

Mini motos, off-road vehicles, etc

In the guide

Product safety

Special safety requirements

Particular safety concerns

Product quality

Legal & illegal use of off-road vehicles: information for your consumers

Counterfeit vehicles

Petrol: underage sales

Outside the scope of this guide

Penalties

Key legislation

This guidance is for England, Scotland & Wales

Off-road vehicles, such as mini motorbikes, quad bikes and powered scooters, have become increasingly popular in recent years as recreational vehicles for both adults and children. As a wider variety of vehicles have become available at affordable prices, 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.

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:

- the packaging, labelling and instructions
- the effect of the product on other products with which it might be used
- the 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

The Toys (Safety) Regulations 2011 apply to products that are designed or intended for children under 14 years of age to use in play. The Regulations do not apply to vehicles that are powered by a combustion engine, but they could apply to other types of vehicle such as electric scooters for children that are not intended for use on the roads or pavements. Toys normally have to comply with European standard BS EN 71 and they have to be CE-marked. The [CE mark](#) is placed on a product by the manufacturer as confirmation that it complies with all the relevant safety standards (see '[Safety of products: due diligence](#)').



All other 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 applicable European standard is 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*. 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 CE-marked and comply with the health and safety requirements outlined in the Regulations.

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
- make sure that the steering is aligned
- ensure 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 his 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 & supply of goods'](#) for more information.

Legal & illegal use of off-road vehicles: information for your consumers

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 he 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 he understands 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.

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see '[Trading standards: powers, enforcement & penalties](#)'.

Key legislation

[Road Traffic Act 1988](#)

[Consumer Protection from Unfair Trading Regulations 2008](#)

[Supply of Machinery \(Safety\) Regulations 2008](#)

[Toys \(Safety\) Regulations 2011](#)

[Consumer Rights Act 2015](#)

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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 UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.



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