

**EXPLANATORY MEMORANDUM TO THE  
ROAD VEHICLES LIGHTING (AMENDMENT) REGULATIONS 2005**

**2005 No. 2559**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty

**2. Description**

These Regulations will:

- 2.1. Permit abnormal load escort vehicles to use amber warning beacons when travelling at speeds exceeding 25 mph,
- 2.2. Permit flashing front and rear position lamps on pedal cycles,
- 2.3. Permit steady lamps to be fitted to the wheels of pedal cycles,
- 2.4. Allow flashing blue lights to be fitted to pedal cycles used by the emergency services, and
- 2.5. Permit vehicles owned by HM Revenue and Customs and used in pursuit of serious crime to be fitted with blue warning beacons.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1. None

**4. Legislative Background**

- 4.1. The Road Vehicles Lighting Regulations 1989 - as amended (known as RVLRL) regulate all types of lighting permitted on vehicles that are used on public roads.
- 4.2. RVLRL allows vehicles that are being used to escort abnormal load vehicles to be fitted with amber warning beacons provided they are travelling at a speed not exceeding 25 mph. Currently if escorting abnormal loads travelling faster than 25 mph the escort vehicles must remove their flashing beacons, reducing the conspicuity of the abnormal load.
- 4.3. Other than lamps such as direction indicators and permitted warning beacons, RVLRL prohibits lamps which automatically emit a flashing light. Also prohibited are lamps fitted to moving components. This prevents the use of front and rear flashing position lamps commonly used by cyclists and the fitting of lamps to the wheels of these vehicles.
- 4.4. Blue flashing warning lamps are permitted on emergency vehicles but Revenue and Customs vehicles are not allowed to fit such lamps. Revenue

and Customs Officers engaged in certain activities in relation to serious crime are doing the same job as their police counterparts, but without the authority to use blue lights.

## **5. Extent**

5.1. This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

6.1. Not applicable

## **7. Policy Background**

7.1. From 1 January 2004 police forces in England and Wales no longer provided routine escorting of abnormal loads. For the movement of many loads there is an option of either self-escorting or using a private company. Currently escort vehicles may only travel at speeds up to 25mph when using a warning beacon. This amendment will allow escort vehicles to use amber warning beacons at speeds in excess of 25 mph while escorting abnormal loads. This will only apply to escort vehicles that are clearly identifiable by their livery and markings.

7.2. The Department is aware that there is a great deal of concern about the conspicuity of pedal cycles when used during the hours of darkness. It is recognised that there are certain constraints on battery life that can restrict performance, compared to lighting on powered vehicles. Government policy is to encourage the use of pedal cycles, but current regulations offer very little freedom of choice of lighting devices to improve their conspicuity and improve their safety. The use of flashing front and rear lamps on pedal cycles is becoming common and research has concluded that flashing lamps neither improve pedal cycle conspicuity nor impair it.

7.3. The fitting and use of blue beacons and warning lamps is restricted to emergency vehicles. Revenue and Customs vehicles are not defined as emergency vehicles in RVL R and so it is necessary to amend the definition to allow them to use blue lights when engaged in certain activities in relation to serious crime.

7.4. The use of flashing blue lamps is currently prohibited on pedal cycles. Some police forces already use such lights (particularly in congested areas where they can respond faster than cars) therefore it is necessary to amend the regulations to permit emergency services to fit blue flashing lights to pedal cycles.

7.5. The Department issued a consultation letter on the proposals for flashing lamps on pedal cycles and the use of blue lamps on Revenue and Customs vehicles in January 2003. 390 individuals and organisations, including cycle users and cycle traders representatives bodies, vehicle and components manufacturers, local authorities, government departments, etc were consulted.

There were 112 replies. The majority of people and organisations that commented on pedal cycle lighting stated their agreement with legalising flashing front and rear position lamps. There were 14 responses on the proposal for blue beacons for Revenue and Customs. Of these 11 were in favour however some concerns were raised regarding the need for driver training.

7.6. A separate consultation exercise was carried out on amber warning beacons in August 2004. 31 replies were received, 17 were in favour of allowing escort vehicles to exceed 25mph when using amber beacons for escort purposes while the remainder had no comment to make.

## **8. Impact**

8.1. Three Regulatory Impact Assessments are attached to this Memorandum. One for abnormal load escorting, one for flashing lamps on pedal cycles, and one for usage of blue lamps on Revenue and Customs and pedal cycles used by the Emergency services.

## **9. Contact**

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# **Final Regulatory Impact Assessment (RIA)**

## **1. Title of Proposal**

The Road Vehicles Lighting (Amendment) Regulations 2005 No. 2559- as pertaining to Abnormal Load Escort vehicles.

## **2. Purpose and intended effect of measure**

### **(i) The objective**

The objective is to improve the safety (and in particular the conspicuity) of abnormal load escort vehicles, following the decision of the Police to no longer provide routine escorts for abnormal loads.

This will apply in Great Britain but not Northern Ireland. In Scotland the lighting requirements are identical to those in England and Wales, but there are some differences in other aspects of the escorting of abnormal loads.

### **(ii) The background**

An abnormal load means a large or heavy object which is indivisible into smaller parts, and when placed on a vehicle results in the dimensions of that vehicle exceeding the normal legal restrictions on maximum vehicle dimensions. The transport of these loads is regulated under the Road Vehicles (Authorisation of Special Types) (General) Order 2003.

In the past, the police normally escorted certain categories of abnormal load vehicles in order to warn other road users of their presence or direct traffic so that these vehicles or loads could safely negotiate a road route. From 1 January 2004 police forces in England and Wales decided to withdraw routine escorts for abnormal loads and so private companies are taking over these duties. The Police will however still escort the largest and heaviest loads that need a significant amount of traffic direction.

The Highways Agency has published a voluntary Code of Practice for the self-escorting of abnormal loads and abnormal vehicles. It is available at: [http://www.highways.gov.uk/business/abnormal\\_loads/cop\\_report/](http://www.highways.gov.uk/business/abnormal_loads/cop_report/)  
The Code was drafted by a Working Group. It is endorsed by all of the participants in that Working group, who include: the Association of Chief Police Officers, the Association of Chief Police Officers Scotland, the Freight Transport Association, the Heavy Transport Association, the Road Haulage Association, the Construction Plant-hire Association as well as the Department for Transport. The Code covers various aspects of self-escorting and includes a requirement for the fitment of markings and amber warning beacons to the vehicles that are used.

The fitting and use of amber warning beacons is controlled by The Road Vehicles Lighting Regulations 1989 (as amended) (RVLR). The regulations

permit a vehicle which is carrying an abnormal load to use an amber warning beacon up to the maximum speed at which it is permitted to travel. However, the regulations only permit a vehicle used for escort purposes to be fitted with a warning beacon when it is travelling at speeds not exceeding 25 mph. Although there are three sets of circumstances when an amber beacon may be lit, the only one likely to be relevant to escort vehicles is "when it is necessary or desirable to warn persons of the presence of the vehicle".

The requirement under the current law to remove amber beacons from an escort vehicle which is travelling at more than 25mph seems illogical, because there are many abnormal loads which travel at more than 25mph yet still take up more than one lane of the road, or otherwise present an unusual hazard to other road users, and thus require an escort - which needs to be sufficiently conspicuous to draw attention to itself and to the load.

### (iii) Rationale for government intervention

The current regulations allow fitment of amber beacons on abnormal load escort vehicles but limit the speed of vehicles so fitted to 25mph. There is no alternative, other than amending the regulations, to change the situation such that escort vehicles can use the amber beacons at higher speeds. There is very limited scope to make the vehicle more conspicuous by other means not involving regulation, because reflective materials and signs reading "Escort" (or similar wording) are already being used under the Code of Practice.

## **3. Consultation**

Preliminary consultation with key interested parties, for example the Police (ACPO), took place prior to the full public consultation.

A full 12 week public consultation was conducted in late 2004, which included all the major bodies involved in the preparation of the Code of Practice. 460 organisations were consulted and 26 responded. 16 consultees supported Option 2 (see below), while 10 had no preference or offered no comments.

One comment noted that the situation could lead to confusion for road users who would no longer have the certainty of knowing what an amber flashing light denotes: whether it means a vehicle parked in an unsafe place, a slow moving vehicle or an abnormal load travelling in excess of 25mph. Another commenter made a similar point that a unique colour to identify abnormal load escorts would be useful.

In fact, the use of an amber beacon denotes a hazard in the road but does not give more specific information. The amber beacon is there to attract the driver's attention, at which point he needs to assess the risk himself and decide whether or not avoiding action is needed. Unfortunately there are simply not enough colours in the colour spectrum to give more specific information or to identify particular users.

The EC Commission responded to the consultation to request that the regulations cater for vehicles complying with a proposed European Code of Practice on escorting abnormal loads. The draft RVLIR amendment specifically required the word "Escort" on the front of the vehicle in line with the GB Code. However the European Code caters for cross border international traffic, and so clearly in that Code the use of one national language would not be appropriate. Instead various markings are used. As a result of this response, the draft legislation was amended so that although vehicles in GB are expected to comply with the GB Code, compliance with the European Code is also acceptable.

#### **4. Options**

Three options were identified and offered during consultation.

Option 1: Do nothing. This will not allow the use of amber warning beacons on escort vehicles travelling at more than 25mph. Abnormal load escorting will continue but the safety of loads moving at more than 25mph may be compromised. Alternatively, loads will proceed artificially slowly so as to remain below 25mph and thus allow the escort vehicle to use amber warning beacons. This could add unnecessarily to any congestion caused by the abnormal load.

Option 2: Relax the regulations to allow vehicles which are clearly identified as escort vehicles for abnormal loads, to use amber beacons at speeds in excess of 25 mph whilst escorting an abnormal load.

Option 3: Relax the regulations by removing the 25 mph limit on the use of warning beacons by vehicles being used for escort purposes, without restricting it to vehicles identifiable as escort vehicles. As any vehicle being used for escort purposes could use a beacon at any speed, the potential use of unmarked escort vehicles at higher speeds could confuse other road users and fail to alert them to the presence of the abnormal load.

#### **5. Costs and Benefits**

##### **Sectors affected**

The proposal would directly affect organisations and individuals involved in the escorting of abnormal loads and abnormal vehicles. Self-escorting and private escorting is an emerging market and it is anticipated that the majority of firms will be small businesses. Currently no one firm has more than 10% market share and the largest three firms together do not have 50% of the market.

##### **Economic, Social and Environmental Costs and Benefits**

As the proposals would be a relaxation of the existing regulations and only pertain to usage of existing lighting, there would be no economic costs or benefits. Organisations or individuals providing escorts in compliance with the Code of Practice will already have equipped their vehicle with lighting and conspicuity markings. If they have not, it is at the discretion of the vehicle user to assess the costs or benefits of amber light usage as there is no legal requirement to fit them.

The social benefits and costs envisaged would be related to safety, although it is impossible to quantify them. Option 1 is the status quo. We believe that Option 2 will improve safety and thus may reduce accidents because escort vehicles will be able to continue using their amber beacons at speeds over 25mph, thus improving their conspicuity and making it more likely that other road users will see them from a distance. If other road users see the Escort vehicle earlier, they are more likely to look for (and see) the Abnormal load early enough to slow down or otherwise manoeuvre to avoid it.

Under Option 3, the situation compared to the status quo should improve because escort vehicles travelling at speeds above 25mph will be able to use amber beacons, however those escort vehicles will not have to be clearly marked and so compared to Option 2, this will offer a lower safety benefit because other road users may not realise that the escort vehicle is giving warning of an abnormal load convoy.

### **Summary of costs**

Compared to Option 1 the status quo, we believe that Options 2 and 3 will both offer a benefit to society in terms of improved safety, but for Option 2 the benefits will be greater.

## **6. Small Firms' Impact Test**

As the proposed amendment is permissive and there will be no new or increased burden, there will be no adverse impact on small businesses. During the consultation no comments were received as to any impacts on small business.

## **7. Competition Assessment**

As the proposed regulations are permissive, and affect usage of amber lights rather than the market for them, there will be no implications for competition.

## **8. Enforcement, Sanctions and monitoring**

These measures are not expected to have any implications for enforcement. Non-compliance with RVLRL is an offence under Section 42 of the Road Traffic Act 1988. The use of warning lights and beacons is enforced by the police and the existing sanctions are thought to be adequate. There is also an element of self-enforcement, with the involvement of the various haulage

associations promoting and auditing good practice and compliance with the Code of Practice.

As the proposed amendment to the regulations is a consequence of wider policy changes on the escorting of abnormal loads, monitoring of the effect of the proposed changes will be covered by a wider review of the whole area of the escorting of abnormal loads. This is expected to take place in April 2006 and will be conducted by the Highways Agency, in conjunction with industry associations.

## 9. Implementation and Delivery Plan

As the change is so simple there will not be a detailed implementation and delivery plan. It will be necessary to notify the Police that the regulations are being relaxed, and a letter will accordingly be sent to the DfT ACPO representative to distribute throughout GB Police forces. The working group which drafted the Abnormal load escorting Code of Practice will also be informed.

Currently, abnormal load escort vehicles wishing to use amber warning beacons above 25mph can apply to the Department for a Special Order allowing temporary exemption from the lighting regulations. Notification of the new regulations will be sent to all holders of such Special Orders.

## 10. Post Implementation Review

As the proposed amendment to the regulations is a consequence of wider policy changes on the escorting of abnormal loads, review of the effect of the proposed changes will be covered by the wider review.

## 11. Summary and Recommendation

Option 2 and Option 3 both offer road safety benefits over the status quo. Option 2 offers the greater road safety benefits due to the need for vehicles to be marked as escort vehicles, thus helping other road users become aware of the purpose for which the escort vehicle is being used.

### Summary table of costs and benefits

Options	Total benefit per annum: economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
Option 1. Do nothing	No benefits	Potentially a reduction in road safety, and/or increased congestion.
Option 2. Allow amber beacons above 25mph on liveried vehicles.	Road safety benefits	No costs
Option 3. Allow amber	Road safety benefits,	No costs

beacons above 25mph on all escort vehicles.	but smaller than those under Option 3.	
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**Recommendation** - The Department recommends **Option 2** as the best option for road safety while freeing industry from unnecessary regulation. It will allow vehicles escorting abnormal loads to increase their conspicuity and will ensure that those vehicles are clearly identified as escorts.

## **12. Declaration**

**I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs**

***Signed S J Ladyman***

***Date 13th September 2005***

***Dr Stephen Ladyman, Minister of State, Department for Transport.***

## **Contact point**

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# Final Regulatory Impact Assessment (RIA)

## 1. Title and effect of measure

The Road Vehicles Lighting (Amendment) Regulations 2005 No. 2559 - covering flashing cycle lamps.

## 2. Purpose and intended effect of the measure.

### Objective

To increase the visibility and conspicuity of pedal cyclists, and bring the law up to date.

### Background

The Department is aware that there is a great deal of concern about the conspicuity of pedal cycles which are used during the hours of darkness. There are certain constraints, such as battery life, that restrict the performance of pedal cycle lighting, compared to lighting on powered vehicles. Government policy is to encourage the use of pedal cycles, but the current regulations offer cyclists very little freedom of choice of lighting devices to improve their conspicuity and ensure their own safety. The Department would like to take action to improve this situation.

Under the Road Traffic Act 1988, the Secretary of State for Transport has powers to regulate the construction and use of road going vehicles in Great Britain. The fitment and use of lighting devices on vehicles is regulated under The Road Vehicles Lighting Regulations 1989 (as amended) (known as RVLRL).

The two main purposes of lighting are to illuminate the road ahead of the vehicle and to signal the presence of the vehicle to other road users. Certain types and colours of lighting are prohibited due to concerns that they might cause confusion to other road users and ultimately (in the worst case) result in accidents. Flashing lights are generally prohibited, and are only permitted on Emergency vehicles and as certain specific signals. (For example - direction indicators). As regards pedal cycles, the RVLRL has a mandatory requirement that pedal cycles which are used during the hours of darkness must be fitted with both front (white) and rear (red) steady lights, and a red rear reflector.

The use of flashing front and rear lamps on pedal cycles is becoming commonplace, despite these not being permitted by the Regulations. Research carried out by ICE Ergonomics Ltd concluded that flashing lamps neither improve pedal cycle conspicuity nor impair it. Therefore the Department has concluded that the current prohibition on flashing lights on pedal cycles should be lifted so that cycle riders are free to choose whether or not to fit flashing lamps.

At the same time, the Department has received correspondence requesting that we permit various other novel or flashing lights, including lights in the wheels and tyres and on pedals. It is necessary to examine whether these devices are harmful or beneficial to safety before reaching a decision.

RVLR requires pedal cycles to be fitted with lamps approved to a British Standard. The British Standard is BS6102 Part 3 and it has been amended twice since the Regulations were written in 1989. Thus an amendment to RVLR is required to implement into law two Amendments (AMD): AMD 8438 which allows approval of lamps using LEDs (light emitting diodes) and AMD 14621 which removes certain restrictions on the filament light sources (i.e. light bulbs) that are permitted. Both these amendments are relaxations which are fully supported by lamp manufacturers and users and should increase the choice and quality of legal lamps in the market place.

### **Rationale for government intervention**

There is no alternative other than relaxing the regulations to achieve the desired objectives.

## **3 Consultation**

Following the publication of the results of the ICE research into flashing lights in 2001, there were many approaches to the Department from cycling groups, who were unanimous that flashing lights should be permitted. A proposal was drafted and formal consultation was carried out in early 2003. The results of the formal consultation are summarised in a separate document, available on the Department's website or by writing to the Departmental contact at the address given below. The same consultation also requested views on two other issues. One of these was proposals for more distinctive lighting (red flashing lights) on breakdown/recovery vehicles. This proved to be controversial and requires additional research to develop proposals which reconcile the views of all interested parties. Therefore this subject is not included in the present proposals, although discussions with interested parties are continuing. The other issue was allowing Blue lights and sirens on Revenue and Customs vehicles, covered in a separate RIA.

Most commenters were opposed to the idea that cyclists would only be able to fit a flashing lamp in addition to a steady lamp, rather than instead of a steady lamp. It was thought that most cyclists would not bother to fit two lamps at the front and two at the rear of the cycle and respondents noted that the ICE research had not recommended this. The original rationale for not allowing the sole lamp at either the front or rear of the cycle to be flashing was that the performance of flashing cycle lamps was unregulated. (As the British Standard does not permit flashing lamps). The Department has now reconsidered this issue. Amendments to the British Standard would take some time to deliver yet there is pressure for immediate action. It would seem logical to require an obligatory flashing lamp to be capable of the same intensity as that required of a steady lamp. The minimum luminous intensity for steady front and rear position lamps on pedal cycles is 4 candelas (cd).

(The front lamp is in fact required to be not less than 400cd under the British Standard but RVLRL also permits a front position lamp from a car to be used on a pedal cycle and according to UN ECE Regulation 7 the minimum intensity for this is 4cd.) A small survey of cycle lamps available at reasonable cost (between £3.99 and £25) was undertaken and confirmed that most (in fact two-thirds) of them would achieve 4cd in both steady and flashing states. Therefore one Option should be that flashing lamps will be permitted as the sole (obligatory) lamp as long as they can achieve 4cd.

Certain commenters did express opposition to allowing flashing lights at the front of the cycle. Unlike the rear lamp, the front lamp on a pedal cycle is used for two purposes: (1) to allow others to see the cyclist ("conspicuity"), and (2) to illuminate the road surface and objects on the road, to allow the cyclist to see where he is going. A flashing lamp is expected to be less effective than a steady one for illuminating the road surface. However, most cycles are used in towns where streetlights provide far better illumination of the road than the cycle lamp and so for the majority of the time, the front lamp is primarily for allowing others to see the cyclist. In these situations the flashing front lamp is adequate. The flashing front lamp might be less adequate in areas without street lamps, but the situation seems self-regulating to some extent - a cyclist who ventures out of town into unlit areas and finds the road insufficiently illuminated by his flashing light will surely recognise this and instead use a steady lamp. We intend to revise the Highway Code to recommend that cyclists use a steady front lamp in places where there are no streetlights.

In general, commenters did not have strong opinions about permitting steady or flashing lamps in moving components such as wheels, tyres and pedals. Manufacturers were keen to allow their novel lighting products to be sold, but on the other hand a plethora of different coloured flashing lamps could be distracting or confusing for other road users. A moderate relaxation would seem to offer a fair compromise, whereby the regulations would be amended to permit steady lamps (coloured white or amber/yellow) in all the locations where reflectors are currently required or permitted (wheels, tyres and pedals), but the prohibition on flashing lights in any of these locations would remain.

Following the consultation, Option 3 was heavily modified so that it would remove the prohibition on both obligatory and optional cycle lamps flashing, but contain a requirement that a flashing lamp used as an obligatory lamp be capable of achieving a luminous intensity of at least 4 candela.

#### **4 Options**

Several options were identified. Following the public consultation, Option 3 was modified to allow pedal cycles to fit flashing lights as the sole (obligatory) lights and Option A4 was deleted as there was very little interest in completely deregulating cycle lighting.

Option 1: Do nothing. This will not address the concerns cycling groups have with the current law and will not allow pedal cyclist to take advantage of new technology. There is a high likelihood that cyclists will carry on using flashing lights, taking advantage of the lack of enforcement, and therefore respect for the law will be reduced.

Option 2: Amend the regulations to allow the use of flashing position lamps, in addition to the obligatory steady front and rear position lamps, and to allow optional steady lamps in the locations (wheels and pedals) where currently only approved reflectors are permitted. The pedal reflectors would continue to be obligatory. The colours of the optional lamps would be restricted to the colours already permitted for the lamps and reflectors in the same locations.

Option 3: Amend RVLRL by implementing Option 2 but in addition, allow flashing lamps alone (as obligatory lamps) at the front or rear of the cycle. Currently obligatory cycle lamps are of known minimum performance, in line with British Standard BS 6102/3. There were concerns over permitting flashing lights for which no performance standard exists as the sole lamp on the front or rear of the cycle. However under this Option, if flashing lights alone are fitted, whether front or rear, they will have to conform to the minimum luminous intensity (4cd) which is required of a steady lamp.

## **5. Costs and Benefits**

### **Sectors and Groups affected**

This measure affects manufacturers and sellers of bicycle lamps, cyclists and other road users.

### **Analysis of Costs and Benefits.**

Option 2 allows a flashing lamp in addition to a steady lamp, and not as the sole lamp, whether front or rear. The consultation indicates that if this option is pursued, cyclists will not change their behaviour. They will not use a steady lamp alongside the existing flashing one and so will still not comply with the law. Therefore in practice Option 2 will have a limited effect.

The analysis of costs and benefits from Options 3 is difficult, because in practice the law is widely flouted and so the actual situation will not change greatly if the regulations are implemented. Therefore the chief benefit is to bring the law into line with the views of the public and in that sense there is a social benefit of increased respect for the law and the Government. Keeping such a widely flouted law on the statute books brings the Department and the Police (who do not enforce it) into disrepute. Citizens who are otherwise law abiding but who use flashing cycle lamps will feel reassured that they are not committing an offence.

Both Option 2 and 3 relax the requirements on pedal cycle lighting and implement the latest amendments to the British Standard. Certain lamps designed for sale in other world markets will now be able to comply with the BS and this should widen the choice and quality of lamps available. In particular, formalising the usage of LED lamps (which consume less power than conventional filament lamps) may increase usage of LED lamps to a small extent, so there may be some small environmental benefits in that energy consumption is reduced and the battery life is lengthened.

There appear to be no costs associated with any of the Options, apart from (under Options 2 &3) a small cost for lamp manufacturers to amend the wording on the packaging as generally this states that the flashing lamps are not legal for road use. The ICE research confirmed that there should not be any decrease in road safety if the regulations are relaxed to allow flashing lamps. The allowance of steady lamps in wheels, tyres and pedals may offer a limited improvement in conspicuity and thus road safety although the consultation indicated that there was not likely to be a large demand for these devices.

As the intended measures are permissive, they do not add to compliance costs. No organisation or person will be compelled to spend money to comply with the amended regulations. Individuals or organisations intending to take advantage of the relaxed regulations will carry out their own assessment of whether the benefits outweigh the costs

### **Summary of costs and benefits**

Option 1 is the status quo. Option 2 offers limited benefits in the form of economic benefits resulting from implementation of the amendments to the BS, while Option 3 offers similar benefits as Option 2, but also offers benefits to society in improving the respect for the law. Unfortunately it is not possible to quantify any of these benefits. There will be small costs under Options 2 and 3 for lamp manufacturers who will have to amend the wording on cycle lamp packaging.

## **6. Small firms impact test**

As the proposed measure is permissive there will be no new or increased burden. None of the commenters on the consultation raised any issues for small businesses, despite comments being specifically requested on this subject.

The liberalisation of pedal cycle standards will in fact reduce the barriers of entry to the marketplace. This should assist small businesses which import or manufacture (flashing) cycle lamps and will allow them to operate within the law.

## **7 Competition Assessment**

As the competition filter indicates a low risk of competition impact, a detailed assessment is not considered necessary.

As the proposed regulations are permissive and de-regulatory, they will not result in any mandatory increased costs. The measures are not expected to affect the market structure and are not expected to affect small businesses more than larger counterparts. New or potential firms are not expected to face higher set up or ongoing costs than those which existing firms have to meet. In fact with the references to the revised British Standard the barriers of entry to the market will be lower.

## **8. Enforcement, Sanctions and Monitoring.**

The correct usage of lighting is enforced by the police. Because these measures are deregulatory they are unlikely to have any major implications for enforcement. If there is any effect, it will be in reducing the need for enforcement.

The current sanctions for an infringement of RVLR and C&U are thought to be adequate. Non-compliance with RVLR and/or C&U is categorised as a road traffic offence under Section 42 (use of unroadworthy vehicle), Section 76 (supply or fitment of unroadworthy vehicle or parts) or Section 81 (supply of unroadworthy pedal cycle) of the Road Traffic Act 1988 (as amended) and the penalties are set out in the Road Traffic Offenders Act 1988 (as amended). The penalties are fines at Level 5, 4 or 3 on the standard scale, depending on whether the offence is related to fitment of non-compliant vehicle parts (which is a more severe offence) than only to use of non-compliant parts, and whether the vehicle in question is a bus/truck (a more severe offence) or any other vehicle.

There is no need for formal monitoring as the use of flashing cycle lamps is already widespread.

## **9. Implementation and Delivery plan**

As the intended measures are deregulatory, they can be introduced without delay. A detailed implementation plan is not seen as necessary. However, it is imperative that interested parties are informed of the changes to regulations. In particular, the Department plans to write to ACPO (for cascade to all police forces), BSI, Trading Standards officers (via the LACORS organisation) and a large number of cycling organisations to notify them of the changes to the Regulations. At the same time we plan to send out (and add to the DfT website) a guidance note which summarises the legal requirements for cycle lighting, to raise awareness of the need for cyclists to use lighting at night time.

## **10. Post implementation Review**

There will not be any review of the usage of flashing lights on cycles as their use is already widespread, despite being prohibited.

## 11. Summary and recommendation

Option 2 and Option 3 will both give economic benefits from allowing flashing lights and widening the range of technology allowed, but Option 3 will in addition offer social benefits because non-compliance with the law will be much reduced.

### Summary costs and benefits table

Options	Total benefit per annum: economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
Option 1. Do nothing	No benefits	Continuing social costs of having a widely flouted law
Option 2. Flashing lights as optional lamps.	Small road safety benefits	Social costs because widespread non-compliance will continue. Small cost for amendments to wording on lamp packaging.
Option 3. Flashing lamps as obligatory lamps.	Social benefits and small road safety benefits	Small cost for amendments to wording on lamp packaging.

**Recommendation** - The Department recommends **Option 3** as the best option for road safety and for society. It will legalise flashing lights and allow cyclists increased options to improve their conspicuity while still retaining a minimum level of lighting of minimum performance, and limiting the potential for a proliferation of flashing lights.

## 12. Declaration and publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

**Signed S J Ladyman**

**Date 13th September 2005**

***Dr Stephen Ladyman, Minister of State, Department for Transport.***

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# **Final Regulatory Impact Assessment (RIA)**

## **1. Title of proposal**

The Road Vehicles Lighting (Amendment) Regulations 2005 No. 2559  
The Road Vehicles (Construction and Use)(Amendment) (No.2) Regulations 2005 No. 2560

These cover the issues of whether to allow HM Revenue and Customs to use blue flashing lights and whether to allow them to use sirens, respectively.

## **2. Purpose and intended effect of the measure.**

### **Objective**

To increase safety and operational efficiency of Revenue and Customs officers.

### **Background**

The former HM Customs and Excise (now HM Revenue and Customs following the making of the Commissioners for Revenue and Customs Act 2005) have requested to be allowed to fit and use Public Warning Equipment to their surveillance vehicles in Great Britain. This comprises flashing or rotating blue lights and sirens. They argue that they need to use these for Health and Safety reasons, both for the public and for Revenue and Customs officers. HM Revenue and Customs are the lead enforcement agency on matters such as drug trafficking. Although the Serious and Organised Crime Agency (SOCA) is expected to come into existence in Spring 2006, and will take on some of this work, nevertheless it is expected that Revenue and Customs will still retain some responsibilities for investigation of serious crimes.

Revenue and Customs argue that being allowed to use public warning equipment would bring them into line with surveillance vehicles used by the National Crime Squad. The public warning equipment would only be used in cases where serious or organised crime is being investigated, under circumstances such as making ground in heavy traffic when required to respond urgently to intelligence or in "knock/strike" situations where officers' vehicles need to change from being covert to overt in order to be clearly identified as Law Enforcement.

Non-lighting construction and use aspects of road-going vehicles are regulated by the Road Vehicles (Construction and Use) Regulations 1986 (as amended) (known as C&U). These would need to be amended to allow fitting and use of sirens while the Road Vehicle Lighting Regulations 1989 (RVLR) would need to be amended to allow fitting and use of blue lights.

In the current lighting regulations, two bodies which are under the control of the Secretary of State for Defence (the Naval Emergency Monitoring Organisation and the RAF Armament Support Unit) are permitted to use blue

lights to prevent or respond to incidents involving nuclear weapons. Due to internal MOD reorganisation, these bodies are now both defunct and therefore the lighting regulations need to be amended to ensure that blue lights continue to be permitted on vehicles that are used to prevent or respond to emergencies that involve radioactive material. During the consultation, the MOD also made a request that these vehicles be permitted to use sirens to help speed progress through traffic to the site of an emergency.

### **Rationale for government intervention**

There appears to be no alternative other than changing the regulations to achieve the desired objectives. No other measure is available to fulfil the twin aims of helping officers proceed quickly through traffic, and reducing the risk of harm to Revenue and Customs officers attempting an arrest, where criminals unsure if they are being attacked by other gangs may be violent.

Concerning the MOD usage of blue lights and sirens, again there is no alternative to amending the regulations.

## **3 Consultation**

Following correspondence between Department for Transport and Home Office Ministers, and official level discussions which also involved ACPO, formal consultation was carried out in early 2003. The results of the formal consultation are summarised in a separate document available on the Department's website or by writing to the Departmental contact at the address given below.

The results of the consultation on the major issue at hand were clear. The majority of commenters were in favour of allowing Revenue and Customs to use blue lights during investigation or surveillance of serious or organised crime.

Concern was expressed about standards of training of drivers but Revenue and Customs have given assurances that drivers will be trained to the same standards as the Police emergency response drivers.

Also during the consultation, the Metropolitan Police and the London Ambulance Service requested that pedal cycles used by the Emergency services be permitted to have blue lights and sirens. Currently there is no explicit prohibition on fitting a siren to a pedal cycle, whilst blue lights on a pedal cycle are prohibited. It is thought that this is probably because regulators never envisaged that Emergency services would wish to use pedal cycles for urgent response duties, rather than a feeling that this usage was inappropriate. The Department has been advised that pedal cycles can sometimes respond quicker to emergencies than motor vehicles, particularly on congested roads in London and in pedestrianised areas. Thus Option 2 (see below) has now been amended to permit pedal cycles used by the bona fide Emergency services to use blue lights.

During the consultation, Mountain Rescue Council (MRC) requested to be explicitly added to the list of Emergency vehicles. They advised that although they and Cave Rescue teams have used blue flashing lights and sirens for many years under the belief that their vehicles fall under the definition of a "vehicle used for fire brigade, ambulance and police purposes", some police forces interpret the regulations differently. The MRC would like a separate entry for their vehicles as Emergency vehicles in the Road Vehicles Lighting Regulations.

The Department can understand the wish to remove all doubt over the status of MRC vehicles by having an explicit entry for them in the Lighting Regulations. Unfortunately, an explicit entry for MRC vehicles in the RVLR might actually have the effect of eliminating the ability of these vehicles to be exempt from other aspects of road traffic law. Such privileges as exemptions from speed limits and ability to treat red traffic lights as Give Way signs, are restricted to vehicles used for "Fire Brigade, Police and Ambulance purposes" by the pertinent Acts or Regulations. The presence of an explicit statement in RVLR that MRC is a particular category of Emergency vehicle for the purposes of entitlement to blue lights, might be construed to mean that they are NOT in the category "Fire Brigade, Police or Ambulance purposes". Therefore, if read across to other laws this would imply that they are not entitled to the other privileges which are extended to Emergency vehicles. Therefore the Department is not proposing any amendments at this stage.

#### **4 Options**

Two options were identified. Following the public consultation, Option 2 was modified to allow pedal cycles used by the Emergency Services to use blue lights.

Option 1: Do nothing

Option 2: Allow Revenue and Customs to use blue lights and sirens when in pursuit of serious crime. This should improve the safety of Revenue and Customs officers and the public. Allow pedal cycles operated by the defined Emergency services to use blue lights.

Widening the number of possible users of blue lights might be seen to lead to proliferation and a loss of effectiveness of these lights. This is a valid concern but given that Revenue and Customs have undertaken to lay down strict internal guidelines for their use, including minimum driver training standards, and have agreed to keep records of every occasion when the blue lights are used, we feel that the risk is minimal.

#### **5. Costs and Benefits**

##### **Sectors and Groups affected**

HM Revenue and Customs personnel, other road users, other users of blue lights, manufacturers of blue lamps.

### **Analysis of Costs and Benefits.**

There would be road safety benefits to both Revenue and Customs and to other road users from allowing Revenue and Customs to use blue lights and sirens. It will be more obvious to other road users that they are law enforcement officers. It should also allow Revenue and Customs to improve operational effectiveness.

Against this must be weighed the possibility of diluting the effectiveness of blue lights for other existing users, such as the Police. However the limitation of usage to Revenue and Customs investigation of serious/organised crime will in practice limit the instances where blue lights are used. They cannot be used during normal day-to-day revenue collection activities.

Revenue and Customs have agreed that their officers should undergo full training to Police standards. This will increase the internal administration costs for Revenue and Customs, but they are happy to bear those costs in return for the advantages that the use of public warning equipment is expected to bestow.

Concerning blue lights for pedal cycles operated by the Emergency Services, the main benefit is expected to be improved response times to medical and criminal emergencies, which should result in benefits to society of better medical care and reduced crime. The only possible cost could be a reduction in effectiveness of blue lights following proliferation. However the Emergency services are already aware of the dangers of proliferation and accordingly restrict blue light usage to genuine emergencies.

### **Summary of Costs and Benefits.**

Option 1 is the status quo. Option 2 offers benefits of road safety and operational effectiveness of Revenue and Customs and Emergency services. Any costs are unlikely, and are expected to be minimised if Revenue and Customs and Emergency services follow accepted good practice and provide adequate training to staff who are authorised to use public warning equipment.

## **6. Small firms impact test**

As the proposed measure is permissive there will be no new or increased burden. None of the commenters on the consultation raised any issues for small businesses, despite comments being specifically requested on this subject.

## **7 Competition Assessment**

No competition issues arise as Revenue and Customs are not engaged in competition with other organisations. The only effect on the market of the

changes would be an increase in demand for blue lights and sirens. It is not expected that this will change the structure of the market in any way.

## **8. Enforcement, Sanctions and Monitoring.**

The correct usage of lighting is enforced by the police. Because this measure is a relaxation, it is unlikely to have any major implications for enforcement.

It is expected that HM Revenue & Customs, and the Emergency services intending to use blue lights on pedal cycles, either already have or will put in place, internal procedures to limit the usage of public warning equipment except where absolutely necessary. It would be embarrassing for such bodies to find themselves in breach of the law.

Revenue and Customs have committed to internally monitor their usage of blue lights/sirens and will be requested to report back to the Department by September 2006.

## **9. Implementation and Delivery plan**

As the intended measures are deregulatory, they can be introduced without delay. A detailed implementation plan is not seen as necessary. However, it is imperative that interested parties are informed of the changes to regulations. In particular, the Department plans to notify ACPO (for cascade to all police forces), the Home Office and HM Revenue & Customs of the changes.

## **10. Post implementation Review**

The Revenue and Customs usage of flashing blue lights will be reviewed by September 2006, to analyse whether their usage of blue lights and sirens has been beneficial.

## **11. Summary and recommendation**

Option 2 would improve road safety by allowing HM Revenue & Customs officers to warn the public while pursuing potentially dangerous criminals and to identify themselves as law enforcement officers. Safety would be preserved by ensuring that blue light drivers are trained to the same level as their Police Counterparts. This will involve some increased cost. This option would also allow pedal cycles used by the Emergency services to use blue flashing lights, which will improve operational efficiency.

### **Summary table of costs and benefits**

<b>Option</b>	<b>Total benefit per annum: economic, environmental, social</b>	<b>Total cost per annum: - economic, environmental, social - policy and</b>

		administrative
Option 1. Do nothing	None	None
Option 2. Permit public warning equipment on HM R&C vehicles used against serious crime.	Improved road safety and operational efficiency of HM R&C and Emergency services using pedal cycles.	Some internal administrative (training) costs for HM R&C.

**Recommendation** - The Department recommends **Option 2** as the best option for road safety and society. It will allow road safety benefits and improved operational efficiency of Revenue and Customs and Emergency services with minimal costs.

## 12. Declaration and publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

**Signed S J Ladyman**

**Date 13th September 2005**

***Dr Stephen Ladyman, Minister of State, Department for Transport.***

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