

A GUIDE TO IDENTIFYING NON-COMPLIANT E-BIKES



A document to support enforcement practicalities, prepared by the Motorcycle Industry Association (MCIA) in partnership with the Bicycle Association



Important note

This document reflects the MCIA's and BA's interpretation of relevant Department for Transport (DfT) guidance, including:

<https://www.gov.uk/government/publications/electrically-assisted-pedal-cycles-eapcs/electrically-assisted-pedal-cycles-eapcs-in-great-britain-information-sheet>

Applicable in GB only (England, Scotland and Wales)

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1. Introduction

This guide has been developed by the Motorcycle Industry Association (MCIA) in partnership with the Bicycle Association.

It provides a structured, practical framework to support consistent assessment of electrically assisted pedal cycles (EAPCs) and similar electrically propelled vehicles, in line with current legislation, Department for Transport (DfT) guidance, and the Motorcycle Single Vehicle Approval (MSVA) framework.

The guide is intended to assist the operational decision-making for forces, particularly where vehicles fall close to the boundary between EAPCs and motor vehicles, or where configuration, modification, or use creates uncertainty.

It is not a substitute for legislation, nor does it seek to create new legal tests. Instead, it translates the existing legal and regulatory framework into a clear sequence of questions that reflect how determinations are commonly made in practice.

The MCIA and the Bicycle Association have created this guide in response to the increasing prevalence of illegally modified e-bikes and non-compliant products marketed as "e-bikes", many of which are capable of moped- or motorcycle-level performance and are now being seen on roads across the country.

2. Structure of this guide

The flowcharts are designed to be used sequentially, not in isolation. Together they reflect the three distinct legal questions that arise when assessing an electrically assisted cycle:

1. Vehicle definition (design intent)

Does the vehicle meet the legal definition of an EAPC?

This establishes whether the vehicle is capable of falling within the EAPC exemption based on statutory criteria (pedals, motor power, assistance cut-off speed).

2. Approval requirement (approval status)

Does this type of vehicle require approval?

This considers whether, due to its propulsion capability (for example throttle-only operation beyond walk-assist speed), the vehicle falls within the scope of type approval or MSVA, irrespective of its potential EAPC classification.

3. In-use compliance (actual use)

Is the vehicle being used within EAPC limits?

This reflects the key enforcement principle that road-use classification depends on how the vehicle performs in use, including configuration, modification, and observable behaviour.

Separating these questions avoids conflating **design intent**, **approval status**, and **actual use**, which are legally distinct considerations.

3. Legal context

Under the Electrically Assisted Pedal Cycles Regulations, compliant EAPCs are treated as pedal cycles and not as motor vehicles when used on roads, provided that the statutory requirements are met.

Vehicles that do not meet those requirements, or that are capable of exceeding them through configuration, modification, or use, fall within the scope of motor vehicle legislation and the Road Traffic Act framework.

EAPCs may only be ridden by persons at least 14 years of age. An offence may be committed by a person under 14 years of age if they ride an EAPC on roads, or by a person causing or permitting a person they know or suspect to be under 14 to ride an EAPC on roads.

Approval status (for example MSVA or type approval) and EAPC classification are **related but separate matters**. A vehicle may require approval even if, in certain configurations, it otherwise meets EAPC criteria.

4. Status of the guide

This document reflects MCIA and BA's interpretation of published DfT guidance.

It is designed to:

- promote proportionate and evidence-based assessments;
- support clear articulation of decisions; and
- reduce uncertainty where vehicles present mixed or ambiguous characteristics.

Final determination of a vehicle's legal status remains a matter for the courts, based on the specific facts of each case.

5. How to use the flowcharts

The following flowcharts are designed to support **practical, consistent decision-making** when assessing electrically assisted pedal cycles (EAPCs) and similar vehicles.

They are intended to be used **sequentially**, not in isolation.

Each flowchart addresses one of the three questions set out below:

Flowchart 1 – Vehicle definition

"Does the vehicle meet the legal definition of an EAPC?"

This flowchart sets out the **core EAPC requirements** (pedals, power, speed limitation).

It helps establish whether the vehicle is **capable of meeting the EAPC definition**.

Flowchart 2 – Approval requirement

"Does this type of vehicle require approval?"

This flowchart identifies whether the vehicle **should have undergone approval** (e.g. via MSVA), based on its propulsion capability.

This is particularly relevant for **throttle-capable vehicles (Twist-and-Go)**.

Flowchart 3 – In-use compliance

"Is the vehicle being used within EAPC limits?"

This flowchart reflects the key enforcement principle:

Road-use classification is determined by how the vehicle performs in use.

It supports officers in identifying situations where a vehicle:

- may not meet EAPC requirements in practice;
- may have been modified or reconfigured; or
- should be treated as a motor vehicle.

Important

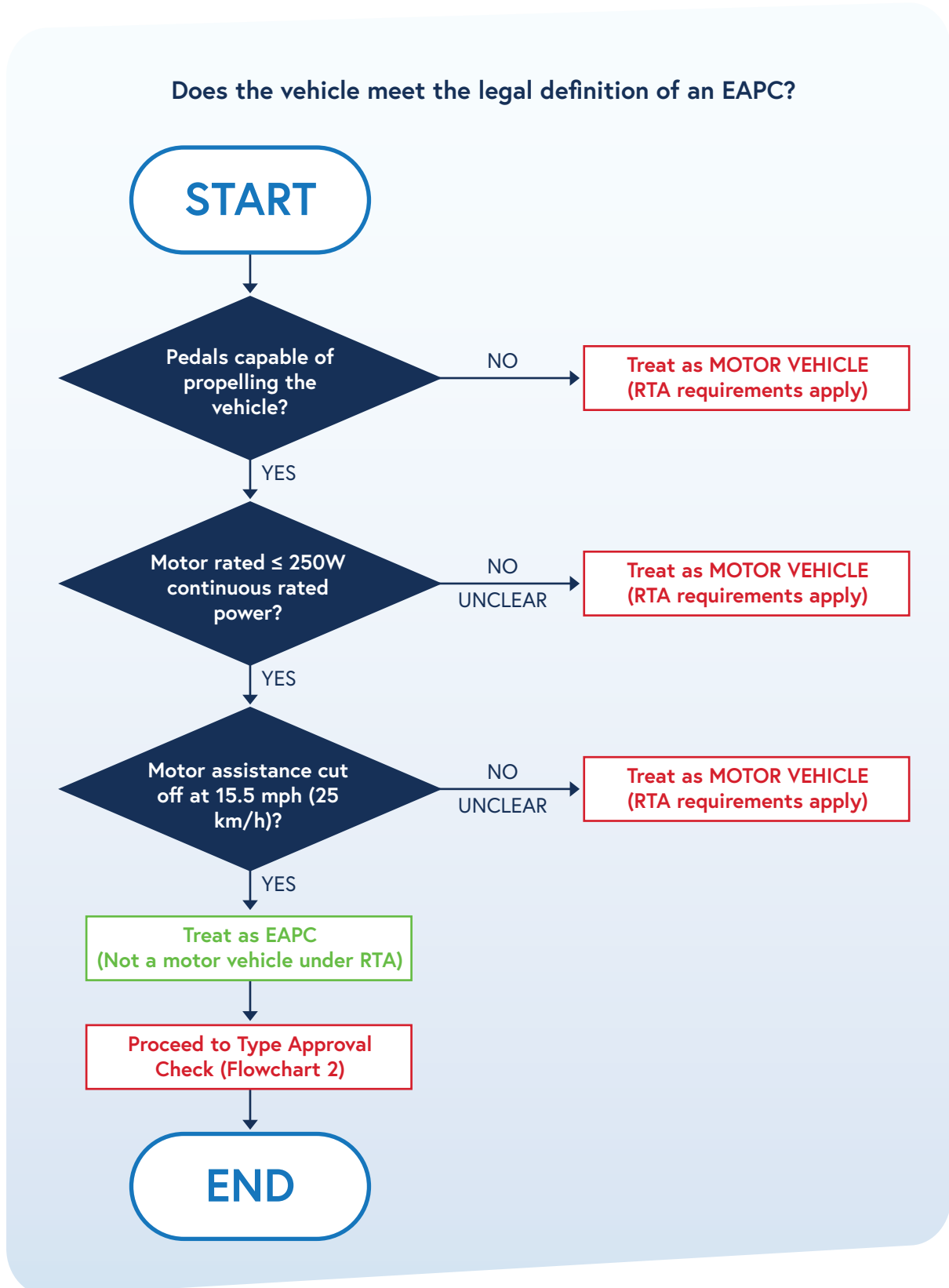
- A vehicle may meet EAPC requirements in principle but not in practice
- Approval status does not override in-use behaviour
- Where there is uncertainty, a proportionate and evidence-based approach should be taken

In summary:

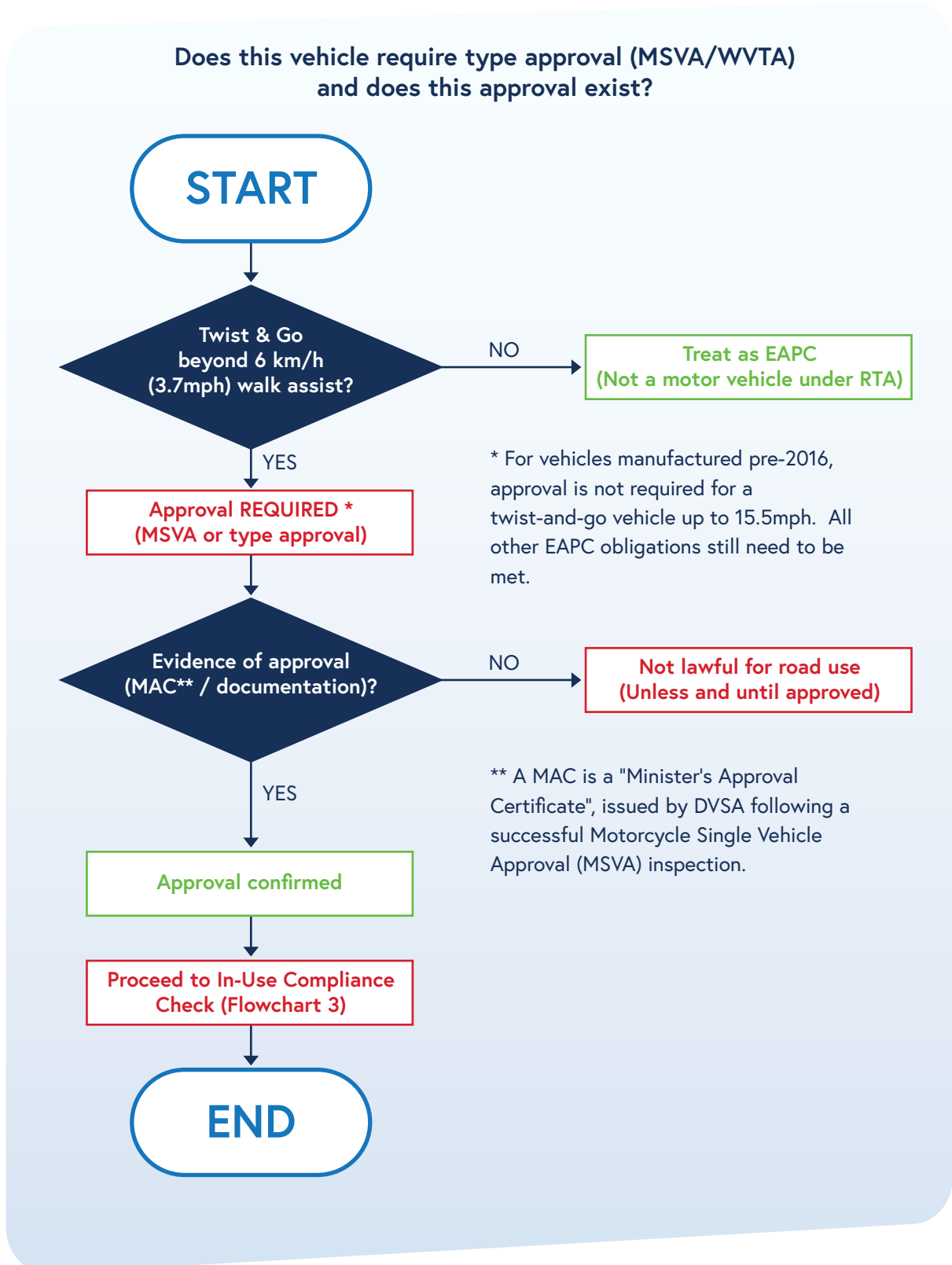
The flowcharts should be read as:

1. Does the vehicle meet the legal definition of an EAPC?
2. Does this type of vehicle require approval?
3. Is the vehicle being used within EAPC limits?

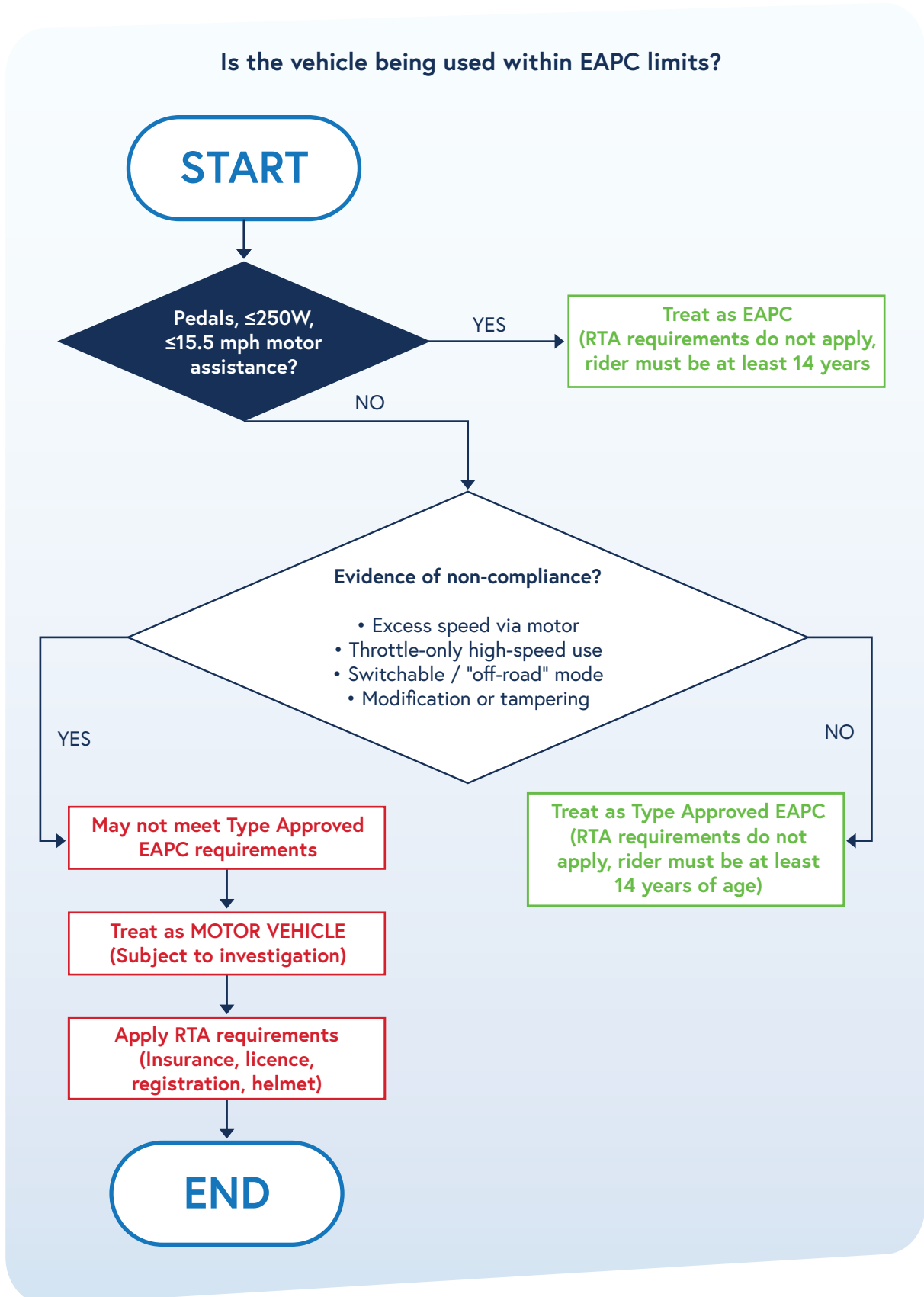
6. Flowchart 1 - Vehicle classification (EAPC vs Motor Vehicle)



7. Flowchart 2 - Defining whether a vehicle needs approval



8. Flowchart 3 - In-use compliance (Critical enforcement tool)



9. Using the flow charts in practice

Red flag indicators (Practical)

Officers should be alert to:

- Rider travelling at speed without pedalling
- Visible mode settings on vehicle ("off-road", "unrestricted")
- Aftermarket displays/controllers
- Acceleration inconsistent with EAPC behaviour
- Statements from rider regarding modifications
- Rider appears to be under 14 years of age

Presence of any of these indicators suggests further investigation is required.

Green flag indicators (Provisional)

Officers may wish to take into consideration:

- If the e-bike is from a brand listed as [an E-Bike Positive brand](#) on the industry's online trust mark register. These e-bike brands have been audited to ensure they sell only safe and road legal EAPCs. Being on this list is a good indication that e-bikes from that brand were safe and fully road legal as EAPCs when sold, although it is always possible that they have subsequently been tampered with and are no longer compliant.

10. Explanatory text (aligned to DfT position)

1. Overview

Electrically Assisted Pedal Cycles (EAPCs) are treated as **pedal cycles (and not motor vehicles)** where they meet the requirements set out in the EAPC Regulations (The Electrically Assisted Pedal Cycles Regulations 1983, as amended).

These include:

- pedals capable of propelling the vehicle
- maximum continuous rated power $\leq 250W$
- motor assistance cutting off at 15.5 mph (25km/h)

Where these requirements are met in use, the vehicle is exempt from motor vehicle requirements under the Road Traffic Act 1988. The Act also specifies that the rider of an EAPC must be at least 14 years of age.

2. Interaction with approval (MSVA / Type Approval)

Certain vehicles - particularly those capable of **throttle-only propulsion above walk assist speeds** (6km/h / 3.7mph) - fall within scope of the approval framework and require vehicle approval (e.g. via MSVA).

However:

A vehicle may require approval, but still be treated as an EAPC in use, provided it meets the EAPC requirements.

Approval status and road-use classification are separate considerations

3. Key enforcement principle

Classification is determined by how the vehicle performs in use, not solely by its approval status.

This means:

- A type-approved vehicle can still be treated as an EAPC
- A non-type-approved vehicle may be unlawful if approval is required
- Any vehicle that does not meet EAPC requirements in use should be treated as a motor vehicle

4. Switchable modes / "Off-road mode"

Where a vehicle:

- can be configured to exceed 15.5mph using motor power; or
- includes a mode allowing higher motor speeds,

it does not meet EAPC requirements where a switchable or "off-road" capability exists.

In such cases:

- the vehicle should not be treated as an EAPC even while in that configuration
- motor vehicle requirements apply

5. Tampering and modification

Vehicles may be:

- modified after manufacture or approval
- reconfigured via software or hardware

Where modification results in:

- increased assisted speed beyond 15.5 mph
- removal of speed restriction
- increased power output

the vehicle no longer meets EAPC requirements and must be treated as a motor vehicle.

6. Practical enforcement approach

Officers should:

- assess observable behaviour
- consider vehicle capability where evident
- use proportionate judgement
- refer for further inspection where required

11. Enforcement disclaimer

This guidance is intended to support **operational decision-making** and **consistent assessment** of electrically assisted pedal cycles and related vehicles.

It does not replace legislation and does not in itself determine the legal status of any individual vehicle.

Where uncertainty exists, officers should:

- rely on observable behaviour and available evidence;
- consider vehicle capability where this is apparent; and
- apply a proportionate and evidence-based approach.

The final determination of whether a vehicle is an EAPC or a motor vehicle is a matter for the courts, based on the facts of each individual case.



About MCIA

MCIA is the trade association for 'L-Category' vehicles, which includes powered two, three, and light four-wheeled vehicles (i.e., mopeds, motorcycles, tricycles, and quadricycles). Members include manufacturers of whole vehicles, accessory and components, and those providing associated services to the industry. MCIA actively promotes motorcycle safety, aiming to enhance awareness and education among users and the general public. Through campaigns, initiatives, and partnerships, MCIA strives to reduce accidents, improve rider skills, and advocate for the implementation of effective safety measures.

To find out more, get in touch at info@mcia.co.uk



About The Bicycle Association

The Bicycle Association (BA) is the trade association for the UK cycle industry, including manufacturers, distributors and retailers of pedal cycles, EAPCs and of related parts, accessories and services. Alongside urging Government to act swiftly to stop the sale of unsafe and non-compliant e-bike products, together with the Association of Cycle Traders the BA is launching a trust mark, E-Bike Positive, in summer 2026 to signpost consumers and other stakeholders to audited, verified e-bike brands supplying only safe and road legal EAPCs, and to responsible e-bike retailers where these can be purchased and safely maintained.

To find out more, get in touch at info@bicycleassociation.org.uk