

# Legal



SOPHIA GALLIA

## On the road

by Matthew Knight of Knights Solicitors.

Most quad bikes do not meet the legal requirements for road use.

THE LAW GOVERNING THE USE of motor vehicles is found in the Road Traffic Act 1988 (“the RTA”). Section 185 of the RTA defines motor vehicles as “any mechanically-propelled vehicle intended or adapted for use on roads”. Any such vehicle must meet strict regulations including things such as lights, reflectors, indicators, speedometers, etc. Because most quad bikes do not meet these requirements, the majority are not road legal. The quad bike manufacturer will be able to confirm if a particular model is road legal.

If a quad bike is not road legal from the factory, but has been modified to meet the current standards required, then you can apply to the DVLA to have it approved. It will not be road legal until it has been certified by what is known as “type approval”.

For a motor vehicle to be used on a road, it must also be licensed and registered. A licensed vehicle will be given front and rear number plates, and it is an offence to drive a motor vehicle on a public road without them. This applies to quad bikes.

Any motor vehicle used on a road must be taxed, and once it reaches the usual age of three, it must have a valid MoT certificate; although there are exemptions for new vehicles and certain agricultural vehicles. An agricultural quad bike used on the road does not need to be taxed or to have a valid MoT certificate, but it must be registered as a light agricultural vehicle and must only be used for agricultural purposes. If it goes onto a public road it must have number plates

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displayed and it must meet the road legal requirements. Quad bikes used for gamekeeping are not agricultural vehicles because shooting is not farming.

It is an offence under Section 87 of the RTA to drive a motor vehicle on a public road without a licence. This applies to all motor vehicles used on a public road, regardless of whether they are for agricultural use or not. To drive a quad bike on a public road, you must generally have a full car driving licence, or a Category B licence if issued before January 1997, and be over the age of 17.

Quad bikes for use on a public road must be registered with DVLA and should only be used for short distances. When registered they should display a number plate at both ends and also a head-lamp, rear lights and reflectors, even if they are not capable of travelling at more than 15 miles per hour.

If quad bikes are capable of travelling faster than 15 miles per hour, they also need to be equipped with flashing orange directional indicators or a flashing orange hazard warning light, or both. If capable of more than 20 miles per

hour they must additionally have a horn and a speedometer; and, finally, if they can exceed 25 miles per hour they also require a fog lamp.

If a quad bike is used on a public road

and it is not equipped with indicators or brake lights then the rider is required to make hand signals before turning or slowing down.

Further, all vehicles used on a public

**NOTE IT!**

**KNIGHTS SOLICITORS**  
The author, Matthew Knight, is the Senior Partner at Knights Solicitors, and has over 30 years' experience of advising gamekeepers, shoot and estate managers and landowners. Knight Solicitors is a specialist litigation practice well-known for representing clients with animal and countryside interests on a national level. Tel: 01892 537311, [www.knights-solicitors.co.uk](http://www.knights-solicitors.co.uk). Ask for Matthew Knight, Richard Atkins or Peter Burfoot.

**NGO FREE LEGAL HELPLINE**  
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For those in the South: Matthew Knight, Richard Atkins and Peter Burfoot, Knights Solicitors (Tunbridge Wells), 01892 537311 (24hr line).

For those in the North, Scotland and Wales: Michael Kenyon, Solicitor (Macclesfield), 01625 422275 or 07798 636460.



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road must have third party insurance and it is an offence to drive a vehicle without correct insurance. If a driver does not have a valid licence then any insurance that either the driver or the quad bike has is invalidated, and it is an offence for that driver to drive it on a public road. It should also be noted that the carriage of passengers is prohibited on quad bikes when travelling on a public road.

Any person without a valid driving licence must not use any motor vehicle on a public road, or they open themselves up to prosecution. I should also point out the potential liability of both an estate and any member of staff who wrongly authorises the use of the quad bike on a public road because the offence – found in s143 of the RTA – imposes liability for anyone who “causes or permits” an offence. They are also open to the same criminal sanctions as the principal offender. This could include six penalty points and/or disqualification. A company cannot hold a driving licence, so it cannot have points or disqualification imposed, but a director could be so liable.

None of the above applies to a quad bike only used off-road, although there is a voluntary “off-road register” which will assist the police to locate it if it is ever stolen. You can do this via the DVLA.

Lastly, there is the issue of insurance and an estate’s business liability for injury or damage caused to or by the estate’s employees. If a quad bike driver or the machine itself were to be involved in an accident, the estate’s existing policy might not cover any incident because it may exclude motor vehicles generally (requiring them to be separately insured) or because of the issue of potential illegality. This is a matter for discussion with your estate’s insurance brokers or insurers after detailed disclosure to them of all the material circumstances.

Simply using quad bikes on public roads in breach of the law is not a sensible policy and, especially if things go wrong. The fact that others have done it and got away with it is not a good excuse. If you are involved in such a situation and are prosecuted, the consequences are likely to be very adverse: financially, from the licensing perspective (remember that this may affect firearms certificates and shotgun licences) and for your reputation and the reputation of your employer.

When used off-road, the law is less stringent, but beware of health and safety issues.



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