

C01/2019



**Consultation Paper On
Regulation of Personal Transporters**

**by Command of Her Majesty
Thursday 16th May 2019**

Comments on this Consultation Paper should clearly reference “Consultation Paper on Regulation of Personal Transporters (C01/2019)” and be sent by email or delivered, no later than **Wednesday 26th June 2019**, to:

E-mail: consultation.personaltransporters@gibraltar.gov.gi:

or

Address: Ministry of Infrastructure and Planning
HM Government of Gibraltar
Suite 735
Europort
Gibraltar
GX11 1AA

Any comments received after this date are unlikely to be taken into account for the purposes of the relevant consultation.

Foreword

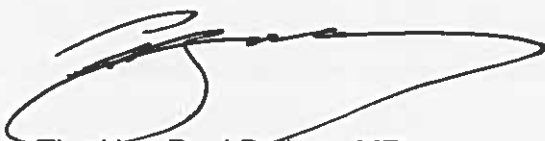
The Government has been closely monitoring developments worldwide, and particularly within Europe, in relation to the recent proliferation of personal transporters, especially electric scooters. The appearance of this technology on roads, public areas and pavements has seen countries, cities and municipalities grappling to understand and, indeed, decide how to legislate and regulate for these devices. Indeed, some countries have started to report injuries as a result, some very serious and even fatal in nature.

Whilst the Government welcomes alternative forms of transport, especially the more environmentally friendly electric powered alternative form of transport, Government is of the view that the safety of the road user and pedestrian remain the paramount concern.

Accordingly, Government has been conducting its own extensive internal review and while we continue to examine how other cities, towns and jurisdictions tackle this, the Government wishes to gauge public opinion on this very important matter.

For this reason, the Government is today issuing its latest Consultation Paper and whilst one of the key objectives of this consultation is, of course, to elicit responses in respect of the specific questions raised below, the Government is just as interested in the 'free form' feedback from respondents in respect of matters that may not have been specifically covered but which might, in the respondent's view, also require attention in this particular area.

The Government looks forward, once more, to engaging with the community as we continue our work in safeguarding the environment, encouraging a healthier lifestyle and above all, improving road safety.



The Hon Paul Balban, MP

Minister with responsibility for Infrastructure and Planning

Consultation Paper on Regulation of Personal Transporters

1. Types of Personal Transporters:

A Personal Transporter ("PT") is generally regarded as a type of compact vehicle propelled by mechanical or electrical power as well as, or instead of, being manually propelled, the primary purpose of which is to convey persons at speeds that do not normally exceed 25km/h. There are different types of PTs, and may include:

- (a) **Electric kick scooter:** the most common are light weight with two small hard wheels and fold for convenience. There are also large non-folding standing devices and non-folding devices with seats.
- (b) **Electric skateboard.**
- (c) **Self-balancing scooter:** includes all self-balancing powered portable devices with two parallel wheels, namely Segway's and self-balancing hover-boards.
- (d) **Self-balancing unicycle:** similar to the Segway.

Generally excluded from this category are electric bicycles (considered to be a type of bicycle), electric motorbikes and powered mobility aids with three or four wheels on which the rider sits (commonly known as mobility scooters).

2. Keeping/ enhancing a comprehensive ban?

In light of the current prohibition in importing 'Segway's and equivalents'¹, one option is to keep this existing ban on importation (perhaps widening it even further to include the other types of PTs) but strengthen enforcement and penalties in respect of violations.

¹ See Paragraph 14B of Schedule 1 to the Imports and Exports (Control) Regulations 2017. "Equivalents" is wide enough to include hover boards.

- 1) Are consultees of the view that the comprehensive ban on 'Segways and equivalents' should be kept?
- 2) If the answer to 1) above is no, should Government remove the existing ban and regulate some or all PTs?
- 3) Are consultees of the view that the comprehensive ban should be widened to include other types of PTs?
- 4) If the answer to 3) above is yes, which types should be covered?
- 5) If the ban is widened to include other types of PTs (that were not previously banned), should those PTs that have already been imported be grandfathered (meaning allowed to be kept)?
- 6) Should a distinction be made between PTs and 'toy PTs'?

3. Regulation of use (restriction on type/ use on public highway)?

A second option is to allow the importation and use of PTs (or only of some types) but regulate their use generally and on the public highway. This appears to be the option taken by a majority of jurisdictions in Europe and internationally.

- 7) Should all or certain types of PTs be regulated?
- 8) Which types of PTs should be regulated and which should be prohibited?
- 9) Should some types or all PTs be permitted to be used on the public highway?
- 10) Should some or all PTs be permitted to be used on the road or public footpath?
- 11) Should some or all PTs be permitted only in restricted areas or private land?

- 12) Should certain speeds be prescribed for use on the road, restricted areas or public footpaths?
- 13) Should users of PTs be over a certain age?
- 14) Should users of PTs be licensed?
- 15) Should users of PTs be required to hold adequate insurance?
- 16) Should users of PTs be required to wear helmets and/ or other personal protective equipment?
- 17) Should users of PTs be required to undergo road safety training and examination?
- 18) If certain classes of PTs are permitted to be used on the road, should their construction include front and rear lights, brakes, bells, safety reflectors, indicators or other?
- 19) Should PTs be required to undergo examinations and inspections of fitness in the same manner as motor vehicles do in current legislation?
- 20) Should the offences of speeding, careless and reckless driving and driving under the influence apply to users of PTs?
- 21) Should fixed penalties be introduced for use of PTs in a manner that is inconsistent with the eventual legislation regulating their use?

4. Mirror the UK model?

Another option is to prohibit all types of PTs because they fall within the definition of a motor vehicle in the Traffic Act 2005 (the definition of motor vehicle would have to be amended) and do not meet the requirements of, amongst others, the Vehicles (Construction, Equipment and Maintenance) Regulations.

- 22) Are consultees of the view that Gibraltar should mirror the UK position?
- 23) If so, are consultees of the view that existing legislation should be amended to have all or some types of PTs classified as motor vehicles?
- 24) Where some types are not classified as motor vehicles, should those PTs be prohibited as per section 1 or regulated as per section 3 above?

This concludes the Consultation Paper. Consultees are reminded that comments on this Consultation Paper should clearly reference "Consultation Paper on Regulation of Personal Transporters (C01/2019)" and be sent by email or delivered by post or in person to the addresses indicated at the beginning of this Consultation Paper, no later than **Wednesday 26th June 2019**.

Any comments received after the stipulated date are unlikely to be taken into account for the purposes of the relevant consultation.