

**Debate Pack**

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# Anti-social behaviour and off-road bikes

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**Summary**

A Westminster Hall debate on “Anti-social behaviour and off-road bikes” has been scheduled for Thursday 26 May 2022 from 1.30-3pm. The debate has been initiated by Grahame Morris MP.

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## Background

A Westminster Hall debate on “Anti-social behaviour and off-road bikes” has been scheduled for Thursday 26 May 2022 from 1.30-3pm. The debate has been initiated by Grahame Morris MP. This briefing contains background information, parliamentary and press material, as well as suggested further reading which Members may find useful when preparing for this debate.

The Library’s briefing paper on [tackling anti-social behaviour](#) (21 April 2020) provides further background information which may be useful.

### The issue

Off-road bikes include a range of vehicles such as quad bikes and motorbikes, including scramblers and mini-motos. For many years there has been a problem whereby off-road bikes are being driven in a dangerous and anti-social manner and causing a nuisance.<sup>1</sup> There have been incidents off-road bikes being driven in parks, on pavements and in other public spaces, resulting in injuries to riders and the public and damage to parks, fields, green spaces and private property.<sup>2</sup>

### Legislation

Off-road bikes can be used on private land, with the landowner’s permission. The Road Traffic Act 1988 includes provisions that make it illegal to drive a mechanically propelled vehicle on land where permission has not been given. The [Road Traffic Act 1988](#) (section 34) states that:

It is illegal to drive or ride a mechanically propelled vehicle without lawful authority on common land, moorland or land not forming part of a road, or on any road which is a footpath, bridleway or restricted byway.<sup>3</sup>

It should be noted that unsurfaced unclassified roads (often know as green roads or green lanes) and byways open to all traffic (BOATs) are roads, so riders would need to have a driving licence and insurance, and the quad bike must be taxed and registered (as per the [Road Traffic Act](#)). To ride on public land (e.g. parks) riders would need the local authority’s permission.

Legislation also covers the use of such vehicles on the road. Both quad bikes and motorbikes must conform to the [Road Vehicles \(Construction & Use\) Regulations 1986](#) and riders must fulfil various regulations under the [Road](#)

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<sup>1</sup> House of Commons Library, 07/21, [Off-Road Vehicles \(Registration Bill\)](#), February 2007; HC Debate 15 March 2022 vol.710, [c794](#)

<sup>2</sup> HC Debate 15 March 2022 vol.710, [c794](#)

<sup>3</sup> [Road Traffic Act 1988](#)

[Traffic Act 1988](#). This means such bikes must be approved, registered, taxed and have an MOT (if needed) to be used on the road.

There are various legal provisions that could apply when motorised bikes are being ridden off-road:

- Under [section 34 of the Road Traffic Act 1988](#) the driving of motor vehicles off road and on public land is prohibited.<sup>4</sup>
- Persons riding a quad bike could on a footpath, bridleway or restricted bridleway would be guilty of an offence under the [Countryside and Rights of Way Act 2000](#).<sup>5</sup>
- Even if someone has permission to ride a quad bike on land, if they are found to be riding “dangerously” or “carelessly” (as defined by the [Road Traffic Act 1991](#)) they would be guilty of an offence even when they are driving off-road.
- Under [Section 59 Police Reform Act 2002](#), officers can seize vehicles which are being used illegally, including prohibited off-road use.<sup>6</sup> There have been occasions where the police have used these powers to seize off-road bikes.<sup>7</sup>
- Noise issues can be dealt with by the local council under statutory nuisance noise legislation as provided by the Environmental Protection Act 1990. This Act places a duty on the local authority to investigate complaints of noise nuisance and serve a noise abatement notice against people who cause a “statutory nuisance.” You can read about nuisance noise complaints in the Library’s briefing on [nuisance complaints](#) (30 November 2017).
- If riders are caught causing criminal damage they can be arrested under the [Criminal Damage Act 1971](#).<sup>8</sup>

In addition, the Anti-social Behaviour, Crime and Policing Act 2014 includes powers the police, councils and other local agencies can use to tackle anti-social behaviour involving off-road bikes. In January 2021, the Home Office published [statutory guidance](#) to frontline professionals on these powers.<sup>9</sup>

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<sup>4</sup> [Road Traffic Act 1988](#)

<sup>5</sup> [Countryside and Rights of Way Act 2000](#)

<sup>6</sup> [Police Reform Act 2002](#)

<sup>7</sup> [Off-road bikes seized from Wigan housing estate following 'inconsiderate and anti-social behaviour'](#), Manchester Evening News, 30 June 2021; [Off-road bikes seized by police after complaints of anti-social use at Yorkshire reservoir](#), Yorkshire Post, 7 October 2021

<sup>8</sup> [Criminal Damage Act 1971](#)

<sup>9</sup> Home Office, [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), January 2021

## The Government's position

In response to a written question about anti-social behaviour caused by off-road bikes, the Minister for State for Crime and Policing, Kit Malthouse MP, in December 2021, explained that the Government has provided the police, councils and other agencies with a “range of tools and powers” to respond to anti-social behaviour, including “anti-social incidents involving off-road bikes.” The Minister added that areas can decide “how best to deploy these powers depending on the specific circumstances.”<sup>10</sup> The Minister, in response to a separate question, confirmed the Government has no plans to bring forward a national strategy to address these issues.<sup>11</sup>

## Recent developments

There have been a series of attempts to use Private Members Bills to tackle the issue of anti-social behaviour of off-road bikes. The latest of these was introduced by Judith Cummins, MP for Bradford South. The [Quad Bike Bill](#) would have:

- require those riding quad bikes on public roads to wear a helmet;
- extend the registration requirements for legal on-road quad bikes to off-road bikes; and
- tackle dangerous driving and anti-social behaviour.

This Bill was introduced in March 2022, but will make no further progress.<sup>12</sup>

The Library's note on the [Off-Road Vehicles \(Registration\) Bill](#), introduced in the 2006-07 session, provides background on some of the previous attempts to legislate on this issue.<sup>13</sup>

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<sup>10</sup> [PQ 90885](#) answered on 15 December 2021

<sup>11</sup> [PQ 76647](#) answered on 23 November 2021

<sup>12</sup> UK Parliament, [Quad Bikes Bill](#) [accessed on 25 May 2022]

<sup>13</sup> House of Commons Library, 07/21, [Off-Road Vehicles \(Registration Bill\)](#), February 2007

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# Parliamentary material

## Preventing Crime and Delivering Justice

11 May 2022, HC Debate

### **Jonathan Gullis**

The hon. Lady rightly talks about off-road bikes, which are an issue in my constituency. We have section 59 notices, which I do not think are working as a deterrent. Does she agree with that, and does she think that, cross-party, we can try to find a way to toughen the law in this area?

### **Colleen Fletcher**

In my constituency, off-road motorbikes are being used in a very, very intimidating way. They are almost escorting cars around. They are not doing them any actual harm, but they are intimidating people, so much so that one person in my constituency had to stop at the side of the road to gather himself to be able to drive on. That has been said to me time and again through emails and through visits in the community. I visited the police. I had a meeting with our police and Toggle showing location of Column 227 crime commissioner. Only two weeks ago I had a summit meeting with the leader of the council and others, where I spoke about off-road motorbikes.

It would be useful if we could do something. The police and the police and crime commissioner tell me that there are not enough resources, and they have to put the resources where they need them. There are pots of money, such as the safer streets fund, but is that really the way to tackle those problems? This must be done far more broadly than it is now. Of all the antisocial behaviour incidents, I deal most with off-road motorbikes, and I know that this goes on across the whole west midlands. It does not happen only in my area, which is why we should look at what we are giving to police forces and say, "This is a problem up and down the country. We need to tackle it." I would work with anybody to try to tackle it.

## Topical Questions

**Asked by: Peter Gibson**

**22 March 2022, HC Debate**

I commend my right hon. Friend the Minister for the steps he has taken recently to publicise community payback to tackle antisocial behaviour. In Darlington, antisocial behaviour involving off-road bikes and quad bikes causes tremendous trouble; will the Minister outline what steps he will take to use community payback to tackle that?

### **The Minister for Crime and Policing (Kit Malthouse)**

I am pleased that my hon. Friend recognises that dozens of teams of offenders are fanning out across England and Wales and doing fantastic work, paying back into their community by improving the environment. My

hon. Friend has been a persistent campaigner on the antisocial behaviour that quad bikes bring to his constituency and I know he will have conversations with his local police and crime commissioner about what the police can do to catch the individuals responsible. When they do catch them, it is absolutely appropriate that they pay back into the community through the kind of work that we now see on a daily basis. It might also be appropriate to GPS tag offenders so that we know where they are moving at speed off-road.

### **Quad Bikes**

#### **HC Debate 15 March 2022**

Motion for leave to bring in a Bill (Standing Order No. 23)

Judith Cummins (Bradford South) (Lab)

I beg to move,

That leave be given to bring in a Bill to require quad bike riders on public highways to wear helmets; to make provision about the registration of quad bikes; to make provision about the dangerous and anti-social use of quad bikes; and for connected purposes.

The Bill will promote safe use of road-legal quads and reduce the number of off-road quads on our streets by making the wearing of helmets compulsory, making necessary the installation of vehicle immobilisers, making registration of all quad bikes compulsory and empowering police to remove problem off-road quads from our streets permanently. I thank the many stakeholders who have worked with me on the Bill: West Yorkshire police, the West Yorkshire Deputy Mayor for policing and crime, the Royal College of Policing, the National Farmers Union, Brake, the Royal Society for the Prevention of Accidents and the Parliamentary Advisory Council for Transport Safety.

The constant, loud, piercing drone of quad bikes is an all too familiar sound in many of our towns and cities. These vehicles have important and legitimate uses in agriculture and related industries, but they are tools, not toys, and their careless, reckless and unsafe use on our streets is a menace. My constituents have had enough. Most issues are not caused by road-legal quad bikes, which, like any road vehicle, must be registered, have an MOT and be driven by a responsible adult with a licence and insurance. Instead, our streets are plagued by quads legal only for off-road use, which do not require registration. Most off-road quads are not approved for use on public highways precisely because they do not meet road safety standards. The lack of registration also means that they are harder to trace by police.

The antisocial use of quads centres in cities and the suburbs, but the vehicles used are often stolen from farms. The National Farmers Union sees it as a particular problem and estimates that some 1,100 quad bikes are stolen from farms each year, costing farmers upwards of £3 million. If just a fraction of those end up on public roads, that is hundreds of illegal quads running

rampant on our streets. These vehicles are designed for herding animals in fields, not tearing up tarmac in our towns and cities.

Data from West Yorkshire police shows that antisocial quad use is a growing problem. There were over 10,000 reports of antisocial use of quads and bikes in West Yorkshire in 2021, a shocking 42% rise on the previous year.

The problems of antisocial quads are threefold. At the most basic level, they are a disruptive and persistent noise nuisance. Just one antisocial quad rider ripping through a neighbourhood will disturb hundreds and hundreds of residents. That constant noise causes distress to residents and undermines public confidence in our police. They also damage the local landscape, tearing up fields, green spaces, embankments and parks. Only last week, a constituent contacted me about a convoy of no fewer than seven quads racing between families on park space. On more than one occasion, community sports groups in my constituency have had to cancel or postpone matches and training because of damage to their local playing fields from quads. Most seriously, they are a risk to other road users, pedestrians and the drivers themselves. Only last year in Bradford, a man was killed when his quad veered and collided with another vehicle.

I recently spoke with a constituent who told me they had seen a young person on a quad weaving through traffic on two wheels on a busy A road in excess of 40 miles per hour, a danger to every road user and pedestrian nearby. What was the rider's choice of headwear? Was it a helmet to protect their life? No, it was a balaclava to protect their identity. I propose to make wearing a helmet compulsory for all quad users on public highways. In Northern Ireland, it is already a requirement. Why that is not the case in the rest of the United Kingdom is a mystery. The argument is self-evident: when the worst happens, the results are catastrophic. A quad user is twice as likely as someone in a car to get into an accident in the first place and then is 10 times more likely to be seriously injured or killed. The compulsory wearing of helmets would make the law consistent with that for other similar vehicles.

Police have powers to seize these vehicles, such as under section 165A of the Road Traffic Act 1988 for unlicensed or uninsured vehicles, and under section 59 of the Police Reform Act 2002 for vehicles used antisocially, but they still face an uphill struggle. The police will always prioritise public safety. Where they judge they cannot risk injury to pedestrians, other road users, the rider or their officers, they will not give chase to quads. So to take action, police must link a quad being used antisocially to an owner with an address. That can take hundreds and hundreds of hours of police time, piecing together official reports from members of the public, scouring community intelligence on social media or reviewing CCTV from businesses such as petrol stations for that one frame showing the rider's face, all to make a strong enough case to act.

That work does get results. For example, in my neighbouring city of Leeds, after a ride out involving over 100 vehicles in 2016, police were able to take action that resulted in 13 convictions, with sentences between 12 months and two years. However, it is labour-intensive and should any one link in the chain break, the police can do little. Yet effective changes can be made to help the police and will reduce the number of illegal quads on our streets. Unlike for cars, the installation of immobilisers is not a legal requirement. That vital piece of technology has been required in all cars since 1998. The device provides an additional layer of security and makes it that much harder for opportunistic thieves to make away with them. By making immobilisers a requirement, we make theft harder and reduce the number of quads getting on to our streets in the first place.

My Bill also proposes extending the registration scheme for licensed road-legal quads to cover all quad bikes, including those allowed for off-road use only. That establishes a clear line of ownership right from the point of sale, which will help police in their inquiries when investigating reports. It means that, once seized, stolen quads can be more easily returned to their rightful owner.

Finally, police will be empowered so that, once they have taken a problem quad off the road, they can make sure it stays off the road. I was astounded to learn from senior police officers that, once a quad has been seized, police have little control over where that vehicle ends up. If it was stolen and its rightful owners can be found, it can be returned, but quads are frequently sold at auction as proceeds of crime. Because of a lack of registration and regulation, once a vehicle is sold, the police are almost powerless to prevent it from ending up right back on the very streets that it has been plaguing, starting the cycle once again. We must break that cycle. The seize and release approach is not working; police must be given the power to seize and destroy nuisance quads, taking them off the streets permanently.

We need to stop seeing these vehicles as toys. If we continue to let them slip through the cracks in legislation, we will fail to protect legitimate owners from needless theft, we will fail to protect residents dealing with chronic noise and we will fail to protect all road users and pedestrians who remain at risk. It is time we brought in measures to provide consistency, protect road users and legitimate owners of quads, and stop the blight of their dangerous and antisocial use on our streets and paths. I commend this motion to the House.

Question put and agreed to.

Ordered,

That Judith Cummins, Barbara Keeley, Nick Smith, Graham Stringer, Mrs Sharon Hodgson, Dan Jarvis, Yvonne Fovargue, Charlotte Nichols, Kate Green, Rosie Cooper, Jackie Doyle-Price and Naz Shah present the Bill.

Judith Cummins accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 6 May, and to be printed (Bill 281).

### [Antisocial Behaviour](#)

HC Oral Answer

Asked by: **Jacob Young**

**28 February 2022**

Despite the best efforts of our fantastic police officers, the careless use of unlicensed off-road motorcycles is a huge aspect of antisocial behaviour in Redcar and Cleveland. The use of these bikes, largely by teenagers and young adults, has resulted in significant damage to private property and to the living environment for local people. Sadly, it often also includes the transportation of illegal drugs. Will the Minister commit to visiting Redcar and Cleveland with me to see the extent of the problem, speak with some of the people affected and help us devise a plan to tackle this criminality?

**Answered by: Rachel Maclean |Home Department**

I would be delighted to visit my hon. Friend's constituency—perhaps I can visit the Gloucestershire constituency of my hon. Friend the Member for Thornbury and Yate (Luke Hall) on my way there. My hon. Friend the Member for Redcar (Jacob Young) is absolutely right to highlight the detrimental impacts of this type of behaviour. Of course, our legislation gives those responsible the ability to deal with antisocial incidents. I understand that he faces a particular issue in Eston hills, so perhaps he can take me there and we will see what we can do together.

### [Youth Crime and Antisocial Behaviour](#)

[HC Debate](#)

[12 January 2022](#)

### [Motorcycles: Anti-social Behaviour and Crime](#)

HC Written Answer

**15 December 2021**

Asked by: **Colleen Fletcher**

To ask the Secretary of State for the Home Department, what steps her Department is taking to tackle anti-social behaviour and crime associated with off-road bikes; and what plans she has to address the difficulties the police encounter in (a) pursuing, (b) identifying suspects and (c) seizing off-road bikes that are being used illegally.

**Answering member: Kit Malthouse |Home Office**

The Government is committed to tackling and preventing all forms of anti-social behaviour (ASB). We provided the police, local authorities, and other

local agencies with a range of tools and powers that they can flexibly use to respond quickly and effectively to ASB through the Anti-social Behaviour, Crime and Policing Act 2014.

The Anti-social Behaviour, Crime and Policing Act 2014, gives those responsible the ability to deal with anti-social incidents involving off-road bikes. Local areas decide how best to deploy these powers depending on the specific circumstances.

Home Office statutory guidance, which was updated this year, supports all local agencies in using these powers and in taking the multi-agency approach that is needed to tackle and prevent anti-social behaviour in a way that takes account of the needs of the victim and the wider community.

The Beating Crime Plan published on 27 July laid out the Government's commitment to drive down levels of crime and anti-social behaviour.

The Home Office does not hold any data for ASB or Crimes associated with off-road bikes.

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# Further reading

### House of Commons Library Briefings

[Tackling anti-social behaviour](#), 21 April 2020

[Off-Road Vehicles \(Registration\) Bill](#), 28 February 2007

### Government guidance

[Beating crime plan](#), Home Office, July 2021

[Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals](#), Home Office, January 2021

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