



Department
for Transport

From the Parliamentary
Under Secretary of State
Andrew Jones MP

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Andrew Barkley
HM Senior Coroner
South Wales Central Area
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30 NOV 2016

Dear Mr Barkley,

Thank you for forwarding your 'Regulation 28: Report to Prevent Future Deaths' report following the inquest into the death of Colin George Wellings who passed away on the 8 July 2016 as a result of injuries sustained when he was thrown clear of his tricycle after losing control of it.

I am very sorry to hear about this tragic death. Please pass on my condolences to his family.

Protective helmets

You state correctly that there is currently no legal requirement for tricycle riders to wear a safety helmet while riding on a public road. The Motor Cycles (Protective Helmets) Regulations 1988, which require motorcyclists to wear a helmet, do not apply to tricycles as they fall outside the definition given of a motor bicycle, which is defined as a "two-wheeled motorcycle". However, the Official Highway Code (rule 83) does include advice that riders and passengers of motor tricycles should wear a protective helmet.

Driving and licensing requirements

Certain models of tricycles are only suitable for off-road use, as they do not meet the legal standards for use on roads. Vehicles that do not meet these standards must not be used on roads, pavements, footpaths or bridleways and to do so would be committing an offence.

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Section 87 of the Road Traffic Act 1988 provides that it is an offence for a person to drive a vehicle of any class on the road without a driving licence. To drive a tricycle on public roads a motorist must hold a Category B licence; or a former category B1 licence for motor tricycles that are up to 550kg unladen. The categories of licences are set out in the Motor Vehicles (Driving Licences) Regulations 1999 (SI 199/2864 the "1999 Regulations"). Regulation 5 and Schedule 2, Part 1, sets out the various types of licences.

Vehicle licensing and registration is governed by the Vehicle Excise and Registration Act 1994 (VERA) (as amended). The Act requires that every mechanically propelled vehicle used or kept on a public road should be licensed and registered. The latest official statistics based on Driver and Vehicle Licensing Agency (DVLA) data show 16,866 tricycles or goods tricycles licensed for use on public roads in the UK as at the end of June 2016.

Seat belts

As you have identified, the Road Vehicles (Construction & Use) Regulations exempt motorcycles, which includes motor tricycles, from requiring seatbelts where the vehicle is equipped with a driver's seat of a type requiring the driver to sit astride it, and which is constructed or assembled by a person not ordinarily engaged in the trade or business of manufacturing vehicles of that description.

Seat belts are very effective at reducing injury when used with vehicles which have a structure around the occupant area – this is able to offer direct protection and to absorb some of the energy of the impact as it deforms. For motorcycles and motor tricycles, the use of seat belts is expected to offer very few benefits and in most cases, closely coupling the rider to the vehicle in a collision is anticipated to exacerbate the injuries.

Proposed action

Improving casualty data for tricycles

Currently there are constraints on casualty data around tricycles as they are not recorded separately but within the category "other vehicle". "Other vehicle" includes, for example, tricycles, quad bikes, ambulances, fire engines, motor caravans, pedestrian controlled vehicles with a motor, refuse vehicles, road rollers, mobile cranes, army vehicles and street barrows. In 2015, 21 people were killed and 124 seriously injured whilst using a vehicle in the "other" category. This equates to around 0.6 per cent of all the Killed or Seriously Injured (KSI) casualties in Great Britain during 2015. It is likely, therefore, that the number of tricycle users killed or seriously injured is very low.

To gain a better understanding, we are proposing to ask that tricycle casualties on public roads are recorded separately in the police reported road casualty statistics (commonly called Stats 19). Any changes to the Stats 19 requirements has significant implications for police forces, both in terms of the burden of data collection and in terms of IT systems. For this reason changes to the requirements are only made as part of the quinquennial reviews.

The reviews are run by the Department for Transport through the Standing Committee for Road Accident Statistics (SCRAS). SCRAS is made up of police forces, local authorities, central Government and expert users. Any change is subject to agreement between all parties to ensure that the data collected is fit for purpose, as well as not putting too much burden on police forces. Changes to Stats 19 are not permitted outside of the reviews as the cost to the police forces for retraining officers and staff and altering recording systems would become prohibitive. It is only by making a large number of changes at once that software alterations give good value for money. The next Review will probably be in 2017. It will then take a year or so before the changes are made, as police forces will need to make a software change to add new codes / variables from the Review.

Protective helmets

Although the Highway Code advises that riders and passengers of tricycles should wear a protective helmet (rule 83 - as mentioned above), there are no immediate plans to make the wearing of helmets compulsory; such a change would require primary legislation. However, we are keeping the position under review; there are a number of factors that will need to be taken into consideration such as, the level of use, the safety of riders in a collision and the availability or otherwise of seat belts.

The Department has recently published a Road Safety Statement which sets out the Government's priorities for improving road safety over the course of this Parliament. We must give priority to those actions to which we are already committed and which concern road users who are over-represented in road casualty collisions.

Driver licensing and training

We are not proposing to mandate additional driving qualifications for motorists who wish to drive a tricycle on the road, as anyone who does so must hold a licence and will therefore have already passed a theory, hazard perception and practical driving test, which we believe provides a robust regime for road users.

Roadworthiness

Tricycles are subject to the Road Vehicles (Construction and Use) Regulations 1986 and the Road Vehicles Lighting Regulations 1989. As such they are required to be maintained in good working order and to be subjected to an annual roadworthiness inspection.

Yours sincerely,

Andrew Jones

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