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Criminal Justice Committee
Wednesday 18 November 2026
12th Meeting, 2026 (Session 7)

E-bikes and e-scooters

Introduction

Today's evidence session, with witnesses from Police Scotland and the Scottish Violence Reduction Unit, forms part of the Criminal Justice Committee's inquiry on crime and antisocial behaviour associated with e-bikes and e-scooters.

The Criminal Justice Committee's website notes that:

> "The Committee will explore the causes of criminal and antisocial behaviour involving e-bikes and e-scooters, consider the Scottish Government's work to date and identify measures to tackle the issue.
>
> In recent years, Police Scotland have reported seizing a growing number of e-bikes and e-scooters which are being used illegally and continue to receive complaints from local communities.
>
> The Committee's work will focus on four areas: causes, impact, enforcement and prevention.
>
> The remit of this work is to:
>
> - consider the causes and impact of antisocial and criminal use of e-bikes and e-scooters
> - identify the enforcement measures required to make communities safer
> - consider what action could be taken to prevent criminal and antisocial behaviour involving e-bikes."

To help inform today's evidence session, this briefing provides information relating to:

- relevant reserved and devolved powers
- a written submission from Police Scotland (November 2026).[1]

[1] In relation to written evidence, the Criminal Justice Committee has also issued an open call for views which closes on 2 December 2026.

Issues highlighted in this include:

1. Scale and nature of criminal and antisocial behaviour involving e-bikes and e-scooters (e.g. available data, its limitations and reasons why problems have been increasing).

2. Current legal and policy landscape (e.g. the existence of reserved and devolved powers, including any impact of this division of responsibility on police efforts to respond to illegal e-bikes and e-scooters).

3. Enforcement measures (e.g. the effectiveness and limitations of police enforcement measures, including issues such as risks involved in police pursuit and the use of face coverings).

4. Preventative measures (e.g. what the police and others are doing, or planning to do, in this area).

Reserved and devolved powers

In response to a parliamentary question answered in January 2025, Fiona Hyslop MSP (then Cabinet Secretary for Transport) noted that legislation surrounding the use of e-bikes and e-scooters is a reserved matter for the UK Government.

Schedule 5 of the Scotland Act 1998 includes various reservations relating to road transport (see Part II, Head E1. Road Transport). These include the subject matter of the Road Traffic Act 1988 (except in so far as relating to the parking of vehicles on roads).

Section 189 of the Road Traffic Act 1988 provides that certain vehicles are not to be treated as motor vehicles. These include e-bikes which comply with relevant regulations – referred to as electrically assisted pedal cycles (EAPCs). Thus, the power to exempt e-bikes from the normal rules relating to motor vehicles is reserved. The relevant regulations are the Electrically Assisted Pedal Cycles Regulations 1983 as amended by the Electrically Assisted Pedal Cycles (Amendment) Regulations 2015. Requirements include that electric assistance can only be provided to a maximum speed of 15.5 mph.

Section 32 of the Road Traffic Act 1988 provides that it is an offence for anyone under the age of 14 to use an electrically assisted pedal cycle on a road.

E-bikes which do not comply with the requirements of the regulations for electrically assisted pedal cycles are treated as motor vehicles under the Road Traffic Act 1988. Such vehicles need to be registered, insured and taxed as a motor vehicle, and the rider needs an appropriate driving licence.

More information on the various rules is provided in guidance published by the UK Government – EAPC standards and legal requirements (December 2024).

E-scooters are not currently covered by any provisions (like those for electrically assisted pedal cycles) which would allow the use of compliant e-scooters outwith the

rules applying to motor vehicles. The power to make such provisions is reserved since it is covered by the subject matter of the Road Traffic Act 1988.

Thus, all e-scooters are classed as motor vehicles. One implication of this is that they require insurance to be used on a road or other public place (as provided by section 143 of the Road Traffic Act 1988). The House of Commons Library has advised that it is currently only possible to get insurance for e-scooters where they are being used as part of rental trials approved by the UK Government. There are no such trials in Scotland. This mean that, in Scotland, it is only legal to use e-scooters on private land with the permission of the landowner

Further information on e-scooters, including rental trials, is provided on the UK Government's website:

- Riding an electric scooter: the rules
- Using a rental e-scooter.

In the UK Parliament, the Prime Minister was questioned about the sale of illegal e-bikes on 11 November 2026:

> Martin Rhodes (Glasgow North) (Lab):
>
> "My constituents in Glasgow North regularly raise with me the increase in illegally modified e-bikes travelling at dangerous speeds on our roads and pavements. Online marketplaces are selling unsafe e-bikes and conversion kits that take pedal cycles beyond the legal limits, leaving pedestrians, families and vulnerable people worried for their safety when going about their daily life. Will the Prime Minister set out what action the Government are taking to hold online sellers and marketplaces to account for selling these products?"
>
> Prime Minister:
>
> "We are considering tougher regulations for the sale of non-compliant e-bikes and conversion kits across the UK. We will, of course, work with the Scottish Government to ensure that they apply in Scotland, whatever we decide. I agree with my hon. Friend: the safety risks posed by e-bikes that are going at excess speeds need to be stopped."

Consideration of e-bikes and e-scooters in the UK Parliamemt includes a debate on E-scooters and E-bikes: Regulation (House of Commons, 21 October 2026).

The Road Traffic Act 1988 sets out a wide range of offences relating to both driving and cycling. Examples are found in the following sections:

- section 2 – dangerous driving
- section 3 – careless and inconsiderate driving
- section 28 – dangerous cycling
- section 29 – careless and inconsiderate cycling

- section 34 – prohibition of driving mechanically propelled vehicles elsewhere than on roads
- section 87 – drivers of motor vehicles to have driving licences
- section 143 – users of motor vehicles to be insured.

Whilst the regulation of e-bikes and e-scooters is a reserved matter, policing is generally devolved. However, in carrying out their work in this area, the police will use powers and offences in legislation falling within both reserved and devolved areas.

Examples of statutory provisions in reserved areas include the offences mentioned above and the power of the police to seize vehicles driven without licence or insurance (set out in section 165A of the Road Traffic Act 1998).

For an example of relevant provisions in Scottish Parliament legislation, see sections 126 and 127 of the Antisocial Behaviour etc (Scotland) Act 2004. The sections give the police powers to seize and dispose of motor vehicles used in a manner causing alarm, distress or annoyance. The sections refer to regulations. The current regulations are the Police (Retention and Disposal of Motor Vehicles) (Scotland) Regulations 2005, as amended by the Police (Retention and Disposal of Motor Vehicles) (Scotland) Amendment Regulations 2019.

Written evidence from Police Scotland

In advance to today's evidence session, a written submission has been received from Police Scotland. It includes information and comment on the following issues.

1. Scale and nature of criminal and antisocial behaviour

The submission provides some figures for incidents and offences during 2025 and 2026, whilst noting that:

> "recorded data does not capture the full extent of antisocial behaviour involving illegal e-bikes, e-scooters and similar vehicles experienced in communities. Such behaviour is not always reported to the police and, unless otherwise identified by officers, will not appear in police records. The figures therefore represent only the recorded picture, not a complete measure of the frequency, geographical reach or cumulative impact of this behaviour."

It goes on to comment that:

> "There has been an increasing trend since January 2024 concerning the number of offences recorded each month. This increase is driven by a combination of increased number of users of illegal e-bikes and e-scooters, and a more robust police response to offences involving their use".

It also refers to an increasing number of injuries associated with the use of e-bikes and e-scooters.

2. Legal and policy landscape

The submission refers to some of the offence and powers outlined in this paper under the heading of 'Reserved and devolved powers'.

It states that operational experience has shown that the use of section 165A of Road Traffic Act 1988 (i.e. the power to seize vehicles driven without licence or insurance) is effective when seizing illegal e-bikes and e-scooters. However, it adds that:

> "The easy availability and access to these products and the retail and regulatory framework, will need to be assessed by the committee on whether it adequately prevents harm."

As noted above, the UK Prime Minister commented on this issue when questioned about the sale of illegal e-bikes on 11 November 2026.

3. Enforcement and prevention

The submission highlights examples of police enforcement action as part of Operation Armour and Operation Overlap, whilst also commenting that enforcement alone will not resolve the problems associated with e-bikes and e-scooters. It also notes that:

> "The ability to pursue and safely stop illegal e-bikes and e-scooters must be lawful and proportionate. Any immediate intervention must be assessed against the risk it could create for the public, officers and the rider."

In relation to prevention, the submission states:

> "Prevention must reach parents, riders and prospective purchasers before vehicles enter unlawful use. We are preparing communications ahead of Christmas explaining lawful use, the risks of misuse and the consequences of offending.
>
> Local prevention is already established across the communities of Scotland which includes Project Trail that included engagement with schools, community councils and young people in Renfrewshire and Inverclyde. Work with partners in Moray explained e-scooter dangers and restrictions, while direct engagement with delivery riders in Glasgow addressed compliance requirements. These examples demonstrate established routes for engagement and reporting."

Also highlighted in the submission are specific issues relating to face coverings – a potential concern where those using e-bikes or e-scooters wear balaclavas, etc. Police powers relating to face coverings are covered below.

4. Face coverings

In relation to face coverings, the submission from Police Scotland comments that:

> "There is currently very limited legislation in Scotland which empowers police officers to remove or seize items being worn to conceal identity, but there are also clear Human Rights elements which must be considered to ensure that policing

activity is proportionate, necessary and non-discriminatory. It is recognised that a general ban on the wearing of face coverings is unlikely to be Human Rights compliant."

In the context of protests and face coverings, Police Scotland's website states:

"Police Scotland has existing powers under section 60 of the Criminal Justice and Public Order Act 1994 to remove face coverings.

An authorisation under that section gives police powers to stop and search pedestrians and vehicles for offensive weapons in a designated area. While it does not specifically allow an officer to require the removal of a face covering, it does empower a search during which a face covering could be removed.

There is a high threshold for justifying the use of these powers. They may be authorised in spontaneous circumstances by an officer of the rank of inspector or above, or by an Assistant Chief Constable in pre-planned operations, where there is a reasonable belief that incidents of serious violence may take place in that area, or that people are carrying offensive weapons in an area without good reason.

This legislation is used where appropriate and proportionate in Scotland to prevent public disorder.

The powers for removing face coverings in England and Wales are different, and there are two alternative statutory powers (legislation) that officers can use. Section 60AA of the Criminal Justice and Public Order Act 1994 operates on similar grounds and thresholds to section 60, but contains a specific and distinct legal power to require the removal of face coverings and to seize items used to conceal a person's identity. Section 158 of the Crime and Policing Act 2026 gives an officer of the rank of inspector or above the power to designate an area a temporary mask-free zone for up to 24 hours where they reasonably believe that a public protest may take place and that the statutory conditions are met. Wearing or using any item to conceal identity in these designated areas is a criminal offence, subject to exemptions including for religious reasons.

Police Scotland is monitoring the impact and effectiveness of new legislation in England and Wales. We will identify learning including operational, legal, ethical and public confidence considerations that may arise as the provisions are put into practice."

The minutes of a meeting between the Scottish Government and Police Scotland, on 30 September 2026, note that:

"The Cabinet Secretary discussed calls for additional powers relating to face coverings in an antisocial behaviour or public order context. The Chief Constable explained Police Scotland is monitoring the situation, including the recent introduction of powers in Nottingham. The Cabinet Secretary noted that any case for additional powers would need to clearly demonstrate the limitations of existing powers, the proposed solution and any operational and resource implications, before being considered as part of the future legislative programme."

Information on powers in Nottingham is available on the website of Nottinghamshire Police – e.g. see Operation Reclaim: 'There really is nowhere to hide' – Balaclava restrictions to be enforced from September 15 (8 September 2026).

5. Next steps

The submission concludes by outlining some aspects of future work, stating that:

> "The next stage of this work will build on prevention and enforcement already taking place across Scotland. We will use existing local and national partnerships to agree where further joint action is needed, including Community Planning Partnerships and the Road Safety Framework Strategic Partnership Board where appropriate. Responsibilities, timescales and any resource requirements will be agreed with the organisations involved."

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