meet “invalid carriage” requirements, and all comparable micromobility devices which may be legalised under the upcoming LZEV framework.

We suggest that the term “mobility aid” could be formally defined to encompass all devices, including assistance animals, which Disabled people use to aid or enable pedestrian movement in pedestrian spaces, and cycling or cycling-equivalent movement in cycling-permitted spaces.<sup>24</sup>

**Question 5. To what extent do you agree or disagree that the description of someone who is permitted to use a powered wheelchair or mobility scooter should be changed to ‘A disabled person, or person with reduced mobility’?**

**Strongly disagree**

**Question 6. If you ‘disagree’ or ‘strongly disagree’, what would be your preferred alternative description?**

If you use the online response form you can **only** answer this question if you respond “disagree” or “strongly disagree” to the previous question.

We call for the restriction of “invalid carriages” to Disabled people only to be removed. We call for new regulations that:

1. Allow Disabled and non-disabled people to use all legal devices.
2. Give pedestrian access rights (including access to public transport) and VAT exemptions **only** to Disabled people using these devices as mobility aids to assist with or replace pedestrian, cycling and cycling-equivalent mobility.

**The restriction of “invalid carriages” to Disabled people only has never been intended to provide improved mobility for Disabled people.**

**The restriction of wheelchair and mobility scooter use to Disabled people and those with restricted mobility brings no benefits, and causes significant harms.**

This restriction was created with the introduction of the “invalid carriage” motor vehicle category in 1930<sup>25</sup>. This was the first vehicle category ever to be restricted to Disabled people only: designers and manufacturers such as Singer, producing the Velociman mobility aid, were keen that their devices should be used by non-disabled as well as Disabled people.<sup>26</sup> The use of unpowered wheelchairs was not restricted to Disabled people only until the Chronically Sick and Disabled Persons’ Act 1970 was passed.

The “invalid carriage” category was created at a time when Disabled people were routinely being institutionalised for life<sup>27</sup>, during the rise of eugenics, and following discussions in parliament that Disabled people, including Deaf people, should be completely prohibited from driving.<sup>28</sup> The restriction was tightened in 1960 to exclude the possibility of multi-person mobility aids.<sup>29</sup> It appears this tightening was intended to save costs, and was made in direct response to Disabled people campaigning during the 1940s and 50s for multi-person aids to be provided by the NHS.

The “invalid carriage” category was extended to include unpowered wheelchairs and more-recently-invented powered wheelchairs and mobility scooters in 1970<sup>30</sup>.

The restriction has not been meaningfully reconsidered in line with the requirements of the Equality Act 2010.

Restricting non-disabled people from using mobility devices is out of line with existing regulations for use of other mobility aids including crutches, rollators and canes, and does not make sense in the context of regulations that apply or are likely to soon apply to use of other comparable devices which are used by both non-disabled people to improve mobility and by Disabled people as mobility aids. Devices used by both Disabled people as mobility aids and by non-disabled people include cycles, e-assist pedal cycles and e-scooters.

### **Who would choose to use “invalid carriages” if the restriction were removed?**

People without mobility-related impairments very rarely use “invalid carriages” simply because if you are non-disabled, walking and running is generally much easier than using a wheelchair or mobility scooter. While “invalid carriages” provide improved mobility and freedom for Disabled users, these aids are often heavy, expensive, and difficult to use, transport, store and maintain. The difficulty of using wheeled aids is exacerbated by poor quality pavements, crossings and roads, barriers including staircases and narrow widths on pedestrian and cycle routes, restrictive regulations which prevent many Disabled people from obtaining and using adequately-functional aids, and harassment and abuse of Disabled people.

Restricting use of “invalid carriages” to Disabled people or those with reduced mobility discourages use of important mobility options by people who would benefit from their use, including people with relevant impairments who do not identify as being Disabled, or who believe they are “not Disabled enough” – or where people in positions of power such as teachers, healthcare staff, police and civil enforcement or employers do not believe a person “really needs” an aid.

This problem applies particularly to people with varying conditions or people who can walk a some distance, but, for example, cannot do so while carrying essential items such as a work or school bag or shopping. It also applies to people who can walk a journey sometimes without experiencing significant harm, but not as often as they need to, not in a timely fashion, or not while accompanying dependants including children.

When multi-user aids are permitted, continuing to restrict aids to Disabled users only will exclude non-disabled people from facilitating Disabled people to make trips using multi-person aids – such as a visual and mobility impaired person being piloted on a tandem mobility scooter to attend a job interview or participate in a community event.

The present restriction already unreasonably prevents non-disabled people from using specific low-speed, low-carbon mobility devices such as mobility scooters to make trips, while arbitrarily permitting use of other directly comparable devices such as e-scooters and e-cycles. This is particularly significant for non-disabled people who may have a temporary injury or health condition that is impacting their mobility, or, for example, someone in the later stages of pregnancy (and it is worth considering that maternity is also a protected characteristic under the Equality Act).

In addition, continuing to restrict use of “invalid carriages” to Disabled people and those with reduced mobility would continue to perpetuate stigma around mobility aid use.

Retaining the rule restricting use of “invalid carriages” to will not prevent fraudulent claims of disability – anyone can already buy a wheelchair or mobility scooter cheaply online, and could claim VAT exemption on their purchase fraudulently too.

### At present:

- Anyone is allowed to choose to use crutches, walking sticks, canes, walking frames and other devices which can be used to support mobility, including prams/pushchairs and dog prams and shopping trolleys;
- Devices similar to mobility scooters including golf buggies and other small electric vehicles are frequently used in private venues such as National Trust properties to transport anyone who finds using such a device helpful, whether or not the person or people regard themselves as Disabled;
- Cycles and e-assist pedal cycles may be used on in many public spaces, and may be pushed across all pedestrian spaces by a person who is walking/running;
- We understand that use of e-scooters and other powered micro-mobility devices in public spaces is likely to be legalised under the upcoming micromobility (LZEV) framework;
- In sharp contrast, use of wheelchairs and mobility scooters on public land including pavements and roads is restricted to Disabled people only.

### **Question 7. Do you currently use a Class 1, 2 or 3 mobility device?**

Response form only allows individual, not organisational, tick-box answers.

Wheels for Wellbeing is a Disabled People's Organisation run by and for Disabled people. We employ, support and campaign for improved rights for people who use, would like to use, or may need to use in future, mobility devices within all current "invalid carriage" classes, "not in class" devices and devices regulated as cycles and EAPCs.

### **Question 8. To what extent do you agree or disagree that the following should be entitled to use on road cycle lanes?**

This question has no partner question requesting reasoning for the answers given for any set of responses. Wider "not in class" mobility devices than just "wheelchair power add-ons" are not included in the question.

- Class 1 mobility devices
- Class 2 mobility devices
- Class 3 mobility devices
- Wheelchair power add-ons

**Strongly agree for all.**

### **Question 9. To what extent do you agree or disagree that the following should be entitled to use off road cycle tracks?**

This question has no partner question requesting reasoning for the answers given for any set of responses. Wider "not in class" mobility devices than just "wheelchair power add-ons" are not included in the question.

- Class 1 mobility devices
- Class 2 mobility devices
- Class 3 mobility devices
- Wheelchair power add-ons

**Strongly agree for all.**

**Question 10. To what extent do you agree or disagree that the current maximum weight limit of a powered mobility device (200kg) reflects the needs of users?**

Online response form only permits questions 11, 12 and 13 to be answered if this question is answered “disagree” or “strongly disagree”.

**Strongly disagree**

**Question 11. Should there be any restrictions on how the increased weight is specified?**

Online response form only permits questions 12 and 13 to be answered if this question is answered “yes”

**Yes**

**Question 12. What restrictions should there be on how the increased weight is specified?**

New mobility device categories are needed to support the above rights of Disabled people to use all suitable mobility devices in all appropriate spaces.

We suggest three device categories could be sufficient, with defined factors including maximum device dimensions, weight and potentially manoeuvrability for each category.

**All devices within these categories that a Disabled person is using for pedestrian mobility, should be legally recognised as mobility aids, providing equal access rights to public and private spaces and to transport for all Disabled people.**

These new categories would provide the right for Disabled people to use devices such as power add-ons, cycles, e-cycles, e-scooters and devices that have not yet been invented as our mobility aids, in all public and private spaces.

**Defining new categories providing rights of access for Disabled people using a much wider range of mobility devices:**

We suggest that Disabled people should have a clearly-defined right to use:

1. **An “everyday device” category in all spaces**, including in homes, all service provider venues, all public transport and all public spaces. This would be the most common device category. It would need to encompass all existing wheelchairs and most mobility scooters, and all other comparable devices when used as mobility aids – including power attachments, handcycle attachments, pedestrian-controlled power-assist devices and smaller cycles, including trikes.

The maximum dimensions for this category should be considerably larger than the existing “reference wheelchair” in PSVAR and RVAR, which is so small that DfT-commissioned research published in 2022 found the size requirements exclude 46% of all wheelchair and mobility scooter users.<sup>31</sup> A large majority of wheelchair and

mobility scooter users, newer powered mobility device users, and most people using bikes and trikes as mobility aids should be included in this category.

2. **A middle category device in all public transport and all public spaces, and to access other spaces as reasonable.** As above, this category must be significantly larger than the existing “reference wheelchair” in PSVAR and RVAR, and must encompass all devices which can be safely manoeuvred onto and off vehicles – current class 1, 2, 3 and “not in class” devices, including all powered aids which meet basic battery/electrical safety requirements – as all MHRA registered medical devices and all legal, visibly undamaged e-cycles do.
3. **An outsize category device in all public spaces, and to access other spaces as reasonable.** This would include people using very large devices as mobility aids, such as non-separable multi-person aids, for example large non-standard cycles and large tandem mobility scooters. Its maximum dimensions for purposes such as using constrained spaces like parking and storage could be aligned to an improved design vehicle based on the existing Cycle Design Vehicle (1.2m wide by 2.8m long), following investigation of width, length, turning and weight criteria which determine an adequate design device size for a large majority of cycle and cycle-equivalent devices used or likely to be used once permitted by Disabled people. Maximum weights for this category should be defined for safety based on harm in case of collisions (kinetic energy), taking into consideration both the maximum speed the device is capable of, and the weight of the device.
4. **The basis for these categories should also be a permissive, rights-based principle:** If the device fits, then it is permitted regardless of what category it falls under. We need an approach that assumes Disabled people have the right use their device in that location rather than the reverse, which is currently the case, where Disabled people have to prove that their device is within permitted boundaries before they are allowed to use it. Where devices fall outside a relevant category, users should still have the right to access spaces where the device can be shown to reasonably and safely fit.

### **Our recommendations regarding weight restrictions:**

Within the suggested device categories in the previous section, we think that:

- There should be no different weight restrictions for people using current class 1, 2 or 3 devices. Existing weight restrictions of 113.4kg for class 1 and 2 aids should be removed. These graded weight restrictions serve no evidenced purpose, and were effectively eliminated in Wales in 2015 through the introduction of equal 200kg weight restrictions when necessary equipment is carried for all “invalid carriage” classes.<sup>32</sup>
  - The 113.4kg class 2 limit discriminates against Disabled children aged under 14, who are not permitted to use class 3 aids but may require aids with functions including longer-life batteries which cause the aid to weigh over 113.4kg.
  - The 113.4kg class 2 limit forces some adult mobility aid users to use class 3 devices, restricting their use of public transport, since class 3 mobility scooters

in particular are routinely not allowed onto buses and other public transport—even where they can safely be manoeuvred onto and off the public transport vehicle.<sup>33</sup>

- Since class 3 powerchairs are allowed onto public transport provided they fit within the “reference wheelchair” dimensions, we believe the default public transport exclusion of people using class 3 mobility scooters is a blunt, inappropriate and discriminatory mechanism intended to exclude larger devices with low manoeuvrability, and which does not adequately account for modern device specifications.<sup>34</sup>
- Class 1 devices very rarely weigh over 30kg, rendering the 113.4kg weight limit entirely pointless. Many manual wheelchairs have unladen weights under 10kg, most have unladen weights under 20kg, and very few weigh over 30kg.<sup>35</sup> Even most cycles including e-assist cycles and tandems weigh less than 25kg. Cargo cycles<sup>36</sup> and disability-specific cycles<sup>37</sup> often weigh 50-70kg, but unladen cycles almost never weigh over 70kg.<sup>38</sup>
- Any weight restrictions for our suggested access rights categories should be specified for laden, not unladen weights:
  - Laden weights of devices determine whether a person using a device will be able to use lifts, ramps and public and private transport vehicles.<sup>39</sup>
  - Laden weights also determine kinetic energy of devices in movement, which affects stopping distances and risk in case of collisions.
  - A small person should not be prevented from having a mobility aid with specific functions which make their aid particularly heavy simply due to unladen weight limits set to allow for much heavier people.
  - We’re aware that at present, larger people are sometimes ending up with devices where the combined weight of the individual, their mobility aid and their equipment/luggage etc is too great for some infrastructure, particularly for temporary access ramps, ramps onto public transport vehicles and lifts. This situation is in part caused by restrictions for devices which only make requirements for unladen, not laden weight. That means this proxy intended to protect larger people isn’t even working to support access rights and safety for larger people. Ensuring better understanding of the importance of laden weights would be far more powerful and helpful.
- Disabled people should be supported, as appropriate, by providers of devices, to understand when they with their devices and any additional equipment and luggage may exceed typical loading maxima for public transport, private vehicles, lifts and ramps – and regulations must ensure that people who need devices with laden weights above infrastructure maxima still have a right to access all spaces which are safe for their use.
- Any unladen weight restrictions deemed appropriate to support a majority of users fitting within the above laden weights for the different device categories should be

provided within produce specifications and standards for manufacturers, not for device use in public spaces.

- Downwards pressure on unladen device weights occurs because manoeuvring devices is much easier when they are lighter. This particularly applies to unpowered devices, but also applies to powered devices since Disabled people and assistants often need to manoeuvre powered devices by hand, using the unpowered freewheel function.
- Upwards pressure on device weights comes from adding functions including improved battery capacity and postural altering options, and to reduce cost of devices through use of cheaper materials and poorer design. Unladen device maximum weights could help discourage manufacturers and suppliers of devices, including the NHS, from providing low-quality, excessively heavy devices. This could help ensure Disabled people are able to access all spaces equally with non-disabled people.
- We must ensure that the intersection of mobility aid regulations with regulations for buildings, public spaces and public transport elements such as ramps and lifts is developed and improved to meet all Disabled people's needs. For example, modern lifts typically weigh passengers and will not move if the weight limit – usually 400kg for communal residential lifts<sup>40</sup> – is exceeded. It is easy to see how a larger Disabled person who needs to use a heavier powerchair and have an assistant with them at all times, can easily reach or exceed a 300kg ramp limit or 400kg lift capacity, especially if they also have some personal items or shopping with them. Minimum safe loads for temporary access ramps and public transport ramps should presently be at least 300kg, but often temporary works access ramps in particular have much lower stated capacities. Consideration of rescue and recovery facilities is also needed: for example, what design features or recovery devices are required to ensure that occupied and unoccupied mobility aids of different laden and unladen weights can be righted if they tip over, without serious risk to the Disabled user of the device and to assistants?

### **Question 13. Why do you think this? Include any evidence to support your reasons**

Laden weights determine whether a Disabled person can safely use important infrastructure such as ramps and lifts, and vehicles including private cars/vans, taxis and buses.

Current regulations limit unladen weights of devices. This is a fairly crude but still important way to limit laden weights of devices.

Practical factors such as the need to manually manoeuvre devices, right devices which have tipped over and the need to fit devices into vehicles means that Disabled people will always provide pressure to reduce unladen weights of our aids. Unladen device weight limits help ensure manufacturers improve designs and materials so as many people as possible can access devices which mean the device and any equipment or luggage they may be carrying remain under weight limits for important infrastructure like lifts, and ensures that wheelchair services cannot provide unreasonably heavy devices.

## Our recommendations regarding weight restrictions:

Within the suggested device categories in the previous section, we think that:

- There should be no different weight restrictions for people using current class 1, 2 or 3 devices. Existing weight restrictions of 113.4kg for class 1 and 2 aids should be removed. These graded weight restrictions serve no evidenced purpose, and were effectively eliminated in Wales in 2015 through the introduction of equal 200kg weight restrictions when necessary equipment is carried for all “invalid carriage” classes.<sup>41</sup>
  - The 113.4kg class 2 limit discriminates against Disabled children aged under 14, who are not permitted to use class 3 aids but may require aids with functions including longer-life batteries which cause the aid to weigh over 113.4kg.
  - The 113.4kg class 2 limit forces some adult mobility aid users to use class 3 devices, restricting their use of public transport, since class 3 mobility scooters in particular are routinely not allowed onto buses and other public transport.<sup>42</sup>
  - Since class 3 powerchairs are allowed onto public transport provided they fit within the “reference wheelchair” dimensions, we believe the default public transport exclusion of people using class 3 mobility scooters is a blunt, inappropriate and discriminatory mechanism intended to exclude larger devices with low manoeuvrability, and which does not adequately account for modern device specifications.<sup>43</sup>
  - Class 1 devices very rarely weigh over 30kg, rendering the 113.4kg weight limit entirely pointless. Many manual wheelchairs have unladen weights under 10kg, most have unladen weights under 20kg, and very few weigh over 30kg.<sup>44</sup> Even most cycles including e-assist cycles and tandems weigh less than 25kg. Cargo cycles<sup>45</sup> and disability-specific cycles<sup>46</sup> often weigh 50-70kg, but unladen cycles almost never weigh over 70kg.<sup>47</sup>
- Any weight restrictions for our suggested access rights categories should be specified for laden, not unladen weights:
  - Laden weights of devices determine whether a person using a device will be able to use lifts, ramps and public and private transport vehicles.<sup>48</sup>
  - Laden weights also determine kinetic energy of devices in movement, which affects stopping distances and risk in case of collisions.
  - A small person should not be prevented from having a mobility aid with specific functions which make their aid particularly heavy simply due to unladen weight limits set to allow for much heavier people.
  - We’re aware that at present, larger people are sometimes ending up with devices where the combined weight of the individual, their mobility aid and their equipment/luggage etc is too great for some infrastructure, particularly for temporary access ramps, ramps onto public transport vehicles and lifts. This situation is in part caused by restrictions for devices which only make

requirements for unladen, not laden weight. That means this proxy intended to protect larger people isn't even working to support access rights and safety for larger people. Ensuring better understanding of the importance of laden weights would be far more powerful and helpful.

- Disabled people should be supported, as appropriate, by providers of devices, to understand when they plus their devices and any additional equipment and luggage may exceed typical loading maxima for public transport, private vehicles, lifts and ramps.
- Any unladen weight restrictions deemed appropriate to support a majority of users fitting within the above laden weights for the different device categories should be provided within produce specifications and standards for manufacturers, not for device use in public spaces.
- Downwards pressure on unladen device weights occurs because manoeuvring devices is much easier when they are lighter. This particularly applies to unpowered devices, but also applies to powered devices since Disabled people and assistants often need to manoeuvre powered devices by hand, using the unpowered freewheel function.
- Upwards pressure on device weights comes from adding functions including improved battery capacity and postural altering options, and to reduce cost of devices through use of cheaper materials and poorer design. Unladen device maximum weights could help discourage manufacturers and suppliers of devices, including the NHS, from providing low-quality, excessively heavy devices. This could help ensure Disabled people are able to access all spaces equally with non-disabled people.
- We must ensure that the intersection of mobility aid regulations with regulations for buildings, public spaces and public transport elements such as ramps and lifts is developed and improved to meet all Disabled people's needs. For example, modern lifts typically weigh passengers and will not move if the weight limit – usually 400kg for communal residential lifts<sup>49</sup> – is exceeded. It is easy to see how a larger Disabled person who needs to use a heavier powerchair and have an assistant with them at all times, can easily reach or exceed a 300kg ramp limit or 400kg lift capacity, especially if they also have some personal items or shopping with them. Minimum safe loads for temporary access ramps and public transport ramps should presently be at least 300kg, but often temporary works access ramps in particular have much lower stated capacities. Consideration of rescue and recovery facilities is also needed: for example, what design features or recovery devices are required to ensure that occupied and unoccupied mobility aids of different laden and unladen weights can be righted if they tip over, without serious risk to the Disabled user of the device and to assistants?

**Question 14. To what extent do you agree or disagree that powered mobility devices should be allowed to go faster than 8mph on the road?**

Strongly agree

**Question 15. To what extent do you agree or disagree that powered mobility devices should be allowed to go faster than 8mph in cycle lanes?**

Strongly agree

**Question 16. If you 'strongly agree' or 'agree' with the above, what do you think the top speed limit should be?**

This section is a free text field on the response form which is likely only accessible to people who have answered "agree" or "strongly agree" to one of the previous two questions.

- 1. Maximum powered speeds for all devices permitted to be used in public spaces should be aligned with existing e-scooter and/or e-cycle maximum permitted powered speeds for public space use, to ensure equality between Disabled and non-disabled people.** E-cycles and government trial scheme e-scooters presently have maximum powered speeds of 15.5mph. Class 3 devices presently have maximum powered speeds permitted in public spaces of 8mph, although some existing devices have already been product safety tested under existing British Standard BS EN 12184:2022 to 20kph (12.4mph) safe maximum powered speed.  
Failure to increase maximum powered speeds permitted for devices largely or entirely used by Disabled people to the maximum powered speeds already permitted for other very comparable devices intended largely for use by non-disabled people would be discriminatory under the Equality Act 2010, and would fail to meet the requirement of the Mental Capacity Act 2005 to presume people have capacity unless appropriate assessments demonstrate otherwise.<sup>50</sup>
- 2. Maximum powered speeds for highways and public spaces use are a separate consideration from maximum powered device speeds that are determined by product safety testing and certification.** Product safety testing and certification requirements already set different safe maximum powered speeds for some devices or categories of devices – presently up to 20kph, 12.4mph for powered wheelchairs and mobility scooters under BS EN 12184:2022<sup>51</sup>. Maximum powered speeds in both highways regulations and product safety regulations are also distinct from lower maximum powered speeds that some users (or, as required, appropriate designated supporters such as parents/carers) already choose to set for their own devices, to meet our own needs.

3. **Acceleration rather than motor power should be investigated as an improved measure to ensure device inclusivity and safety.** At present, “invalid carriages” have a low 8mph maximum device speed and no set maximum motor power. In contrast, e-cycles and e-scooters have a 15.5mph maximum powered speed, almost double that of class 3 “invalid carriages”, with set maximum continuous rated motor powers as a proxy measure to limit acceleration.

This approach made sense when computing limitations meant there were no practical ways to directly limit acceleration for e-cycles. In the 43 years since the legalisation of e-cycles,<sup>52</sup> there have been computing hardware and software improvements that mean it is now simple to limit acceleration directly. There have also been motor improvements which mean peak motor outputs are increasingly different from continuous rated motor power – some 250W rated e-cycle motors now perfectly legitimately have peak power outputs above 600W.<sup>53</sup>

Limiting acceleration directly rather than restricting motor power would have a range of advantages. In particular:

- a. Limiting acceleration directly would help ensure devices remain safe for use around other people, particularly for use in busy situations: Lightweight devices including power attachments, e-scooters and small e-cycles with high peak motor power are sometimes able to accelerate extremely rapidly, which increases risk of collisions especially in complex and busy locations such as road crossings;
- b. Aligning regulations for current “invalid carriages” and comparable devices with new micromobility (LZEV) regulations would be made much simpler, and setting safe parameters for micromobility devices would be made simpler too;
- c. Defining limits for acceleration rather than motor power would allow higher motor power options for devices such as e-handcycles and other e-assist cycles used by Disabled people: 250W continuous rated power motors are frequently insufficient to support Disabled cyclists and particularly handcyclists to go up hills and to make uphill starts at junctions and other high-risk locations.

**Question 17. What additional safeguards, if any, do you think should be introduced for individuals using powered mobility devices capable of speeds above 8mph, to help ensure their safety and the safety of others?**

Many devices regulated in the UK as “invalid carriages” are already safety-tested and certified for maximum powered speeds of 20kph, 12.4mph under the main British Standard for powered mobility devices, BS EN 12184:2022,<sup>54</sup> while e-cycles of all kinds, including trikes with the same footprints and stability issues as mobility scooters and powerchairs have had permitted maximum powered speeds of 15mph (now 15.5mph, 25kph) since 1983.<sup>55</sup>

The 1983 Electrically Assisted Pedal Cycles Regulations set maximum powered speeds of 15mph 5 years before the class 3 “invalid carriage” was introduced in 1988.<sup>56</sup>

These facts make it quite clear that the lower maximum permitted speeds for “invalid carriages” always were and are a legacy of discrimination towards Disabled people, with everyone who may need to use a mobility aid being assumed by default to lack the capacity to make appropriate decisions about how fast to move. This ongoing situation breaches the Mental Capacity Act 2005 and the Equality Act 2010.

Mobility aid regulations must change.

### Providing for mobility justice and equality through new mobility device regulations:

1. **Least-restrictive regulations.** To meet the requirements of the Equality Act 2010,<sup>57</sup> the Human Rights Act 1998<sup>58</sup>, the Mental Capacity Act 2005,<sup>59</sup> and the UNCRPD, it is essential to implement least-restrictive and future-proofed regulations which allow Disabled people to mobilise in the manner we deem most appropriate for our needs. Only restrictions and restriction parameters that can be demonstrated through clear evidence as being required for the safety of device users and others must be implemented.
2. **Presumption of capacity:** The Mental Capacity Act 2005 requires that we assume everyone has capacity to make their own decisions, except where an individual is assessed by appropriate professionals as not having this capacity (and for children, where we hold parents/carers responsible for the safety and safe behaviour of a child).
3. **Anticipatory requirement to make reasonable adjustments:** The Equality Act 2010 requires that all reasonable adjustments are made to ensure Disabled people have equal access to mobility and journey-making compared to non-disabled people, and that participation of Disabled people in society is actively promoted and supported.<sup>60</sup>
4. **Unreasonable restrictions:** It is unreasonable and discriminatory to restrict any features for device categories intended for use by Disabled people to a greater extent than the same features are restricted within comparable device categories largely intended for use by non-disabled people. At present, “invalid carriages” are subject to far tighter restrictions on passengers, towing and maximum speeds than comparable cycles, e-cycles and e-scooters (in trial schemes). This consultation in addition asks for opinions on additional potential restrictions, such as age of passengers and requirements for restraints, which are not required and are not being proposed for comparable use of e-cycles and which add a further layer of discriminatory restrictions to Disabled people’s lives, for example, suggesting an age specification for children that a Disabled parent/carer is permitted to carry with them.

### We suggest the following rights, responsibilities and requirements should be applied to all mobility aid users:

1. **Right to pedestrian mobility:** Disabled people must be regarded in law as pedestrians while using our chosen unpowered, powered and e-assist mobility aids at pedestrian speeds in all pedestrian spaces, including footpaths and footways. The right to use pedestrian spaces at pedestrian speeds only currently applies only to class 1, 2 and 3 “invalid carriages”. This right must be extended to all devices (within reasonable bounds, see below and our responses regarding weight limits in

questions 10-13) used as mobility aids by Disabled people at pedestrian speeds, including wheelchair power attachments and cycles of all kinds. The right to pedestrian mobility must also include the equivalent to running speed for Disabled people in all appropriate spaces, including to enable us to escape from danger or to prevent harm to another, such as a child.

2. **Right to cycling and cycling-equivalent mobility:** Disabled people must have the right to use our chosen unpowered, powered and e-assist mobility aids at cycling or cycling-equivalent speeds in all cycle-permitted spaces, including cycle tracks, cycle lanes, bridleways, restricted byways, bus lanes and road carriageways (except restricted roads such as motorways). To achieve this, existing laws restricting “invalid carriage” users to 4mph only on bridleways, cycle tracks and restricted byways and restricting use of cycle lanes and bus lanes for “invalid carriage” users (but not for cyclists) must be altered.
3. **Right to recognition of devices as mobility aids:** Disabled people’s mobility aids used to assist with or replace walking and which are within comparable dimensions and functions when compared to existing wheelchairs, mobility scooters, cycles and e-cycles (including all non-standard cycle types) must have legal recognition and protection as mobility aids.
4. **Reasonable limitation to pedestrian access right:** This right of pedestrian access for people using these devices should apply only when the device is used at pedestrian speeds and only when used by a person who cannot reasonably dismount and push the device while walking.
5. **Regulations prohibiting dangerous and antisocial behaviour by all pedestrians, cyclists and public space users apply equally to mobility aid users.** Appropriate safe space education should be provided for all public space users. Antisocial and dangerous behaviour can and should be subject to appropriate civil or criminal enforcement as required.
6. **Maximum powered speeds for all devices permitted to be used in public spaces should be aligned with existing e-scooter and/or e-cycle maximum permitted powered speeds for public space use.** E-cycles and government trial scheme e-scooters presently have maximum powered speeds of 15.5mph. Class 3 devices presently have maximum powered speeds permitted in public spaces of 8mph, although some existing devices have already been product safety tested under existing British Standard BS EN 12184:2022 to 20kph (12.4mph) safe maximum powered speed.  
Failure to increase maximum powered speeds permitted for devices largely or entirely used by Disabled people to the maximum powered speeds already permitted for other very comparable devices intended largely for use by non-disabled people would be discriminatory under the Equality Act 2010, and would fail to meet the requirement of the Mental Capacity Act 2005 to presume people have capacity unless appropriate assessments demonstrate otherwise.
7. **Maximum powered speeds for highways and public spaces use are a separate consideration from maximum powered device speeds that are determined by product safety testing and certification.** Product safety testing and certification

requirements already set different safe maximum powered speeds for some devices or categories of devices – presently up to 20kph, 12.4mph for powered wheelchairs and mobility scooters under BS EN 12184:2022<sup>61</sup>. Maximum powered speeds in both highways regulations and product safety regulations are also distinct from lower maximum powered speeds that some users (or, as required, appropriate designated supporters such as parents/carers) already choose to set for their own devices, to meet our own needs.

8. **Acceleration rather than motor power should be investigated as an improved measure to ensure device inclusivity and safety.** At present, “invalid carriages” have a low 8mph maximum device speed and no set maximum motor power. In contrast, e-cycles and e-scooters have a 15.5mph maximum powered speed, almost double that of class 3 “invalid carriages”, with set maximum continuous rated motor powers as a proxy measure to limit acceleration.

This approach made sense when computing limitations meant there were no practical ways to directly limit acceleration for e-cycles. In the 43 years since the legalisation of e-cycles,<sup>62</sup> there have been computing hardware and software improvements that mean it is now simple to limit acceleration directly. There have also been motor improvements which mean peak motor outputs are increasingly different from continuous rated motor power – some 250W rated e-cycle motors now perfectly legitimately have peak power outputs above 600W.<sup>63</sup>

Limiting acceleration directly rather than restricting motor power would have a range of advantages. In particular:

- a. Limiting acceleration directly would help ensure devices remain safe for use around other people, particularly for use in busy situations: Lightweight devices including power attachments, e-scooters and small e-cycles with high peak motor power are sometimes able to accelerate extremely rapidly, which increases risk of collisions especially in complex and busy locations such as road crossings;
- b. Aligning regulations for current “invalid carriages” and comparable devices with new micromobility (LZEV) regulations would be made much simpler, and setting safe parameters for micromobility devices would be made simpler too;
- c. Defining limits for acceleration rather than motor power would allow higher motor power options for devices such as e-handcycles and other e-assist cycles used by Disabled people: 250W continuous rated power motors are frequently insufficient to support Disabled cyclists and particularly handcyclists to go up hills and to make uphill starts at junctions and other high-risk locations.

9. **Current restrictions on passengers and towing must be removed** from all unpowered, e-assist and fully powered mobility devices.

Current restrictions on carrying passengers and towing are preventing Disabled parents and carers from making journeys comparable to non-disabled pedestrians and cyclists, based on discriminatory and outdated assumptions which, at best, assume Disabled people using devices comparable to pushchairs, assistant-propelled manual wheelchairs, child-carrying cycles and cycle towing options are a risk to ourselves and others in a way that non-disabled people are not.

We recommend that regulations on passengers and towing should be aligned with current pedestrian requirements for pedestrian-speed movement, i.e. permission for carrying passengers as the device user determines, just as a walking or running person can choose to carry others, assist someone using a manual wheelchair, pull a hand trailer carrying children or luggage, or push a pushchair or shopping cart. We recommend that regulations on passengers and towing should be aligned with current cycle requirements for cycling-equivalent movement, i.e. that passengers should be permitted provided the device is constructed or adapted for these passengers,<sup>64 65</sup> and towing or carrying luggage should be permitted unless the way cargo is being carried is reckless or dangerous to others.<sup>66</sup>

- 10. Current disability/impairment requirements should be removed from all devices currently regulated as “invalid carriages”.** People without mobility-related impairments very rarely use “invalid carriages” simply because if you are non-disabled, walking and running is generally much easier than using a wheelchair or mobility scooter. While “invalid carriages” provide improved mobility and freedom for Disabled users, these aids are often heavy, expensive, and difficult to use, transport, store and maintain. Most of the public and private realm is also designed for use by people who can stand and walk, and therefore mobility aids provide some access, but not the same ease of access as non-disabled people enjoy. The difficulty of using wheeled aids is exacerbated by poor quality pavements, crossings and roads, barriers including staircases and narrow widths on pedestrian and cycle routes, and restrictive regulations which prevent many Disabled people from obtaining and using adequately-functional aids, and harassment and abuse of Disabled people. Restricting use of “invalid carriages” to Disabled people or those with reduced mobility discourages use of important mobility options by people who would benefit from their use, including people who are pregnant or have a temporary injury as well as those with relevant impairments who do not identify as being Disabled, or who believe they are “not Disabled enough” – or where people in positions of power such as teachers, healthcare staff, police and civil enforcement or employers do not believe a person “really needs” an aid. This problem applies particularly to people with fluctuating conditions and those who can walk some distance, but, for example, cannot do so while carrying essential items such as a work or school bag or shopping. It also applies to people who can walk a journey sometimes without experiencing significant harm, but not as often as they need to, not in a timely fashion, or not while accompanying dependants including children. When multi-user aids are permitted, continuing to restrict aids to Disabled users only will exclude non-disabled partners, friends, and family members and assistants from supporting Disabled people to make trips using multi-person aids. For example, someone who is visually and mobility impaired will need a pilot for a tandem mobility scooter to enable them to attend a job interview or community event. The present restriction already unreasonably prevents non-disabled people from using specific low-speed, low-carbon mobility devices such as mobility scooters to make trips, while arbitrarily permitting use of other directly comparable devices such as e-scooters and e-cycles. In addition, the continuing to restrict use of “invalid carriages” to Disabled people and those with reduced mobility would continue to perpetuate stigma around mobility aid use.

Retaining the rule restricting use of “invalid carriages” to will not prevent fraudulent claims of disability – anyone can already buy a wheelchair or mobility scooter cheaply online, and could claim VAT exemption on their purchase fraudulently too.

11. **Current age restrictions (14+) should be removed** from all powered and e-assist devices which have cycle-comparable maximum speeds. Current regulations mean that children who need power or power-assistance to move are restricted to moving at 4mph maximum speed until they are 14 years old. This prevents children from participating in expected childhood activities including making typical journeys with friends, family and alone. For example, the current rules prevent secondary school-age Disabled children from cycling or using cycling-equivalent mobility options to get to and from school, and from “running” outdoors with friends.<sup>67</sup>
12. **Brake testing requirements should be modelled on the current e-scooter trial scheme requirements**<sup>68</sup>. This simple set of requirements for stopping distances can allow easy testing of devices in real-world conditions, ensuring that all devices can stop safely.
13. **Lights, reflectors, horns and mirrors requirements should be aligned with existing cycle requirements**,<sup>69</sup> requiring front and rear lights to be used only at night, no brake lights and no indicators (unless users wish to install these). It is not reasonable to require people using any pedestrian or cycling-equivalent mobility device to have features such as brake lights, horns, indicators and mirrors which are equivalent to motor vehicles and which people using very comparable cycles do not need to have.

The existing class 3 lighting, mirror and horn requirements are an outdated legacy from the old “invalid carriage” class created in 1930. These “invalid trikes” are incontrovertibly motor vehicles, and are presently are regulated as motor trikes. They have top speeds above 30mph, have only ever been permitted to be used on roads and their users have always required a driving licence.

Where mobility aid users want to have additional non-mandatory features such as brake lights, indicators and rear-view mirrors, this should continue to be allowed – as it currently is for people using cycles of all kinds.
14. **All regulations and mandatory product standards must be clearly written, easy to find and freely available in accessible formats.** Present confusion about what mobility aid regulations and standards require are putting Disabled people at physical and legal risk and reducing mobility options.<sup>70</sup>
15. **There must be no tests, training or impairment-based requirements for mobility aid use** (including but not limited to cognitive and sight testing): Introducing skills tests or minimum cognitive and/or visual requirements for use of unpowered, e-assist and fully powered mobility devices of all kinds is regularly suggested as a “safety” measure. Such measures would be discriminatory. The consequences would cause serious harm to many Disabled and non-disabled people – including people who do not use mobility aids.
  - a. **Comparable modes of mobility including walking/running and cycling are not subject to any testing, training or impairment-based requirements.** This means that applying such requirements to use of mobility

aids which provide pedestrian and cycling-equivalent mobility would be discriminatory under the Equality Act 2010, including by implicitly assuming Disabled people lack the capacity to choose pedestrian and cycling-equivalent mobility until we have proven we have such capacity, contravening the Mental Capacity Act 2005 s1.

- b. **Exclusion from pedestrian mobility:** Requiring tests for use of unpowered, e-assist or fully powered mobility aids would exclude some Disabled people from all pedestrian-equivalent mobility and would cause severe harm through removal of mobility – including preventing Disabled people from leaving their home or attending healthcare, education and employment, essential appointments such as benefits and other needs assessments, caring for ourselves and family members, and taking part in our communities and wider society.
- c. **Failure to consider benefits of mobility:** Societal assumptions and the structure of this consultation encourage people to consider only immediate, direct risks arising from mobility aid use, and to ignore wider systemic benefits arising from providing improved rights and access to mobility.<sup>71</sup> For example, with adequate mobility aids that meet our needs, Disabled people are less likely to become physically injured through use of poor-quality aids or lack of aids, and are better able to attend healthcare appointments, care for dependents including children, partners and other family members, attend education and employment, and take part in community activities. Family members of Disabled people who have adequate mobility aids are more likely to be able to remain in work or to work longer hours, meaning families are less likely to experience the serious health consequences of poverty. When Disabled people can access adequate mobility aids, family members, who are often Disabled people ourselves, are less likely to experience manual handling injuries resulting from lifting and manoeuvring, including carrying children using inadequate aids and pushing assistant-propelled wheelchairs.
- d. **Current discriminatory guidance:** Existing government guidance says “you should be able to read a car’s registration number from a distance of 12.3 metres” for class 2 and 3 device users. This is, we believe, both incorrect and inappropriate. The guidance also states that “you can be prosecuted if you have an accident because of poor eyesight”. This is inappropriately threatening: the same thing could be said of a pedestrian who recklessly ran into another person and injured them while looking the wrong way. Blind and visually impaired people can and do safely use powerchairs, mobility scooters and a range of solo and multi-person cycles. Different Blind and visually impaired people using mobility aids may use no sight-relevant aids, or may use aids such as long canes, guide dogs, human assistants, or technological assistance devices for navigation and hazard avoidance, depending on their specific needs. We are increasingly seeing autonomous and hazard-avoidant motor vehicles being welcomed into our public spaces. Mobility aids with comparable features should be part of a full range of human-scale powered and unpowered mobility devices which are welcomed into our pedestrian, cycling and cycling-equivalent mobility landscape.

**16. Voluntary participation in high-quality, accessible training, support and education on safe use of public spaces and device-specific training should be offered and available to all..** It should include training in use of wheeled mobility devices, and improved availability of habilitation training and other support offers for ambulatory Disabled people, including Blind/VI and learning-Disabled people who presently often cannot access adequate support for journey-making. Participation in any skills training must be voluntary and determined by the Disabled person. Participation must never be used as a gatekeeping mechanism by professionals or services to restrict access to mobility aids.

**Question 18. To what extent do you agree or disagree that users of mobility devices on the road should be at least 14 years old?**

**Strongly disagree.**

**Question 19. In your view, what should be the minimum age for users of mobility devices (in years)?**

**There is currently no minimum age for users of unpowered or powered mobility devices:** people of all ages are permitted to use class 1 and 2 “invalid carriages”, and unpowered cycles on any infrastructure that these devices may be legally used, including road carriageways.<sup>72</sup>

**There must continue to be no minimum age for users of unpowered or powered mobility devices, including unpowered cycles.**

The present minimum age 14 restrictions on use of e-assist pedal cycles and class 3 “invalid carriages” should be removed.

To align with government targets and initiatives to encourage physical activity including active travel to school and obesity reduction for children,<sup>73</sup> Disabled children and adults should be permitted to use unpowered and powered mobility devices with maximum permitted powered speeds aligned with maximum permitted powered speeds for e-assist pedal cycles and/or e-scooters. This change would allow Disabled children and adults to use powered devices with top powered speeds up to 15.5mph, dependent upon the speeds they (and parents/carers for children, and supporters for adults assessed as lacking capacity) assess as appropriate for the individual.

Parents and carers should continue to be held responsible for a child’s safety and behaviour while using a powered mobility device, just as parents and carers are already held responsible for all areas of a child’s behaviour and safety, including in regulations as diverse as seatbelt-wearing and school attendance.

Disabled children using wheeled or other mobility devices should have the same rights as all other pedestrians when engaging in pedestrian and cycling-equivalent movement. In the UK, people of all ages including children have the right to use the road when cycling.

Disabled children should have the right to access equivalent mobility options to their non-disabled peers. This includes equivalent mobility options for walking, running, scooting and cycling. For many Disabled children, above-walking-speed mobility requires power assistance some or all of the time.

The UK has no age restriction on use of the road for pedestrians and cyclists, and no “jaywalking” laws. People of all ages have the right to walk, run, and cycle on UK roads. The right to use roads as a pedestrian and cyclist is essential for both Disabled and non-disabled people’s mobility, especially as many roads either do not have pavements and/or

cycle tracks, or have pavements/cycle tracks that are obstructed and/or of such poor quality that they are not safe, accessible or usable for many people.

We understand that there are no current restrictions on people using class 1, 2 or 3 “invalid carriages” on roads except for roads where all pedestrian access is prohibited, such as motorways.<sup>74</sup>

It is our understanding that the government’s current guidance which states “To drive on the road, your vehicle must be a powered wheelchair or mobility scooter in ‘class 3’ or not in a class. It must have: a maximum speed of at least 8mph...”<sup>75</sup> is incorrect, and the implicit threat that “you could be stopped by the police if your mobility scooter or powered wheelchair does not have these features” not only fails to recognise that all users of powered devices and cycles of any kind must stop if required to by a uniformed police officer or traffic officer,<sup>76</sup> but is incorrect, because most of the requirements for class 3 devices do not apply to class 2 devices. The guidance further does not acknowledge that class 3 devices may be set to maximum speeds below 8mph. This guidance does not align with the Highway Code,<sup>77</sup> which has only advisory “rules” regarding use of pavements for mobility device users, directly comparable to the advisory “rules” for pedestrians, and contains no relevant references to legislation. The information provided in documentation for this consultation largely extends the incorrect government advice, stating, we believe incorrectly, that neither class 1 nor class 2 “invalid carriages” may be used on roads unless there is no footway or to cross the road.<sup>78</sup>

**Introducing any age restrictions on cycles, unpowered mobility devices and class 2 mobility devices would be completely unjustifiable, harmful and discriminatory: It would remove all pedestrian mobility options from a huge number of Disabled children, and would remove independent journey-making and physical exercise options from a huge number of Disabled children – including activities such as cycling to school, which the government is promoting and funding in line with carbon reduction and health targets.<sup>79</sup>**

The current minimum age 14 limit on use of EAPCs and class 3 “invalid carriages” prevents many Disabled children from moving at above walking speed until they turn 14. Due to most “off-road” devices being in class 3 and frequently being above the maximum class 2 weight restriction in England and Scotland of 113.4kg, the age 14 restriction also limits Disabled children’s ability to access devices which are usable on unmade surfaces including grass, mud, sand and snow – surfaces on which all children are typically expected to play. The age restriction therefore seriously restricts play, socialising, learning and independence for many Disabled children, and is not aligned with comparable regulations in many other countries<sup>80</sup>.

**Question 20. Do you agree or disagree that an additional passenger should be permitted on a mobility device?**

Only responses “strongly agree” and “agree” to this question allow questions 21 and 22 to be answered to be answered.

**Strongly agree**

**Question 21. Which of the following conditions, if any, should be applied for an additional passenger to be carried on a mobility device?**

- the passenger has a seat
- the passenger is secured in position
- the passenger is necessary for that person’s mobility
- the passenger is a child
- the passenger is over a certain age
- another restriction

Any number of passengers or riders should be permitted on any mobility device, provided that it is constructed or adapted for safe carriage of that number of people.

There must be no additional requirements applied regarding carriage of passengers. There must be no requirement for passengers to have a seat, be secured in position, be necessary for a Disabled person’s mobility, be a child, be over a specific age, or any other unevidenced criteria which are not applied to users of comparable devices such as cycles and e-assist cycles.

Many devices regulated in the UK as “invalid carriages” are already safety-tested and certified for maximum powered speeds of 20kph, 12.4mph under the main British Standard for powered mobility devices, BS EN 12184:2022,<sup>81</sup> while e-cycles of all kinds, including trikes with the same footprints and stability issues as mobility scooters and powerchairs have had permitted maximum powered speeds of 15mph (now 15.5mph, 25kph) and have been permitted to tow trailers and carry any number of passengers since 1983.<sup>82</sup>

The 1983 Electrically Assisted Pedal Cycles Regulations set maximum powered speeds of 15mph 5 years before the class 3 “invalid carriage” was introduced in 1988.<sup>83</sup>

These facts make it quite clear that the present disproportionate restrictions applied to “invalid carriages” compared to other comparable devices always were and are still simply a legacy of discrimination towards Disabled people, with everyone who may need to use a mobility aid being assumed by default to lack capacity. This ongoing situation breaches the Mental Capacity Act 2005 and the Equality Act 2010.

Mobility aid regulations must change.

## Providing for mobility justice and equality through new mobility device regulations:

5. **Least-restrictive regulations.** To meet the requirements of the Equality Act 2010,<sup>84</sup> the Human Rights Act 1998<sup>85</sup>, the Mental Capacity Act 2005,<sup>86</sup> and the UNCRPD, it is essential to implement least-restrictive and future-proofed regulations which allow Disabled people to mobilise in the manner we deem most appropriate for our needs. Only restrictions and restriction parameters that can be demonstrated through clear evidence as being required for the safety of device users and others must be implemented.
6. **Presumption of capacity:** The Mental Capacity Act 2005 requires that we assume everyone has capacity to make their own decisions, except where an individual is assessed by appropriate professionals as not having this capacity (and for children, where we hold parents/carers responsible for the safety and safe behaviour of a child).
7. **Anticipatory requirement to make reasonable adjustments:** The Equality Act 2010 requires that all reasonable adjustments are made to ensure Disabled people have equal access to mobility and journey-making compared to non-disabled people, and that participation of Disabled people in society is actively promoted and supported.<sup>87</sup>
1. **Unreasonable restrictions:** It is unreasonable and discriminatory to restrict any features for device categories intended for use by Disabled people to a greater extent than the same features are restricted within comparable device categories largely intended for use by non-disabled people. At present, “invalid carriages” are subject to far tighter restrictions on passengers, towing and maximum speeds than comparable cycles, e-cycles and e-scooters (in trial schemes). This consultation in addition asks for opinions on additional potential restrictions, such as age of passengers and requirements for restraints, which are not required and are not being proposed for comparable use of e-cycles and which add a further layer of discriminatory restrictions to Disabled people’s lives, for example, suggesting an age specification for children that a Disabled parent/carer is permitted to carry with them.

## Providing mobility equality through implementing the right for Disabled people to transport family members, friends and assistants using our mobility devices

1. **Model new mobility device regulations on cycle towing and passenger regulations:** We regard current cycle regulations on passengers and towing to demonstrate good least-restrictive regulatory practice in this area.
2. **Passenger-carrying and cargo-carrying mobility devices and attachments for mobility devices** such as child seats, trailers and mobility device “trains” comparable to adult-child cycle towbars should be permitted. This would align mobility device regulations with existing passenger, additional rider and cargo-carrying rules for cycles, including trailer rules for cycles.
3. **Disabled people of all ages need to carry family members and friends of all ages on our mobility aids** in order to make journeys – from Disabled parents of newborn babies to elderly Disabled partners, parents/carers and friends.

4. **Non-disabled people need to travel with Disabled people:** In some cases, a non-disabled or Disabled person will need to transport another person or people throughout a journey, such as for parents of young children or where two Disabled adults are travelling together and one is unable to steer a mobility aid without assistance.
5. **Separable devices provide supported independence in mobility:** Mobility aid users may need to separate a device into smaller parts at a destination, for example where a Disabled person needs assistance from a Disabled companion to travel longer distances or near to traffic, but can move around a traffic-free space or smaller venue unaided. This is equivalent to “tag-along” devices which hitch a child’s cycle to a parent’s cycle so the child can make journeys they would be unable to cycle alone, but also allows the child to unhitch for independent cycling where appropriate.
6. **There must be no limit to the number of passengers that can be transported using a mobility device** provided that the device is constructed or adapted to carry that number of people. This would align mobility device regulations with cycle regulations, and allows for situations unanticipated by legislators and for future technological development. For example, the proposal to allow a single passenger excludes the possibility of parents with more than one child transporting all our children on a device, and excludes the possibility of Disabled couples picking up even one child from school or nursery if one adult and the child both need a mobility aid.

## Question 22. What is your preferred minimum age for the additional passenger in years?

Response form answer format for this question is checkboxes with minimum age 1 and maximum age “19 and older” – no option for carrying babies.

**There must be no minimum age and no maximum age for passengers carried on mobility aids:** Disabled parents and carers of newborn babies need to be able to carry their babies using their mobility aids. Disabled people need to be able to support our elderly partners, family members and friends to make journeys.

The law must change, aligning with existing laws for cycles to allow Disabled people to carry, tow, or otherwise transport our family members and friends using our mobility aids and appropriate attachments.

We believe current regulations are discriminatory under the Equality Act 2010,<sup>88</sup> since comparable cycles and micromobility devices do not have comparable restrictions applied.

We believe that the Mental Capacity Act 2005 s1<sup>89</sup> is being breached implicitly with current “invalid carriage” requirements since the “invalid carriages” regulations assume that Disabled people cannot safely travel at comparable speeds to non-disabled people using comparable wheeled devices including cycles and e-scooters,

even though “invalid carriage” devices can be certified using existing British Standards for safe operation at comparable speeds.

We believe that current restrictions fail to meet the requirements of the United Nations Convention on the Rights of Persons with Disabilities article 20,<sup>90</sup> since present UK regulations do not facilitate “the personal mobility of persons with disabilities in the manner and at the time of [our] choice”, nor facilitate “access by persons with disabilities to quality mobility aids [and] devices”.

We believe that current restrictions on mobility aid definitions, use and function are preventing Disabled people from exercising their right to a private and family life under the Human Rights Act 1998 and European Convention on Human Rights.<sup>91</sup>

**We suggest the following rights, responsibilities and requirements should be applied to all mobility aid users:**

- 1. Right to pedestrian mobility:** Disabled people must be regarded in law as pedestrians while using our chosen unpowered, powered and e-assist mobility aids at pedestrian speeds in all pedestrian spaces, including footpaths and footways. The right to use pedestrian spaces at pedestrian speeds only currently applies only to class 1, 2 and 3 “invalid carriages”. This right must be extended to all devices (within reasonable bounds, see below and our responses regarding weight limits in questions 10-13) used as mobility aids by Disabled people at pedestrian speeds, including wheelchair power attachments and cycles of all kinds. The right to pedestrian mobility must also include the equivalent to running speed for Disabled people in all appropriate spaces, including to enable us to escape from danger or to prevent harm to another, such as a child.
- 2. Right to cycling and cycling-equivalent mobility:** Disabled people must have the right to use our chosen unpowered, powered and e-assist mobility aids at cycling or cycling-equivalent speeds in all cycle-permitted spaces, including cycle tracks, cycle lanes, bridleways, restricted byways, bus lanes and road carriageways (except restricted roads such as motorways). To achieve this, existing laws restricting “invalid carriage” users to 4mph only on bridleways, cycle tracks and restricted byways and restricting use of cycle lanes and bus lanes for “invalid carriage” users (but not for cyclists) must be altered.
- 3. Right to recognition of devices as mobility aids:** Disabled people’s mobility aids used to assist with or replace walking and which are within comparable dimensions and functions when compared to existing wheelchairs, mobility scooters, cycles and e-cycles (including all non-standard cycle types) must have legal recognition and protection as mobility aids.
- 4. Reasonable limitation to pedestrian access right:** This right of pedestrian access for people using these devices should apply only when the device is used at pedestrian speeds and only when used by a person who cannot reasonably dismount and push the device while walking.

5. **Regulations prohibiting dangerous and antisocial behaviour by all pedestrians, cyclists and public space users apply equally to mobility aid users.** Appropriate safe space education should be provided for all public space users. Antisocial and dangerous behaviour can and should be subject to appropriate civil or criminal enforcement as required.
6. **Maximum powered speeds for all devices permitted to be used in public spaces should be aligned with existing e-scooter and/or e-cycle maximum permitted powered speeds for public space use.** E-cycles and government trial scheme e-scooters presently have maximum powered speeds of 15.5mph. Class 3 devices presently have maximum powered speeds permitted in public spaces of 8mph, although some existing devices have already been product safety tested under existing British Standard BS EN 12184:2022 to 20kph (12.4mph) safe maximum powered speed.  
Failure to increase maximum powered speeds permitted for devices largely or entirely used by Disabled people to the maximum powered speeds already permitted for other very comparable devices intended largely for use by non-disabled people would be discriminatory under the Equality Act 2010, and would fail to meet the requirement of the Mental Capacity Act 2005 to presume people have capacity unless appropriate assessments demonstrate otherwise.
7. **Maximum powered speeds for highways and public spaces use are a separate consideration from maximum powered device speeds that are determined by product safety testing and certification.** Product safety testing and certification requirements already set different safe maximum powered speeds for some devices or categories of devices – presently up to 20kph, 12.4mph for powered wheelchairs and mobility scooters under BS EN 12184:2022<sup>92</sup>. Maximum powered speeds in both highways regulations and product safety regulations are also distinct from lower maximum powered speeds that some users (or, as required, appropriate designated supporters such as parents/carers) already choose to set for their own devices, to meet our own needs.
8. **Acceleration rather than motor power should be investigated as an improved measure to ensure device inclusivity and safety.** At present, “invalid carriages” have a low 8mph maximum device speed and no set maximum motor power. In contrast, e-cycles and e-scooters have a 15.5mph maximum powered speed, almost double that of class 3 “invalid carriages”, with set maximum continuous rated motor powers as a proxy measure to limit acceleration.  
This approach made sense when computing limitations meant there were no practical ways to directly limit acceleration for e-cycles. In the 43 years since the legalisation of e-cycles,<sup>93</sup> there have been computing hardware and software improvements that mean it is now simple to limit acceleration directly. There have also been motor improvements which mean peak motor outputs are increasingly different from continuous rated motor power – some 250W rated e-cycle motors now perfectly legitimately have peak power outputs above 600W.<sup>94</sup>  
Limiting acceleration directly rather than restricting motor power would have a range of advantages. In particular:
  - a. Limiting acceleration directly would help ensure devices remain safe for use around other people, particularly for use in busy situations: Lightweight

devices including power attachments, e-scooters and small e-cycles with high peak motor power are sometimes able to accelerate extremely rapidly, which increases risk of collisions especially in complex and busy locations such as road crossings;

- b. Aligning regulations for current “invalid carriages” and comparable devices with new micromobility (LZEV) regulations would be made much simpler, and setting safe parameters for micromobility devices would be made simpler too;
- c. Defining limits for acceleration rather than motor power would allow higher motor power options for devices such as e-handcycles and other e-assist cycles used by Disabled people: 250W continuous rated power motors are frequently insufficient to support Disabled cyclists and particularly handcyclists to go up hills and to make uphill starts at junctions and other high-risk locations.

**9. Current restrictions on passengers and towing must be removed** from all unpowered, e-assist and fully powered mobility devices.

Current restrictions on carrying passengers and towing are preventing Disabled parents and carers from making journeys comparable to non-disabled pedestrians and cyclists, based on discriminatory and outdated assumptions which, at best, assume Disabled people using devices comparable to pushchairs, assistant-propelled manual wheelchairs, child-carrying cycles and cycle towing options are a risk to ourselves and others in a way that non-disabled people are not.

We recommend that regulations on passengers and towing should be aligned with current pedestrian requirements for pedestrian-speed movement, i.e. permission for carrying passengers as the device user determines, just as a walking or running person can choose to carry others, assist someone using a manual wheelchair, pull a hand trailer carrying children or luggage, or push a pushchair or shopping cart.

We recommend that regulations on passengers and towing should be aligned with current cycle requirements for cycling-equivalent movement, i.e. that passengers should be permitted provided the device is constructed or adapted for these passengers,<sup>95 96</sup> and towing or carrying luggage should be permitted unless the way cargo is being carried is reckless or dangerous to others.<sup>97</sup>

**10. Current disability/impairment requirements should be removed from all devices currently regulated as “invalid carriages”.** People without mobility-related impairments very rarely use “invalid carriages” simply because if you are non-disabled, walking and running is generally much easier than using a wheelchair or mobility scooter. While “invalid carriages” provide improved mobility and freedom for Disabled users, these aids are often heavy, expensive, and difficult to use, transport, store and maintain. Most of the public and private realm is also designed for use by people who can stand and walk, and therefore mobility aids provide some access, but not the same ease of access as non-disabled people enjoy. The difficulty of using wheeled aids is exacerbated by poor quality pavements, crossings and roads, barriers including staircases and narrow widths on pedestrian and cycle routes, and restrictive regulations which prevent many Disabled people from obtaining and using adequately-functional aids, and harassment and abuse of Disabled people. Restricting use of “invalid carriages” to Disabled people or those with reduced mobility discourages use of important mobility options by people who would benefit

from their use, including people who are pregnant or have a temporary injury as well as those with relevant impairments who do not identify as being Disabled, or who believe they are “not Disabled enough” – or where people in positions of power such as teachers, healthcare staff, police and civil enforcement or employers do not believe a person “really needs” an aid.

This problem applies particularly to people with fluctuating conditions and those who can walk some distance, but, for example, cannot do so while carrying essential items such as a work or school bag or shopping. It also applies to people who can walk a journey sometimes without experiencing significant harm, but not as often as they need to, not in a timely fashion, or not while accompanying dependants including children.

When multi-user aids are permitted, continuing to restrict aids to Disabled users only will exclude non-disabled partners, friends, and family members and assistants from supporting Disabled people to make trips using multi-person aids. For example, someone who is visually and mobility impaired will need a pilot for a tandem mobility scooter to enable them to attend a job interview or community event.

The present restriction already unreasonably prevents non-disabled people from using specific low-speed, low-carbon mobility devices such as mobility scooters to make trips, while arbitrarily permitting use of other directly comparable devices such as e-scooters and e-cycles.

In addition, the continuing to restrict use of “invalid carriages” to Disabled people and those with reduced mobility would continue to perpetuate stigma around mobility aid use.

Retaining the rule restricting use of “invalid carriages” to will not prevent fraudulent claims of disability – anyone can already buy a wheelchair or mobility scooter cheaply online, and could claim VAT exemption on their purchase fraudulently too.

11. **Current age restrictions (14+) should be removed** from all powered and e-assist devices which have cycle-comparable maximum speeds. Current regulations mean that children who need power or power-assistance to move are restricted to moving at 4mph maximum speed until they are 14 years old. This prevents children from participating in expected childhood activities including making typical journeys with friends, family and alone. For example, the current rules prevent secondary school-age Disabled children from cycling or using cycling-equivalent mobility options to get to and from school, and from “running” outdoors with friends.<sup>98</sup>
12. **Brake testing requirements should be modelled on the current e-scooter trial scheme requirements**<sup>99</sup>. This simple set of requirements for stopping distances can allow easy testing of devices in real-world conditions, ensuring that all devices can stop safely.
13. **Lights, reflectors, horns and mirrors requirements should be aligned with existing cycle requirements**,<sup>100</sup> requiring front and rear lights to be used only at night, no brake lights and no indicators (unless users wish to install these). It is not reasonable to require people using any pedestrian or cycling-equivalent mobility device to have features such as brake lights, horns, indicators and mirrors which are equivalent to motor vehicles and which people using very comparable cycles do not need to have.  
The existing class 3 lighting, mirror and horn requirements are an outdated legacy from the old “invalid carriage” class created in 1930. These “invalid trikes” are

incontrovertibly motor vehicles, and are presently are regulated as motor trikes. They have top speeds above 30mph, have only ever been permitted to be used on roads and their users have always required a driving licence.

Where mobility aid users want to have additional non-mandatory features such as brake lights, indicators and rear-view mirrors, this should continue to be allowed – as it currently is for people using cycles of all kinds.

**14. All regulations and mandatory product standards must be clearly written, easy to find and freely available in accessible formats.** Present confusion about what mobility aid regulations and standards require are putting Disabled people at physical and legal risk and reducing mobility options.<sup>101</sup>

**15. There must be no tests, training or impairment-based requirements for mobility aid use** (including but not limited to cognitive and sight testing): Introducing skills tests or minimum cognitive and/or visual requirements for use of unpowered, e-assist and fully powered mobility devices of all kinds is regularly suggested as a “safety” measure. Such measures would be discriminatory. The consequences would cause serious harm to many Disabled and non-disabled people – including people who do not use mobility aids.

- e. **Comparable modes of mobility including walking/running and cycling are not subject to any testing, training or impairment-based requirements.** This means that applying such requirements to use of mobility aids which provide pedestrian and cycling-equivalent mobility would be discriminatory under the Equality Act 2010, including by implicitly assuming Disabled people lack the capacity to choose pedestrian and cycling-equivalent mobility until we have proven we have such capacity, contravening the Mental Capacity Act 2005 s1.
- f. **Exclusion from pedestrian mobility:** Requiring tests for use of unpowered, e-assist or fully powered mobility aids would exclude some Disabled people from all pedestrian-equivalent mobility and would cause severe harm through removal of mobility – including preventing Disabled people from leaving their home or attending healthcare, education and employment, essential appointments such as benefits and other needs assessments, caring for ourselves and family members, and taking part in our communities and wider society.
- g. **Failure to consider benefits of mobility:** Societal assumptions and the structure of this consultation encourage people to consider only immediate, direct risks arising from mobility aid use, and to ignore wider systemic benefits arising from providing improved rights and access to mobility.<sup>102</sup> For example, with adequate mobility aids that meet our needs, Disabled people are less likely to become physically injured through use of poor-quality aids or lack of aids, and are better able to attend healthcare appointments, care for dependents including children, partners and other family members, attend education and employment, and take part in community activities. Family members of Disabled people who have adequate mobility aids are more likely to be able to remain in work or to work longer hours, meaning families are less likely to experience the serious health consequences of poverty. When

Disabled people can access adequate mobility aids, family members, who are often Disabled people ourselves, are less likely to experience manual handling injuries resulting from lifting and manoeuvring, including carrying children using inadequate aids and pushing assistant-propelled wheelchairs.

- h. **Current discriminatory guidance:** Existing government guidance says “you should be able to read a car’s registration number from a distance of 12.3 metres” for class 2 and 3 device users. This is, we believe, both incorrect and inappropriate. The guidance also states that “you can be prosecuted if you have an accident because of poor eyesight”. This is inappropriately threatening: the same thing could be said of a pedestrian who recklessly ran into another person and injured them while looking the wrong way. Blind and visually impaired people can and do safely use powerchairs, mobility scooters and a range of solo and multi-person cycles. Different Blind and visually impaired people using mobility aids may use no sight-relevant aids, or may use aids such as long canes, guide dogs, human assistants, or technological assistance devices for navigation and hazard avoidance, depending on their specific needs. We are increasingly seeing autonomous and hazard-avoidant motor vehicles being welcomed into our public spaces. Mobility aids with comparable features should be part of a full range of human-scale powered and unpowered mobility devices which are welcomed into our pedestrian, cycling and cycling-equivalent mobility landscape.

**Voluntary participation in high-quality, accessible training, support and education on safe use of public spaces and device-specific training should be offered and available to all..** It should include training in use of wheeled mobility devices, and improved availability of habilitation training and other support offers for ambulatory Disabled people, including Blind/VI and learning-Disabled people who presently often cannot access adequate support for journey-making. Participation in any skills training must be voluntary and determined by the Disabled person. Participation must never be used as a gatekeeping mechanism by professionals or services to restrict access to mobility aids.

## Question 23. Do you have any further comments about powered mobility devices?

It is essential to ensure regulations provide for equal mobility and meet the requirements of the Equality Act 2010 to make anticipatory reasonable adjustments, without “grey areas” and confusion in regulations.

In addition to the points made in previous questions regarding passengers, restrictions on use locations and by age, towing and device specifications from dimensions to maximum powered speeds and braking capacity:

### Access to information and guidance

1. **Access to information:** All construction and use regulations and standards for mobility devices must be free to access and publicly available in accessible formats, written in clear language, and easy to find from one central hub.
2. **Accurate guidance:** Guidance provided to explain regulations to Disabled people, device suppliers and service providers must be free, clear, accessible, accurate, and fully referenced to the regulations which support assertions made in such guidance.

### Pedestrian-controlled powered devices

Regulations for pedestrian-controlled powered or power-assist devices such as e-assist pushchairs, luggage, rollators and shopping carts are presently unclear, except where a device is obviously an assistant-controlled e-assist or powered wheelchair fitting into class 2 or class 3 of the “invalid carriages” regulations.

These devices exist and are becoming more popular. They have huge potential to support journey-making for Disabled people – from Disabled parents/carers with pushchairs, to Disabled people using power-assisted luggage to take equipment to and from work and education, and to carry shopping when manually pushing a trolley would be painful, exhausting, dangerous or impossible.

The regulation presently in place regarding pedestrian-controlled powered or power-assist devices is the Road Traffic Act 1988 s189<sup>103</sup> “Certain vehicles not to be treated as motor vehicles”, which states:

“(1)For the purposes of the Road Traffic Acts—

(a)a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose,

(b)any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and section 140 of the Road Traffic Regulation Act 1984”

We have received advice that confirms this regulation is ambiguous, and may or may not presently permit use in public spaces of pedestrian-controlled mechanically propelled devices other than lawnmowers. This could mean e-assist pushchairs, luggage and shopping carts/bags, power barrows etc are presently not legal for use on public land.

It would be completely unreasonable for pedestrian-controlled mechanically-propelled devices to be inadvertently prohibited by outdated legislation when autonomous robots are already in use on our footways.<sup>104</sup>

We need clarification of this law so that pedestrian-controlled mechanically-propelled devices are explicitly permitted. We consider that a maximum speed of 4mph, a brisk walk, would seem reasonable for such devices. It also seems reasonable that such a device should also have a cut-out if the throttle for the device is released, such that the device can only be propelled if a person is actively controlling it.

### **Autonomous and partially self-driving mobility devices**

Developments in technology mean that hazard detection and collision avoidance systems for mobility devices are increasingly available.

Now, self-driving and partially self-driving mobility devices such as powerchairs are becoming available too.<sup>105</sup> These devices do not necessarily fit into the current “invalid carriage” classes. Their use must be permitted in public spaces – including with maximum permitted powered speeds aligned with those of human-controlled powered mobility devices, subject to appropriate safety testing. Given that autonomous motor vehicles are being permitted for use in the UK,<sup>106</sup> it would be completely unreasonable not to also permit Disabled people to access low-speed, lightweight powered mobility devices, which fill a much more fundamental mobility niche than autonomous motor vehicles in terms of provision of basic mobility, and which are likely to be far safer for users and those around the device than autonomous motor vehicles simply due to their relative sizes and speeds.

### **Potential mechanisms to achieve equal pedestrian and cycling/cycling-equivalent rights for Disabled people**

#### **At present:**

- Mobility aids such as canes, crutches, sticks, walking frames and rollators may be used by anyone.
- Mobility aids regulated as “invalid carriages” may only be used by Disabled people or others with restricted mobility. This restriction was created with the introduction of the “invalid carriage” motor vehicle category in 1930<sup>107</sup>, and was extended to include powered and unpowered wheelchairs and mobility scooters in 1970.<sup>108</sup> The “invalid carriages” regulations<sup>109</sup> and other associated laws and regulations presently contain harmfully restrictive, often illogical and even unsafe requirements defining which devices are legal for use in public spaces and how such devices may be used. A considerable number of other regulations and systems are connected with the “invalid carriages” regulations, including regulations determining access rights for mobility device users onto public transport.

#### **Mechanisms to increase the range of devices recognised as mobility aids could include:**

- a) Altering or entirely revoking the “invalid carriages regulations” and replacing them with new regulations recognising and protecting use of a wide range of mobility aids by Disabled people. This approach would probably also require alterations to and/or affect many other regulations.
- b) Defining criteria by which a wider range of devices are legally recognised as mobility aids when used by Disabled people at pedestrian speeds.

c) A combination of the above two approaches.

We suggest a combined approach could involve changing the name “invalid carriages” to a less offensive term such as “[mobility devices](#)” and removing the unnecessary requirements and restrictions presently applied to “invalid carriages” and their users, while largely leaving the present laws intact. This particularly should include removing all the requirements associated with class 3 “invalid carriages” that do not apply to comparable devices such as e-assist cycles.

The new, wider definition of mobility devices and additional rights for Disabled people as pedestrians and while cycling or using cycling-equivalent mobility could be applied separately. We urge that this new definition should be introduced within the new micromobility (LZEV) framework.

It is essential to ensure that VAT exemptions presently associated with “invalid carriage” devices are retained, and these VAT exemptions should be extended to all mobility aids that are MHRA-registered medical devices, to ensure that Disabled people who need to use the most specialist, low-volume-production, bespoke aid types are provided with the most affordable means of gaining access to these aids.

We believe option C, a combined approach to legal change, is likely to provide the best solution for Disabled people at present. This approach would also leave open the option to make future improvements including streamlining laws.

Entirely removing and re-writing the existing “invalid carriages” regulations would be a very slow process, and could carry the risk of adverse consequences for people who need these devices. Potential adverse consequences could include a risk that VAT exemptions could be removed or become more difficult to gain, or that access rights to private and public venues could, at least in the short term, be inappropriately revoked or made more difficult to enforce.

Minor alterations to improve the “invalid carriages” laws alongside broad implementation of the right to use devices which fall outside the “invalid carriages” laws as mobility aids should be a very fast process which has the potential to improve mobility options for all Disabled people within the next year or two, while minimising and hopefully entirely eliminating risk of adverse consequences for people who already depend on devices classified as “invalid carriages” for mobility.

Alterations to associated regulations such as PSVAR and RVAR should be carried out, to ensure that all people with mobility aids of sizes, weights and manoeuvrability compatible with access to public transport vehicles have the right to travel on public transport: public transport use must no longer be restricted to people using only class 1 and 2 “invalid carriages” (and a limited number of class 3 wheelchairs only).

## **Battery safety and access refusals**

We are aware of people using powered mobility devices within class 2 and 3 and powered devices certified as class 1 medical devices and which meet BS EN 12184:2022 or other relevant safety standards being refused to bring them into their home, workplace or on public transport, and having safety tested mobility aids inappropriately confiscated by police.<sup>110 111</sup>

This appears to largely be due to concerns about dangerous uncertified batteries sometimes used on illegal e-motorcycles, illegal e-scooters and modified dangerous e-bikes.

We need to see better product safety enforcement against online retailers selling dangerous devices.

We need improved awareness amongst service providers and enforcement officials of the requirements of the Equality Act, including that it is not acceptable to prevent Disabled people from using powered mobility aids in our homes, workplaces and in service provider venues. It is further unacceptable to prevent Disabled people from charging powered mobility aids in our homes and in significant destination venues including workplaces, education and healthcare destinations.

### **Provision of devices and restrictions limiting access to devices**

At present, many people are prevented from accessing mobility devices that meet our needs due to inadequate systems which fail to recognise the importance of mobility aids for Disabled people within everyday life.

These issues are not directly covered by mobility device laws, but improved mobility device laws are key to improving the range of legal, cost-effective devices which people can use as mobility aids.

### **NHS provision of mobility devices**

NHS provision of mobility devices is very limited. Although the NHS will fund hip and knee replacements, at a typical cost of £10k-£20k per operation,<sup>112</sup> mobility aids with much lower cost per year and with comparable or greater impacts on a person's mobility are rarely funded. Average NHS wheelchair services spend little more than £300 per person per year, including on aids and maintenance of aids.<sup>113 114</sup>

People who cannot access local wheelchair services, whose impairment is expected to last less than 6 months, or who are judged able to move about in their own home without a wheelchair, are typically refused all support for provision of aids. NHS wheelchair services typically will not provide aids which are able to be powered at above 4mph. Many NHS wheelchair services also expressly prohibit the use of clip on handcycles with their wheelchairs, barring Disabled people from health-promoting active travel and increased mobility.

This situation is wildly out of line with government expectations of Disabled people attending education and employment and expectations for participation in society, such as caring responsibilities for dependents including children. It is also wildly out of line with NHS waiting lists for diagnosis and treatment and the post-code lottery of resource and expertise.<sup>115</sup>

Many Disabled people are therefore placed in the situation where we either have to self-fund mobility aids, or have to be left with minimal mobility, often for years or permanently.

### **Motability eligibility**

Motability scheme access<sup>116</sup> is available to people who are awarded the higher level PIP or DLA mobility element (and some other mobility-related benefits). This applies to people who cannot walk at all, to those physically unable to walk more than 20m, and to those who cannot follow any journey route without assistance or aids.<sup>117</sup> DWP benefits applications are

frequently wrongly turned down – which excludes many Disabled people who should be eligible from accessing schemes like Motability.<sup>118</sup>

People who use the Motability scheme are spending our own money on hire of devices through the scheme – Motability does not provide a “free” car or mobility aid.

People eligible for Motability can spend their benefits money, and often more of their own money as well, to hire and, if necessary, adapt a car, van, mobility scooter or powerchair. Cycles and power attachments are not available through the scheme, and applicants can only have one device leased through the scheme at a time – people cannot lease both a car and a powerchair, even though many Disabled people will need both a larger vehicle and a smaller aid to support basic mobility needs.<sup>119</sup>

### **Charity and grant provision**

Charities such as Whizz Kidz<sup>120</sup> provide mobility aids for children whose mobility needs are not met by NHS provision. Devices exist that suit these children, but the NHS frequently will not consider providing a child with a lightweight or powered chair or attachment that they can use to move independently, for budget reasons. .

Charity and grant funding is limited, meaning that organisations such as Whizz Kidz are only able to provide aids for a small proportion of people who need them.

### **Use of private funding for mobility devices**

As demonstrated above, most Disabled people with mobility-related impairments have to fully or partially self-fund mobility aids to meet our own basic mobility needs.

Good quality mobility devices which Disabled people can use to support mobility for typical day-to-day activities generally cost multiple thousands of pounds. This includes manual and powered wheelchairs, power attachments and mobility scooters. Many Disabled people will need more than one aid, for different purposes – for example, a manual wheelchair for use in small spaces indoors, and a powerchair, attachment or mobility scooter for making longer trips outdoors.

People who are on certain benefits, particularly Universal Credit, are less able to save up for mobility aids. Once a person has over £6000 savings, eligibility for means-tested benefits reduces, until with £16,000 savings, people are ineligible for any benefits. This means a person cannot save up for typical mobility aids while remaining on benefits – even when there is no other way for us to get the type of aid we need to get into education or employment or to carry out more hours of work or higher-paid work. This especially applies when a person needs to save up for multiple reasons simultaneously – for example, for a rent deposit or for home repairs as well as for a mobility aid.

**Question 24. To what extent do you agree or disagree that a wheelchair with power add-on attachment should have the same rights and restrictions in law as a Class 3 powered mobility device?**

**Strongly disagree**

**Question 25. What different restrictions to a Class 3 powered mobility device, if any, should wheelchairs with power add-on attachments have?**

- they should not be used on the pavement
- they should not be used on the road
- they should have a lower maximum weight
- they should have a higher maximum speed on the road
- there should not be any other restrictions
- other

Current class 3 “invalid carriage” regulations are excessively restrictive, discriminatory, outdated and not fit for purpose, for any devices.

It would be completely unreasonable to require people using manual wheelchair power attachments to meet current class 3 “invalid carriage” regulations. In many cases, it is simply not possible for these devices to comply with class 3 regulations – for example, e-assist wheels which can be switched onto a manual wheelchair cannot come with rear-view mirrors, indicators or brake lights, and should be able to freewheel if a user wishes this function to be enabled.

We want all Disabled users of all mobility aids to have equal pedestrian and cycling or cycling-equivalent mobility rights compared to all non-disabled people.

This requires:

1. Establishing a right for all Disabled people to use all mobility aids at pedestrian speeds in pedestrian-permitted spaces including all footways, footpaths, carriageways (except motorways and other restricted roads), bridleways, restricted byways and all other public spaces, as well as access into private spaces such as service providers, within limits as set out in questions 10-13 on weight restrictions.
2. Establishing a right for all Disabled people to use all mobility aids at cycling-equivalent speeds (from slow walking speed to rapid freewheeling downhill) in all cycling-permitted spaces, including all cycle tracks, cycle lanes, bus lanes, carriageways (except motorways), bridleways and restricted byways, subject to a maximum permitted powered speed aligned with maximum permitted powered speeds for e-cycles and micromobility.
3. Applying the same laws against dangerous and antisocial behaviour to Disabled people using mobility aids that already apply to everyone using public spaces.

**In current regulations, the only devices permitted to go above 4mph are class 3 “invalid carriages”. To be legal for public space use, class 3 devices require:**

For full details and references please see Wheels for Wellbeing device requirements spreadsheet.<sup>121</sup>

1. A maximum of one user, no passengers.
2. User must be Disabled or temporarily mobility impaired.
3. User must be aged 14 or over.
4. Devices must be registered with the DVLA.
5. Maximum powered speed 8mph, which may be used on roads only (except restricted roads like motorways).
6. Speed restrictor switch set at 4mph.
7. 4mph maximum permitted speed applies on all pedestrian spaces – which for class 3 aids means all footways, footpaths, bridleways, restricted byways and cycle tracks with right of way on foot.
8. Government guidance states class 3 “invalid carriage” users have no right to use cycle lanes or bus lanes. It appears that class 3 aids may have no right of access to cycle tracks which have no designated right of way on foot.
9. Maximum width 0.85m.
10. Maximum unladen weight 150kg (no necessary user equipment), 200kg (with necessary equipment).
11. Permanently-fitted front and rear lights and reflectors.
12. Permanently fitted indicators/hazard warning lights.
13. Permanently fitted brake light.
14. A rear-view mirror.
15. A horn.
16. A speedometer.
17. Working brakes.
18. No trailers permitted.
19. A flashing orange beacon, if used on dual carriageway with speed limits 60mph+.
20. Government guidance states there are “eyesight requirements” for use of class 2 and class 3 “invalid carriages”.<sup>122</sup> We believe this guidance is incorrect.

**In contrast, regulations for cycles and e-assist pedal cycles comparable to class 3 “invalid carriages” require:**

1. Front and rear light and reflectors if used at night only.
2. Working brakes.
3. If e-assist only, rider controlling cycle must be aged 14 or over.
4. If e-assist only, maximum powered speed 15.5mph and must have working pedals.
5. Cycles may not be used on pedestrian spaces (footways and footpaths).

6. Cycles may be used at any speed that is not reckless or dangerous on all public cycle-permitted spaces – roads (except restricted roads like motorways), bridleways, restricted byways cycle tracks, cycle lanes and most bus lanes.
7. Cycles may have any number of riders or passengers, if constructed or adapted for the number carried.
8. Cycles may tow a trailer, including a trailer to carry passengers.
9. No set maximum dimensions, no speedometer needed, no horn, no mirror, no indicators or brake lights...
10. No use restrictions based on registration, disability or impairment (age restriction for e-assist only).

Trial scheme e-scooter requirements are largely comparable to requirements for cycles rather than requirements for class 3 mobility scooters and powerchairs.

### **Suggested regulatory requirements for all unpowered, e-assist and fully powered mobility aids – equal mobility rights and equality of mobility access for all**

It is not reasonable to require mobility devices of any kind to meet current class 3 “invalid carriage” requirements, nor to restrict mobility aid definitions, use and function, including speed, in ways that comparable non-disabled pedestrians and cyclists are not restricted.

We believe current regulations are discriminatory under the Equality Act 2010,<sup>123</sup> since comparable cycles and micromobility devices do not have comparable restrictions applied.

We believe that the Mental Capacity Act 2005 s1<sup>124</sup> is being breached implicitly with current “invalid carriage” requirements since the “invalid carriages” regulations assume that Disabled people cannot safely travel at comparable speeds to non-disabled people using comparable wheeled devices including cycles and e-scooters, even though “invalid carriage” devices can be certified using existing British Standards for safe operation at comparable speeds.

We believe that current restrictions fail to meet the requirements of the United Nations Convention on the Rights of Persons with Disabilities article 20,<sup>125</sup> since present UK regulations do not facilitate “the personal mobility of persons with disabilities in the manner and at the time of [our] choice”, nor facilitate “access by persons with disabilities to quality mobility aids [and] devices”.

We believe that current restrictions on mobility aid definitions, use and function are preventing Disabled people from exercising their right to a private and family life under the Human Rights Act 1998 and European Convention on Human Rights.<sup>126</sup>

### **We suggest the following rights, responsibilities and requirements should be applied to all mobility aid users:**

1. **Right to pedestrian mobility:** Disabled people must be regarded in law as pedestrians while using our chosen unpowered, powered and e-assist mobility aids at pedestrian speeds in all pedestrian spaces, including footpaths and footways. The

right to use pedestrian spaces at pedestrian speeds only currently applies only to class 1, 2 and 3 “invalid carriages”. This right must be extended to all devices (within reasonable bounds, see below and our responses regarding weight limits in questions 10-13) used as mobility aids by Disabled people at pedestrian speeds, including wheelchair power attachments and cycles of all kinds. The right to pedestrian mobility must also include the equivalent to running speed for Disabled people in all appropriate spaces, including to enable us to escape from danger or to prevent harm to another, such as a child.

2. **Right to cycling and cycling-equivalent mobility:** Disabled people must have the right to use our chosen unpowered, powered and e-assist mobility aids at cycling or cycling-equivalent speeds in all cycle-permitted spaces, including cycle tracks, cycle lanes, bridleways, restricted byways, bus lanes and road carriageways (except restricted roads such as motorways). To achieve this, existing laws restricting “invalid carriage” users to 4mph only on bridleways, cycle tracks and restricted byways and restricting use of cycle lanes and bus lanes for “invalid carriage” users (but not for cyclists) must be altered.
3. **Right to recognition of devices as mobility aids:** Disabled people’s mobility aids used to assist with or replace walking and which are within comparable dimensions and functions when compared to existing wheelchairs, mobility scooters, cycles and e-cycles (including all non-standard cycle types) must have legal recognition and protection as mobility aids.
4. **Reasonable limitation to pedestrian access right:** This right of pedestrian access for people using these devices should apply only when the device is used at pedestrian speeds and only when used by a person who cannot reasonably dismount and push the device while walking.
5. **Regulations prohibiting dangerous and antisocial behaviour by all pedestrians, cyclists and public space users apply equally to mobility aid users.** Appropriate safe space education should be provided for all public space users. Antisocial and dangerous behaviour can and should be subject to appropriate civil or criminal enforcement as required.
6. **Maximum powered speeds for all devices permitted to be used in public spaces should be aligned with existing e-scooter and/or e-cycle maximum permitted powered speeds for public space use.** E-cycles and government trial scheme e-scooters presently have maximum powered speeds of 15.5mph. Class 3 devices presently have maximum powered speeds permitted in public spaces of 8mph, although some existing devices have already been product safety tested under existing British Standard BS EN 12184:2022 to 20kph (12.4mph) safe maximum powered speed.  
Failure to increase maximum powered speeds permitted for devices largely or entirely used by Disabled people to the maximum powered speeds already permitted for other very comparable devices intended largely for use by non-disabled people would be discriminatory under the Equality Act 2010, and would fail to meet the requirement of the Mental Capacity Act 2005 to presume people have capacity unless appropriate assessments demonstrate otherwise.

7. **Maximum powered speeds for highways and public spaces use are a separate consideration from maximum powered device speeds that are determined by product safety testing and certification.** Product safety testing and certification requirements already set different safe maximum powered speeds for some devices or categories of devices – presently up to 20kph, 12.4mph for powered wheelchairs and mobility scooters under BS EN 12184:2022<sup>127</sup>. Maximum powered speeds in both highways regulations and product safety regulations are also distinct from lower maximum powered speeds that some users (or, as required, appropriate designated supporters such as parents/carers) already choose to set for their own devices, to meet our own needs.
8. **Acceleration rather than motor power should be investigated as an improved measure to ensure device inclusivity and safety.** At present, “invalid carriages” have a low 8mph maximum device speed and no set maximum motor power. In contrast, e-cycles and e-scooters have a 15.5mph maximum powered speed, almost double that of class 3 “invalid carriages”, with set maximum continuous rated motor powers as a proxy measure to limit acceleration. This approach made sense when computing limitations meant there were no practical ways to directly limit acceleration for e-cycles. In the 43 years since the legalisation of e-cycles,<sup>128</sup> there have been computing hardware and software improvements that mean it is now simple to limit acceleration directly. There have also been motor improvements which mean peak motor outputs are increasingly different from continuous rated motor power – some 250W rated e-cycle motors now perfectly legitimately have peak power outputs above 600W.<sup>129</sup> Limiting acceleration directly rather than restricting motor power would have a range of advantages. In particular:
  - a. Limiting acceleration directly would help ensure devices remain safe for use around other people, particularly for use in busy situations: Lightweight devices including power attachments, e-scooters and small e-cycles with high peak motor power are sometimes able to accelerate extremely rapidly, which increases risk of collisions especially in complex and busy locations such as road crossings;
  - b. Aligning regulations for current “invalid carriages” and comparable devices with new micromobility (LZEV) regulations would be made much simpler, and setting safe parameters for micromobility devices would be made simpler too;
  - c. Defining limits for acceleration rather than motor power would allow higher motor power options for devices such as e-handcycles and other e-assist cycles used by Disabled people: 250W continuous rated power motors are frequently insufficient to support Disabled cyclists and particularly handcyclists to go up hills and to make uphill starts at junctions and other high-risk locations.
9. **Current restrictions on passengers and towing must be removed** from all unpowered, e-assist and fully powered mobility devices. Current restrictions on carrying passengers and towing are preventing Disabled parents and carers from making journeys comparable to non-disabled pedestrians and cyclists, based on discriminatory and outdated assumptions which, at best,

assume Disabled people using devices comparable to pushchairs, assistant-propelled manual wheelchairs, child-carrying cycles and cycle towing options are a risk to ourselves and others in a way that non-disabled people are not.

We recommend that regulations on passengers and towing should be aligned with current pedestrian requirements for pedestrian-speed movement, i.e. permission for carrying passengers as the device user determines, just as a walking or running person can choose to carry others, assist someone using a manual wheelchair, pull a hand trailer carrying children or luggage, or push a pushchair or shopping cart.

We recommend that regulations on passengers and towing should be aligned with current cycle requirements for cycling-equivalent movement, i.e. that passengers should be permitted provided the device is constructed or adapted for these passengers,<sup>130 131</sup> and towing or carrying luggage should be permitted unless the way cargo is being carried is reckless or dangerous to others.<sup>132</sup>

- 10. Current disability/impairment requirements should be removed from all devices currently regulated as “invalid carriages”.** People without mobility-related impairments very rarely use “invalid carriages” simply because if you are non-disabled, walking and running is generally much easier than using a wheelchair or mobility scooter. While “invalid carriages” provide improved mobility and freedom for Disabled users, these aids are often heavy, expensive, and difficult to use, transport, store and maintain. Most of the public and private realm is also designed for use by people who can stand and walk, and therefore mobility aids provide some access, but not the same ease of access as non-disabled people enjoy. The difficulty of using wheeled aids is exacerbated by poor quality pavements, crossings and roads, barriers including staircases and narrow widths on pedestrian and cycle routes, and restrictive regulations which prevent many Disabled people from obtaining and using adequately-functional aids, and harassment and abuse of Disabled people. Restricting use of “invalid carriages” to Disabled people or those with reduced mobility discourages use of important mobility options by people who would benefit from their use, including people who are pregnant or have a temporary injury as well as those with relevant impairments who do not identify as being Disabled, or who believe they are “not Disabled enough” – or where people in positions of power such as teachers, healthcare staff, police and civil enforcement or employers do not believe a person “really needs” an aid. This problem applies particularly to people with fluctuating conditions and those who can walk some distance, but, for example, cannot do so while carrying essential items such as a work or school bag or shopping. It also applies to people who can walk a journey sometimes without experiencing significant harm, but not as often as they need to, not in a timely fashion, or not while accompanying dependants including children. When multi-user aids are permitted, continuing to restrict aids to Disabled users only will exclude non-disabled partners, friends, and family members and assistants from supporting Disabled people to make trips using multi-person aids. For example, someone who is visually and mobility impaired will need a pilot for a tandem mobility scooter to enable them to attend a job interview or community event. The present restriction already unreasonably prevents non-disabled people from using specific low-speed, low-carbon mobility devices such as mobility scooters to make trips, while arbitrarily permitting use of other directly comparable devices such as e-scooters and e-cycles.

In addition, the continuing to restrict use of “invalid carriages” to Disabled people and those with reduced mobility would continue to perpetuate stigma around mobility aid use.

Retaining the rule restricting use of “invalid carriages” to will not prevent fraudulent claims of disability – anyone can already buy a wheelchair or mobility scooter cheaply online, and could claim VAT exemption on their purchase fraudulently too.

11. **Current age restrictions (14+) should be removed** from all powered and e-assist devices which have cycle-comparable maximum speeds. Current regulations mean that children who need power or power-assistance to move are restricted to moving at 4mph maximum speed until they are 14 years old. This prevents children from participating in expected childhood activities including making typical journeys with friends, family and alone. For example, the current rules prevent secondary school-age Disabled children from cycling or using cycling-equivalent mobility options to get to and from school, and from “running” outdoors with friends.<sup>133</sup>
12. **Brake testing requirements should be modelled on the current e-scooter trial scheme requirements**<sup>134</sup>. This simple set of requirements for stopping distances can allow easy testing of devices in real-world conditions, ensuring that all devices can stop safely.
13. **Lights, reflectors, horns and mirrors requirements should be aligned with existing cycle requirements**,<sup>135</sup> requiring front and rear lights to be used only at night, no brake lights and no indicators (unless users wish to install these). It is not reasonable to require people using any pedestrian or cycling-equivalent mobility device to have features such as brake lights, horns, indicators and mirrors which are equivalent to motor vehicles and which people using very comparable cycles do not need to have.  
The existing class 3 lighting, mirror and horn requirements are an outdated legacy from the old “invalid carriage” class created in 1930. These “invalid trikes” are incontrovertibly motor vehicles, and are presently are regulated as motor trikes. They have top speeds above 30mph, have only ever been permitted to be used on roads and their users have always required a driving licence.  
Where mobility aid users want to have additional non-mandatory features such as brake lights, indicators and rear-view mirrors, this should continue to be allowed – as it currently is for people using cycles of all kinds.
14. **All regulations and mandatory product standards must be clearly written, easy to find and freely available in accessible formats.** Present confusion about what mobility aid regulations and standards require are putting Disabled people at physical and legal risk and reducing mobility options.<sup>136</sup>
15. **There must be no tests, training or impairment-based requirements for mobility aid use** (including but not limited to cognitive and sight testing): Introducing skills tests or minimum cognitive and/or visual requirements for use of unpowered, e-assist and fully powered mobility devices of all kinds is regularly suggested as a “safety” measure. Such measures would be discriminatory. The consequences would cause serious harm to many Disabled and non-disabled people – including people who do not use mobility aids.

- i. **Comparable modes of mobility including walking/running and cycling are not subject to any testing, training or impairment-based requirements.** This means that applying such requirements to use of mobility aids which provide pedestrian and cycling-equivalent mobility would be discriminatory under the Equality Act 2010, including by implicitly assuming Disabled people lack the capacity to choose pedestrian and cycling-equivalent mobility until we have proven we have such capacity, contravening the Mental Capacity Act 2005 s1.
- j. **Exclusion from pedestrian mobility:** Requiring tests for use of unpowered, e-assist or fully powered mobility aids would exclude some Disabled people from all pedestrian-equivalent mobility and would cause severe harm through removal of mobility – including preventing Disabled people from leaving their home or attending healthcare, education and employment, essential appointments such as benefits and other needs assessments, caring for ourselves and family members, and taking part in our communities and wider society.
- k. **Failure to consider benefits of mobility:** Societal assumptions and the structure of this consultation encourage people to consider only immediate, direct risks arising from mobility aid use, and to ignore wider systemic benefits arising from providing improved rights and access to mobility.<sup>137</sup> For example, with adequate mobility aids that meet our needs, Disabled people are less likely to become physically injured through use of poor-quality aids or lack of aids, and are better able to attend healthcare appointments, care for dependents including children, partners and other family members, attend education and employment, and take part in community activities. Family members of Disabled people who have adequate mobility aids are more likely to be able to remain in work or to work longer hours, meaning families are less likely to experience the serious health consequences of poverty. When Disabled people can access adequate mobility aids, family members, who are often Disabled people ourselves, are less likely to experience manual handling injuries resulting from lifting and manoeuvring, including carrying children using inadequate aids and pushing assistant-propelled wheelchairs.
- l. **Current discriminatory guidance:** Existing government guidance says “you should be able to read a car’s registration number from a distance of 12.3 metres” for class 2 and 3 device users. This is, we believe, both incorrect and inappropriate. The guidance also states that “you can be prosecuted if you have an accident because of poor eyesight”. This is inappropriately threatening: the same thing could be said of a pedestrian who recklessly ran into another person and injured them while looking the wrong way. Blind and visually impaired people can and do safely use powerchairs, mobility scooters and a range of solo and multi-person cycles. Different Blind and visually impaired people using mobility aids may use no sight-relevant aids, or may use aids such as long canes, guide dogs, human assistants, or technological assistance devices for navigation and hazard avoidance, depending on their specific needs. We are increasingly seeing autonomous and hazard-avoidant motor vehicles being welcomed into our public spaces. Mobility aids with comparable features should be part of a full range of

human-scale powered and unpowered mobility devices which are welcomed into our pedestrian, cycling and cycling-equivalent mobility landscape.

- 16. Voluntary participation in high-quality, accessible training, support and education on safe use of public spaces and device-specific training should be offered and available to all..** It should include training in use of wheeled mobility devices, and improved availability of habilitation training and other support offers for ambulatory Disabled people, including Blind/VI and learning-Disabled people who presently often cannot access adequate support for journey-making. Participation in any skills training must be voluntary and determined by the Disabled person. Participation must never be used as a gatekeeping mechanism by professionals or services to restrict access to mobility aids.

**Question 26. To what extent do you agree or disagree that a wheelchair with a handcycle or e-handcycle attachment should have the same rights and restrictions in law as a Class 3 powered mobility device?**

**Strongly disagree**

**Question 27. What different restrictions to a Class 3 powered mobility device, if any, should wheelchair handcycles or e-handcycles have?**

- they should not be used on the pavement
- they should not be used on the road
- they should have a lower maximum weight
- they should have a higher maximum speed on the road
- there should not be any other restrictions
- other

Current class 3 “invalid carriage” regulations are excessively restrictive, discriminatory, outdated and not fit for purpose, for any devices.

It would be completely unreasonable to require people using cycles of any kind to meet current class 3 “invalid carriage” regulations.

This suggestion, if implemented with current class 3 regulations, could effectively prohibit use of some or all cycles by Disabled people, since class 3 devices must have features including a 4mph speed restrictor and 8mph top speed. These are not restrictions which can be implemented on e-assist or unpowered devices that can freewheel while in use.

This suggestion would result in Disabled cyclists being regulated and restricted in a completely different way to non-disabled cyclists, which would be discrimination and counter to the Equality Act – as would, for example, only allowing Disabled people to drive at 20mph while non-disabled drivers were permitted to drive faster using comparable vehicles.

Even if it were possible that any cycles could be made to meet class 3 regulations, these regulations would then exclude some or all Disabled people who use cycles as mobility aids from using any cycle-permitted infrastructure at above walking speed (4mph): at present, according to government guidance, class 3 “invalid carriages” may not be used on cycle lanes.<sup>138</sup> Class 3 devices may only be used on cycle tracks, restricted byways and bridleways at 4mph due to the way the Chronically Sick and Disabled Persons Act 1970<sup>139</sup> defines “footways” as including all bridleways and restricted byways (cycle tracks use is permitted through many of these routes via having a right of way “on foot” – otherwise “invalid carriage” users could be entirely excluded from all cycle tracks, too).

We want all Disabled users of all mobility aids to have equal pedestrian and cycling or cycling-equivalent mobility rights compared to all non-disabled people. There should not be separate regulations for Disabled and non-disabled cyclists.

This requires:

1. Establishing a right for all Disabled people to use all mobility aids at pedestrian speeds in pedestrian-permitted spaces including all footways, footpaths, carriageways (except motorways and other restricted roads), bridleways, restricted byways and all other public spaces, as well as access into private spaces such as service providers, within limits as set out in questions 10-13 on weight restrictions.
2. Establishing a right for all Disabled people to use all mobility aids at cycling-equivalent speeds (from slow walking speed to rapid freewheeling downhill) in all cycling-permitted spaces, including all cycle tracks, cycle lanes, bus lanes, carriageways (except motorways), bridleways and restricted byways, subject to a maximum permitted powered speed aligned with maximum permitted powered speeds for e-cycles and micromobility.
3. Applying the same laws against dangerous and antisocial behaviour to Disabled people using mobility aids that already apply to everyone using public spaces.

**In current regulations, the only devices permitted to go above 4mph are class 3 “invalid carriages”. To be legal for public space use, class 3 devices require:**

For full details and references please see: <https://wheelsforwellbeing.org.uk/wp-content/uploads/2026/02/My-Mobility-device-information-and-sources-v06.xlsx>

1. A maximum of one user, no passengers.
2. User must be Disabled or temporarily mobility impaired.
3. User must be aged 14 or over.
4. Devices must be registered with the DVLA.
5. Maximum powered speed 8mph, which may be used on roads only (except restricted roads like motorways).
6. Speed restrictor switch set at 4mph.
7. 4mph maximum permitted speed applies on all pedestrian spaces – which for class 3 aids means all footways, footpaths, bridleways, restricted byways and cycle tracks with right of way on foot.
8. Government guidance states class 3 “invalid carriage” users have no right to use cycle lanes or bus lanes. It appears that class 3 aids may have no right of access to cycle tracks which have no designated right of way on foot.
9. Maximum width 0.85m.
10. Maximum unladen weight 150kg (no necessary user equipment), 200kg (with necessary equipment).
11. Permanently-fitted front and rear lights and reflectors.
12. Permanently fitted indicators/hazard warning lights.
13. Permanently fitted brake light.
14. A rear-view mirror.
15. A horn.
16. A speedometer.

17. Working brakes.
18. No trailers permitted.
19. A flashing orange beacon, if used on dual carriageway with speed limits 60mph+.
20. Government guidance states there are “eyesight requirements” for use of class 2 and class 3 “invalid carriages”.<sup>140</sup> We believe this guidance is incorrect.

**In contrast, regulations for cycles and e-assist pedal cycles comparable to class 3 “invalid carriages” require:**

1. Front and rear light and reflectors if used at night only.
2. Working brakes.
3. If e-assist only, rider controlling cycle must be aged 14 or over.
4. If e-assist only, maximum powered speed 15.5mph and must have working pedals.
5. Cycles may not be used on pedestrian spaces (footways and footpaths).
6. Cycles may be used at any speed that is not reckless or dangerous on all public cycle-permitted spaces – roads (except restricted roads like motorways), bridleways, restricted byways cycle tracks, cycle lanes and most bus lanes.
7. Cycles may have any number of riders or passengers, if constructed or adapted for the number carried.
8. Cycles may tow a trailer, including a trailer to carry passengers.
9. No set maximum dimensions, no speedometer needed, no horn, no mirror, no indicators or brake lights...
10. No use restrictions based on registration, disability or impairment (age restriction for e-assist only).

Trial scheme e-scooter requirements are largely comparable to requirements for cycles rather than requirements for class 3 mobility scooters and powerchairs.

**Suggested regulatory requirements for all unpowered, e-assist and fully powered mobility aids – equal mobility rights and equality of mobility access for all**

It is not reasonable to require mobility devices of any kind to meet current class 3 “invalid carriage” requirements, nor to restrict mobility aid definitions, use and function, including speed, in ways that comparable non-disabled pedestrians and cyclists are not restricted.

We believe current regulations are discriminatory under the Equality Act 2010,<sup>141</sup> since comparable cycles and micromobility devices do not have comparable restrictions applied.

We believe that the Mental Capacity Act 2005 s1<sup>142</sup> is being breached implicitly with current “invalid carriage” requirements since the “invalid carriages” regulations assume that Disabled people cannot safely travel at comparable speeds to non-disabled people using comparable wheeled devices including cycles and e-scooters, even though “invalid carriage” devices can be certified using existing British Standards for safe operation at comparable speeds.

We believe that current restrictions fail to meet the requirements of the United Nations Convention on the Rights of Persons with Disabilities article 20,<sup>143</sup> since present UK

regulations do not facilitate “the personal mobility of persons with disabilities in the manner and at the time of [our] choice”, nor facilitate “access by persons with disabilities to quality mobility aids [and] devices”.

We believe that current restrictions on mobility aid definitions, use and function are preventing Disabled people from exercising their right to a private and family life under the Human Rights Act 1998 and European Convention on Human Rights.<sup>144</sup>

**We suggest the following rights, responsibilities and requirements should be applied to all mobility aid users:**

- 1. Right to pedestrian mobility:** Disabled people must be regarded in law as pedestrians while using our chosen unpowered, powered and e-assist mobility aids at pedestrian speeds in all pedestrian spaces, including footpaths and footways. The right to use pedestrian spaces at pedestrian speeds only currently applies only to class 1, 2 and 3 “invalid carriages”. This right must be extended to all devices (within reasonable bounds, see below and our responses regarding weight limits in questions 10-13) used as mobility aids by Disabled people at pedestrian speeds, including wheelchair power attachments and cycles of all kinds. The right to pedestrian mobility must also include the equivalent to running speed for Disabled people in all appropriate spaces, including to enable us to escape from danger or to prevent harm to another, such as a child.
- 2. Right to cycling and cycling-equivalent mobility:** Disabled people must have the right to use our chosen unpowered, powered and e-assist mobility aids at cycling or cycling-equivalent speeds in all cycle-permitted spaces, including cycle tracks, cycle lanes, bridleways, restricted byways, bus lanes and road carriageways (except restricted roads such as motorways). To achieve this, existing laws restricting “invalid carriage” users to 4mph only on bridleways, cycle tracks and restricted byways and restricting use of cycle lanes and bus lanes for “invalid carriage” users (but not for cyclists) must be altered.
- 3. Right to recognition of devices as mobility aids:** Disabled people’s mobility aids used to assist with or replace walking and which are within comparable dimensions and functions when compared to existing wheelchairs, mobility scooters, cycles and e-cycles (including all non-standard cycle types) must have legal recognition and protection as mobility aids.
- 4. Reasonable limitation to pedestrian access right:** This right of pedestrian access for people using these devices should apply only when the device is used at pedestrian speeds and only when used by a person who cannot reasonably dismount and push the device while walking.
- 5. Regulations prohibiting dangerous and antisocial behaviour by all pedestrians, cyclists and public space users apply equally to mobility aid users.** Appropriate safe space education should be provided for all public space users. Antisocial and dangerous behaviour can and should be subject to appropriate civil or criminal enforcement as required.

6. **Maximum powered speeds for all devices permitted to be used in public spaces should be aligned with existing e-scooter and/or e-cycle maximum permitted powered speeds for public space use.** E-cycles and government trial scheme e-scooters presently have maximum powered speeds of 15.5mph. Class 3 devices presently have maximum powered speeds permitted in public spaces of 8mph, although some existing devices have already been product safety tested under existing British Standard BS EN 12184:2022 to 20kph (12.4mph) safe maximum powered speed.  
Failure to increase maximum powered speeds permitted for devices largely or entirely used by Disabled people to the maximum powered speeds already permitted for other very comparable devices intended largely for use by non-disabled people would be discriminatory under the Equality Act 2010, and would fail to meet the requirement of the Mental Capacity Act 2005 to presume people have capacity unless appropriate assessments demonstrate otherwise.
7. **Maximum powered speeds for highways and public spaces use are a separate consideration from maximum powered device speeds that are determined by product safety testing and certification.** Product safety testing and certification requirements already set different safe maximum powered speeds for some devices or categories of devices – presently up to 20kph, 12.4mph for powered wheelchairs and mobility scooters under BS EN 12184:2022<sup>145</sup>. Maximum powered speeds in both highways regulations and product safety regulations are also distinct from lower maximum powered speeds that some users (or, as required, appropriate designated supporters such as parents/carers) already choose to set for their own devices, to meet our own needs.
8. **Acceleration rather than motor power should be investigated as an improved measure to ensure device inclusivity and safety.** At present, “invalid carriages” have a low 8mph maximum device speed and no set maximum motor power. In contrast, e-cycles and e-scooters have a 15.5mph maximum powered speed, almost double that of class 3 “invalid carriages”, with set maximum continuous rated motor powers as a proxy measure to limit acceleration.  
This approach made sense when computing limitations meant there were no practical ways to directly limit acceleration for e-cycles. In the 43 years since the legalisation of e-cycles,<sup>146</sup> there have been computing hardware and software improvements that mean it is now simple to limit acceleration directly. There have also been motor improvements which mean peak motor outputs are increasingly different from continuous rated motor power – some 250W rated e-cycle motors now perfectly legitimately have peak power outputs above 600W.<sup>147</sup>  
Limiting acceleration directly rather than restricting motor power would have a range of advantages. In particular:
  - a. Limiting acceleration directly would help ensure devices remain safe for use around other people, particularly for use in busy situations: Lightweight devices including power attachments, e-scooters and small e-cycles with high peak motor power are sometimes able to accelerate extremely rapidly, which increases risk of collisions especially in complex and busy locations such as road crossings;

- b. Aligning regulations for current “invalid carriages” and comparable devices with new micromobility (LZEV) regulations would be made much simpler, and setting safe parameters for micromobility devices would be made simpler too;
- c. Defining limits for acceleration rather than motor power would allow higher motor power options for devices such as e-handcycles and other e-assist cycles used by Disabled people: 250W continuous rated power motors are frequently insufficient to support Disabled cyclists and particularly handcyclists to go up hills and to make uphill starts at junctions and other high-risk locations.

**9. Current restrictions on passengers and towing must be removed** from all unpowered, e-assist and fully powered mobility devices.

Current restrictions on carrying passengers and towing are preventing Disabled parents and carers from making journeys comparable to non-disabled pedestrians and cyclists, based on discriminatory and outdated assumptions which, at best, assume Disabled people using devices comparable to pushchairs, assistant-propelled manual wheelchairs, child-carrying cycles and cycle towing options are a risk to ourselves and others in a way that non-disabled people are not.

We recommend that regulations on passengers and towing should be aligned with current pedestrian requirements for pedestrian-speed movement, i.e. permission for carrying passengers as the device user determines, just as a walking or running person can choose to carry others, assist someone using a manual wheelchair, pull a hand trailer carrying children or luggage, or push a pushchair or shopping cart. We recommend that regulations on passengers and towing should be aligned with current cycle requirements for cycling-equivalent movement, i.e. that passengers should be permitted provided the device is constructed or adapted for these passengers,<sup>148 149</sup> and towing or carrying luggage should be permitted unless the way cargo is being carried is reckless or dangerous to others.<sup>150</sup>

**10. Current disability/impairment requirements should be removed from all devices currently regulated as “invalid carriages”.** People without mobility-related impairments very rarely use “invalid carriages” simply because if you are non-disabled, walking and running is generally much easier than using a wheelchair or mobility scooter. While “invalid carriages” provide improved mobility and freedom for Disabled users, these aids are often heavy, expensive, and difficult to use, transport, store and maintain. Most of the public and private realm is also designed for use by people who can stand and walk, and therefore mobility aids provide some access, but not the same ease of access as non-disabled people enjoy. The difficulty of using wheeled aids is exacerbated by poor quality pavements, crossings and roads, barriers including staircases and narrow widths on pedestrian and cycle routes, and restrictive regulations which prevent many Disabled people from obtaining and using adequately-functional aids, and harassment and abuse of Disabled people. Restricting use of “invalid carriages” to Disabled people or those with reduced mobility discourages use of important mobility options by people who would benefit from their use, including people who are pregnant or have a temporary injury as well as those with relevant impairments who do not identify as being Disabled, or who believe they are “not Disabled enough” – or where people in positions of power such as teachers, healthcare staff, police and civil enforcement or employers do not believe a person “really needs” an aid.

This problem applies particularly to people with fluctuating conditions and those who can walk some distance, but, for example, cannot do so while carrying essential items such as a work or school bag or shopping. It also applies to people who can walk a journey sometimes without experiencing significant harm, but not as often as they need to, not in a timely fashion, or not while accompanying dependants including children.

When multi-user aids are permitted, continuing to restrict aids to Disabled users only will exclude non-disabled partners, friends, and family members and assistants from supporting Disabled people to make trips using multi-person aids. For example, someone who is visually and mobility impaired will need a pilot for a tandem mobility scooter to enable them to attend a job interview or community event.

The present restriction already unreasonably prevents non-disabled people from using specific low-speed, low-carbon mobility devices such as mobility scooters to make trips, while arbitrarily permitting use of other directly comparable devices such as e-scooters and e-cycles.

In addition, the continuing to restrict use of “invalid carriages” to Disabled people and those with reduced mobility would continue to perpetuate stigma around mobility aid use.

Retaining the rule restricting use of “invalid carriages” to will not prevent fraudulent claims of disability – anyone can already buy a wheelchair or mobility scooter cheaply online, and could claim VAT exemption on their purchase fraudulently too.

11. **Current age restrictions (14+) should be removed** from all powered and e-assist devices which have cycle-comparable maximum speeds. Current regulations mean that children who need power or power-assistance to move are restricted to moving at 4mph maximum speed until they are 14 years old. This prevents children from participating in expected childhood activities including making typical journeys with friends, family and alone. For example, the current rules prevent secondary school-age Disabled children from cycling or using cycling-equivalent mobility options to get to and from school, and from “running” outdoors with friends.<sup>151</sup>
12. **Brake testing requirements should be modelled on the current e-scooter trial scheme requirements**<sup>152</sup>. This simple set of requirements for stopping distances can allow easy testing of devices in real-world conditions, ensuring that all devices can stop safely.
13. **Lights, reflectors, horns and mirrors requirements should be aligned with existing cycle requirements**,<sup>153</sup> requiring front and rear lights to be used only at night, no brake lights and no indicators (unless users wish to install these). It is not reasonable to require people using any pedestrian or cycling-equivalent mobility device to have features such as brake lights, horns, indicators and mirrors which are equivalent to motor vehicles and which people using very comparable cycles do not need to have.  
The existing class 3 lighting, mirror and horn requirements are an outdated legacy from the old “invalid carriage” class created in 1930. These “invalid trikes” are incontrovertibly motor vehicles, and are presently are regulated as motor trikes. They have top speeds above 30mph, have only ever been permitted to be used on roads and their users have always required a driving licence.  
Where mobility aid users want to have additional non-mandatory features such as

brake lights, indicators and rear-view mirrors, this should continue to be allowed – as it currently is for people using cycles of all kinds.

14. **All regulations and mandatory product standards must be clearly written, easy to find and freely available in accessible formats.** Present confusion about what mobility aid regulations and standards require are putting Disabled people at physical and legal risk and reducing mobility options.<sup>154</sup>
15. **There must be no tests, training or impairment-based requirements for mobility aid use** (including but not limited to cognitive and sight testing): Introducing skills tests or minimum cognitive and/or visual requirements for use of unpowered, e-assist and fully powered mobility devices of all kinds is regularly suggested as a “safety” measure. Such measures would be discriminatory. The consequences would cause serious harm to many Disabled and non-disabled people – including people who do not use mobility aids.
  - m. **Comparable modes of mobility including walking/running and cycling are not subject to any testing, training or impairment-based requirements.** This means that applying such requirements to use of mobility aids which provide pedestrian and cycling-equivalent mobility would be discriminatory under the Equality Act 2010, including by implicitly assuming Disabled people lack the capacity to choose pedestrian and cycling-equivalent mobility until we have proven we have such capacity, contravening the Mental Capacity Act 2005 s1.
  - n. **Exclusion from pedestrian mobility:** Requiring tests for use of unpowered, e-assist or fully powered mobility aids would exclude some Disabled people from all pedestrian-equivalent mobility and would cause severe harm through removal of mobility – including preventing Disabled people from leaving their home or attending healthcare, education and employment, essential appointments such as benefits and other needs assessments, caring for ourselves and family members, and taking part in our communities and wider society.
  - o. **Failure to consider benefits of mobility:** Societal assumptions and the structure of this consultation encourage people to consider only immediate, direct risks arising from mobility aid use, and to ignore wider systemic benefits arising from providing improved rights and access to mobility.<sup>155</sup> For example, with adequate mobility aids that meet our needs, Disabled people are less likely to become physically injured through use of poor-quality aids or lack of aids, and are better able to attend healthcare appointments, care for dependents including children, partners and other family members, attend education and employment, and take part in community activities. Family members of Disabled people who have adequate mobility aids are more likely to be able to remain in work or to work longer hours, meaning families are less likely to experience the serious health consequences of poverty. When Disabled people can access adequate mobility aids, family members, who are often Disabled people ourselves, are less likely to experience manual handling injuries resulting from lifting and manoeuvring, including carrying children using inadequate aids and pushing assistant-propelled wheelchairs.

p. **Current discriminatory guidance:** Existing government guidance says “you should be able to read a car’s registration number from a distance of 12.3 metres” for class 2 and 3 device users. This is, we believe, both incorrect and inappropriate. The guidance also states that “you can be prosecuted if you have an accident because of poor eyesight”. This is inappropriately threatening: the same thing could be said of a pedestrian who recklessly ran into another person and injured them while looking the wrong way. Blind and visually impaired people can and do safely use powerchairs, mobility scooters and a range of solo and multi-person cycles. Different Blind and visually impaired people using mobility aids may use no sight-relevant aids, or may use aids such as long canes, guide dogs, human assistants, or technological assistance devices for navigation and hazard avoidance, depending on their specific needs. We are increasingly seeing autonomous and hazard-avoidant motor vehicles being welcomed into our public spaces. Mobility aids with comparable features should be part of a full range of human-scale powered and unpowered mobility devices which are welcomed into our pedestrian, cycling and cycling-equivalent mobility landscape.

**16. Voluntary participation in high-quality, accessible training, support and education on safe use of public spaces and device-specific training should be offered and available to all..** It should include training in use of wheeled mobility devices, and improved availability of habilitation training and other support offers for ambulatory Disabled people, including Blind/VI and learning-Disabled people who presently often cannot access adequate support for journey-making. Participation in any skills training must be voluntary and determined by the Disabled person. Participation must never be used as a gatekeeping mechanism by professionals or services to restrict access to mobility aids.

**Question 28. Which of the following devices do you use, if any, to improve your mobility?**

- pedal cycle
- other cycle or adapted cycle
- electrically assisted pedal cycle
- other e-cycle or adapted e-cycle
- e-scooter
- other powered transporter
- other device

Wheels for Wellbeing is a Disabled People's Organisation run by and for Disabled people. We employ, support and campaign for improved rights for people who use, would like to use, or may need to use in future, mobility devices within all current "invalid carriage" classes, "not in class" devices and devices regulated as cycles and EAPCs.

**Question 29. Which devices, if any, would you like to use in the future?**

- pedal cycle
- other cycle or adapted cycle
- electrically assisted pedal cycle
- other e-cycle or adapted e-cycle
- e-scooter
- other powered transporter
- other device

Wheels for Wellbeing is a Disabled People's Organisation run by and for Disabled people. We employ, support and campaign for improved rights for people who use, would like to use, or may need to use in future, mobility devices within all current "invalid carriage" classes, "not in class" devices and devices regulated as cycles and EAPCs.

**Question 30. In your view, are there any other risks of allowing disabled people or people with reduced mobility to use these devices on pavements or in public places?**

We are very concerned that this consultation consistently fails to adequately consider the benefits of providing equal mobility rights and access to Disabled people.

We are further concerned that the focus of this question is based on an assumption that Disabled people lack capacity to make good decisions and/or behave safely and are inherently a risk to ourselves and others. This is an outdated and discriminatory view.

We are very concerned that this consultation consistently fails to adequately consider the harms which are occurring due to our current discriminatory mobility device laws, and the ongoing harms which will occur if our discriminatory mobility device laws are not adequately updated to provide equal mobility rights and access.

In line with the Equality Act 2010, the European Convention on Human Rights, the United Nations Declaration on the Rights of Persons with Disabilities and the Mental Capacity Act 2005, we ask that:

The government recognise that everyone has the capacity to make our own decisions including about our own pedestrian, cycling and cycling-equivalent mobility, unless appropriate professionals assess otherwise for a specific individual.

The government recognise and support every individual's right to pedestrian mobility, including the right for Disabled people to use unpowered, power-assisted and fully powered mobility aids at pedestrian speeds in pedestrian spaces.

The government recognise and support every individual's right to cycling and cycling-equivalent mobility, including the right for Disabled people to use unpowered, power-assisted and fully powered mobility devices at cycling speeds in spaces where cycling is permitted.

Providing everyone with the right to pedestrian mobility and the right to cycling-equivalent mobility with a least-restrictive, safe and future-proofed definition of mobility aids would remove many of the barriers which are presently restricting Disabled people from obtaining and using appropriate, safe, convenient, cost-effective mobility devices, including obtaining such devices in a timely fashion.

**Risks and adverse consequences which arise from failing to provide Disabled people with the right to use a wide range of mobility devices in public places include:**

1. **Poorer physical and mental health** – direct from reduced mobility and reduced physical activity including both inside and outside the home, and indirect, from a wide range of physical, social and economic factors<sup>156</sup>;
2. **Worse educational outcomes**, due to Disabled people being less able to attend education, and children of Disabled parents/carers being less able to attend education (including young carers)<sup>157</sup>;

3. **Reduced employment** – both Disabled people and people forced reduce working hours or stop work to care for Disabled friends/family;
4. **Increased care costs to private individuals and state** – through Disabled people being less able to care for ourselves and our dependents, and through family members and friends of Disabled people being more likely to have to stop work or reduce paid working hours;
5. **Increased dependence on private motor vehicles** – increasing risk of injury collisions to all public space users arising through increased driven journeys relative to the situation if better mobility devices were legalised. This is of importance to everyone, but especially for people who are no longer able to drive safely, but feel obliged to continue due to the severity of negative impacts which will arise through having no other practical or appropriate legal mobility options available;
6. **Increased risk of injuries including injuries resulting from use of inappropriate mobility aids** – for example where Disabled people are obliged to transport older children or other adults on mobility aids designed to carry only one person, due to the law restricting development and use of passenger-carrying mobility aids and attachments;
7. **Risk of harm via enforcement and legal action** – including risk of confiscation of devices,<sup>158</sup> risk of prosecution, subsequent risk of loss of employment through lack of mobility and/or due to the legal action, risk of ineligibility for compensation or being found liable if a collision occurs while a person is using a mobility device which does not fit into our discriminatory regulations, or in a way which does not fit into our discriminatory regulations;
8. **Risk of abuse, including through abusive partners using the legal system to harm Disabled people** – we have been made aware of a situation during a custody battle where a person was able to gain an injunction through the family court against their ex-partner carrying their children to nursery and school on their mobility scooter. This left the ex-partner subject to the injunction with no means to take their children to school. The judge will have had no option but to uphold the law against carrying passengers on an “invalid carriage” – but the parent also had no option but to get the children to school. Disabled parents are being left in an impossible situation, exposed to being deemed inadequate parents through these discriminatory restrictions;
9. **Risk of harm via inappropriate or hostile statutory service involvement**<sup>159</sup> – similarly to above, evidence demonstrates that Disabled families face serious harms including hostile investigation and risk of removal of children if services such as social care become involved with a Disabled family, with services likely to monitor and judge families rather than offer help. Being forced to break the law to make journeys with our children is putting Disabled families at increased risk of hostile service involvement and harm<sup>160</sup>.
10. **Risk of access refusals** – Disabled people are being refused access to services such as public transport<sup>161</sup> and even to accommodation. This is increasingly the

result of fears about battery device fire safety associated with illegal e-motorcycles, in addition to incidents arising from other discriminatory beliefs and practices.

11. **Increased poverty** – due to above factors impacting ability to work and ability to comply with benefits system requirements<sup>162 163</sup>, with associated long-term health and wellbeing impacts for individuals and families, and associated societal costs.

### **Benefits from providing Disabled people with the right to use a wide range of mobility devices in public spaces include:**

The benefits from providing equal mobility rights for Disabled people compared to non-disabled people are the exact opposites of the harms occurring above: Disabled individuals, families, communities and wider society will gain physical and mental health benefits, education, employment and financial benefits and broader social, community and societal benefits when Disabled people have the right to equal pedestrian, cycling and cycling-equivalent mobility.

### **Question 31. Any further comments?**

This response also appears in our answer to consultation question 23.

### **Potential mechanisms to achieve equal pedestrian and cycling/cycling-equivalent rights for Disabled people**

#### **At present:**

- Mobility aids such as canes, crutches, sticks, walking frames and rollators may be used by anyone.
- Mobility aids regulated as “invalid carriages” may only be used by Disabled people or others with restricted mobility. This restriction was created with the introduction of the “invalid carriage” motor vehicle category in 1930<sup>164</sup>, and was extended to include powered and unpowered wheelchairs and mobility scooters in 1970.<sup>165</sup> The “invalid carriages” regulations<sup>166</sup> and other associated laws and regulations presently contain harmfully restrictive, often illogical and even unsafe requirements defining which devices are legal for use in public spaces and how such devices may be used. A considerable number of other regulations and systems are connected with the “invalid carriages” regulations, including regulations determining access rights for mobility device users onto public transport.

#### **Mechanisms to increase the range of devices recognised as mobility aids could include:**

- d) Altering or entirely revoking the “invalid carriages regulations” and replacing them with new regulations recognising and protecting use of a wide range of mobility aids by Disabled people. This approach would probably also require alterations to and/or affect many other regulations.
- e) Defining criteria by which a wider range of devices are legally recognised as mobility aids when used by Disabled people at pedestrian speeds.

f) A combination of the above two approaches.

We suggest a combined approach could involve changing the name “invalid carriages” to a less offensive term such as “[mobility devices](#)” and removing the unnecessary requirements and restrictions presently applied to “invalid carriages” and their users, while largely leaving the present laws intact. This particularly should include removing all the requirements associated with class 3 “invalid carriages” that do not apply to comparable devices such as e-assist cycles.

The new, wider definition of mobility devices and additional rights for Disabled people as pedestrians and while cycling or using cycling-equivalent mobility could be applied separately. We urge that this new definition should be introduced within the new micromobility (LZEV) framework.

It is essential to ensure that VAT exemptions presently associated with “invalid carriage” devices are retained, and these VAT exemptions should be extended to all mobility aids that are MHRA-registered medical devices, to ensure that Disabled people who need to use the most specialist, low-volume-production, bespoke aid types are provided with the most affordable means of gaining access to these aids.

We believe option C, a combined approach to legal change, is likely to provide the best solution for Disabled people at present. This approach would also leave open the option to make future improvements including streamlining laws.

Entirely removing and re-writing the existing “invalid carriages” regulations would be a very slow process, and could carry the risk of adverse consequences for people who need these devices. Potential adverse consequences could include a risk that VAT exemptions could be removed or become more difficult to gain, or that access rights to private and public venues could, at least in the short term, be inappropriately revoked or made more difficult to enforce.

Minor alterations to improve the “invalid carriages” laws alongside broad implementation of the right to use devices which fall outside the “invalid carriages” laws as mobility aids should be a very fast process which has the potential to improve mobility options for all Disabled people within the next year or two, while minimising and hopefully entirely eliminating risk of adverse consequences for people who already depend on devices classified as “invalid carriages” for mobility.

Alterations to associated regulations such as PSVAR and RVAR should be carried out, to ensure that all people with mobility aids of sizes, weights and manoeuvrability compatible with access to public transport vehicles have the right to travel on public transport: public transport use must no longer be restricted to people using only class 1 and 2 “invalid carriages” (and a limited number of class 3 wheelchairs only).

## **Battery safety and access refusals**

We are aware of people using powered mobility devices within class 2 and 3 and powered devices certified as class 1 medical devices and which meet BS EN 12184:2022 or other relevant safety standards being refused to bring them into their home, workplace or on public transport, and having safety tested mobility aids inappropriately confiscated by police.<sup>167 168</sup>

This appears to largely be due to concerns about dangerous uncertified batteries sometimes used on illegal e-motorcycles, illegal e-scooters and modified dangerous e-bikes.

We need to see better product safety enforcement against online retailers selling dangerous devices.

We need improved awareness amongst service providers and enforcement officials of the requirements of the Equality Act, including that it is not acceptable to prevent Disabled people from using powered mobility aids in our homes, workplaces and in service provider venues. It is further unacceptable to prevent Disabled people from charging powered mobility aids in our homes and in significant destination venues including workplaces, education and healthcare destinations.

### **Provision of devices and restrictions limiting access to devices**

At present, many people are prevented from accessing mobility devices that meet our needs due to inadequate systems which fail to recognise the importance of mobility aids for Disabled people within everyday life.

These issues are not directly covered by mobility device laws, but improved mobility device laws are key to improving the range of legal, cost-effective devices which people can use as mobility aids.

### **NHS provision of mobility devices**

NHS provision of mobility devices is very limited. Although the NHS will fund hip and knee replacements, at a typical cost of £10k-£20k per operation,<sup>169</sup> mobility aids with much lower cost per year and with comparable or greater impacts on a person's mobility are rarely funded. Average NHS wheelchair services spend little more than £300 per person per year, including on aids and maintenance of aids.<sup>170 171</sup>

People who cannot access local wheelchair services, whose impairment is expected to last less than 6 months, or who are judged able to move about in their own home without a wheelchair, are typically refused all support for provision of aids. NHS wheelchair services typically will not provide aids which are able to be powered at above 4mph. Many NHS wheelchair services also expressly prohibit the use of clip on handcycles with their wheelchairs, barring Disabled people from health-promoting active travel and increased mobility.

This situation is wildly out of line with government expectations of Disabled people attending education and employment and expectations for participation in society, such as caring responsibilities for dependents including children. It is also wildly out of line with NHS waiting lists for diagnosis and treatment and the post-code lottery of resource and expertise.<sup>172</sup>

Many Disabled people are therefore placed in the situation where we either have to self-fund mobility aids, or have to be left with minimal mobility, often for years or permanently.

### **Motability eligibility**

Motability scheme access<sup>173</sup> is available to people who are awarded the higher level PIP or DLA mobility element (and some other mobility-related benefits). This applies to people who cannot walk at all, to those physically unable to walk more than 20m, and to those who cannot follow any journey route without assistance or aids.<sup>174</sup> DWP benefits applications are

frequently wrongly turned down – which excludes many Disabled people who should be eligible from accessing schemes like Motability.<sup>175</sup>

People who use the Motability scheme are spending our own money on hire of devices through the scheme – Motability does not provide a “free” car or mobility aid.

People eligible for Motability can spend their benefits money, and often more of their own money as well, to hire and, if necessary, adapt a car, van, mobility scooter or powerchair. Cycles and power attachments are not available through the scheme, and applicants can only have one device leased through the scheme at a time – people cannot lease both a car and a powerchair, even though many Disabled people will need both a larger vehicle and a smaller aid to support basic mobility needs.<sup>176</sup>

### Charity and grant provision

Charities such as Whizz Kidz<sup>177</sup> provide mobility aids for children whose mobility needs are not met by NHS provision. Devices exist that suit these children, but the NHS frequently will not consider providing a child with a lightweight or powered chair or attachment that they can use to move independently, for budget reasons. .

Charity and grant funding is limited, meaning that organisations such as Whizz Kidz are only able to provide aids for a small proportion of people who need them.

### Use of private funding for mobility devices

As demonstrated above, most Disabled people with mobility-related impairments have to fully or partially self-fund mobility aids to meet our own basic mobility needs.

Good quality mobility devices which Disabled people can use to support mobility for typical day-to-day activities generally cost multiple thousands of pounds. This includes manual and powered wheelchairs, power attachments and mobility scooters. Many Disabled people will need more than one aid, for different purposes – for example, a manual wheelchair for use in small spaces indoors, and a powerchair, attachment or mobility scooter for making longer trips outdoors.

People who are on certain benefits, particularly Universal Credit, are less able to save up for mobility aids. Once a person has over £6000 savings, eligibility for means-tested benefits reduces, until with £16,000 savings, people are ineligible for any benefits. This means a person cannot save up for typical mobility aids while remaining on benefits – even when there is no other way for us to get the type of aid we need to get into education or employment or to carry out more hours of work or higher-paid work. This especially applies when a person needs to save up for multiple reasons simultaneously – for example, for a rent deposit or for home repairs as well as for a mobility aid.

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<sup>3</sup> Cabinet Office Consultation principles: guidance 2012 last updated 2018 <https://www.gov.uk/government/publications/consultation-principles-guidance>

<sup>4</sup> Civil Service questionnaire design guidance principles for designing respondent-centred content <https://analysisfunction.civilservice.gov.uk/policy-store/questionnaire-design-guidance/#principles-for-designing-respondent-centred-content>

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- <sup>7</sup> Wheelchair Services recognise that thousands of people are waiting more than four months for new wheelchairs or modified wheelchairs: <https://www.bhta.com/industry-responds-to-bbc-news-story-highlighting-major-delays-with-nhs-wheelchair-services/> E.g. children unable to get suitable wheelchairs: <https://www.bbc.co.uk/news/articles/cm2zwm8m41mo>, adult double amputee waiting over two years for a wheelchair that fits <https://www.bbc.co.uk/news/articles/clydd4k8gpdo>
- <sup>8</sup> Disabled Ramblers – over 90% of mobility impaired people do not have a mobility aid suitable to make 1km journeys: <https://disabledramblers.co.uk/wp3/wp-content/uploads/2022/08/NotEnoughWheelsFinal.v.2.2.pdf>
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