

Frequently asked Questions

1. What is a MPV (mechanically propelled vehicle)?

The term MPV is not defined by legislation, but will include, for example, child-sized motorcycles, quads and all motorised vehicles as defined in the Road Traffic Act 1988. Note the exceptions from the definition of motor vehicle contained in section 189(1)(c) of the Road Traffic Act 1988

i.e. grass-cutting machines, certain vehicles controlled by pedestrians, and specified electrically assisted bicycles.

2. Why is a MPV different to a motor vehicle?

A motor vehicle, in legal terms, is a MPV intended or adapted for use on the roads. It was considered that this definition did not capture, for example, unregistered or unlicensed scramblers and quad bikes, so the concept of a MPV was introduced. MPV is a broader concept than motor vehicle; all motor vehicles are MPVs, but some MPVs are not "intended or adapted for use on the roads".

3. Is an electrically assisted pedal cycle a MPV?

An electrically assisted pedal cycle would almost certainly be regarded as a MPV. However, section 189 of the Road Traffic Act 1988 and section 140 of the Road Traffic Regulation Act 1984 provide that electrically assisted pedal cycles of such class as may be prescribed by regulations are not to be treated as motor vehicles for the purposes of those Acts. The Electrically Assisted Pedal Cycles Regulations 1983 (SI 1983/1168), which have effect as if made under the sections 189 and 140, prescribe the class of pedal cycles. Sections 189, 140 and the Regulations thus exempt certain types of electrically assisted pedal cycles from many rules that would otherwise apply.

4. What is a public place?

The Road Traffic Act 1991 amended sections 1 to 3 of the Road Traffic Act 1988 and enables prosecutions to be brought for causing death by dangerous driving, dangerous driving, careless and inconsiderate driving of a mechanically propelled vehicle in a public place off the highway.

A public place might include moorlands, common land or Sites of Special Scientific Interest (SSSIs) and has been held by the courts to mean an area to which the public at large have access or that the public have express or implied permission to access from the Land Owner.

5. What is the difference between a public right of way and a highway?

The terms 'public right of way' and 'highway' are often used interchangeably. Both mean a way over which the public have a right to pass and repass. 'Highway' is often used to refer to the physical feature and 'public right of way' to the legal right to, for example, walk, ride or drive over it.

6. What about people who are registered as disabled who want to drive along a public right of way or in a public place?

Section 34 of the Road Traffic Act 1988 provides that anyone driving a mechanically propelled vehicle without lawful authority on land not forming part of a road, or on any road that is a footpath, bridleway or restricted byway is guilty of an offence.

However, in the case of a vehicle which is an invalid carriage complying with the requirements prescribed by the Use of Invalid Carriages on Highways Regulations 1988 (SI 1988/2268; the "Regulations") and which is being used in accordance with the conditions prescribed in the Regulations, section 20 of the Chronically Sick and Disabled Persons Act 1970 provides an exemption. Section 20(1) (b) specifically excludes the section 34 offence from applying to invalid carriages of the prescribed type which are being used in the prescribed manner (i.e. prescribed under the Regulations).

Further, section 20 provides that in the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions: (i) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway (for the purposes of section 20, 'footway' includes footways, footpaths and bridleways). Thus, for example, a pavement quad can be used by a registered disabled person on a footpath; (ii) if the vehicle is mechanically propelled, it shall be treated for the purposes of the Road Traffic Regulation Act 1984 and the Road Traffic Act 1988, except section 22A of that Act (causing danger to road users by interfering with motor vehicles, etc.), and the Road Traffic Offenders Act 1988 as not being a motor vehicle, and certain specific sections of the Road Traffic Act 1988 shall not apply to it.

7. Do I have to register, tax, insure my MPV if I want to drive or ride on a public right of way or in a public place?

Yes. This applies even if you own the land across which you will drive or ride, and the rule does not depend on the purpose of the journey. Special rules simplify the process for some agricultural vehicles, and there are exemptions for certain vehicles - please see questions 3 and 6.

8. Where can I drive my motor cycle, car, four wheel drive vehicle off road?

If it is 'road legal' you can drive or ride anywhere you have permission to do so. If not, you can drive or ride anywhere which is not a public road or a public place (see above), provided that you have permission. A landowner or occupier can give such permission, but only for a maximum of 28 days if the use amounts to a 'change of use'. If the use amounts to racing, only 14 days are allowed. These allowances do not apply where the land involved is or is within a Site of Special Scientific Interest.

Planning permission should be obtained if the change of use is intended to last beyond the initial 28 day period, and then, conditions may be applied to the use. Such

permission is difficult to obtain in many areas.

For further details, see the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).

9. What is the difference between a public highway and a public right of way?

Technically, the highway is the land over which you travel when exercising (relying on) a right of way. Unless there is a right of way, there is no highway, in legal terms. Many people use the term 'highways' to mean the ordinary tarred road network, and 'rights of way' to comprise footpaths, bridleways (and sometimes other routes such as byways). In some counties there are different departments dealing with 'highways' and 'rights of way', though the proper distinction would be between the different classes of way.

10. Where can I ride a motor cycle or drive a car without tax or insurance?

You may use a road legal motor vehicle without 'tax' (road vehicle excise duty) on any highway which carries vehicular rights and which is not repairable at public expense. As these characteristics are often difficult to establish, and as such routes rarely join up to make a useful network, the safe (but incorrect) answer is 'only on private land'.

As a general rule, insurance is required for vehicular use on any highway, and in any public place, and is advised in all cases.

11. What is meant by 'off road'?

The term is used in many different ways, and confusion can result. A four wheel drive vehicle clearly has capability to drive away from ordinary roads, so it can rightly be called an 'off road vehicle'. This has led people to call the use of such vehicles on private land 'off-roading'. People then go on to think that the use of untarred roads can also be called 'off road'. Further confusion can arise as, in legal terms, untarred footpaths are roads. The safe rule is to use 'off road' only to refer to activities which are entirely away from highways - e.g. events such as motocross, speedway, and motor racing.

12. Do I need a licence to drive 'off road'?

If you use the term properly (see q12) then you do not need a licence, but you do need permission. If your off-road activity is a motor sport event, you may need a competition licence - for some events there are further requirements such as medical tests, etc.

13. How old do I need to be to drive 'off road'?

As long as you do nothing which counts as driving in a public place, there is no limit on age. There are clubs which organise off-road events for under-age drivers or riders - the LARA website may have helpful contact details.

14. Can I drive on a footpath, bridleway and restricted byway if the landowner gives me 'lawful authority'?

Yes, that is the legal term which covers permission. Whilst having been given 'lawful authority' by the landowner may avoid an offence being committed under section 34 of the Road Traffic Act 1988, you should consider whether vehicular use of the way might amount to a public nuisance. Both you, and your vehicle, should be road legal for all public roads, even if your use involves only a short section of footpath.

15. Does a landowner or occupier who is driving on a highway on his own land need to comply with the same rules as a member of the public?

Yes, a landowner can be assumed to have lawful authority (i.e. to have given himself permission, in effect), but the rules are no different with regard to the need for a road legal vehicle and a fully licensed and insured driver. As mentioned above, whilst 'lawful authority' may avoid an offence being committed under section 34 of the Road Traffic Act 1988, use of a mechanically propelled vehicle on ways that do not carry vehicular rights, even with permission, may amount to the common law criminal offence of public nuisance.

16. What powers does a member of the public have to stop or question a motorist believed to be acting unlawfully on a highway, or off-road?

Only a constable or traffic officer has the power to stop a highway user; anyone else trying to do so puts themselves at risk, both physically and legally (for obstructing the highway).

Questions may be asked by anyone, but there is no obligation for a motorist to respond, except in the case that an accident has occurred that is covered by section 170 of the Road Traffic Act 1988. In this case, all drivers involved should stop and give their name and address and also the name and address of the owner and the identification marks of the vehicle to anyone with reasonable grounds for so requiring such information.

Away from public roads (i.e. 'off road'), a landowner or occupier can ask a driver to leave at once - even if permission has previously been given. If the instruction is not followed, reasonable force can be used - depending on the circumstances - to remove the driver and vehicle from the land.

Unless a reportable accident has occurred, there is no obligation to give names, addresses, etc.

Although provisions contained in the Serious Organised Crime and Police Act 2005 will, once in force, change the position slightly, as a general principle, except in limited circumstances, only a constable has the power to arrest a person.

For further information please visit :

www.defra.gov.uk/wildlife-countryside/cl/mpv/pdf/regulating-motorvehicles.pdf