

HOUSE OF COMMONS TRANSPORT COMMITTEE INQUIRY "MOBILITY SCOOTERS"

Introduction

RoSPA believes that mobility scooters fulfill a valuable and important function. They enable a great many people to move about and enjoy a much better quality of life than they would otherwise be able to do. Without mobility scooters, many users would become virtually housebound, with all of the disastrous effects that would have on their mental and physical health and ability to socialise and do everyday tasks, such as shopping.

It seems likely that the use of mobility scooters will continue to increase, as Britain's population grows older.

However, as with all forms of transport, a level of risk, for users and for other people, is associated with mobility scooters. RoSPA occasionally receives calls from people concerned about being nearly knocked down by mobility scooters, and although these calls are relatively low in number, they do occur regularly. Usually, the complaint is that the mobility scooter user appeared to lack the ability to use their scooter safely, or was not showing any consideration for other people.

Data

However, there is little hard evidence, beyond such anecdotal reports, about the extent of accidents and injuries involving mobility scooters.

Until 2002, the DTI's HASS/LASS¹ databases recorded just 3 or 4 injuries per year involving mobility scooters. Most of these injuries were sustained by the users of the mobility scooters rather than bystanders. Since the DTI² stopped collecting injury data in 2002, there is little recent hard evidence about the number of accidents or casualties involving the use of mobility scooters, although it seems very likely that there is a substantial level of under-reporting. RoSPA believes it is vitally important for the United Kingdom to reinstate a HASS/LASS-type database in order to be able to track any trends in accidental injuries and to use evidence to decide whether further regulations are needed to improve the safety of products like mobility scooters. RoSPA is therefore working with the Department of Health to establish the most cost-effective ways of collecting injury causation data from hospital Emergency Departments³.

A DfT study⁴ provided some estimates of the level of incidents involving mobility scooters:

- one reported incident in a major shopping centre for each 15 million visitors to such a facility
- one insurance claim relating to an injury to an electric vehicle user in connection with a Shopmobility scheme, for each 200,000 users of such a scheme
- between one in every 202 and one in every 617 powered wheelchair or mobility scooter users will be involved in an injury accident each year. For serious injuries, the estimate was between 1 in every 1,114 and 1 in every 2,225.

¹ HASS/LASS: Home and Leisure Accident Surveillance System

² now BIS, the Department for Business, Innovation and Skills.

³ <http://www.rospace.com/hassandlass/update.htm>

⁴ Review of Class 2 and Class 3 Powered Wheelchairs and Powered Scooters (invalid Carriages), DfT/TTR, 2006

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A Medicines and Healthcare products Regulatory Agency (MHRA) Device Bulletin⁵ recorded 842 adverse incident reports concerning all types of powered and non powered wheelchairs used by children and adults. Most of the injuries may have been related to the design and construction of the scooters rather than to collisions.

One clear conclusion is that there is a lack of reliable data concerning the use of mobility scooters, the level of accidents and injuries involving their use and the main contributory factors.

Legislation

There is relatively little regulation of mobility scooters in the UK. They are mainly regarded as mobility aids rather than vehicles, and so are exempt from many parts of road traffic law, although class 3 vehicles, which can be used on the road, do need to conform to some road traffic regulations⁶.

Without reliable accident data, it is more difficult to judge what, if any, additional regulation would be justified, given the need for such regulation to be proportionate to the risk and not to prevent people from receiving the benefits that mobility scooters provide.

However, mobility scooters are used as vehicles, whether on the road or the pavement, and have the potential, if misused, to cause injury or even death. Even though the available data is sparse, accidents and injuries do occur.

Therefore, RoSPA believes that rather than introducing extensive new regulations, the approach should be to:

- Improve the quality and availability of guidance and training, for users, manufacturers and providers of mobility scooters
- obtain better data to inform any further measures.

Having said that, we believe that some road traffic laws, specifically, regulations governing careless and dangerous driving, driving whilst under the influence of drugs or alcohol, and the use of mobile telephones whilst driving, should apply to mobility scooter users. Evidence from media reports (see Appendix A for examples) indicate that there is an inconsistent approach to the enforcement of laws concerning mobility scooters. For instance, there have been cases where a user of a class 3 vehicle who was over the drink drive limit has been charged and convicted, but other cases where it was decided they could not be charged. Clearer guidance should be provided to the police, prosecuting authorities and the courts, and also, of course, to mobility scooter users themselves.

⁵ Medicines and Healthcare products Regulatory Agency (MHRA) Device Bulletin, Adverse Incident Reports 2007

⁶ Class 2 vehicles should always be used on the pavement, except where there is no pavement, when they may use the road (Highway Code, Rule 42)

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Insurance

Currently, there is no requirement for users of mobility scooters to have insurance, although cover is available from a number of companies. RoSPA feels that mobility scooter users should be strongly encouraged to obtain third party, fire and theft insurance cover. It would be possible to make this a mandatory requirement, but that would increase the cost to the user (although perhaps disability benefits could help to cover these costs) and be inconsistent with the fact that other road users (for instance, pedal cyclists) are not required to have such insurance.

Assessment and Training

There is no legal requirement for users to undertake training or to pass a test before using a mobility scooter. Indeed, there does not seem to be sufficient supply of appropriate training; RoSPA has been contacted by people struggling to find appropriate training.

In RoSPA's view, mobility scooter users should receive a professional assessment to ensure that they get the chair best suited to their needs, and to ensure that they are able to use it safely. Ideally, a user should not be able to purchase a chair until they have had a proper assessment and training. For this to be effective, suppliers of mobility scooters should undergo training and be able to demonstrate their competence in assessing a customer's needs. Assessing the suitability of a scooter for a particular customer should not rest with an untrained sales person.

An approved training programme should be developed, and training providers, and suppliers of mobility scooters, required to provide access to such training.

Good advice for users of mobility scooters is published in the Highway Code (Rules 36 – 46). However, this should be promoted more strongly to mobility scooter users and suppliers, and further advice and guidance on the purchase and use of mobility scooters should also be developed.

RoSPA does not believe a mandatory 'driving' test for mobility scooter users can be justified on the current level of data. Such a requirement would also be inconsistent with the rules for other road users, such as cyclists, who are not required to take a test before using the road.

Fitness to Drive

Although users of mobility scooters are unlikely to be in the best of health, it is nevertheless still important that they are fit to use a mobility scooter, especially as they will be using it on the road and/or on pavements, amongst many other people and vehicles. RoSPA would like to see minimum fitness standards and a fitness to drive assessment, developed, including standards in areas such as eyesight and the user's physical and mental capacity to use the particular wheelchair or scooter which best meets their needs.

Roads

Mobility scooters are prohibited from using motorways because of their very slow speeds. They are, however, allowed to dual carriageways, provided they use flashing amber lights to alert other road users that they are approaching a slow moving vehicle. Although, dual carriageways can be very high speed roads, RoSPA thinks it would be very restrictive for some mobility scooter users, if they were banned from them.

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Consideration should be given to permitting mobility scooters to use cycle or bus lanes. There may be problems with the use of cycle lanes because of their width, and in bus lanes, because buses would need to pull out of the lane to overtake the scooter, but placing the mobility scooter user on the outside of a bus or cycle lane does not seem sensible.

The Scooter

A review of the design and construction requirements for Class 2 and Class 3 vehicles should be conducted, particularly for those used on the road, which in our view should at least be fitted with lights, directional indicators, a horn, a rear-view mirror and rear reflectors.

Conclusion

Mobility scooters fulfill a very valuable and important function, helping many people to enjoy a much better quality of life than they would otherwise be able to do, and it seems likely that the use of mobility scooters will continue to increase. However, there is a level of risk, for users and for other people, associated with mobility scooters. The available data on accident and injuries related to the use of mobility scooters is sparse, and needs to be improved. The lack of such data means it is difficult to justify introducing new regulations that may be disproportionate to the level of risk and the costs associated with mobility scooters, and would undoubtedly have a social impact and restrict the benefits of mobility scooters.

However, some fundamental road traffic laws, such as drink driving, should apply to mobility scooter users, and clearer guidance should be issued to ensure that this is well known.

The advice and training for mobility scooter users and suppliers should also be much improved, with a standardised assessment and training programme being developed. A 'fitness to drive' assessment for mobility scooter users should also be developed.

APPENDIX A

Mobility Scooter Accidents & Offences: Sample Media Reports

Police hunt elderly mobility scooter driver after woman, 90, is ... 24 Jul 2009

www.dailymail.co.uk/news/article-1201612/Police-hunt-elderly-mobility-scooter-driver-woman-90-injured-hit-run.html

No prosecution for mobility scooter driver who knocked down 18 Sep 2009

www.telegraph.co.uk/news/newstoppers/politics/lawandorder/6207076/No-prosecution-for-mobility-scooter-driver-who-knocked-down-and-killed-pensioner.html

Man arrested after mobility scooter crash in Newhaven 9 Dec 2009

www.theargus.co.uk/news/4784585.Man_arrested_after_mobility_scooter_crash_in_Newhaven/

Stopped for dangerous driving - at 4mph 11 Jun 2009

www.kentonline.co.uk/kentonline/news/2009/june/11/stopped_for_dangerous_driving.aspx

No charge over mobility scooter fatality 18 Sep 2009

www.iwcp.co.uk/news/news/no-charge-over-mobility-scooter-fatality-28641.aspx

Man fined for drink-driving in disability scooter

<http://archive.thisislancashire.co.uk/2008/1/9/1061373.html>

Mobility scooter driver convicted of 8mph drink driving

www.mirror.co.uk/news/top-stories/2009/08/13/8mph-drink-man-in-dock-115875-21593248/

A mobility scooter menace?

news.bbc.co.uk/1/hi/magazine/8436558.stm

Grandad 4 times limit on a mobility scooter

www.manchestereveningnews.co.uk/news/s/1189211_grandad_4_times_limit_on_a_mobility_scooter

No Charges Brought In Mobility Scooter Incident

www.islandpulse.co.uk/b2/no-charges-for-mobility-scooter-incident/