

Motorcycle Industry Association (MCIA) submission

Equipment Theft (Prevention) Bill: Call for Evidence, July 2023

About MCIA

MCIA is the trade association for 'L-Category' vehicles, which include powered two, three, and light four-wheeled vehicles (i.e., moped, motorcycles, tricycles, and quadricycles). Members include manufacturers of whole vehicles, accessory and components and those providing associated services to the industry.

With a mission to promote and protect the industry, MCIA works tirelessly to advance the growth, safety, and sustainability of L-Category vehicles. MCIA plays a vital role in shaping policies and regulations that impact the industry, working closely with government bodies and other relevant stakeholders to ensure the potential of our vehicles are fully harnessed.

MCIA also 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.

Summary MCIA position

1. MCIA and the wider industry recognises the concerns raised by the Government regarding the impact of ATV theft on UK customers. As a responsible industry, many of our members have taken proactive measures to enhance the security of their products. In many cases, their dealerships have been installing security equipment and implementing marking systems, contributing to a significant reduction in ATV thefts.
2. However, we are apprehensive about the effectiveness of certain measures outlined in the call for evidence, particularly the mandatory requirement to "hardwire" equipment to vehicles. We don't believe this approach will help achieve the objectives of the Bill and will also lead to increased costs to the customer.
3. Moreover, it is important to note that the majority of the ATV market, accounting for 60% of sales, is concentrated in Scotland and Northern Ireland, which fall outside the scope of this Bill. An approach that fails to consider the whole of the UK may prove ineffective and could potentially create market distortions, undermining the objectives of the Bill.
4. We urge the Government to review these proposed measures and collaborate with the industry to develop viable, practical, and cost-effective solutions to address the issue of ATV theft across the UK. By working together, we can ensure the protection of our customers' assets while preserving a healthy and thriving ATV industry.

Question 2: What are the fundamental features of an ATV that distinguish it from other types of vehicles?

5. The current definition of an ATV provided in the Bill focuses solely on internal combustion engine (ICE) vehicles. It is crucial to amend this definition to include future power trains such as battery electric, hydrogen, or hybrid vehicles as we progress towards achieving net zero emissions and carbon neutrality.
6. Furthermore, as currently defined, the definition could potentially encompass a wider range of vehicles beyond the intended scope of the Bill, including golf buggies, lawn tractors and ATVs specifically designed and used for competition, all of which the Government explicitly seeks to exclude from the Bill.
7. With this in mind, MCIA suggests defining ATVs as: “ATV vehicles designed specifically for off-road agricultural and construction use. These vehicle types can be propelled by an ICE and all other powertrains and fuels. This revised definition considers the evolving landscape of ATVs and ensures clarity and alignment with the objectives of the Bill.

Question 3: “Mechanically propelled machinery designed or adapted primarily for use in agricultural activities; designed or adapted primarily for use other than on a road” will be required to be fitted with an immobiliser, forensically marked and registered on a database. Does this definition capture the machinery we aim to protect, without inadvertently capturing machinery it would not be appropriate to include? If not, how should the definition be refined?

8. The current definition lacks a clear distinction between vehicles specifically designed for agricultural purposes and those intended for recreational, off-road use. It is important to address this differentiation to accurately capture the intended categorisation of these vehicles (refer to point 3 above).
9. Additionally, the existing definition fails to include electric vehicles, potentially excluding future vehicles with new powertrain technologies. To ensure inclusivity and adaptability to evolving technologies, it is necessary to amend the definition to encompass electric vehicles as well. By doing so, the definition remains relevant and future proofed as new types of vehicles emerge (refer to point 3 above).

Question 4: Does the definition need to specify any exemptions? For example, are there any vehicles or equipment that would meet the definition but that are not vulnerable to theft and therefore do not need to be covered?

Question 5: Should the definition of machinery also include a Recommended Retail Price threshold, above which the legislation will apply? Yes / No If yes, a) £5,000; b) £10,000; or c) other (please specify)

10. No. We firmly believe that the legislation should not include a recommended retail price (RRP) threshold above which it would apply. Introducing such a threshold could create unintended consequences, potentially leading customers to gravitate towards lower quality brands that may not adhere to the same stringent security standards intended by the Bill. It is crucial to ensure that all vehicles, regardless of

their price point, meet the necessary security requirements to protect consumers and promote overall industry standards.

Question 6: Are you in favour of a requirement for Global Positioning Systems (GPS) used on agricultural machinery to be forensically marked and registered on a database?

11.No.

Question 7: Where do you think the threshold should be set to require hand-held power tools to be forensically marked and registered on a database prior to sale?

Question 8: Manufacturers/dealers: does this cover the appropriate requirements for an immobiliser? Yes / No / to some extent.

12.No. Mandating the fitment of an immobiliser may impact on the validity of the Whole Vehicle Type Approval conformity.

13.Mandating the fitment of an immobiliser as part of the vehicle specification will mean regulatory divergence for England and, therefore, could lead to manufacturers withdrawing products for English customers. It is not practical for a manufacturer to type approve a product exclusively for the English market.

14.Future legislation must be clear in saying “it is the responsibility of the retailer to supply and fit the security items as part of the sales process”, and not the responsibility of the manufacturer.

Question 9 Manufacturers/dealers: Are there any features/functions missing from the list, or any on the list that are not needed? Do these requirements in relation to immobilisers expect you to do something which will be extremely difficult or will cause an increased burden as a result?

15.The proposed requirements will undoubtedly impose a significant burden on industry stakeholders. Retailers in particular will face substantial costs associated with the installation process and the necessary training required to carry out the installations. Additionally, the requirement to "hard wire" immobilisers into ATVs may raise liability concerns for retailers. This discrepancy in requirements between English sellers and those in Scotland, Northern Ireland, or overseas and online sellers, could place English retailers at a significant disadvantage.

16.The matter of training is of utmost importance, especially considering the potential safety implications. Consistent training protocols must be established and strictly enforced, with proper certification. However, it remains unclear which governing body would oversee this training and how the funding for such mandatory training would be allocated. Resolving these uncertainties is crucial to ensuring a standardised and effective training framework that prioritises safety and maintains industry-wide compliance.

Question 10 & 11: Dealers/manufacturers/retailers: do you foresee that installing the immobiliser will present any problems for the type approval already granted for the vehicle? Yes / No If yes, what are these and how can they be overcome? Question 11: Dealers/manufacturers/retailers: do you foresee that installing the immobiliser will present any problems for your responsibilities under the Supply of Machinery (Safety) Regulations 2008 and/or the manufacturer's responsibilities under the Electromagnetic Compatibility Regulations 2016

17. Please refer to question 8.

Question 12 Manufacturers/dealers/retailers: does this cover the appropriate requirements/features of forensic markings?

18. Yes.

Question 13 Manufacturers/dealers/retailers: Are there any features/functions missing from the list, or any on the list that are not needed?

19. No.

Question 14 Do these requirements in relation to forensic markings expect you to do something which will be extremely difficult or will cause an increased burden as a result?

20. We anticipate these requirements will result in additional costs for the final customer. This will be due to the costs associated with training and the cost of labour to install the marking product. We believe these costs will exceed the estimated £50 mentioned for the manufacturer and/or retailer.

21. Similar to other proposals in the Bill, it remains unclear how the enforcement process will apply to vehicles sold in Scotland, Northern Ireland, or through online platforms. If these regions or online sales are not included within the scope of the Bill, it could create a disadvantage for English retailers.

Question 16: Do you foresee any practical implications or unforeseen consequences of the legislation proposed in this call for evidence?

22. Please refer to answers throughout this submission.

Question 17: Overall are you in favour of the proposed legislation?

23. In principle, the industry supports the Government's intention to fight theft and crime in this sector. As such, industry welcome the opportunity to engage with the Government in order to address this issue. Whilst we appreciate the Bill's intention, it is extremely important that our concerns are fully understood and addressed in any final outcome.