EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (WEARING OF SEAT BELTS) (AMENDMENT) REGULATIONS 2015

2015 No. [XXXX]

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

2. Purpose of the instrument

2.1 The purpose of this instrument is to exempt persons riding in a motor ambulance from the requirement to wear a seat belt while that person is providing medical attention or treatment to a patient which due to its nature or the medical situation of the patient cannot be delayed.

2.2 The amendment to regulation 6(1) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 ("the 1993 Regulations") will add a further exemption in respect of the emergency services within the bounds permitted by the derogation set out in Article 6 of Council Directive 91/671/EEC in order that health care professionals riding in motor ambulances can carry out their duties properly.

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

3.1 None.

4. Legislative Context

4.1 Section 14(1) of the Road Traffic Act 1988 provides the Secretary of State with power to make regulations requiring, subject to certain prescribed exceptions, persons driving or riding in a motor vehicle to wear a seat belt.

4.2 Regulation 5 of the 1993 Regulations requires a person driving a motor vehicle or riding in a front or rear seat of a motor vehicle and who is aged 14 years or over to wear an adult seat belt. Regulation 6(1) of the 1993 Regulations provides that the requirements of regulation 5 do not apply to the prescribed exceptions set out in sub-paragraphs (a) to (k).

4.3 Under article 6 of Council Directive 91/671/EEC ("the Directive") a Member State may exempt emergency services from the requirement to use safety belts in vehicles of less than 3.5 tonnes in order that they are able to perform their duties properly. A Member State must obtain the agreement of the European Commission before granting an

exemption under article 6 of the Directive. The agreement of the European Commission was obtained in respect of the proposed amendment on 17th June 2014.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 Robert Goodwill MP, Parliamentary Under Secretary of State for Transport, has made the following statement regarding Human Rights:

"In my view the provisions of the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2015 are compatible with the Convention rights."

7. Policy background

- **What is being done and why**

7.1 Following consultation with interested parties, it has been decided that an exemption from the requirement to wear a seat belt, similar to that which applies to persons riding in vehicles used for police or fire purposes, should be granted to persons providing treatment to a patient while riding in a motor ambulance in order that they can carry out their duties properly.

7.2 The additional exemption will apply to persons riding in motor ambulances that are used primarily for the carriage of persons suffering from illness, injury or disability and which are specially designed and constructed (and not merely adapted) for carrying equipment permanently fixed to the vehicle which is used for medical, dental or other health purposes.

7.3 It is important to recognise that on most occasions it will be in the best interests of passengers travelling in ambulances to wear seat belts, both to ensure their own safety and to prevent them from colliding with patients when the ambulance is being driven at high speed or in the event of sudden braking. However, it should also be acknowledged that there may also be some instances where patients can only be effectively treated from a standing position or when it is necessary for a health care professional to seek to restrain a mentally ill or violent patient.

7.4 In this regard the Department was approached by representatives from the ambulance service, including the Chief Executives of the Ambulance Trusts, who have raised concerns about the lack of exemption for health care professionals providing emergency treatment in a motor ambulance en route to a hospital. They have put forward a strong argument to support the need for medical personnel to be exempt from the requirement to wear a seat belt on occasions when they need to provide medical attention or treatment to a patient that they are responsible for. This includes providing high quality

levels of care to critically ill patients whilst in transit to major trauma centres and acute stroke centres. On these occasions ambulance health care professionals would be expected to continuously monitor patients as well as administering a variety of medical interventions. This treatment cannot be performed effectively whilst being restrained by a seat belt; such a device would prevent the health care professional from moving about to attend to the needs of the patient.

7.4 The Department understands that the original intention of the exemption in respect of the police and the fire service was to allow persons travelling in these vehicles to perform their vital public duties as safely and effectively as possible. For example it would be both impractical and potentially unsafe for police officers to attempt to restrain an aggressive suspect whilst remaining seated and wearing a seat belt. Following the same logic it is suggested that the ambulance service would find it equally difficult to provide treatment to patients travelling in ambulances whilst hindered by a seat belt. The reason for the omission of persons travelling in motor ambulances is unclear but it may partly be explained by the fact that in 1993 seat belts were not generally fitted in the rear of ambulances; now however it is common practice.

7.6 It has therefore been decided to extend the seat belt exemption to health care professionals when providing urgent medical attention or treatment to a patient whilst riding in a motor ambulance. This exemption would provide clarity for the ambulance service and remove the potential threat of prosecution or a fixed penalty under the seat belt regulations. It would also ensure parity between the position of ambulance professionals and police and fire professionals when performing the duties required of an emergency service.

- **Consolidation**

7.7 There is no intention to consolidate the 1993 Regulations at this time.

8. Consultation outcome

8.1 On 28th November 2012 the Department carried out a 12-week public consultation on the proposal to extend the seat belt exemption as applied to the emergency services, to persons treating a patient in the rear of a motor ambulance. A wide range of stakeholders responded to the consultation including representatives from the ambulance service, police service, road safety groups and private individuals. This was part of a wider consultation on a range of issues and was sent to all key stakeholders including the medical and healthcare sectors as well as key road safety organisations such as Brake and the Royal Society for the Prevention of Accidents. The Department received responses from 54 interested parties and all of these were favourable. Given the overlap between the stakeholders for speed limit exemptions and the stakeholders for seatbelt exemptions for ambulances, it seemed best use of resources to integrate the seatbelt issue in the wider consultation when that was being issued. A summary of the responses provided has been published on the Department's website and is available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269588/consultation-response.pdf

8.2 The results of the consultation showed that there is widespread support for the proposal across all stakeholder groups; everyone that responded agreed that the proposal was in the best interests of patient care. It has therefore been decided that the seat belt exemption for the emergency services should be extended to include persons riding in a motor ambulance so that they can provide treatment to patients, including urgent and lifesaving treatment to those who are critically ill.

9. Guidance

9.1 There is no statutory guidance associated with the instrument.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment is attached to this memorandum. This Impact Assessment concluded that the proposal:

a) would not have any impact on business because manufacturers will continue to fit seat belts in the rear of ambulances and seat belts will continue to be worn in motor ambulances except when the exemption will apply;

b) would not significantly increase the risk of injury to health care professionals or patients in the event of an accident or sudden braking because health care professionals are already removing their seat belts in order to perform certain treatments and attend to patients and no evidence from stakeholders of any injuries to health care professionals as a result of this practice has been provided to the Department;

c) will potentially result in more timely and effective treatment being provided to patients by health care professionals because the potential threat of prosecution for contravention of the seat belt wearing law is removed.

10.4 The impact assessment also concluded that the proposal:

a) is uncontroversial as it is widely supported both within the industry and amongst the general public;

b) will not be regulating or deregulating the private sector and is accordingly outside the scope of the Better Regulation framework; and

c) will not place any additional costs on businesses.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department for Transport will monitor feedback through statistics and stakeholder discussions.

13. Contact

Sandra Forde at the Department for Transport Tel: 0207 944 2252 or email: sandra.forde@dft.gsi.gov.uk can answer any queries regarding the instrument.