

The Telegraph

Compulsory motor insurance for lawnmowers, golf buggies and mini quad bikes? Thank god we voted to leave the EU



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You now have to get motor insurance if you want to drive one of these in the UK
CREDIT: STU FORSTER/GETTY IMAGES

A few years ago, I bought one of those irresistible Christmas presents that you pretend are for the kids, but which you really want to try out yourself.

It was a quad bike. To be accurate, it was a mini quad bike. It was superb. In length and breadth it was no bigger than an armchair, but it was full of grunt.

We would all pile on it in a pyramid of humanity and careen around the garden: up the bank, into the ditch, slap bang into the tree. It had fat round tyres with deep grass-chewing treads. It roared with a proper trail bike roar, and sent out pleasing clouds of aromatic white smoke.

We gave it some welly, I can tell you; and after a while our tyres began to feel the strain. One day the technical demands became too much. I gave it away to the next door neighbour, who is more mechanically minded than I am, and whose kids are younger and certainly less heavy.



The author poses on another kind of bike CREDIT: TONY O'BRIEN/ACTION IMAGES

So it is in his interests that I now report an appalling development in the life of off-road quad bike owners. If my neighbour wants to continue to enjoy that quad bike; if he wants to thrill his children; if he wants to exercise the right of every free-born Brit to pootle blissfully on his own quad bike on his own private land – then he is going to have to pay. As things stand, he is going to have to find insurance. Yes: to find a broker to cover the risk posed by his quad bike – to any human being or property coming into contact with that rumbustious rugrat of a machine.

I hope I do not have to try too hard to convince you that this is insane. Of course this quad bike is dangerous, in the sense that the contents of your cutlery drawer are dangerous. It is perfectly true that if you drove that quad bike at full tilt over a 6ft ha-ha, you would probably do yourself an injury. If you happened to be hurtling round a blind corner, and your neighbour happened to be coming the other way, planning to remonstrate with you, perhaps, about the noise, your neighbour might suffer in the collision. But this country has rubbed along for decades – more than a century, in fact – without seeing any statutory requirement to insure off-road vehicles such as quad bikes.

Where does it come from, this new rule, or this threat of regulation? There is not a single MP – not even a Liberal Democrat – who has campaigned for the compulsory

insurance of off-road children's quad bikes. There is no pressure group; there have been no querulous voices on the Today programme. There is no need, no call, no demand, no appetite, no reason, no justification, not even the shred of the beginnings of a case – in the United Kingdom – for this kind of pointless and expensive burden on millions of people.



Judges sit in judgement in the Grand Chamber at the European Court of Justice, Luxembourg CREDIT: GEOFF PUGH/-

But of course this new law did not originate in the UK. It comes to us, it turns out, from rural Slovenia – where, a couple of years ago, some blameless chap called Damijan Vnuk was up a ladder. He was knocked off his ladder by a tractor and trailer. He sued. The tractor owner's insurers refused to pay out.

They said that under Slovenian law the tractor was not being used as a mode of transport but as a farm vehicle – and an off-road vehicle did not need to be insured. The Slovene courts agreed.

Mr Vnuk was not satisfied. He took the case – you guessed it – to the European Court of Justice in Luxembourg, which ruled that the Slovenes were unwittingly breaking EU law on motor insurance. In fact, they ruled that any vehicle must have motor insurance if it is “a vehicle intended for travel on land propelled by mechanical power, but not running on rails, and any trailer whether coupled or not coupled”. Think of the vast menagerie of vehicles comprehended by that definition.

It seems to mean anything from dodgems to Segways to scooters to your granny's motorised bath-chair, and it certainly means my old quaddie. And as a direct result of that ruling – and this is the key point – the Government must take immediate action.

It is a principle of EU law that it has “direct effect”. As soon as the Court of Justice has spoken – wham – the entire 500 million people of the EU are subject to the force field of their will. And unless the member state governments take steps to bring their own law into line, they can be sued themselves.

That, in large measure, is how the EU has come to generate [60 per cent of our legislation](#). This kiddie quad bike insurance law is a perfect example of both the over-regulation that has sapped the competitiveness of the EU and burdened it with low growth and high unemployment, and the judicial activism of the ECJ.



A man carries an EU flag outside Downing Street on June 24 2016 CREDIT: NEIL HALL/REUTERS

What has it got to do with the so-called Single Market, whether I tootle around my garden on an undersized quad bike? Absolutely nothing. Which is why it is such good news that this undemocratic law-making will soon be over. 2016 was an amazing year, in which the British people voted for freedom. If many people had not been genuinely scared by the turnip-ghosts of “Project Fear”, I think the majority for leaving the EU would have been larger still.

As it is, we have one of the fastest-growing economies in the G7; we have unemployment at record lows; we have a Government utterly determined to solve Britain’s productivity puzzle, to build the infrastructure and homes we need, and to unleash the talents of people who are being held back by the system – to create a country that works for everyone.

We can look forward to the coming decades with genuine excitement and hope; at once building a new European partnership with our friends across the Channel,

while reaching out with trade deals to the rest of the world. As for quad bike insurance, we can do whatever we please. Happy New Year!

About | The European Union's motor insurance ruling

In 2014 the European Union Court of Justice ruled that mandatory motor insurance must cover **any** motor vehicle in its normal use, in **any** location.

Where it clashes with UK law

The UK's Road Traffic Act requires third party motor insurance to cover:

- Only mechanically-propelled vehicles intended for use on roads
- Only when those vehicles are on roads, or other public places

Where this directive has come from

The ruling is the result of a case brought the European Court by a man named Damijan Vnuk in 2007. Mr Vnuk was injured by a reversing tractor while at work, but his insurance claim was rejected because the vehicle was not on a road.

Three potential consequences

- Insurance would now cover accidents happening on private land, making false claims much more likely
- Redefining which vehicles need to be vehicles covered could potentially require motor insurance for such things as: dodgem cars, sit-on lawnmowers, mobility scooters, forklift trucks and racing cars
- Because the EU directive clashes with UK law, the government could be open to being sued by accident victims whose claims have been denied by UK courts

When it will come into force

The directive has already been enshrined in EU law but, because it is so far-reaching and conflicts with the motor insurance laws of so many nations, the implications are still being worked out at a national level. It's quite possible that Britain will have left the EU before that happens.