Reviewing the law for powered mobility devices

Introduction

Thank you for responding to this consultation on changing the rules for using powered mobility devices, including powered wheelchairs and mobility scooters, on public roads and pavements.

Closing date is 22 April 2026.

Accessibility statement

Read our accessibility statement for SmartSurvey forms [opens in a new window].

Data protection regulations

The Department for Transport (DfT) is running this consultation on changing the rules for using powered mobility devices, including powered wheelchairs and mobility scooters, on public roads and pavements.

View our DfT online form and survey privacy notice [opens in a new window] for more information on how your personal data is processed in relation to this survey.

In addition we are asking for information relating to your health and where appropriate the class or classes of mobility vehicles used by yourself in order to understand your relationship to the topic.

Your sensitive personal data is processed under article 9.2.g, substantial public interest, with reference to the Data Protection Act Schedule 1 Part 2 Section 8 [opens in a new window] for the purpose of equality of opportunity or treatment.

Do not include personal information in your responses unless specifically requested.

Your information

1. What is your name?

William Lee
Head of Policy & Compliance

2. What is your email address?

William.lee@bhta.com

3. Are you responding on behalf of an organisation?

[X] Yes

[ ] No (Go to ‘Individual details’)

Organisation details

4. What is the name of your organisation?

British Healthcare Trades Association (BHTA)

Individual details

We are asking if you have any:

- physical conditions
- mental health conditions
- illnesses that have lasted or expected to last for 12 months or more

When answering, you might include examples such as a long term condition, a fluctuating condition, or a condition without a clear prognosis. These are just examples and not an exhaustive list of what would fall under this category.

5. Do you have any health conditions or illnesses?

- [X] No (Go to ‘Proposal’)
- [ ] Yes
- [ ] Don't know (Go to ‘Proposal’)
- [ ] Prefer not to say (Go to ‘Proposal’)

Individual health details

6. Do any of these conditions or illnesses affect you in any of the following areas?

- [ ] Vision (for example, blindness or partial sight)
- [ ] Hearing (for example, deafness or partial hearing)
- [ ] Walking (for example, those who are unable to walk)
- [ ] Dexterity (for example, lifting or carrying objects, using a keyboard)
- [ ] Learning or understanding or concentrating
- [ ] Memory
- [ ] Mental health
- [ ] Stamina or breathing or fatigue
- [ ] Social or behavioural differences (for example, associated with autism, attention deficit disorder)
- [ ] Speech
- [X] I prefer to self describe/other condition:

Answers to Q5-Q7 are “Not Applicable” since this is a response on behalf of an institution.

7. Do any of these health conditions or illnesses affect your mobility?

- [ ] Yes
- [X] No
- [ ] Don't know
- [ ] Prefer not to say

Proposal

We are seeking views on changing the rules for using powered mobility devices, including powered wheelchairs and mobility scooters, on public roads and pavements.

This includes:

- updating the words we use in law to describe powered wheelchairs and mobility scooters and who can use them
- where these devices can be used – on roads, pavements or elsewhere
- changing the rules around size, speed and age for using larger devices
- whether people should be allowed to carry a passenger
- whether other types of devices should be allowed on public roads or pavements when used by disabled people or a person with reduced mobility

To help guide our policymaking on if and how much to change the existing legislation, we have suggested 4 objectives for this proposed reform, on which we would like your views.

Objective 1 - Allow people who need a mobility device to use it

Disabled people who clinically need a mobility device should legally be able to use it. These people may not have a choice in the device they can use to aid their mobility, and if they are not able to use it legally on the pavement their independence may be severely affected.

Objective 2 - Allow greater choice

There are some devices, that if we allow their legal use, will improve disabled people's ability to travel easily and with dignity. Whilst there may not always be an immediate clinical need for such a device, we may be able to facilitate their legal, safe and responsible use on the public highway, which could improve quality of life.

Objective 3 - Protecting people's perceptions of safety

We must ensure that people feel safe when using the road and pavement, particularly those who are at greater risk, such as those with sight and hearing loss, children and older people.

Objective 4 - Protecting people's safety

We must ensure that people are safe when using the road and pavement. Therefore, any changes to the legislation governing what powered mobility devices can be used on the public highway should not adversely introduce new safety risks for device users and the general public.

Full information is given in the consultation material [opens in a new window].

8. To what extent do you agree or disagree with the objective of:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
objective 1, allow people who need a mobility device to use it	X					
objective 2, allow greater choice		X				
objective 3, protecting people's perceptions of safety	X					
objective 4, protecting people's safety	X					

If you 'disagree' or 'strongly disagree' explain what you think our objectives should be for reviewing the law for powered mobility devices?

BHTA strongly supports the four objectives overall. They are directionally right and align with BHTA's mission to improve access to the right products and services, protect consumers, and support healthier and more independent lives. However, the success of these objectives will depend on whether Government also delivers a clearer legal framework than currently exists.

In particular, Objectives 1 and 2 cannot be achieved in practice if users, retailers, manufacturers and enforcement bodies remain unclear about which devices are lawful, where they may be used, and what associated requirements apply. Likewise, Objectives 3 and 4 require more than general statements of intent - they require precise, enforceable and proportionate rules that reflect real-world device design, user need, and infrastructure constraints.

BHTA therefore recommends that the reform be underpinned by four policy principles:

Clear statutory definitions and classes

A risk-based and function-based framework

Consistency across DfT, DVLA, HMRC and MHRA

Protection against unintended barriers to access, affordability and independence

Changing the term 'invalid carriage'

The term 'invalid carriage' is used in legislation to include powered wheelchairs and mobility scooters [opens in a new window]. The legislation containing this definition dates back to 1970, and language has moved on and changed [opens in a new window]. We recognise that many people now find that term inappropriate and we are considering changing it to use language that treats disabled people with dignity.

To date, there has been no consensus from people impacted by the legislation on a different term for an 'invalid carriage'. Given the broad set of mobility options we are considering could be used in future, we have proposed they be called 'mobility devices'.

9. To what extent do you agree or disagree that an 'invalid carriage' should instead be called a 'mobility device' in law?

- [X] Strongly agree (Go to ‘Who can use powered mobility devices’)
- [ ] Agree (Go to ‘Who can use powered mobility devices’)
- [ ] Neither agree nor disagree (Go to ‘Who can use powered mobility devices’)
- [ ] Disagree
- [ ] Strongly disagree
- [ ] Don't know (Go to ‘Who can use powered mobility devices’)

'Invalid carriage' alternative

10. What would be your preferred alternative term?

Mobility device - provided it is used as an umbrella term, and with any legal sub-categories added by Government clearly defined.

"Mobility device" is a more helpful and inclusive term, especially should it become the defined legal term. BHTA members, by and large, manufacture/distribute/retail devices that are classed as medical devices, and therefore are defined under the existing “invalid carriage” term. It will be helpful for Government to change to a more inclusive high-level umbrella term like mobility device, not least because it is broad enough to cover products with very different technical characteristics, risk profiles and intended use cases, including powered wheelchairs, mobility scooters, power add-ons, handcycle attachments and potentially other emerging products. BHTA strongly encourages Government to take into account comments from organisations of users of mobility devices, as they will have strong opinions on whether devices outside the purview of BHTA members should be considered as falling under the rubric of the reformed legislation.

We suggest Government should adopt wording along the following lines:

"Mobility device means a device intended to support the mobility of a disabled person or person with reduced mobility, and includes such classes or sub-classes as may be specified in regulations according to speed, weight, dimensions, design characteristics, and permitted use."

That would improve dignity in language without sacrificing legal clarity.

Who can use powered mobility devices

As part of the definition of an 'invalid carriage', the Chronically Sick and Disabled Persons Act 1970 [opens in a new window] requires it to be for the use of a "person suffering from some physical defect or disability". Again, this wording dates back to 1970.

We are suggesting changing how we describe someone who uses a powered wheelchair or mobility scooter from “a person suffering from some physical defect or disability" to 'A disabled person, or person with reduced mobility'?

11. 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'?

- [X] Strongly agree (Go to ‘Where they can be used’)
- [ ] Agree (Go to ‘Where they can be used’)
- [ ] Neither agree nor disagree (Go to ‘Where they can be used’)
- [ ] Disagree
- [ ] Strongly disagree
- [ ] Don't know (Go to ‘Where they can be used’)

Alternative description

12. What would be your preferred alternative description?

BHTA strongly agrees with the proposed wording. It is more respectful, more inclusive, and more consistent with contemporary language. It also better reflects the reality that users may include disabled people and others with reduced mobility whose needs are genuine and significant, even if they do not describe themselves in older statutory terms.

At the same time, Government should ensure that the definition of who may use such devices does not create unintended problems elsewhere. In particular, it should not conflict with legitimate ancillary uses already recognised in practice, such as demonstration, training, testing, and movement for repair or maintenance. Nor should it create new uncertainty when read alongside HMRC rules on VAT relief or MHRA guidance on assistive technology and medical devices.

BHTA recommends statutory wording that includes both the user group and permitted ancillary activities, for example: "A mobility device may be used by a disabled person or person with reduced mobility, and may also be used for purposes connected with demonstration, testing, training, maintenance, or repair, as may be prescribed."

Where they can be used

Currently, Class 1, 2 and 3 mobility devices [opens in a new window] can all be used on pavements, other pedestrian areas, and bridleways at a maximum powered speed of 4 miles per hour (mph). They can also be used in cycle tracks (with 4mph limitation) which are segregated from the road.

Class 3 mobility devices can be used on most roads at a maximum speed of 8mph, excluding motorways and bus lanes.

Class 1, 2 and 3 mobility devices cannot be used in cycle lanes, which are reserved for pedal cycles, including electrically assisted pedal cycles (EAPCs), and rental electric scooters in government-run trial areas only.

13. Do you currently use a mobility device?

- [ ] I use a Class 1 mobility device
- [ ] I use a Class 2 mobility device
- [ ] I use a Class 3 mobility device
- [X] I do not use any of these mobility devices

14. To what extent to you agree or disagree that:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
Class 1 mobility devices should be entitled to use on road cycle lanes	☐	X	☐	☐	☐	☐
Class 2 mobility devices should be entitled to use on road cycle lanes	☐	X	☐	☐	☐	☐
Class 3 mobility devices should be entitled to use on road cycles lanes	☐	X	☐	☐	☐	☐

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
wheelchair power add-ons should be entitled to use on road cycle lanes	☐	X	☐	☐	☐	☐

In principle, BHTA supports maximising access for mobility devices to all spaces where pedestrian and cycle users currently have rights to travel (which includes cycle lanes). In practice, BHTA feels the approach must be cautious and balanced.

For Class 1 devices, agreement is based on the fact that many Class 1 devices are low-risk and used by highly vulnerable users, but any entitlement must remain subject to local infrastructure suitability and safety. For Class 2 devices, BHTA is in cautious agreement because on-road cycle lanes vary substantially in width, separation and safety; in some settings they may be appropriate, in others they will not be. For Class 3 devices, BHTA does not support general entitlement because the speed, size and interaction with motor traffic and cyclists create increased risk. For wheelchair power add-ons, the present legal and technical position is not sufficiently settled to support a blanket answer without a clearer classification framework.

In reality, some existing cycle lane settings may be appropriate for all classes of disability device, while others may not; the direction of travel, however, should be to create a legal and physical environment where all cycle lane settings permit all types of mobility vehicles that provide users with the same rights and responsibilities as pedestrians and cyclists. If reform proceeds, access should be conditional on infrastructure design, visibility, speed control, and clarity of classification.

15. To what extent to you agree or disagree that:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
Class 1 mobility devices should be entitled to use off road cycle tracks	☐	X	☐	☐	☐	☐
Class 2 mobility devices should be entitled to use off road cycle tracks	☐	X	☐	☐	☐	☐
Class 3 mobility devices should	☐	X	☐	☐	☐	☐

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
be entitled to use off road cycle tracks						
wheelchair power add-ons should be entitled to use off road cycle tracks	☐	X	☐	☐	☐	☐

BHTA is more supportive of access to off-road cycle tracks than on-road cycle lanes because off-road cycle tracks are generally a more suitable environment for mixed use, provided there is sufficient width, visibility and signage. Even so, any entitlement should remain subject to safety safeguards and speed controls in shared environments.

For wheelchair power add-ons, BHTA supports access – but Government should clarify how these products are to be classified in law and what technical and behavioural safeguards apply. The current uncertainty around power add-ons is one of the reasons BHTA has called for a more coherent framework.

Device weight

Currently, excluding the user, a Class 1 and Class 2 mobility device has a maximum weight of 113.4 kilograms (kg) and a Class 3 mobility device has a maximum weight of 150kg [opens in new window], unless either Class requires necessary user equipment attached to them (like specialist medical equipment), in which case the maximum limit is 200kg.

The 200kg weight limit increase was introduced in 2015 and was chosen to reflect the needs of wheelchair users to have additional weight capacity for their wheelchairs. In addition, the operational capacity of boarding lifts and ramps for public service vehicles, such as buses or trains are required to have a safe working load of not less than 300kg (as established by the Public Service Vehicle Accessibility Regulations 2000 [opens in a new window]).

Some people have told us that the weight of some devices can exceed the regulatory threshold of 200kg. Sometimes this may be due to additional components being required such as batteries, elevated leg rests, seat risers, and headrests.

We would need to consider the safety implications of increasing the weight limit further, particularly on things like braking to prevent collisions with pedestrians, as well as interaction with other parts of the transport system, like boarding lifts and ramps. For example, it may be that heavier mobility devices would not be able to use public transport. We would like to understand your views on this measure.

16. 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?

- [ ] Strongly agree (Go to ‘Speed’)
- [ ] Agree (Go to ‘Speed’)
- [ ] Neither agree nor disagree (Go to ‘Speed’)
- [X] Disagree
- [ ] Strongly disagree
- [ ] Don't know (Go to ‘Speed’)

Weight reasoning

17. Should there be any restrictions on how the increased weight is specified?

- [X] Yes
- [ ] No (Go to ‘Speed’)
- [ ] Don't know (Go to ‘Speed’)

Increased weight specification

18. What restrictions should there be on how the increased weight is specified?

An increase above 200kg should be specified by reference to clearly defined criteria, not left open-ended. In BHTA's view, additional weight should be permitted where it arises from:

Essential user support or positioning features

Necessary medical or clinical equipment

Battery systems required for safe and practical operation

Safety-critical design features such as stability, braking or suspension

Any higher weight allowance should also be linked to:

Evidence that braking and stopping performance remain safe

Compatibility implications for ramps, lifts and transport access being clearly disclosed

A clear maximum upper threshold unless and until further evidence supports change

BHTA believes one simple way to achieve this would be to mirror the current approach in Wales. See Transport for Wales guidance at https://tfw.wales/mobility-scooter-guidelines, which states:

The combined weight of the scooter and passenger cannot exceed 300kg (660lbs)

19. Why do you think this (including any evidence you have to support your reasons)?

Comment:

BHTA does not believe the present 200kg maximum reliably reflects current user needs. Devices have evolved, and users with more complex postural, bariatric, neurological or multi-condition needs may require products that are heavier because of seating, power, range, control systems, leg supports, head supports, or associated equipment. The consultation itself acknowledges that some devices now exceed 200kg for reasons including batteries and support features.

At the same time, BHTA does not support an unrestricted increase. Weight interacts with stopping distance, manoeuvrability, collision impact, and public transport compatibility. Government is therefore right to consider braking and transport interface issues. The correct response should not preserve an outdated threshold

regardless of need, but to move to a better evidenced and more function-based framework.

BHTA recommends that Government:

Review the 200kg cap using up-to-date market and clinical evidence

Permit higher weights where justified by need and safe design

Require technical evidence around braking, stability and turning

Make clear where higher-weight devices may face practical limits on lifts, ramps and public transport

This would better balance access, safety and system realism. BHTA believes one simple way to achieve this would be to mirror the current approach in Wales. See Transport for Wales guidance at https://tfw.wales/mobility-scooter-guidelines, which states:

The combined weight of the scooter and passenger cannot exceed 300kg (660lbs)

[Attach relevant documentation to your response]

Speed

When a Class 1, 2 or 3 mobility device is used on a pavement it must not go faster than 4 miles per hour, though Class 3 devices are permitted to go up to 8 miles an hour when used on the road. To put this into context, the National Health Service (NHS) advises that a brisk walk is about 3 miles per hour.

20. To what extent do you agree or disagree that powered mobility devices should be allowed to go faster than 8mph:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
on the road	☐	☐	☐	X	☐	☐
in cycle lanes	☐	☐	☐	X	☐	☐

If 'agreeing', what do you think the top speed limit should be?

Regulation should take account of the fact that some mobility devices that can be used at 8mph on roads are usable at lower speeds on other surfaces (like pavements), and should be allowed in these spaces at these lower speeds.

21. 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?

If Government alters/creates a class – or classes – of powered mobility device capable of speeds above 8mph, BHTA considers that a clearer regime would be required. This should include:

Users obey 4mph speed limit in pedestrian areas

Clear prohibition on use on pavements except at pedestrian-safe speeds and where otherwise lawful

Lighting, reflectors and visibility requirements

Effective braking and stability standards

Mirrors or equivalent rear visibility where appropriate

DVLA registration, where proportionate

Insurance consideration for higher-risk classes

User information and recommended training

A clear statement of permitted and prohibited environments

Support for retailer and manufacturer duties to explain lawful use and limitations

While advocating for the same rights and responsibilities for users of mobility devices as currently exist for cyclists and pedestrians – who are not subject to speed restrictions other than posted limits – BHTA urges careful consideration of increases in speeds in cycle lanes, because that would increase complexity and risk in already constrained spaces.

Minimum age

A Class 1 mobility device is typically a wheelchair, that is propelled by the user or is pushed by an attendant. A Class 2 device is a powered wheelchair or mobility scooter designed for use on pavements which must not exceed a powered speed of 4 miles per hour. A Class 3 device is a powered wheelchair or mobility scooter, that must be fitted with a device to ensure the powered speed does not exceed 4 miles per hour on pavements and the powered speed on the road must not exceed 8 miles per hour.

Currently there is no minimum age for the user of a Class 1 or Class 2 device. There is a minimum age of 14 for a Class 3 device for safety reasons.

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

- [ ] Strongly agree (Go to ‘Carrying others’)
- [ ] Agree (Go to ‘Carrying others’)
- [X] Neither agree nor disagree (Go to ‘Carrying others’)
- [ ] Disagree
- [ ] Strongly disagree
- [ ] Don't know (Go to ‘Carrying others’)

Alternative age

23. In your view what age, if any, would you prefer?

This is a complex question that BHTA does not feel any one organisation – especially one like a trade association acting on behalf of manufacturers, distributors, and retailers – can answer in isolation, and without the absolutely vital perspectives of actual users of these devices.

BHTA notes – in the name of establishing equality for mobility device users with cyclists and pedestrians – that for these cyclists and pedestrians, there is no minimum age for road and road-adjacent usage. Indeed, according to well-known cycling charities, acceptable and typical ages at which children begin to be able to cycle unaccompanied to, say, school are significantly younger than 14. See, for instance, https://www.cyclinguk.org/article/cycling-guide/cycling-road-children.

In addition, children are frequent users of mobility devices, and this use – especially for children living with profound movement challenges – often starts at ages significantly younger than 14. BHTA would caution against any changes that have the unintended effect of restricting the rights of such child users of mobility devices, their parents, and/or their carers.

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

- [X] Below 10
- [ ] 10
- [ ] 11
- [ ] 12
- [ ] 13
- [ ] 14
- [ ] 15
- [ ] 16
- [ ] 17
- [ ] 18
- [ ] 19 and older

Carrying others

In the UK, users of powered mobility devices are not legally permitted to carry passengers. However, we understand that some people would like to travel with either their carer, dependent or spouse.

25. Do you agree or disagree that an additional passenger should be allowed to be carried on a mobility device?

- [ ] Strongly agree
- [ ] Agree
- [ ] Neither agree nor disagree (Go to ‘Observations’)
- [X] Disagree (Go to ‘Observations’)
- [ ] Strongly disagree (Go to ‘Observations’)
- [ ] Don't know (Go to ‘Observations’)

Additional passenger

26. In your view 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 the users mobility
- [ ] The passenger is a child
- [ ] The passenger is over a certain age
- [X] Another restriction:

BHTA defers to the opinions of actual users of mobility devices on this subject, not least because the vast majority of mobility devices in question for our members – manufacturers, distributors, retailers – do not have provision for more than one passenger.

Passenger age

27. What is your preferred minimum age for the additional passenger in years?

- [X] 1
- [ ] 2
- [ ] 3
- [ ] 4
- [ ] 5
- [ ] 6
- [ ] 7
- [ ] 8
- [ ] 9
- [ ] 10
- [ ] 11
- [ ] 12
- [ ] 13
- [ ] 14
- [ ] 15
- [ ] 16
- [ ] 17
- [ ] 18
- [ ] 19 and older

Observations

28. What, if any, other observations about powered mobility devices do you want to share with us?

BHTA has five broad observations.

First, current law and guidance are difficult for users and businesses to navigate. The interaction between older legislation, newer guidance, and emerging products is creating real uncertainty.

Second, Government should ensure consistent treatment across transport law, taxation and medical device regulation. BHTA's earlier work identified significant concern that products described in guidance as outside existing classes may also risk falling outside expected VAT treatment, which could increase costs for disabled users and create confusion for suppliers.

Third, powered mobility devices must be regulated in a way that protects pedestrians and public confidence without undermining independence and dignity.

Fourth, retailers and manufacturers need clear, practical rules they can explain to users. Ambiguous law leads to inconsistent advice and avoidable non-compliance.

Fifth, reform should reflect technological change. The framework must be capable of accommodating power add-ons, handcycles and other developments without forcing them into unsuitable legacy categories.

In addition, BHTA has had specific questions about DfT's 2024 "guidance update" Using mobility scooters and powered wheelchairs (see https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/print). We have put these questions to DfT in the form of a detailed set of questions in summer/autumn 2024; having not received answers, we would request again that DfT review our detailed questions in the attached document **2024.07 Govt Update Mobility Scooter Usage - BHTA DM Guide & Qs Mk3**, specifically:

pp. 4-6 – Questions:

These outline our serious concerns about the ways unclear or unsatisfactory regulations may pose unintentional risks of discrimination and disadvantage to users of mobility devices, with deleterious effect on their employment, leisure, and day-to-day life:

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

Registration – Class 3 Vehicles
Eyesight Requirements

p. 7 – Annex 1 – Comparative Table:

This is a table built by BHTA that attempts to set out a compare-and-contrast view of Class 2, Class 3, and Not in a Class vehicles. We would appreciate confirmation from DfT that this table constitutes an accurate understanding of the regulations/guidance from DfT as it currently exists.

pp. 8-9 – Annex 2: BHTA Note Mobility Scooter Import Code Classification:

This is a detailed explication of a matter not specifically raised in the consultation, but one that BHTA pleads to include, as we believe it is an essential piece of the greater puzzle that DfT is attempting to solve with the rest of the consultation. For convenience, we have reproduced our commentary here in full.

Background

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

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

Pursuit of Legal Relief

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

Definitional Issues

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

- ***Mobility scooters*** are used by disabled people and the elderly as aids to daily living; for example, they allow people who struggle to walk, to leave their home to go to the shops or visit outdoors; medical devices certification, road traffic and VAT law already recognises this

- ***Golf carts*** are used for golf, or to travel around large estates or parks in comfort; it is not legal to take them on pavements under the road safety rules, VAT is charged on them, and they do not have to comply with medical devices certification

Historically, it appears that Govt has taken the view that mobility scooters are similar to golf carts because, unlike electric wheelchairs, they have a steering column and not a joystick. This arises out of a reductive understanding of disability: the product must be designed for a paraplegic, and not someone who by virtue of struggling to walk meaningful distances requires a tool for independence and access. Because mobility scooters are mis-classified under code 8703, however, their users are burdened with additional cost because they do not benefit from the same import duty exemptions of other products that are considered to be designed for disabled people under code 8713 (e.g. powered wheelchairs).

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

Reclassify Mobility Scooters as 8713 – Carriages for Disabled People

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

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

In short, making mobility scooters more affordable to individual consumers will allow a larger proportion of the population to live more independently for longer –

relieving otherwise substantial burdens on the NHS and social services – and with only positive net financial impacts on the benefits system, not least since many mobility scooters are purchased with private income or savings.

Wheelchair with power add-on attachments as mobility devices

Advancements in technology have led to a range of options which can improve people's mobility. This includes devices which do not currently meet the 'invalid carriage' regulatory requirements, such as power add-ons or handcycle attachments.

The current legal speed limit for a Class 2 and Class 3 mobility device on the pavement or other pedestrian area is 4 miles per hour and, if it's a Class 3, 8 miles per hour on the road. The types of devices we are about to discuss are typically capable of exceeding the 8 miles per hour.

We want to learn from this consultation if these devices when used by a disabled person or someone with reduced mobility should be legally classified as a powered mobility device.

29. 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 agree (Go to ‘Wheelchair with handcycle or e-handcycle attachments as mobility devices’)
- [ ] Agree (Go to ‘Wheelchair with handcycle or e-handcycle attachments as mobility devices’)
- [X] Neither agree nor disagree (Go to ‘Wheelchair with handcycle or e-handcycle attachments as mobility devices’)
- [ ] Disagree
- [ ] Strongly disagree
- [ ] Don't know (Go to ‘Wheelchair with handcycle or e-handcycle attachments as mobility devices’)

Restriction choices

The current legal speed limit for a Class 3 mobility device is:

- 4 miles per hour on the pavement or other pedestrian areas
- 8 miles per hour on the road.

A Class 3 mobility device has a maximum weight of 150kg, unless it requires necessary user equipment attached to it (for example specialist medical equipment), in which case the maximum limit is 200kg.

30. What different restrictions, 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
- [X] Another restriction:

BHTA are strong proponents of powered add-on devices in the mobility device domain. They are not, however, adequately understood or prepared for in current legislation and regulation.

BHTA does not support treating all wheelchair power add-ons exactly the same as Class 3 devices in every case. Power add-ons vary significantly in speed, control, geometry, weight and use pattern. BHTA therefore recommends:

Power add-ons should be placed in a distinct legal sub-category – or defined as a special part of Class 3 – unless and until evidence shows they can safely be treated as equivalent to Class 3

They should not be used on the pavement above pedestrian-safe speeds

Where capable of speeds above current Class 3 limits, they should be subject to clear technical and usage restrictions

There should be clear manufacturer and retailer duties to explain lawful use

BHTA's position is cautious because the category is too diverse to be mapped automatically onto Class 3. Some power add-ons may

operate similarly to Class 3 devices in practical terms; others may not. Government should therefore avoid assuming equivalence without evidence.

BHTA recommends a distinct classification route for power add-ons, with rules based on actual design characteristics, speed capability, braking performance, and intended environment of use.

Finally, BHTA believes Government should confirm how they will regulate powered add-on units – which convert manual wheelchairs to powered wheelchairs – specifically:

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

Wheelchair with handcycle or e-handcycle attachments as mobility devices

Advancements in technology have led to a range of options which can improve people's mobility. This includes devices which do not currently meet the 'invalid carriage' regulatory requirements, such as power add-ons or handcycle attachments.

The current legal speed limit for a Class 2 and Class 3 mobility device on the pavement or other pedestrian area is 4 miles per hour and, if it's a Class 3, 8 miles per hour on the road. The types of devices we are about to discuss are typically capable of exceeding the 8 miles per hour.

We want to learn if these devices when used by a disabled person or someone with reduced mobility should be legally classified as a powered mobility device.

31. 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 agree (Go to 'Cycles, e-cycles, and powered transporters as mobility devices')
- [ ] Agree (Go to 'Cycles, e-cycles, and powered transporters as mobility devices')
- [X] Neither agree nor disagree (Go to 'Cycles, e-cycles, and powered transporters as mobility devices')
- [ ] Disagree
- [ ] Strongly disagree
- [ ] Don't know (Go to 'Cycles, e-cycles, and powered transporters as mobility devices')

BHTA does not have enough direct experience with wheelchair handcycles or e-handcycles to express a considered opinion – but urges caution in simply treating them as equivalent to Class 3 devices. BHTA would suggest consideration of the following issues with regard to these devices:

- They should not be used on the pavement, other than at pedestrian-safe speed and only where explicitly lawful
- Perhaps they should be placed in a separate legal sub-category reflecting their closer relationship to cycle-type mobility
- Technical requirements should address braking, width, visibility and turning in ways appropriate to their design
- Permitted road or track use should depend on evidence of safe operation in those environments

- Speed capability above Class 3 should not by itself confer a right to use all environments

Wheelchair with handcycle or e-handcycle attachments: different rights and restrictions

The current legal speed limit for a Class 3 mobility device on the pavement or other pedestrian area is 4 miles per hour and, 8 miles per hour on the road.
A Class 3 mobility device has a maximum weight of 150kg, unless it requires necessary user equipment attached to it (for example specialist medical equipment), in which case the maximum limit is 200kg.

32. What different restrictions, 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
- [X] Another restriction:

BHTA disagrees with direct equivalence to Class 3 because handcycle and e-handcycle attachments have different handling characteristics, user posture, and use cases. They may in some contexts resemble adaptive cycles more than traditional Class 3 mobility scooters or powered wheelchairs. A more tailored framework is needed.

Government could, therefore, create a separate route for these products rather than forcing them into an imperfect legacy class.

Cycles, e-cycles, and powered transporters as mobility devices

Advancements in technology have led to a range of options which can improve people's mobility. Pedal cycles, e-cycles and e-scooters may appeal to disabled people or someone with reduced mobility as a travel option if the user has some level of balance and can get on and off the device with some level of ease.

Currently, pedal cycles and e-cycles (known as electrically assisted pedal cycles (EAPCs) in law) are illegal to use on the pavement. The term powered transporter refers to a range of small, lightweight electric vehicles, such as e-scooters, which are illegal to use anywhere on the road or pavement outside of the government's e-scooter rental trial areas.

The government has committed to pursuing legislative reform to create safe, legal routes for the use of micromobility vehicles like e-scooters when parliamentary time allows.

In this consultation, we want to understand whether these devices should be recognised as 'mobility devices' and treated differently on the pavement and in public places for a disabled person or someone with reduced mobility.

The “other” categories are provided so that users can accurately represent what they ride which may differ from a standard pedal cycle, e-cycle or e-scooter.

33. 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
- [X] Another device:

  Not applicable as answering as an organisation

34. 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
- [X] Another device:

  Not entirely applicable as answering as an organisation, but no organisational preference stated. BHTA's interest is regulatory clarity across the relevant device categories and the broadest, safest, most equitable environment for future personal use of mobility devices.

Enforcement and protecting disabled people's right to independence

Concerns have been raised that if we allow people to use pedal cycles, electrically assisted pedal cycles, or powered transporters on pavements and in public places to improve their mobility, there may be misuse of this rule. For example, there may be enforcement challenges in differentiating someone with or without an impairment.

This could lead to risks such as disabled people using a device responsibly and lawfully being challenged and having to evidence their impairment or disability. It could also risk creating an accepted norm of using e-scooters, cycles and e-cycles on the pavement by non-disabled people or for those who are not aware of any future exemptions for disabled people or someone with reduced mobility. This would have wider consequences for pedestrians - particularly those at greater risk, such as those with sight and hearing loss, reduced mobility, children, and older people.

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

Yes. BHTA sees several further risks if reform is not carefully designed.

One risk is conflict and misunderstanding in public spaces if other pedestrians cannot tell which devices are lawfully exempt and which are not. Another is inconsistent enforcement, including the risk that disabled people are challenged inappropriately, or feel pressured to disclose personal information in public in order to justify lawful use. The consultation rightly identifies that concern.

A further risk is behavioural spillover: if exemptions are not clearly framed, non-disabled users may wrongly assume that cycles, e-cycles or e-scooters are generally acceptable on pavements, thereby undermining pedestrian safety and confidence.

There is also a risk to disabled users themselves if the law permits devices in environments that are in reality unsuitable because of width, crowding, gradients, kerbs, visibility or shared-use conflict. For those reasons, any exemption regime should:

Be narrow, clear and evidence-based

Avoid requiring routine public proof of disability

Be supported by public education and enforcement guidance

Distinguish carefully between different device types and environments

Final comments

36. Any further comments?

BHTA reiterates that the success of this reform depends on clarity, consistency, and proportionality. Without this, there is a significant risk of:

Regulatory confusion

Increased costs

Reduced access

BHTA welcomes the opportunity to respond and would be pleased to support further work with Government to ensure a framework that:

Enables independence

Protects users

Supports innovation

Maintains high ethical standards

Our central message is that reform is needed, but it must be coherent. The present framework is no longer adequate for the diversity of products now in use and under development. However, reform that simply widens access without clarifying classes, duties, safeguards and cross-regulatory consequences would create new problems rather than solving existing ones. BHTA therefore urges Government to:

Replace outdated terminology

Modernise the user description

Adopt clear statutory classes and sub-classes

Align transport rules with VAT and medical device considerations

Create specific treatment for power add-ons and handcycle variants

Preserve independence while protecting pedestrian safety

Provide practical guidance for users, retailers, manufacturers and enforcement bodies

That approach would best support disabled people and people with reduced mobility, while maintaining confidence, safety and clarity across the system.

Finally, BHTA has comments across several cross-cutting subject-matter areas:

Question - Device weight limits

Response:

Current weight thresholds do not adequately reflect **modern device design or clinical need**.

Economic implication:

- Heavier devices often incorporate essential medical functionality
- Restrictive thresholds may limit innovation and increase long-term healthcare costs

Policy recommendation:

“Weight limits should be reviewed to reflect modern assistive technology design, with exemptions permitted where additional weight arises from essential medical equipment or safety features.”

Question - Carrying passengers

Response:

BHTA urges caution.

Safety and liability risks:

- Most devices are not designed for multiple occupants
- Increased weight affects braking and stability

Policy recommendation:

“Carrying passengers should only be permitted where the device is specifically designed, tested, and certified for multi-user operation.”

Question - New/emerging device types

Response:

BHTA recognises the importance of innovation but stresses the need for **clear regulatory pathways**.

Risk: Without classification, emerging devices fall into regulatory gaps.

Policy recommendation:

“Government should establish a formal classification pathway for new mobility device types, ensuring timely regulatory clarity and safe adoption.”

Question - Insurance requirements

Response:

BHTA supports proportionate insurance requirements.

Economic consideration:

- Mandatory insurance may increase costs and access barriers for users

Policy recommendation:

“Insurance requirements should be proportionate to device risk and should not create barriers to access for disabled users.”

Question - Registration requirements

Response:

Registration may be appropriate for higher-risk devices but must be **simple and accessible**.

Policy recommendation:

“Registration systems should be streamlined, low-cost, and accessible, avoiding administrative burdens that could deter legitimate users.”

Question - Licensing requirements

Response:

BHTA has significant concerns about licensing requirements.

Key risk:

- Licensing introduces barriers to independence
- May disproportionately affect vulnerable users

Policy recommendation:

“Licensing requirements should only apply where clearly justified by risk and must include appropriate exemptions or alternative pathways for disabled users.”

Critical issue - “Not in a Class” vehicles

Response:

This remains the most significant unresolved issue.

Legal risk:
These vehicles currently sit outside the statutory definition of “invalid carriages,” creating:

- Regulatory gaps
- VAT uncertainty
- Enforcement inconsistency

Economic impact:

- Potential loss of VAT relief increases cost burden on disabled users
- Market uncertainty affects manufacturers and retailers

Policy recommendation (critical):

“‘Not in a Class’ vehicles must be formally incorporated into legislation, with clear classification, rights of use, and alignment with VAT and medical device frameworks.”

VAT and regulatory alignment

Response:

BHTA highlights a critical misalignment between:

- DfT classification
- HMRC VAT rules
- MHRA medical device guidance

Policy recommendation:

“Government should ensure full alignment between transport legislation, VAT policy, and medical device regulation to prevent unintended financial and regulatory barriers.”