



**Informing Progress - Shaping the Future**

## FOIL Update – 4<sup>th</sup> February 2025



### **E-Scooters: The Irish vs UK Approach**

#### **Introduction**

Until recently, the use of e-scooters in Ireland fell within a legal grey area – conscientious operators could not be sure as to whether their e-scooters could be driven legally on public roads, nor as to whether a driving licence, NCT, tax or insurance was required for their use. However, the post-2024 landscape is now bright for e-scooter operators, but perhaps less so for those sharing the public highway with them.

In the UK, the position was, and continues to be, more straightforward - it is effectively illegal to use private e-scooters on public roads in circumstances where they are still classed as motor vehicles under the Road Traffic Act 1988 (requiring a driving licence, insurance, motor tax and MOT for their operation on public roads) and where meeting all of those legal requirements is impossible.

This article will summarise and contrast the legal position of e-scooters in Ireland and the UK as of January 2025.

#### **IRELAND**

##### ***The Road Traffic Act 1961***

Under s.3 of the Road Traffic Act 1961 ("the 1961 Act"), e-scooters arguably came within the definition of "Mechanically Propelled Vehicle" ("MPV") and consequently their legal use on public roads was seemingly rendered an impossibility in light of the apparent requirements of holding a driving licence, vehicle registration, motor tax, an NCT certificate and third-party motor insurance.

However, in the absence of any firm clarification, legislative or otherwise, e-scooter numbers on public roads continued to soar.<sup>1</sup>

### ***The Road Traffic and Roads Act 2023***

The Road Traffic and Roads Bill 2021, later enacted as the Road Traffic and Roads Act 2023 (“the 2023 Act”) and which commenced on 20 May 2024,<sup>2</sup> created a new category of mechanically propelled vehicles, “Personal Powered Transporters” (“PPT’s”) which do not require registration, motor tax,<sup>3</sup> motor insurance,<sup>4</sup> an NCT certificate<sup>5</sup> or a driving licence.<sup>6</sup> As appears from the 2023 Act, s.16 thereof extensively amended *inter alia* s.3 of the 1961 Act, inserting the new definition of a PPT as follows:

“...a vehicle—

*designed and constructed for the carriage of a single person, but not designed or constructed for a person with restricted mobility or for the carriage of goods,*  
*with a maximum weight unladen of 25 kilograms,*  
*with a maximum design speed of no less than 6 kilometres per hour and no greater than 25 kilometres per hour, and*  
*equipped with an electric motor having a maximum continuous rated power, or electric motors having a combined maximum continuous rated power, of less than or equal to 0.5 kilowatts,*

*but not including a vehicle referred to in paragraph (b) of the definition of pedal bicycle or in paragraph (b) of the definition of pedal tricycle”*

However, the position was not yet clear for e-scooter operators following the introduction of the 2023 Act as the term ‘e-scooter’ remained conspicuously absent from the 2023 Act.

### ***The E-Scooter Regulations***

Clarity was finally achieved with the introduction of the Road Traffic (Electric Scooters) Regulations 2024 (S.I. No. 199 of 2024) and the Road Traffic (Use of Powered Personal Transporters) Regulations 2024 (S.I. No. 224/2024) (together, “the E-Scooter Regulations”).

The E-Scooter Regulations clarified that e-scooters are captured by the definition of PPT and that their use in a public place is not prohibited provided they are used in accordance with S.I. No. 199 of 2024.

Accordingly, it is entirely legal to use an e-scooter on a public road provided, *inter alia*, that:

- It is not fitted with a seat;
- It is used by one person at a time;
- It is not modified to increase its speed or power;
- It meets dimensional, weight, manufacturing and operating requirements;

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<sup>1</sup> [https://www.rsa.ie/docs/default-source/road-safety/r4.1-research-reports/safe-road-use/e-scooter-observation-study-2022.pdf?Status=Master&sfvrsn=3f9102e1\\_3](https://www.rsa.ie/docs/default-source/road-safety/r4.1-research-reports/safe-road-use/e-scooter-observation-study-2022.pdf?Status=Master&sfvrsn=3f9102e1_3)

<sup>2</sup> See the Road Traffic and Roads Act 2023 (Commencement) Order 2024 - S.I. No. 197/2024.

<sup>3</sup> See s.1 of the Finance (Excise Duties) (Vehicles) Act 1952 (as amended), which applies only to MPV’s.

<sup>4</sup> See the definition of “vehicle” to which the compulsory motor insurance obligation applies in s.56(9)(a) of the 1961 Act. These parameters implement the requirements of the Compulsory Motor Insurance Directive (2009/103/EC) (as amended by Directive (EU) 2021/2118 of 24 November 2021).

<sup>5</sup> See definition of “vehicle” in the Road Traffic (National Car Test) Regulations 2017 (as amended).

<sup>6</sup> See s.16 of the 2023 Act for more details.

It is fitted with front and rear lamps and reflectors;  
It is not used for the purpose of towing.<sup>7</sup>

S.28 of S.I. No. 199 of 2024 fixes the owner of an e-scooter with criminal liability where their non-compliant scooter is used in public:

*“Where a person uses an electric scooter in a public place which does not comply with these Regulations, then the owner of the scooter is prescribed for the purposes of section 11 (5)(a) of the Road Traffic Act 1961 (No. 24 of 1961) as also committing an offence in respect of the non-compliance.”*

Interestingly, a minimum age-limit for the use of e-scooters on public roads is conspicuously absent from the legislation. In circumstances where numerous instances of serious injuries (including fatal injuries) arising from the use of e-scooters by minors have been recorded in recent years,<sup>8</sup> and where there is no insurance requirement, this omission is somewhat concerning.

### **Recent developments**

In August 2024, the National Transport Authority of Ireland (“NTA”) advised all of its contracting transport operators (including bus, coach, Luas, DART and train services) to prohibit the carriage of e-scooters, citing quality control concerns in relation to their manufacturing and the vulnerability of their lithium-ion batteries to damage due to their positioning near ground level.<sup>9</sup>

The ban came into operation on 7 October 2024, to the chagrin of many e-scooter users and retailers.<sup>10</sup>

## **UNITED KINGDOM**

### *The Road Traffic Act 1988*

Presently, e-scooters are classed as motorcycles pursuant to the Road Traffic Act 1988 (“the 1988 Act”) falling under the definition in s.185(1)(c) thereof:

*“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms...”*

Accordingly, all of the usual requirements for motorcycles in relation to tax, MOT, insurance and registration apply to the use of an e-scooter on public roads, rendering their legal public use an impossibility as these requirements cannot be met by operators.

### **Government Trials**

In a move to ‘test the waters’, the UK government introduced the Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 (S.I. 2020/663) (“the 2020 Regulations”)

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<sup>7</sup> S.I. No. 199 of 2024.

<sup>8</sup> <https://www.injuries.ie/eng/about-injuries-resolution-board/reports/report-on-accidents-involving-cyclists-and-e-scooters-users.pdf>

<sup>9</sup> <https://www.nationaltransport.ie/publications/advice-note-on-the-carriage-of-e-scooters-on-public-transport/>

<sup>10</sup> <https://www.rte.ie/news/ireland/2024/1006/1473804-e-scooters/>

to facilitate trials of rental e-scooters with the stated aim of exploring ‘green’ forms of travel and mitigating reduced public transport capacity.<sup>11</sup>

Coming into force on 4 July 2020, the 2020 Regulations amended *inter alia* the Vehicle Excise and Registration Act 1994, the 1988 Act, the Road Traffic Regulation Act 1984 and the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”) to enable the legal use of rental e-scooters on public roads in a number of regions throughout England.

Notably, those renting an e-scooter are still required to hold a Category Q driving licence, with a special definition being inserted into regulation 3 of the 1999 Regulations:

*“electric scooter” means a category Q vehicle which—  
is fitted with an electric motor with a maximum continuous power rating not exceeding 500 watts;  
is not fitted with pedals that are capable of propelling the vehicle;  
has two wheels, one front and one rear, aligned along the direction of travel;  
is designed to carry no more than one person;  
has a maximum weight, excluding the driver, not exceeding 55 kilograms;  
has a maximum design speed not exceeding 15.5 miles per hour;  
has a means of directional control through the use of handlebars which are mechanically linked to the steered wheel;  
has a means of controlling the speed through hand controls; and  
has a power control that defaults to the ‘off’ position;”*

In further contrast to the Irish position, third party insurance continues to be required (although this is not required to be held by the individual user, but is in practice arranged by the rental operator).<sup>12</sup>

Interestingly, rental e-scooter riders were specifically exempted from the use of helmets by the insertion of a new paragraph 3 into regulation 4 of the Motor Cycles (Protective Helmets) Regulations 1998. This is surprising given the high numbers of severe and other head injuries sustained by UK e-scooter users in 2022.<sup>13</sup>

## Conclusion

In conclusion, the legal landscape for e-scooters has significantly evolved in both Ireland and the UK, though each country has taken a different approach.

In Ireland, greater clarity has been achieved with concise regulations coming into effect post-2024. However, other road users and pedestrians alike are left exposed in circumstances where many e-scooter operators are infants and may not possess the experience, maturity and sense of responsibility which ought to be required to operate a potentially dangerous vehicle in a public place.

In contrast, the UK maintains a more straightforward stance, where private e-scooters are restricted from public roads and where rental e-scooters are available under certain conditions, including that the driver is insured.

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<sup>11</sup> <https://www.gov.uk/government/publications/e-scooter-trials-guidance-for-local-areas-and-rental-operators/e-scooter-trials-guidance-for-local-areas-and-rental-operators>

<sup>12</sup> <https://www.gov.uk/government/publications/e-scooter-trials-guidance-for-local-areas-and-rental-operators/e-scooter-trials-guidance-for-local-areas-and-rental-operators>

<sup>13</sup> In particular, the gov.uk accredited official statistics note that e-scooter users are “one of the most vulnerable user groups” and this is verified by the figures therein - see <https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-e-scooter-factsheet-2022/reported-road-casualties-great-britain-e-scooter-factsheet-2022>

Whilst both Ireland and the UK have made strides in respect of the regulation of e-scooters for use in public places, it is clear from the statistics that further regulation is required to keep both e-scooter operators and their fellow road users safe from each other.

FOIL is intending to host a learning event on this topic towards the end of March.

Kind regards  
FOIL

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