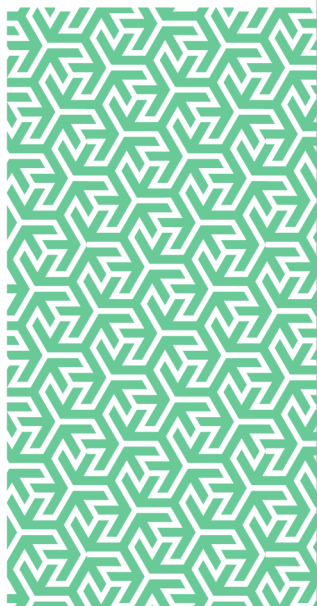


rmp

Risk control E-Scooters



In partnership with


**GALLAGHER
BASSETT**
GUIDE. GUARD. GO BEYOND.

E-Scooters

Introduction

Love them or hate them – E-Scooters appear to be here to stay in the UK. Popularity for these two wheeled scooters with small electric motors has rocketed in recent months leaving us divided on whether they are a road menace or a commute saviour.

E-Scooters are freely available to buy in the UK – both online and in stores and can cost anywhere between £100 and £1000. Whilst purchasing an E-Scooter is relatively straightforward; using and insuring them is not.

Are E-Scooters Legal?

It is legal to buy one and to use it on your own private land, but not on the public highway at this time. The only exception is if you have rented the E-Scooter from a legitimate rental company.

Electrical scooters (also known as E-scooters) come under the category of “powered transporters”. This also covers a range of other personal transport devices which are powered by a motor.

“Powered transporters” fall within the legal definition of a motor vehicle under the Road Traffic Act 1988. Therefore, the rules that apply to motor vehicles, also apply to E-scooters.

As a motor vehicle, they must comply with various pieces of Road Traffic Legislation, including but not limited to:

- Driving with a licence
- Driving/riding with insurance
- Driving/riding other than on a road
- Need to be taxed.

It is not currently possible to get appropriate insurance for privately owned E-scooters, meaning it is illegal to use them on the road or in public spaces¹.

The UK Government has therefore launched a country wide trial scheme to consider amending legislation in order to legalise the use of E-Scooters on our roads in the future.

E-Scooter Rental Trial

The Department for Transport commenced E-Scooter rental schemes similar to those seen in other European cities in

the summer of 2020. The COVID-19 pandemic accelerated the commencement of a UK scheme and extended the number of trial cities that would be involved by way of reducing the risk of COVID-19 virus spread through travel on public transport.

The trial is part of the Government’s greener travel investment strategy². A number of ‘future transport zones’ were identified as trial locations and this was then further expanded to all Local Authorities offering support and financial incentives to those wishing to take part in the trial.

In June 2021, Transport for London (TfL) launched a rental trial in London to last for 12 months across a number of boroughs as the Government considers whether to legalise E-Scooters on UK roads. More than 40 towns and cities across the country now have trials underway³.

How do the trial’s work?

There are a number of approved E-Mobility companies involved in the Government trial scheme. As part of their supply process; they are responsible for making sure the E-Scooters are insured, charged and properly maintained. They also provide appropriate safety equipment and the general operational management.

Rental costs vary across the country with some opting for charges per 20 minutes of hire up to daily rates. Each parking location is strictly geo-fenced so users must leave their E-Scooters back at the set locations when they are finished although some providers offer a drop off and collection service. The whole process can be managed through a mobile application.

Executing trials in this controlled manner enables intelligence to be gathered on usage, age profile, wear and tear and how the scooters are being driven. All of which can be fed back into the trial scheme⁴.

Interim Action

As early as September some Authorities were identifying issues with scooter use. In fact Coventry City Council suspended the trial due to unsafe practices by hirers of the scooters such as riding on footpaths⁵. Similar misuse has led to Hartlepool cancelling their pilot with the towns MP labelling the vehicles ‘useless as a chocolate fireguard’⁶.

¹<https://www.met.police.uk/advice/advice-and-information/rs/road-safety/advice-escooters/>

² <https://www.gov.uk/government/publications/green-finance-strategy>

³ <https://news.sky.com/story/e-scooters-to-be-allowed-on-london-roads-as-trial-set-to-launch-12309171>

⁴ <https://www.gov.uk/government/consultations/legalising-rental-e-scooter-trials-defining-e-scooters-and-rules-for-their-use/legalising-rental-e-scooter-trials>

⁵ <https://www.bbc.co.uk/news/uk-england-coventry-warwickshire-54164922>

⁶ <https://www.independent.co.uk/news/uk/home-news/escooter-trial-middlesbrough-hartlepool-tees-valley-ben-houchen-ginger-uk-first-a9649561.html>

Injury is a real concern, equally for the rider and for pedestrians that come into contact with the E-Scooter. Figures reported by Sky News showed more than 70 people have been injured during the Government's E-Scooter trials since their launch in 2020 up to 25th March 2021 – including 11 people who were seriously hurt⁷.

These figures do not tell the full story as they fail to capture the accidents resulting from illegal use of privately owned E-Scooters being ridden on our roads, pavements and cycle lanes.

Enforcement

Local police forces will enforce the law and have the ability to prosecute for 'powered transporter' offences⁸.

Prior to and during the trial, enforcement will be focused on private E-scooters. The most appropriate action for the circumstances will be given, these include:

- Fixed Penalty Notice for no insurance, with a £300 fine and six penalty points
- Fixed Penalty Notice for no driving licence, up to £100 fine and three to six penalty points.

The police will also take action against rider behaviour, whether private or rental. Offences could include:

- riding on the footway: Fixed Penalty Notice and possible £50 fine
- Using a mobile phone: £100 and six penalty points
- Riding through red lights: Fixed Penalty Notice, £100 fine and possible penalty points
- Drink driving offences: As with driving cars; court imposed fines, driving ban and possible imprisonment.

The recommendation from the police is to always wear safety protection such as a helmet when riding these vehicles, and to keep to the speed limit⁹.

There have been cases processed through the courts such as the case of Winter v DPP (2002). In this case the High Court considered the use of a 'City Bug' electric scooter, and whether its user was bound by the compulsory insurance requirements. It found that it was and that the appellant had been properly convicted of the offence of driving a vehicle without insurance¹⁰.

⁷ <https://news.sky.com/story/e-scooters-to-be-allowed-on-london-roads-as-trial-set-to-launch-12309171>

⁸ <https://www.gov.uk/government/publications/powered-transporters/information-sheet-guidance-on-powered-transporters>

⁹ <https://www.met.police.uk/advice/advice-and-information/rs/road-safety/advice-escooters/>

¹⁰ [https://www.pattersonlaw.co.uk/electric-scooter-use-legal-clarification-june-](https://www.pattersonlaw.co.uk/electric-scooter-use-legal-clarification-june-2021/#:~:text=In%20the%20case%20of%20Winter%20v%20DPP%20%E2%80%93,the%20offence%20of%20driving%20a%20vehicle%20without%20insurance.)

Following the surge in use of E-Scooters, a police 'crackdown' was launched and 507 E-Scooters were confiscated by the Metropolitan Police in a week in June 2021 during proactive patrols across the city¹¹.

Safety

Many E-Scooters have speed limiters fitted to restrict speed to 15.5mph but without this they could potentially reach 30mph. Some only have a single brake which can make stopping problematic.

The UK trial scooters are limited to a speed of 12.5mph. They are trackable through the mobile application (app) and backend functionality. Users are encouraged to wear helmets and as part of the Department for Transport's requirements - users are required to be 18 years or over and have either a full or provisional driving licence.

It is believed that the first E-Scooter fatality in the UK was that of television presenter and You Tube star Emily Hartridge. Emily died in July 2019 when her E-Scooter collided with a lorry on a roundabout in Battersea, South West London¹². This prompted a review by the Transport Minister to look more closely at safety and legality and led the trials taking place now.

Critics

Campaigners are calling on the government to stop rentable E-Scooter trials until safety reviews have been completed. They claim the vehicles have made towns and cities "no go zones," for blind people.

The UK's National Federation of the Blind are taking their campaign to the Prime Minister at Downing Street petitioning for a halt to all for-hire schemes, while also asking that private E-scooters remain illegal for use on Britain's roads.

Sarah Gayton, the group's Street Access Campaigns Coordinator, said the scooters had "taken over pavements".

"People are being hit, they're being hurt, people have got some really serious injuries," she said.

"We know in Nottingham that people's anxiety is a lot higher because of E-scooters, we know in Liverpool it's been called a 'no-go' area for blind and visually impaired people

¹¹ <https://news.sky.com/story/more-than-500-e-scooters-seized-in-just-one-week-as-police-launch-crackdown-12341135>

¹² <https://www.theguardian.com/uk-news/2019/jul/13/tv-presenter-emily-hartridge-dies-in-scooter-crash>

because of the rental E-scooters there that are riding over the pavements and people leaving E-scooters everywhere."

The campaign group is also calling for the government to ban retailers from selling E-scooters to the public¹³.

Roadworthy Requirements

Under the UK trial scheme, the provider will take responsibility for any maintenance and repair requirements of the scooters issued. Electric Scooter repair establishments are beginning to appear across the UK and there are online resources to help with common faults.

Just like other vehicles, they have parts and components that will wear and become damaged over time or due to excessive use, over charging and riding on rough terrain.

There is no set 'vehicle checklist' before use at this time as there is with motor vehicles such as checking brake lights and water and oil levels, tyre pressure etc. but as with any Vehicle, checks on roadworthiness before use are always recommended.

The Supporters

The Bicycle Association estimates that there are about 200,000 private E-Scooters in the country. Halfords, the biggest retailer of them, has seen sales of e-mobility products, including E-scooters and e-bikes, increase by more than 230% since April 2020¹⁴.

There are many groups fully supportive of the introduction of E-Scooters including the London Cycle Campaign (LCC) who have said "*The arrival of E-scooters offers a cleaner, low carbon alternative to cars and buses for those who can't or don't want to cycle*"¹⁵.

There are environmentalists and cycle campaign groups who see E-Scooters as a cleaner alternative for short journeys. Others, such as the Parliamentary Advisory Council for Transport Safety, have questioned how safe the scooters are - for example, pointing to the small wheels which may be vulnerable to potholes and the absence of indicators¹⁶.

Liability

The market for insurance across Europe for E-Scooters is well established but very new to the UK and not readily available from the market here yet. At the moment, it is the

responsibility of the rental company to source and arrange appropriate insurance and their options are limited.

E-Scooters have the potential to impact the covers of Motor, Public Liability, Personal Accident and/or Employers Liability depending upon the locality and the insurers' interpretation.

The intelligence gathered from the trial should help inform the industry of the level of liability exposure and potentially open the door for insurance provision.

As employers, thoughts should be turning to the risks associated with employees who may use either their own or a rental scooter to travel to and from work or in between meetings and what exposure this presents to the organisation.

Summary

There is no doubt, that as an alternative mode of transport these E-Scooters have a favourable impact on climate change, air quality and congestion but with the increase in use, accident and injury rates are on the rise.

A recent study from the US found that 45 per cent of E-scooter accidents resulted in head injuries, many involving traumatic brain injuries. Many of these could have been prevented or lessened had a suitable helmet been worn (the study found very few riders wore them) and the E-scooter accident rate was 14.3 per 100,000 trips, potentially making riders sixteen times more likely to be injured than car drivers and nine times more likely than cyclists. A large percentage of accidents involved alcohol¹⁷.

A response is expected from the UK Government late summer 2021 as this will be a year since the trial scheme launched. At this point we should know whether E-Scooters are here to stay.

¹³ <https://news.sky.com/story/e-scooters-campaigners-for-blind-and-visually-impaired-groups-demand-an-end-to-city-trials-12359475>

¹⁴ <https://www.theguardian.com/uk-news/2020/oct/07/the-e-scooter-road-menace-or-saviour-of-the-commute>

¹⁵ <https://www.lcc.org.uk/news/new-lcc-report-on-micromobility-legalise-e-scooters-and-put-them-in-improved-cycle-lanes/>

¹⁶ <https://www.lawgazette.co.uk/commentary-and-opinion/electric-scooters-proceed-with-caution-/5105857.article>

¹⁷ <https://www.standard.co.uk/comment/london-e-scooter-risk-speed-trial-b940926.html>

Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

contact@mpartners.co.uk



Risk Management Partners

The Walbrook Building
25 Walbrook
London EC4N 8AW

020 7204 1800
mpartners.co.uk

This newsletter does not purport to be comprehensive or to give legal advice. While every effort has been made to ensure accuracy, Risk Management Partners cannot be held liable for any errors, omissions or inaccuracies contained within the document. Readers should not act upon (or refrain from acting upon) information in this document without first taking further specialist or professional advice.

Risk Management Partners Limited is authorised and regulated by the Financial Conduct Authority. Registered office: The Walbrook Building, 25 Walbrook, London EC4N 8AW. Registered in England and Wales. Company no. 2989025.