2024 Government Update to Mobility Scooter Usage

BHTA / Driving Mobility Guidance and Questions

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# Introduction

Led by the Department for Transport (DfT), Government (Govt) published in spring 2024 [Using mobility scooters and powered wheelchairs](https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules) (available [in HTML](https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules) or [print version](https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/print)). Govt does not class this as a change to regulation or law, rather, as an update; among other things, it appears to revise [DfT’s 2015 Mobility scooters and powered wheelchairs on the road – some guidance for users](https://assets.publishing.service.gov.uk/media/5e959a82e90e071a1120c7d5/Mobility_Vehicle_Users_guidance-document.pdf).

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

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

This is followed by Questions for Govt identified by [BHTA](https://www.bhta.com/), [Driving Mobility](https://www.drivingmobility.org.uk/) and several member companies, followed by the Annexes referred to in the guidance. Please note:

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

# Overview

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

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

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

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

# Classes of mobility scooter and powered wheelchair

Govt sets out the different rules apply to a mobility scooter or powered wheelchair depending on what Class it is. Please note, this is not a reference to Medical Device Class (Class I, Class II, or Class III) under [UK medical device regulation](https://www.gov.uk/guidance/medical-devices-how-to-comply-with-the-legal-requirements). Rather, Class here refers to the three types of “invalid carriage” defined in [The Use of Invalid Carriages on Highways Regulations 1988](https://www.legislation.gov.uk/uksi/1988/2268), ***which Govt appears to have updated with a fourth designation, Not in a Class:***

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

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

* Class 2 and Class 3 vehicles limited to 4mph ***can*** be used on pavements, pedestrian areas, and cycle tracks[[1]](#footnote-2)
* Class 2 and Class 3 vehicles ***cannot*** be used on cycle lanes[[2]](#footnote-3)
* Class 3 vehicles ***can also*** be used on the road – if registered with DVLA
* Not in a Class vehicles ***can only*** be used on the road
* Not in a Class vehicles ***cannot*** be used on pavements, pedestrian areas, cycle tracks, or cycle lanes
* Not in a Class vehicles ***must*** be registered with DVLA
* Not in a Class vehicle drivers ***must*** hold a valid driving license

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

# Driving on the road

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

* Equipment requirements
* Speed requirements
* Rules of the road

Please see Annex 1 for further detail.

# Driving on pavements, footpaths and bridleways

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

# Eyesight requirements

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

# Vehicle tax, registration and insurance

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

# Questions for Govt

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

## Regulation – Updated Guidance and [The Use of Invalid Carriages on Highways Regulations 1988](https://www.legislation.gov.uk/uksi/1988/2268)

Does Govt plan to add “Not in a Class” to the defined “invalid carriages” in [The Use of Invalid Carriages on Highways Regulations 1988](https://www.legislation.gov.uk/uksi/1988/2268)? The Explanatory Notes currently read: “(b)Requirements - (i)Only invalid carriages of Class 1, 2 or 3 may meet the requirements (reg. 6(a))”. Thus, it would appear that, howsoever designed or defined by manufacturers, Not in a Class vehicles fall outside the purview of “invalid carriages” – which may present unintended consequences, including possible barriers to qualification for VAT relief. Could Govt please provide clarification?

## Regulation – Qualification for VAT Relief

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

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

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

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

What HMRC means by ‘chronically sick or disabled’

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

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

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

Eligibility declarations

To show that you’re entitled to buy the goods VAT-free, your supplier will probably ask you for a simple written declaration stating your eligibility. If the supplier does not give you a form to fill in you can use our [eligibility declaration by a disabled person for VAT reliefs](https://url6.mailanyone.net/scanner?m=1s9Igr-000Aks-3O&d=4%7Cmail%2F90%2F1716271200%2F1s9Igr-000Aks-3O%7Cin6b%7C57e1b682%7C30359647%7C16467817%7C664C3AA1BAA0B912131A5B84BD678101&o=%2Fphtw%3A%2Fwtskow.g.u%2Fgvnrov%2Fmetentlpuocaibirvnslt-e%2Farsiedfo-f--biseedpalieopielgl-dibicy-eltnalabio-rta-y-lisbadnosrep-de&s=9UzcsLSjcQH_AVcu8zHxHj6idbs). You’ll need to do a separate declaration for each supplier for them to keep with their VAT records.”

## Import Code Classification of Mobility Scooters

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

## Driving Licenses for Not in a Class Vehicles – Assumptions

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

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

## Driving Licenses for Not in a Class Vehicles – Acceptable Types

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

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

## Insurance Considerations

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

## Powered Add-On Units – Special Considerations

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

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

## Registration – Class 3 Vehicles

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

## Eyesight Requirements

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

# Annex 1: Comparative Table

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | **Class 2** | **Class 3** | **Not in a Class** |
| **1** | **Max weight (unladen)** | 113.4 kg (248 lb) | 150 kg (330 lb) | More than 150 kg (330 lb)-or-More than 200kg (441 lb) w/ required attachments, e.g. medical equipment |
| **2** | **Max speed** | 6.4 kph (4 mph) | 12.8 kph (8 mph) | More than 12.8 kph (8 mph) |
| **3** | **Max width** | Up to 0.85 m (2'9") | Up to 0.85 m (2’9”) | More than 0.85m (2’9”) |
| **4** | **Driving license required** | No | No  | Yes |
| **5** | **DVLA registration required** | No | Yes (road-use) / No (non-road-use) | Yes |
| **6** | **DVLA registration details** | N/A | DVLA V55/MV / Log Book (V5C) | DVLA V55/MV / Log Book (V5C) |
| **7** | **Pavement** | Yes | Yes | No |
| **8** | **Pedestrian areas** | Yes | Yes | No |
| **9** | **Cycle tracks** | Yes | Yes | No |
| **10** | **Cycle lanes** | No | No | No |
| **11** | **Road** | No | Yes | Yes (***only*** allowed on road) |
| **12** | **Non-road requirements** | Speed limited to 6.4 kph (4 mph) | Speed limited to 6.4 kph (4 mph) | N/A |
| **13** | **Road-going requirements** | N/A | * Max speed ≥ 12.8 kph (8 mph)
* Efficient brake system
* Clear view of road/traffic
* Front/rear lights/reflectors
* Direction/hazard indicators
* Rear-view mirror
* Audible horn
* Amber flasher (dual carriageway)
 | * Max speed ≥ 12.8 kph (8 mph)
* Efficient brake system
* Clear view of road/traffic
* Front/rear lights/reflectors
* Direction/hazard indicators
* Rear-view mirror
* Audible horn
* Amber flasher (dual carriageway)
 |
| **14** | **Road-going prohibitions** | N/A | Dual carriageways w/ speed limit > 50 mph, cycle lanes, bus lanes, motorways | Dual carriageways w/ speed limit > 50 mph, cycle lanes, bus lanes, motorways |
| **15** | **Eyesight requirements** | N/A | Ability to read car reg plate at 12.3 m (40’) | Ability to read car reg plate at 20 m (65.5’) |
| **16** | **Insurance required** | No | No | No – if total weight < 254 kg (560 lb)-or-Yes – if total weight > 254 kg (560 lb) |
| **17** | **Liable to vehicle tax** | N/A | No – if DVLA registered as a MS or PWC | No – if DVLA registered as a MS or PWC |
| **18** | **Special Requirement – Not in a Class:** A vehicle w/ max speed > 24 kph (15 mph) requires two dipped-beam headlamps |
| **19** | **Special Requirement – Not in a Class:** A vehicle w/ max speed > 40 kph (25 mph) requires a speedometer |

# Annex 2: BHTA Note Mobility Scooter Import Code Classification

**Background**

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

This is because Govt have apparently made a policy decision that mobility scooters are not to be classified as [8713 – Carriages for Disabled People](https://www.trade-tariff.service.gov.uk/headings/8713) 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](https://www.trade-tariff.service.gov.uk/headings/8703) 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](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) 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**](https://www.trade-tariff.service.gov.uk/headings/8713)

*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.

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1. **Cycle tracks** are separated from the road by barriers or distance. [↑](#footnote-ref-2)
2. **Cycle lanes** are painted on the road and run alongside where usual road traffic (like cars) go. [↑](#footnote-ref-3)