

**EXPLANATORY MEMORANDUM TO THE MOTOR VEHICLES
(WEARING OF SEAT BELTS) (AMENDMENT) REGULATIONS 2005**

2005 No. -----

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

2. Description

2.1 These new regulations amend:-

2.1.1 the current exemption from compulsory seat belt wearing for goods vehicle users engaged in making local rounds of deliveries or collections to one that provides for the maximum distance (50 metres) that may be travelled before a seat belt must be worn by such users;

2.1.2 the reference to the definition of “qualified driver” in the Motor Vehicles (Driving Licences) Regulations 1987, by replacing it with a reference to the up-to-date definition in regulation 17 of the Motor Vehicles (Driving Licences) Regulations 1999.

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

3.1 None.

4. Legislative Background

4.1 Section 14 of the Road Traffic Act 1988 (the “RTA”) requires that seat belts be worn and contains regulation-making powers for that purpose. Subsection (2)(b)(i), as originally enacted, required regulations under that section to provide an exemption for goods vehicle users “engaged in making local rounds of deliveries or collections”.

4.2 Section 110 of the Railways and Transport Safety Act 2003 amended the RTA to replace that exemption with one that should be more easily understood. It provides for the exemption of:

“the driver of, or a passenger in, a motor vehicle constructed or adapted for carrying goods, while on a journey which does not exceed the prescribed distance and which is undertaken for the purpose of delivering or collecting any thing.”

Section 110 will come into force on 1 March 2005, the date on which it is intended that these Regulations shall come into force.

4.3 In Grand Committee on 5 June 2003 (Official Report starting at Column 290) Lord MacIntosh for the Government said: “That distance [*i.e. the “prescribed distance”*] will be established following

consultation with interested parties. We envisage that it will be quite short. A new regulation will provide clarity for vehicle users and make it easier for the police to enforce the exemption.” That consultation took place from August to November 2003. The Department invited views whether the maximum distance should be 10 or 20 metres, or another distance.

4.4 Following consultation, the Department has decided that the maximum distance which may be travelled before a seat belt must be worn should be 50 metres. These regulations would exercise the revised power for the first time and implement the exemption by prescribing that distance for the purpose of subsection (2)(b)(i).

4.5 In addition to that, the Regulations replace the reference to the definition of “qualified driver” in the Motor Vehicles (Driving Licences) Regulations 1987 with a reference to the definition in regulation 17 of the Motor Vehicles (Driving Licences) Regulations 1999. That definition is somewhat different, having been specifically amended in regulations made between 1987 and 1999, and the continued validity of the original provision is doubtful.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

David Jamieson has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

“In my view the provisions of the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2004 are compatible with the Convention rights.”

7. Policy background

7.1 The object of section 14 of the RTA is the protection from injury of drivers and passengers in motor vehicles.

7.2 Since there was no definition of "local rounds" in section 14 of the RTA as originally enacted enforcement was difficult. Despite court decisions to the contrary, many goods vehicle drivers believe the exemption applies to any delivery, over any distance, leading to low seat belt wearing rates amongst goods vehicle users.

7.3 The Department issued a consultation letter on the proposed new exemption in August 2003 and received 64 responses from a variety of interested organisations and individuals, including those representing mail, courier, milk and parcel delivery companies; trade associations; the police; local authorities and road safety interests. The decision to

prescribe 50 metres as the maximum distance for the purposes of this exemption was made in the light of the responses received.

- 7.4 Concerns were expressed particularly by some express delivery organisations and milkmen that the maximum distance proposed in the consultation (10 or 20 metres) was too short for their purposes when using vehicles where seat belts are installed (electric milk floats are not so equipped). The Dairy Industry Association Ltd suggested either an exception for milk deliveries or a maximum distance of 500 metres. The Department took these, and other, representations into account and settled on a maximum distance of 50 metres. At distances over 50 metres, vehicles could reach significant speeds, cross busy junctions or roundabouts, or cross or join major roads.

8. Impact

- 8.1 A Regulatory Impact Assessment is attached to this Memorandum.
- 8.2 The only adverse impact on the *public sector* will be the cost to the Department of publicising the revised regulation (which is included within the Department's budget). If seat belt wearing in vans can be brought up to the levels seen in cars, however, the casualty saving is estimated at 20 lives, 240 serious injuries and 1040 slight injuries, resulting in some saving to the NHS.

9. Contact

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