

Mini motos, off-road vehicles, etc

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This guidance is for England, Scotland and Wales

Off-road vehicles - such as mini motorbikes, quad bikes and powered scooters - are popular as recreational vehicles for both adults and children. However, concerns have been raised about vehicle safety and associated nuisance and anti-social behaviour.

When assessing the safety of a product a number of matters are taken into consideration and anyone in the supply chain, including retailers, can be held liable for the supply of unsafe products.

Traders should carry out basic checks on vehicles before supply, including checking the frame is not damaged, that nuts and bolts are secure, tyres are properly inflated, and steering is aligned. The vehicle sold must be of satisfactory quality, fit for purpose and as described. There are rules relating to the legal and illegal use of off-road vehicles, which should be passed on to the consumer.

Country definitions

The following terms are used throughout this guidance:

- United Kingdom (UK): England, Scotland, Wales and Northern Ireland
- Great Britain (GB): England, Scotland and Wales
- Northern Ireland (NI)
- European Union (EU): there are 27 Member States of the EU, including Ireland but *not* any of the UK countries

Product safety

The law requires that any product sold to consumers must be safe. Products should not present any unnecessary risk to anyone when used in a normal or reasonably foreseeable way. When assessing the safety of a product, the following must be taken into account:

- packaging, labelling and instructions
- effect of the product on other products with which it might be used
- special needs of particular types of people, such as children

Where there are national, European or international standards relating to the product, these standards will also need to be taken into account.

Anyone in the supply chain, including retailers, can be held liable for the supply of unsafe products. In general, it is a criminal offence to supply unsafe products and you could also be liable to pay compensation for any injury or property-damage caused.

You should be prepared to carry out checks on the product and/or on your suppliers to ensure product safety. Doing nothing is not enough.

Special safety requirements

Off-road vehicles are covered by the Supply of Machinery (Safety) Regulations 2008. They specifically exclude vehicles that are intended for use in competitions or on the road. Compliance with the health and safety requirements of these Regulations can be achieved by manufacturing to European or British standards.

The Standard BS EN 16029: *Ride-on motorised vehicles intended for the transportation of persons and not intended for use on public roads. Single-track two-wheel motor vehicles. Safety requirements and test methods* is currently under review. This Standard could be taken into account when assessing whether the product complies with the Supply of Machinery (Safety) Regulations 2008.

All vehicles that are covered by the Regulations will need to be UKCA marked and comply with the health and safety requirements outlined in the Regulations.

Technical documentation

The Regulations also place an obligation for manufacturers and importers that place mini moto's or off-road vehicles on the market to:

- ensure that the technical documentation is compiled and made available in accordance with the requirements
- provide information as necessary to operate it safely, such as instructions for use, repair and maintenance
- follow appropriate conformity assessment procedures as prescribed by the Regulations
- ensure that there is a UK declaration of conformity undertaken by the manufacturer

The UKCA mark is placed on a product by the manufacturer as confirmation that it complies with all the relevant safety standards. All machinery requires UKCA marking in accordance with the Supply of Machinery (Safety) Regulations 2008, and (where relevant to electrical components such as chargers) the Electrical Equipment (Safety) Regulations 2016.



There will be a crossover period for the UKCA mark, and in most cases the CE mark can still be used until 31 December 2021 on the GB market. The UKCA mark can only be placed on products by UK approved bodies.

Where Northern Ireland is involved, there is a further mark that is used: the UKNI mark.



In Northern Ireland, machinery needs to have the CE mark or both the CE and the UKNI marks affixed.



For more information on the UKCA, UKNI and CE marks, please see 'Product safety: due diligence'.

Particular safety concerns

As a retailer, you may not have the same degree of technical knowledge and expertise as a manufacturer or importer. However, you may be able to carry out certain checks on the safety of off-road vehicles. All off-road vehicles subject to the Supply of Machinery (Safety) Regulations 2008 must be accompanied by a declaration of conformity drawn up by the manufacturer. This specifies, amongst other things, which standards the off-road vehicle complies with. It is an offence not to provide the declaration of conformity with the machine.

Additionally, you should ensure that each vehicle is supplied with adequate written instructions. If you rely only on verbal instructions it will be very difficult to prove what you have said and your instructions may not reach the end user (if the vehicle is a gift, for example). If there are parts of the instructions that have a particular relevance to safety, you may wish to highlight them.

You should also examine each vehicle before you supply it and carry out basic checks - for example:

- all fixings, nuts and bolts are correctly and securely fastened
- the frame is not damaged
- the condition and inflation of tyres
- brakes are working effectively
- no sharp edges and entrapment hazards

- no leaks in the fuel system
- the steering is aligned
- all hot surfaces, such as exhausts, are guarded

You may wish to offer advice on the appropriate safety equipment that needs to be used with the vehicle, such as a helmet and suitable clothing, and to offer to supply this equipment. Any such advice should also be included in the written instructions.

Product quality

Under the Consumer Rights Act 2015, the goods you sell must be of satisfactory quality, fit for their purpose and as described. If a vehicle is intended to be ridden off-road, it should be sufficiently robust to provide a reasonable service life. A consumer might reasonably expect to replace some parts from time to time - due to ordinary wear and tear - but they would probably expect the vehicle to be able to cope with rough terrain.

If a vehicle fails prematurely, the consumer may be entitled to claim their losses from the retailer. This could include a repair, replacement, full or partial refund and/or compensation.

If the manufacturer offers a guarantee, remember that this does not take away a consumer's rights. Your consumer may still have a claim against you even after the manufacturer's guarantee has expired.

See 'The sale and supply of goods' for more information.

Legal and illegal use of off-road vehicles

Off-road vehicles cannot be used on the public highway. Furthermore, under the Road Traffic Act 1988 (and related legislation) motorised vehicles cannot be used anywhere off-road, except on private land with the landowner's permission. This means that mini motorbikes and quad bikes cannot legally be used on pavements, footpaths or cycle paths; nor can they usually be used on parkland, common land or wasteland.

There are also provisions in law against nuisance, including noise nuisance caused by the inappropriate or illegal use of off-road vehicles. In some cases the police can impound and even destroy vehicles that are being used in an anti-social manner.

There are special tracks and facilities for off-road vehicle use, but your consumer may not live near to one of these, or they may find it difficult to transport a vehicle there.

Consumers may not be fully aware of the legal restrictions that apply to the use of off-road vehicles. They may well be disappointed if they buy a vehicle, expecting to be able to ride it on a local park or common, only to find out later that they cannot do so. It would therefore be advisable to check with your consumer, at least in general terms, that they understand where and how the vehicles can be used.

Under the Consumer Protection from Unfair Trading Regulations 2008, retailers are obliged to disclose information that might affect a consumer's decision to buy, even if the consumer does not ask for it. You should therefore make it clear to prospective customers that the vehicle can only be used on private land, and then only with the landowner's permission and if it does not cause a nuisance.

Counterfeit vehicles

Trading standards services are aware of a number of cases where off-road vehicles have been badged with the name of a famous motorcycle manufacturer, even though that manufacturer had no involvement in their production. If you are offered the chance to supply such vehicles, you should make checks with the manufacturer's UK representatives to find out whether the vehicles are genuine. If they are not, please report the supplier to trading standards; the products might also be dangerous.

Petrol: underage sales

Petrol cannot be sold to children under 16 years of age. If you are supplying a vehicle for use by children, we would recommend that you remind your customers of this.

Outside the scope of this guide

If you are importing off-road vehicles into the EU, to sell at retail or wholesale, you may need to take specialist advice from your local trading standards service.

Vehicles that are sold for use both on and off the road (such as some quad bikes) are designed to comply with the regulations that deal with the construction and use of vehicles on the road. To be used on the road, of course, the vehicles and riders will require the correct form of licence and insurance.

Electrically assisted bicycles are also subject to their own special rules; see 'Electrically assisted pedal cycles'.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Road Traffic Act 1988

Consumer Protection from Unfair Trading Regulations 2008

Supply of Machinery (Safety) Regulations 2008

Consumer Rights Act 2015

Last reviewed / updated: February 2021

In this update

No major changes

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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