

Young Pillion Riders: Should they be banned? (Motorcycle Action Group MAG UK) August 2004



Introduction

Carrying young pillion riders on motorcycles¹, has recently been the cause of considerable controversy in this country. This is due to the potential vulnerability of young pillion passengers and the possibility of injuries caused by accidents. The available statistical data relating to the fatalities of pillion riders in Britain show that there were two deaths for under 16s on motorcycles in 2003. As tragic as the death of any child is for a parent, the issue of whether the government should ban children from riding on motorcycles needs to be weighted carefully with facts and with cool heads.

Background

The recent death of a young pillion rider has heightened the debate and the tragedy of the event has moved the child's parents to initiate a campaign for the introduction of an age limit of 16 years for pillion riders, which would essentially ban children from riding pillion on motorcycles. A local newspaper reported that the eight year old was a pillion passenger on a 750cc Honda which was in a collision with a car, the rider of the motorcycle was a friend of his father. The child's parents did not know that he was on the motorbike nor that he was wearing an ill-fitting adult's helmet. The campaigners have planned to visit the Department for Transport and to lobby Transport Secretary Alistair Darling. Local MP Nigel Waterson is investigating the current legal situation with various organisations.

In light of this event, MAG views that it is important to enter into the debate and has therefore looked closely at the data available as well as conducting a members' survey in order to understand their views on young pillion riders.

Regulations and Government

The issue has been raised on a number of occasions in Parliament by MPs with replies from the respective Minister. The reasons given for MPs raising questions vary from the result of fatal accidents in their respective constituencies involving a child under the age of 16, to one constituent raising the matter as he had seen several motorbikes in his village with very young children on which filled him with dread.

Below is a synopsis of the questions and answers from parliamentary debates since 1999:

- **Mr. Donohoe MP (1999)** asked the Secretary of State for the Environment, Transport and the Regions how many children aged under 16 years regularly travelled as motorcycle pillion passengers in each of the last five years for which figures are available.
- **Mr. Hill** replied that no estimate was available. The number of children identified in the National Travel Survey making journeys as motorcycle pillion passengers over the last five years has been too small to give any estimate for the population as a whole.
- **Jimmy Hood MP (1999)** asked the Secretary of State for the Environment, Transport and the Regions what is the minimum age for a child to ride as a pillion passenger on a motorcycle.
- **Mr. Hill** replied that there is no minimum age for a child to ride as a pillion passenger on a motor cycle. The decision remains with the rider, who is legally responsible for ensuring that the child is safely supported. Existing legislation places a number of controls on the carrying of pillion passengers
- **Ian Cawsey MP (2003)** asked the Secretary of State for Transport what the minimum age is for a person to be a pillion passenger on a motorcycle; what regulations relate to the safety of

¹ Motorcycles and Scooters PTW (Powered Two Wheelers)

motorcycle pillion passengers; and what plans he has to improve the safety of motorcycle pillion passengers.

- **David Jamieson** replied with a similar answer in 2004 as that of Nigel Waterson but included in this answer were the plans he had to improve the safety of motorcycle pillion passengers. As part of its Road Safety Strategy the Government have embarked on a package of measures to improve the safety of all motorcyclists. These include improvements to testing and training; making drivers more aware of the vulnerability of motorcyclists; and promoting improvements in technical standards. The Government recently launched a safety publicity campaign aimed at urban motorcycling and is working on further safety publicity aimed at those who ride big bikes. These initiatives will improve the safety of pillion passengers as well as riders.
- **Nigel Waterson MP (July 2004)** asked the Secretary of State for Transport, after the fatal accident of an eight year old pillion rider, if he would list the laws and regulations affecting pillion passengers of less than 16 years of age on motorcycles and mopeds.
- **David Jamieson** replied that the following legislation affects all pillion passengers irrespective of age:

Only motorcyclists who have passed a motorcycle test can carry passengers. (Regulation 16 of the Motor Vehicles (Driving Licences) Regulations 1999)²

The machine must be equipped with suitable supports or rests for the feet of the pillion passenger. (Regulation 102 of the Road Vehicles (Construction and Use) Regulations 1986)

Pillion passengers must be capable of sitting astride a proper seat securely fixed to the motorcycle.

This may require specific adaptations to accommodate young children. (Section 23(2) of the Road Traffic Act 1988)

A pillion passenger must wear a safety helmet. (Motor Cycles (Protective Helmets) Regulations 1998)

The decision to carry a passenger on a motorcycle remains with the rider, who is legally responsible for ensuring that the passenger is safely supported. (Section 23(3) of the Road Traffic Act 1988)

Any passenger must be carried in a manner so that no danger is caused, or likely to be caused, to any person on the vehicle or on the road. (Regulation 100 of the Road Vehicles (Construction and Use) Regulations 1986)

It is an offence to use a vehicle when the number of passengers, or the manner in which they are carried, is such that it involves a danger of injury to any person. (Section 8 of the Road Traffic Act 1991)

There were other questions from MP's relating to pillion riders in July 2004; these were regarding requests for accident statistics in the UK.

In his responses David Jamieson, Secretary of State for Transport, covered the Government viewpoint and sets out the regulations and law requiring the carrying of pillion riders.

One other rule applies to carrying pillion riders which is contained in Rule 68 of the Highway Code which states: "You **MUST NOT** carry more than one pillion passenger and he/she **MUST** sit astride the machine on a proper seat and should keep both feet on the footrests." Law RTA 1988 sect 23.

Although the Highway Code mentions that this rule is from "Law RTA 1988 sect 23" it is not quoted in the Road Traffic Act (RTA).

² Learner motorcycle riders prohibited from carrying pillion passengers was introduced in 1990.

The RTA contains a section on the Highway Code which states: "(7) A failure on the part of a person to observe a provision of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under the Traffic Acts, the [1981 c. 14.] Public Passenger Vehicles Act 1981 or sections 18 to 23 of the [1985 c. 67.] Transport Act 1985) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings."

In its introduction the Highway Code explains the rules in the code: "Many of the rules in the Code are legal requirements, and if you disobey these rules you are committing a criminal offence. You may be fined, given penalty points on your licence or be disqualified from driving. In the most serious cases you may be sent to prison. Such rules are identified by the use of the -words **MUST/MUST NOT**. In addition the rule includes an abbreviated reference to the legislation which creates the offence. Although failure to comply with the other rules of the Code will not, itself, cause a person to be prosecuted. The Highway Code may be used in evidence in any court proceedings under Traffic Acts to establish liability."

N.B.: Comparisons of legislation relating to pillion passengers in other EU countries is shown in Appendix One

Statistics

Table one shows the Department for Transport KSI figures for two wheel motor vehicle pillion passengers by age in GB 2003³. It includes child pillion passengers from under one year old to 11 – 15 year olds. The data do not explain how the accidents happen, the type of PTW or the circumstances in which pillion riders are injured.

Table One⁴

2 Wheel Motor Vehicle Pillion Passengers by Age in GB 2003

Severity of Casualty			
Age	Fatal	Serious	Slight
Under 1	0	0	0
1-5	0	1	9
6-10	0	6	36
11-15	2	48	147
16-20	7	101	309
21-30	10	92	308
31-40	4	76	191
41-50	5	61	103
51-60	0	20	63
61-70	0	7	14
71-80	0	1	6
81-90	0	0	0
Over 90	0	0	0
Total	28	413	1,186

Source: Transport Statistics Roads Department for Transport

³ Road casualties in Great Britain: main results: 2003 data is available on the Department for Transport website at www.dft.gov.uk

⁴ Table one includes casualties in motorcycle sidecars. "Serious" injuries are defined within the Departments road accident reporting system (STATS 19) as injuries for which a person is detained in hospital as an in-patient, plus injuries that may not lead to hospitalisation such as concussion, severe shock and severe cuts and lacerations.

Survey of MAG Members in Relation to Young Pillion Passengers

MAG conducted a qualitative survey amongst its twenty Regions and ninety six Local Groups. The views from our members relate to under 16 pillion passengers and specifically the fatal accident involving the eight year old male pillion rider.

Almost everybody interviewed had taken a child (under 16) as a pillion at some point, each rider had mixed views about the experience. For this reason, there is no definitive conclusion, except that riders will have different feelings about carrying a child passenger, depending on a variety of factors.

These factors included:

- The riders' confidence in themselves.
- The day to day relationship they have with children (whether they have young relatives themselves, how they interact with children normally, how well they know the parents etc).
- The sort of bike they are riding.
- The nature of the ride: demo run, touring, quick ride around the block, ride out with other motorcyclists.
- The ability and confidence of the child concerned.

Ultimately, the outcome of these experiences related to whether the riders were responsible adults or not as well as the child concerned and the circumstances of the ride. It was felt that no two children are identical, and no two journeys are the same.

Comments from riders

1. *"I never refuse to carry a young pillion rider when "badgered" by local kids. I simply point out that I will happily do that if the kid has permission of his/her parents, and can provide a helmet, gloves, jacket and boots. Not one of them has come back to ask again. Even my own nephew (just coming up to 8) knows under what circumstances he will get on the back of a bike, that is : Not until he is old enough and his mother consents (she also rides and says it will be a long way off)".*
2. *"I have met many children who have been on the back of bikes from a very early age (even in a baby seat, well attached to the bike), all the way up to being adult sized and the bikes being adapted in various ways to accommodate the child in question. Often this has been the only form of transport for the family".*
3. *"My initial thoughts are that the existing legislation is adequate and that imposing a minimum age limit would do little to improve the safety or otherwise of young pillions. My rationale behind this is that with the existing legislation the child must fit the motorcycle, feet on foot pegs etc. Imposing a minimum age limit on children is somewhat contrary to that, since kids come in various shapes and sizes so what is safe for one ten year old might not be for another. A fixed minimum age limit could lead to kids who are not tall enough being carried since they comply with the age limit, rather than the more appropriate ability to sit correctly on the bike".*
4. *"Of course legislators might want to go for a boots and braces approach with minimum age and size, but is this really necessary? What is the extent of the problem and how many accidents occur annually causing injuries to children riding pillion legally. The last point is important since it is not uncommon to see kids riding pillion off road on bikes which are of dubious legality. I suspect the latter are at greater risk than responsible adults carrying kids with the proper safety equipment".*
5. *"Why do we need to make it even more illegal, while banning folks from doing something they love doing that patently isn't a problem. What will be banned next, cycling and horse riding for children?"*
6. *"It will add nothing to the law's opposition to the actions of that rider. It can only bang another wedge between the general riding population and the people trying to improve rider safety"*
7. *"If a ban did come into place then I fear that we would lose a valuable number of present and future bike riders".*

N.B.: In Appendix Two, there are guidelines and advice for the protection of pillions and riders

Facts about Motorcycling Youth in the UK

Learning to ride a PTW officially starts at age sixteen for a moped and seventeen for a motorcycle.⁵

Before you ride a moped or motorcycle on the road you must complete a Compulsory Basic Training (CBT) course. Riders may ride on the road, under the supervision of an approved instructor, as part of that training course.

But the riding process and education for children starts much earlier, with an awareness of motorcycling in many forms.

This would include; magazines, television, parental/family involvement, leading to riding pillion.

Children do have access to motorcycles at an earlier stage which would include off road style motorcycles and road styled "mini motos", access and use is strictly "off road".

Many organisations in the UK focus this interest into a constructive format.

The Autocycle Union (ACU Motorcycling GB)⁶ is the governing body of motorcycle sport throughout Britain. The ACU have a specific concentration on youth sport developing skills and abilities promoting a maturity and respect for what can be achieved, with an over-riding emphasis on safety and responsibility.

The Motor Cycle Industry Association (MCIA)⁷ represents the supply side of the UK Motorcycle Industry their mission is "To develop and sustain an environment whereby motorcycling can flourish"

Within this mission a key MCIA initiative is the 'On Two Wheels'(OTW) scheme, which is part of UK Youth's 'Momentum' programme, providing a syllabus for two-wheeled motor projects which concentrates on practical engineering skills coupled with road safety based education.

In addition MCIA runs a bi-annual 'Youth Day' at the International Motorcycle & Scooter Show in Birmingham. This event brings together young people from a wide range of schools who work together in teams on road safety and careers based educational issues.

MAG agrees with the MCIA for an enhancement of the status of the GCSE in Road User Studies and road safety policy to equip young people with knowledge of their rights and responsibilities as road users for all modes of transport before they reach driver/licensing age.

National Youthbike⁸ competition started nine years ago, designing a package that would be attractive to the "Coffee Bar Wallflowers" and the young people who regarded the provision by the youth services as "boring", aiming at young people who might be classed as "at risk".

The aims and objectives of Youthbike are to provide an educational scheme whereby young people within their own youth organisation or school work, as part of a group would create a motorcycle built by the young people and designed by them. Culminating in learning transferable skills for future employment, learning safe workshop practice, forward planning, communication skills, information technology, recording and evaluation, decision making and acceptance, teamwork/group work, planning and programming, maximising positive publicity about the leisure time activities of young people, enhancing social skills, outdoor education, financial planning, travel opportunities, interaction with young people from different geographical locations, empowerment, numeracy and literacy.

The motorcycling community, the users, organise themselves across the UK into motorcycle clubs and various voluntary organisations. A high percentage of these clubs and organisations such as the Stoke On Trent Charity Motorcycle Runs⁹ and Jumbo GB¹⁰ organise fund raising events, the latter involves carrying young pillion riders, both able bodied and handicapped in side cars or on trikes.

A high percentage of motorcycle clubs members are riders with families and young pillion riders who engage in a "safety dialogue" as part of the learning process.

⁵ Information is available from Driver and Vehicle Licensing Agency at www.dvla.gov.uk and Driving Standards Agency www.dsa.gov.uk

⁶ ACU www.motorcyclinggb.com

⁷ MCIA www.mcia.co.uk

⁸ National Youthbike www.youthbike.com

⁹ Stoke On Trent Charity Motorcycle Runs www.stokebikeruns.co.uk

¹⁰ Jumbo GB www.jumbogb.org

Conclusions

MAG concludes that the responsibility for pillion riders' safety, physical size and strength is adequately covered by legislation and regulations, enabling enforcement agencies to apply the law through the Road Traffic Act and Regulations for Construction and Use.

MAG regards the existing legislation adequate and that imposing a compulsory minimum age limit would do little to improve the safety or otherwise of young pillion riders.

What is worth remembering is that if an age limit is set, police will have to enforce this law. Anyone who has a pillion passenger, who is either close to the age limit, or of small stature, risks being stopped each time a policeman sees him or her. It could mean all passengers younger than this limit would have to carry proof of age at all times. For the purpose of comparability, differing legislation is in place in all European Countries, the basic requirements are set out in Appendix One.

With regards to the risk of pillion passengers, the death of a child is tragic and we need words to help us make sense of such an unexpected event, especially when it causes so much pain and suffering. But it now is apparent that in today's world the demand for an explanation almost always carries the implication that there must be someone to blame. In hindsight, any injury can be reinterpreted as the result of a negligent act. It is possible to label this act as a mistake or a grave error of judgement and so reconstruct the act as a thoughtless deed responsible for somebody's injury. In this case, the blame is aimed at the dangerousness of motorcycles. A society that refuses to accept the word "accident" in its vocabulary conveys a refusal to take responsibility for disagreeable (and tragic) experiences which are part of our lives. This is why people who fall and break a leg or simply trip over, feel they are entitled to sue for compensation (Furedi, 2002).

Preventing injuries is a worthy, just cause, but not all injuries can be prevented and it is questionable whether we should try to adopt measures to prevent all injuries. Perhaps we could prevent injuries from motorcycling by banning children riding pillion or indeed even by banning motorcycling.

In his book "Culture of Fear"¹¹, Frank Furedi argues that "an enlightened society recognises that human beings need to take risks and that in so doing, they will sometimes experience an adverse outcome. Risk is part of life and a society that adopts the view that preventing injury is an end in itself, will have to ban a variety of creative and challenging activities"... He concludes that safety at any price is a symptom of compulsive behaviour rather than a virtue of scientific thought - or legislation - and that the fear of taking risks is creating a society that celebrates victimhood rather than heroism. The virtues to be followed are passivity rather than activism, safety rather than boldness and as a result, the somewhat diminished individual in a world of impending doom is praised just for surviving (Ibid). The death of a child is indescribably sad and tragic and we offer our deepest sympathy to the parents of the young pillion rider who lost his life, but stopping other children from taking risks will not bring him back.

Trevor Baird
Director Of Public Affairs

MAG UK
PO BOX 750
Rugby
CV21 3ZR

Tel: +44 (0)870 444 8 448
Fax: +44 (0)870 444 8 449
Email public-affairs@mag-uk.org

The UK's Leading Riders' Rights Organisation

www.mag-uk.org

¹¹ Frank Furedi, "Culture of Fear, Risk Taking and the Morality of Low Expectation Risk-Taking" 2002; Continuum, London

Appendix One

Country	2 wheel motorbike	Sidecars
Austria	Minimum 12 years and must reach foot rest and handles.	Smaller children under 12: adequate, safely fixed child seat. Taller children under 12: Seat belt. The walls of the sidecar must be so high that they protect the chest of the child. Two children are possible.
Belgium	3 years. Approved helmet. Must reach foot rests.	Smaller children under 12: adequate, safely fixed child seat. Taller children under 12: Seat belt. The walls of the sidecar must be so high that they protect the chest of the child. Two children possible.
Czech Republic	12 years Approved helmet Must reach foot rests	No age limit
Denmark	No age limit Must reach foot rests. Helmet	No age limit, must use safety belt if there is one
Finland	No age limit	No age limit
France	No age limit Max 1 child. Approved helmet Child under 5 must use approved seat with handles and foot rests. Child above 5 must reach foot rests	No age limit Max 2 children according to the producer. Approved helmet Must use safety belt if there is one
Greece	No age limit if one Parent is on the bike	see solo mc
Ireland	No age limit Approved helmet	No age limit Approved helmet
Italy	No age limit Approved helmet must be used. Passenger must not interfere with the rider or balancing of the bike	No age limit
Luxemburg	12 years The child must reach the original footrest. Approved helmet.	Two children in the sidecar, no age limit Approved helmet.
Netherlands	No age limit	No age limit
Norway	No age limit Approved helmet Must sit on passenger seat. Must not be strapped to the rider. Recommended that child is tall enough to reach foot rest.	No age limit. Approved helmet Safety belt recommended
Portugal	Minimum 7 years Approved helmet	No specific rules
Sweden	No age limit. Helmet over 7 years	No age limit. Helmet over 7 years, child seat is recommended
Turkey	No age limit. Child must ride on the back Seat with feet reaching the foot rests. Approved helmet	No age limit Approved helmet

Appendix Two

Awareness for the Protection of Pillion and Riders¹²

Riders need to be aware of the difference carrying a pillion can make to the handling characteristics of their motorcycle, reviewing their own riding attitudes and competence.

Riders

- Insist on adequate protective clothing for your pillion. There is no point in a rider wearing adequate protective clothing while their pillion is not at least similarly clothed.
- Legal requirements mean a pillion must wear a helmet¹³. Make sure the helmet is a correct fit for your pillion.
- Check that your insurance covers you for carrying a pillion¹⁴.
- A rider should know the competence of their pillion rider, if they do not simply ask.
- Think of the pillion as an extension of yourself.
- Take care of your pillion
- They trust you, don't let them down

The difference a pillion passenger can make

- Lower ground clearance in cornering
- Changed braking feel and performance
- Different suspension and steering movements.
- Smoothness required in gear changing, braking and cornering.
- Suspension and tyre pressures need adjustment to compensate for the additional weight and to return the ride height.
- Pillions who are not experienced may cause problems for the rider shifting their weight unexpectedly.

Pillion riders come in many shapes and sizes; they may crowd the rider on some motorcycles. This can be awkward under heavy braking and in slow speed manoeuvring. On a short wheelbase machine, the weight shift to the rear can result in some steering instability under certain circumstances.

Instructions for Pillions

- Align your body with that of the rider
- Grip the grab rail, or hold the rider at the waist and grip with your knees under braking
- Pick a shoulder to look over and don't change shoulder or wriggle about when cornering or braking, although this is fine at other times.
- Stay quite still as the motorcycle is coming to a stop, to aid the rider's ability to feel the balance of the machine.
- Keep your feet on the foot pegs at all times.

¹² Adapted from Pillions - Motorcycle Council of NSW (www.mccofnsw.org.au)

¹³ Helmets are compulsory and must be marked BS 6658 1985 or UN/ECE 22-05

¹⁴ Passengers are covered by law in the UK for bodily injury. Insurance policies may not permit or offer premium discounts for a rider to carry a pillion. Any damage to the motorcycle may not be paid due to the policyholder breaking the clause.