



OFF-ROAD BIKES KNOW THE RULES!

Are you thinking of buying a motorbike, quad bike, mini-moto or Go-Ped for your child to ride off-road in Stoke-on-Trent?

These vehicles are not toys. THINK about the consequences, such as:

- If these bikes are ridden off-road, you will be breaking the law, at risk of a hefty fine, having the bike seized, being subject to ASB enforcement powers and/or a potential breach of your tenancy;
- It is illegal to ride off-road vehicles such as motorbikes, quads, electric scooters, scramblers, mini-motos and go-peds on any public spaces in Stoke-on-Trent. This includes parks, pavements, waste grounds or parkways.
- To ride a bike on the road it must be especially built for road use. The rider **MUST** be over 16 years of age and will need registration documents, MOT, road tax, insurance, a licence and an approved crash helmet just like a real motorbike; and
- Riders risk serious injury, even death, to themselves and pedestrians.

FAQ

Can mini-motos and Go-Peds be used on the road?

NO - although most of these types of vehicles satisfy the definition of a motor vehicle, they are not road worthy.

In order to be roadworthy, they would have to meet all construction and use requirements.

The motorised scooters would also be required to have European Whole Vehicle Type Approval, be registered with the DVLA, have tax, insurance and display number plates. The rider would have to hold valid driving documents and wear a crash helmet. They should only be used on private land with the written permission of the landowner.

THE ISSUE

Off-road bikes include a range of vehicles such as quad bikes and motorbikes, including scramblers and mini-motos. For many years there has been a problem whereby off-road bikes are being driven in a dangerous and anti-social manner and causing a nuisance. There have been incidents of off-road bikes being driven in parks, on pavements and in other public spaces, resulting in injuries to riders and the public and even pets have been hurt. They cause damage to parks, fields, green spaces and private property.

THE LEGISLATION

Off-road bikes can be used on private land, with the landowner's permission. The Road Traffic Act 1988 includes provisions that make it illegal to drive a mechanically propelled vehicle on land where permission has not been given. The Road Traffic Act 1988 (section 34) states that:

It is illegal to drive or ride a mechanically propelled vehicle without lawful authority on common land, moorland or land not forming part of a road, or on any road which is a footpath, bridleway or restricted byway.

It should be noted that unsurfaced unclassified roads (often know as green roads or green lanes) and byways open to all traffic are roads, so riders would need to have a driving licence and insurance, and the quad bike must be taxed and registered (as per the Road Traffic Act). To ride on public land (e.g. parks) riders would need the local authority's permission. The local authority do not grant permission for off-road bikes in this area.

Legislation also covers the use of such vehicles on the road. Both quad bikes and motorbikes must conform to the Road Vehicles (Construction & Use) Regulations 1986 and riders must fulfil various regulations under the Road Traffic Act 1988. This means such bikes must be approved, registered, taxed and have an MOT (if needed) to be used on the road.

There are various legal provisions that could apply when motorised bikes are being ridden off-road:

- Under section 34 of the Road Traffic Act 1988 the driving of motor vehicles off-road and on public land is prohibited.
- Persons riding a quad bike on a footpath, bridleway or restricted bridleway would be guilty of an offence under the Countryside and Rights of Way Act 2000.
- Even if someone has permission to ride a quad bike on land, if they are found to be riding "dangerously" or "carelessly" (as defined by the Road Traffic Act 1991) they would be guilty of an offence even when they are driving off-road.
- Under Section 59 Police Reform Act 2002, officers and PCSO's can seize vehicles which are being used illegally, including prohibited off-road use.
- Noise issues can be dealt with by the local council under statutory nuisance noise legislation as provided by the Environmental Protection Act 1990. This Act places a duty on the local authority to investigate complaints of noise nuisance and serve a noise abatement notice against people who cause a "statutory nuisance."
- If riders are caught causing criminal damage they can be arrested under the Criminal Damage Act 1971.

In addition, the Anti-social Behaviour, Crime and Policing Act 2014 includes powers the police, councils and other local agencies can use to tackle anti-social behaviour involving off-road bikes.



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FURTHER ADVICE

If you are still considering buying an off-road bike for a child please ensure you have understood all of the information provided. Make sure that whoever is selling it can provide proof of ownership as a lot of these bikes are stolen and sold on.

REMEMBER there will also be hidden costs:

- The bike will require Public Liability Insurance
- You will need to find an approved site to use it legitimately.

If your child has an interest in motorcycle sport and you wish to ride legally, please contact the governing body for the sport:

Auto Cycle Union,

**British Motorcycle Sport and Leisure, ACU House, Wood Street,
Rugby CV21 2AX**

Telephone: 01788 566 400

Email: admin@acu.org.uk

Web: www.acu.org.uk



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