



Attorney General's Supplemental Direction and Guidance

Electric scooters

- 1) This direction is issued by the Attorney General to Centeniers dealing with road traffic offences involving electric scooters (also known as e-scooters). It applies equally to electrically assisted pedal cycles which do not conform to the requirements of the Pedal Cycles (Jersey) Order 1998 and are therefore not excluded from the definition of motor vehicles under the Road Traffic (Jersey) Law 1956.
- 2) E-scooters are classed as motor vehicles under the Road Traffic (Jersey) Law 1956 and the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948. This means the rules that apply to motor vehicles also apply to e-scooters including the need to have a licence and insurance. E-scooters must also comply with the construction and use requirements specified in the Motor Vehicles (Construction and Use) (Jersey) Order 1998.
- 3) It is not currently possible to get specific insurance nor a driving licence for e-scooters or for them to comply with the construction and use requirements. This means it is illegal to use them on public roads or in public spaces.
- 4) A person using an e-scooter on the road or in public spaces may be liable to a range of road traffic offences depending on the circumstances.
- 5) When investigating a potential road traffic offence involving an e-scooter, the police should where possible use a body worn camera to evidence the e-scooter including any technical product labels displayed, other identifying marks or unique characteristics.
- 6) The Attorney General believes that it is in the public interest to deal with a road traffic offence involving an e-scooter by a written caution at a Parish Hall when:
 - a) There is a first or second road traffic offence involving an e-scooter and there is no aggravating factor associated with its use (examples of aggravating factors are set out in the Annex); and
 - b) In relation to a second offence, the two offences are more than one year apart.
- 7) If there is no aggravating factor associated with the use of the e-scooter, the Centenier should caution under Article 77(3)(b) of the Road Traffic Law 1956 which makes it an offence to use on a road a motor vehicle which does not comply with the Construction and Use Order 1998.
- 8) If there is an aggravating factor, the person should be charged with the offence contrary to Article 77(3)(b) and the relevant offence which relates to the aggravating factor.
- 9) A caution must be recorded in writing so that a record of the caution will be maintained by the States of Jersey Police.



- 10) Where there has been harm caused to another person or damage to property a prosecution must be preferred.
- 11) This directive does not affect a Centenier's power to impose a summary fine where that power is available.
- 12) Where the driver of the e-scooter is under 14 years of age, advice must be sought from the Law Officers' Department in accordance with [Attorney General's Direction: The conduct of Parish Hall Enquiries, Supplementary Direction 3/2016, Prosecution of offenders under the age of fourteen years.](#)

Annex

Examples of aggravating factors include where the person:

- 1) has been convicted of a driving offence in the last 3 years
- 2) is a disqualified driver
- 3) caused harm to another person
- 4) caused damage to property
- 5) was driving dangerously or carelessly (including exposing a passenger to a risk of harm)
- 6) was under the influence of alcohol or drugs
- 7) was driving in excess of the speed limit
- 8) was holding a telephone whilst driving
- 9) failed to stop when required to do so
- 10) failed to give their name and address when required to do so.

The following are not in themselves considered to be aggravating factors for the purposes of this guidance but they may be taken into account when deciding whether the e-scooter was being driven dangerously or carelessly:

- 1) does not have lights whether it is day or night
- 2) riding on a cycle path
- 3) riding on a pavement.

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