EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (WEARING OF SEAT BELTS) (AMENDMENT) REGULATIONS 2006

2006 No. 1892

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These Regulations change current legislation on seat belt wearing in motor vehicles by:

2.1.1 prohibiting the use of rear facing child restraints where there is an active frontal air bag (unless the bag is designed not to cause injury to a child in a rear facing seat if it inflates);
2.1.2 allowing all children aged 12 or more to wear an adult belt in the rear of a motor vehicle and allowing children under 12 to do so if they are 135 cms or more in height;
2.1.3 requiring children between 3 and 11 years of age but less than 135 cms in height to be secured with a child restraint appropriate for their height and weight in the rear of motor vehicles provided there is an adult belt in place to secure the child restraint; and
2.1.4 prohibiting children under 3 being carried in the rear of a motor vehicle altogether unless they are in an appropriate child restraint.

2.2 There are exemptions from the requirements to use an appropriate child restraint referred to in 2.1.3 and 2.1.4 including:

2.2.1 for children riding in licensed taxis or hire cars if an appropriate child restraint is not available, and in police or security or emergency service vehicles;
2.2.2 for a child aged 3 and over who, because of an unexpected necessity, is travelling over a short distance in a passenger car or light goods vehicle where there is no appropriate child restraint;
2.2.3 for a child aged 3 or more riding in the rear of a vehicle with two other children in child restraints where there is not room for a third child restraint;
2.2.4 for a disabled child who needs to use a disabled seat belt where none is available;
2.2.5 for children under 14 travelling in large buses or coaches and for the under 3s also in relation to small buses; and
2.2.6 for children aged 3 and over but under 14 travelling in the rear of a small bus if there is no child restraint available; they must then wear an adult belt if there is one available.

2.3 The exemption for taxis, and those described at 2.2.2 and 2.2.3, will still require a child aged 3 and over to use an adult belt.

2.4 The "unexpected necessity" exemption described at 2.2.2 is designed to deal with those cases where someone has unexpectedly to carry a child for a short distance where no child restraint is available. The exemption is not intended to cover *regular* "school runs" and the like but rather is intended to provide for those occasions where the only alternative would be to leave a child at risk simply because a child restraint was unavailable.

2.5 The Department has not, for the purposes of this exemption, specified what it would take to be a "short" distance. It considers this could only be done on an arbitrary basis. In so far as the courts have to consider the issue (in most cases the position should be reasonably evident), it is expected they will look at all the circumstances and merits of a particular case, perhaps taking account of such factors as differences in the usual distances of short journeys in town and country.

2.6 The only exemption for a child under 3 relates to travel in a taxi or an emergency vehicle, when an appropriate child restraint is not available. In that event, it is considered that an adult belt is not a safe alternative for a child under 3.

2.7 The Regulations remove an existing exemption for children under 1 travelling in an ordinary carry cot. The existing exemption for children who cannot use a seat belt or child restraint for medical reasons is retained.

2.8 In relation to adults and children aged 14 and over the Regulations extend the requirement to wear available front and rear seat belts to all categories of vehicles so including for the first time the rear seats of buses and goods vehicles.

2.9 The Regulations require operators of buses to ensure that passengers are made aware of the requirement to wear a seat belt by means of an announcement, an audio-visual presentation or signing.

2.10. The requirements referred to in paragraphs 2.8 and 2.9 do not apply where the bus is providing a local service in a built-up area or where standing is permitted and the bus is designed for this. A service will be provided in a "built-up" area for these purposes so long as the entire route consists of roads with street lights no more than 200 yards apart in England and Wales or 175 metres apart in Scotland. These are roads for which the normal speed limit is 30 m.p.h.

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

3.1 As noted below these Regulations implement certain provisions of Directive 2003/20/EC (which amends Council Directive 91/671/EEC). The Committee will wish to note the way in which the requirements in relation to frontal air

bags and rear facing child restraints (referred to in paragraph 2.1.1 above) have been implemented.

3.2 The relevant provisions in the Regulations are at regulation 3(1) and (5), which respectively insert new subsections (1A) and (9A) into section 15 of the Road Traffic Act 1988. New subsection (1A) prohibits driving with a child in the front of a motor vehicle in a rear facing child restraining device unless any air bag is "deactivated". New subsection (9A) states that the reference to an air bag being "deactivated" includes the case where the air bag is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraining device.

3.3 The relevant provision in Directive 2003/20/EC is found at article 1(3). This inserts new article 2(1)(b) in 91/671 which provides as follows:

> "children may not be transported using a rearward-facing child-restraint system in a passenger seat protected by a front air bag, unless the air bag has been deactivated, even in cases where the air bag is automatically deactivated in a sufficient manner."

3.4 At first sight this provision may be felt not to support the implementation provided for and indeed could even be thought to support the opposite interpretation (i.e. that only complete deactivation is permissible). The Department is clear that this was not the intention of the Directive's drafters however; rather the English language version of the Directive is defective here. An examination of the Directive in other languages supports this conclusion. In this connection we have looked at the French, German, Spanish, Portuguese and Swedish versions of the Directive. All, in our view, support the way in which the Department is proposing to implement this Directive.

3.5 In addition, a purposive interpretation of the Directive also supports this view. It is difficult to see what purpose would be served by prohibiting the presence of air bags which automatically deactivate in a "sufficient" manner. If the deactivation is *sufficient* then there is no reason to regulate against the presence of such air bags.

3.6 The Committee may also wish to note that the present Regulations do not complete the implementation of Directive 2003/20. A further set of regulations are currently being finalised to make amendments to the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 (S.I. 1993/31)**.** This further set of regulations will implement Directive 2003/20's requirements in relation to children under 14 riding in front seats. They will be subject to negative resolution procedure (as explained below at paragraph4.8 and it is intended they will be brought into force at the same time as the present Regulations.

3.7 In addition regulations to amend the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078) are also being prepared. These will, among

other things, implement changes to the specification of seat belts and child restraints which Directive 2003/20 requires to be used from 9 May 2008.

3.8 The Department is also intending to consult further over how to implement the requirement (set out at new article 2(2)(a) of Directive 91/671 as inserted by article 1.3 of Directive 2003/20) for children aged 3 or more but less than 14 to wear seat belts in large buses (referred to as M3 vehicles in the Directive). The present Regulations exempt drivers of such vehicles from the requirement to ensure such children are wearing seat belts or using child restraints. But because section 15 of the Road Traffic Act 1988 imposes obligations on drivers in relation to the under 14s rather than the children themselves this leaves no-one currently responsible here. The reasons for the current position are noted in the Policy Background section below (at paragraph 7.6).

3.9 The Department is also still giving further consideration to what implementation, if any, is required in relation to new article 6b of Directive 91/671 (as inserted by article 1(6) of Directive 2003/20). This exemption may be relied upon until 9 May 2009 so any necessary changes do not need to be brought into force until then.

3.10 The legislation necessary to implement Directive 2003/20 was required to be put in place before 9 May 2006 and the Department regrets that this has not been achieved. The Department also regrets that it has not yet been able to resolve the issues referred to in paragraphs 3.8 and 3.9. It is anxious now to implement the main part of the Directive's provisions as soon as possible and does not wish to delay this further whilst these outstanding issues are resolved.

4. Legislative Background

4.1 Section 14(1) of the Road Traffic Act 1988 (**the "RTA"**) gives the Secretary of State power to make regulations requiring adults and children of 14 years and over to wear seat belts in motor vehicles as well as power to set out exemptions from these requirements.

4.2 The present regulations for these purposes are the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 **(the "Wearing of Seat Belt Regulations")**. These apply for persons aged 14 and over both as regards the front and rear of vehicles and set out the requirements for the types of seat belt to be worn as well as various exemptions from the requirements.

4.3 The RTA, at sections 15(1) and (2), and 15(3) and (4), makes it an offence to drive a motor vehicle with a child under 14 years in a front or rear seat if he is not using the appropriate seat belt or child restraint. Exemptions from these requirements can be set out in regulations.

4.4 The Wearing of Seat Belt Regulations set out the detailed requirements in relation to the types of seat belt or child restraint to be used for children travelling in the *rear* seats of motor vehicles. This is principally done by reference to the Road Vehicles (Construction and Use) Regulations 1986

which prescribe markings to be applied to seat belts and child restraints showing the weight and height of child they are designed for.

4.5 The Wearing of Seat Belts Regulations also set out various exemptions from the requirement to use a seat belt or child restraint both in relation to particular circumstances and in relation to particular classes of vehicle.

4.6 For children under 14 riding in the *front* of vehicles similar provision is made by by the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 **(the "Children in Front Seat Regulations").**

4.7 The existing legislation implements (and in some respects goes beyond) Council Directive 91/671/EEC. That Directive, as noted, has now been amended by Directive 2003/20/EC of 8 April 2003. These Regulations are intended to implement Directive 2003/20/EC by amending provisions of the RTA and the Wearing of Seat Belt Regulations. Further regulations are being finalised which will amend the Children in Front Seat Regulations so as to implement necessary changes there consequent on Directive 2003/20.

4.8 The present Regulations do not amend the Children in Front Seat Regulations because section 15(1) RTA, under which those regulations were originally made, prescribes a negative resolution procedure (see section 195(3) and (4) of the RTA). The present regulations however need to be made under affirmative draft procedure which is the procedure required for regulations made under sections 14(1) and 15(3) RTA, these being the principal powers under which the Wearing of Seat Belts Regulations were made.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

Dr Stephen Ladyman has made the following statement regarding Human Rights:

"In my view the provisions of the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 are compatible with the Convention rights."

7. Policy background

7.1. The object of sections 14 and 15 of the RTA is the protection from injury of drivers and passengers in motor vehicles. The object of the new Regulations is to increase safety by reducing exemptions from compulsory seat belt wearing and making clearer requirements about the appropriate child restraint to be used by a child of a given age.

7.2. Subject to the points noted at paragraphs 3.6 to 3.9, the Regulations will implement provisions of Directive 2003/20/EC in relation to adults and children over 14 in the front and rear seats of vehicles and children under 14 in the rear seats of vehicles.

The Regulations take advantage of various of the exemptions and discretions which Member States are allowed to exercise.

7.3. The Department issued a consultation letter on 21 September 2004 in respect of the new requirements for buses and coaches (see paragraphs 2.4 and 3.8); and on 13 June 2005 in respect of the new requirements in relation to children. 68 responses were received to the first letter, and 54 to the latter. The responses were from a variety of interested organisations and individuals, including motoring and road safety organisations and interested trade associations. The responses generally supported the changes proposed to the present requirements, including proposals by the Government to take advantage where possible of exemptions and discretions which the Directive allows Member States to adopt.

7.4. The Department issued a decision letter on 19 July 2005 in respect of the new requirements for buses and coaches; and on 27 February 2006 in respect of the new requirements in relation to children. These summarise the results of the Consultation and the Department's response and are available on the Department's website at:

www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/pdf/dft_rdsafety_pdf_611255.pdf

and

http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/pdf/dft_rdsafety_pdf_039145.pdf

7.5. There was concern about the cost of providing signage in buses and coaches and about the proposed fines for not making an announcement to bus and coach passengers. The Regulations meet this concern by making signage one of several options. The Department has decided since the decision letter in July 2005 only to have a penalty for bus and coach operators (the level set is a maximum, the actual amount being for the court to determine) and to abandon the proposed fine for drivers.

7.6. The Directive introduces a requirement (as set out at new article 2(2)(a) of Directive 91/671) for children aged 3 or more but less than 14 to wear seat belts in large buses. Section 15 of the RTA envisages that responsibility for children being properly restrained rests on the vehicle driver but drivers and operators have argued strongly that this is impractical on a large bus. The Department has not yet resolved this practical difficulty and is intending to consult further as soon as possible over how to implement the requirement.

7.7. There is a provision at new article 6b of Directive 91/671 which introduces a limitation on the number of passengers which may be carried in the rear of cars and small good vehicles. The Department intends to consult further and to make further Regulations. This requirement has to be implemented by 9 May 2009.

8. Impact

8.1. Separate Regulatory Impact Assessments in relation to bus and coach provisions and the general requirements as regards children are attached. It had originally been proposed to make these two sets of amendments separately.

8.2. The only adverse impact on the *public sector* will be the cost to the Department of publicising the revised regulations (which is included within the Department's budget). Bus and coach travel is generally safe, but some serious accidents do occur. The number of casualties, particularly deaths, varies each year but around 200 seated bus and coach passengers are seriously injured each year. Compulsory wearing of seat belts where they are available is expected to reduce this number. In cars, almost all younger children do travel in a child restraint but not always the right one, and parents tend to allow older children to use an adult belt when some form of child restraint would still be appropriate. There will be a modest reduction in casualties to children from requiring the appropriate restraint to be used. Child restraints are widely available at modest cost. For most parents and other carers the main new obligation will be to keep on using them longer than they do now. The prohibition on carrying unrestrained children under 3 will affect the very small number of those who now do so in particular old cars in which belts cannot be easily installed.

8.3. Reductions in casualties will result in some saving to the NHS.

9. Contact

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Department for Transport

THE SEAT BELT WEARING (AMENDMENT) REGULATIONS

REGULATORY IMPACT ASSESSMENTS

1. The Department has published two Regulatory Impact Assessments (RIAs) about implementation of Directive 2003/20/EC ("the Directive")[1]:-

on 19 July 2005, in connection with new requirements to wear seat belts in buses and coaches ("the first RIA");

on 27 February 2006 in connection with the use of child restraints ("the second RIA").

The two RIAs were prepared under a plan to make separate Regulations for the respective requirements. This plan was dropped because of overlap between the various requirements.

2. This note identifies several changes made to the proposals since the RIAs were published, which will be reflected in the implementing Regulations. The regulatory impact of these changes, if any, is also noted.

Timing

3. The Directive was required to be implemented by 9 May 2006. Subject to paragraphs 4 to 7 below, and to Parliamentary approval, Regulations are planned to come into force on 18 September 2006, as indicated in the second RIA.

Children on buses and coaches

4. The Directive requires Member States to ensure that children wear belts where fitted on buses and coaches (with an exception for buses on services in urban areas or where standing is allowed). It is considered that the Directive will be under-implemented unless Regulations impose an obligation on someone and have an effective means of enforcement. The consultation exercise did not identify any way in which this could be done. This will need to be the subject of further consultation and will not therefore be covered in the Regulations planned to come into force on 18 September.

Announcements by bus and coach drivers

5. The Directive requires bus and coach operators to bring to passengers' attention the requirement to wear seat belts where fitted. They can do this by signage, video, or announcements. A separate offence was proposed for drivers

[1] Available on-line at http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lg=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=2003&nu_doc=20&type_doc=Directive

who failed to make announcements. It has been concluded that this additional offence adds little and could also give rise to some complex difficulties in identifying the responsible person. Operators will also be able to escape liability if they can show they have taken reasonable steps to ensure notification is given (by any of the permitted means). The separate drivers' liability will therefore not be included in the Regulations. This now meets concern on this point expressed during consultation.

Children in front seats

6. For historical reasons, changes to Regulations about children in front seats are subject to Negative Resolution, and therefore need to be kept separate from those which are subject to Affirmative Resolution. The necessary separate Order will be prepared to come into force also on 18 September. This can be signed during the Recess.

Overcrowding rear seats

7. The Directive includes a provision which is intended to limit the number of people that can be carried in the rear of a car or van which has rear seat belts to the number of seat belts. This has to come into force in May 2009. The relevant wording of the Directive is obscure and more time is needed to establish what, if anything, needs to be done in our Regulations. Since the provision does not come into force until 2009, it has been omitted from the Regulations planned to come into force on 18 September, with the aim of dealing with it at the same time as any further proposals for children on buses (see para 3 above).

Consultation, costs and benefits

8. Paragraphs 4 to 7 identify only one material change - which follows concerns which were expressed during consultation about fines for bus and coach drivers for not making announcements about the requirement for passengers to wear seat belts. This represents a modest reduction in the potential regulatory impact, from which small firms among others will benefit.

9. There is no change is any other aspect of the regulatory impact identified in the earlier two RIAs.

Enforcement and sanctions

10. The decision at paragraph 5 also amends the approach to enforcement, to make it simpler and less onerous.

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REGULATORY IMPACT ASSESSMENT (RIA)
AMENDMENT TO THE MOTOR VEHICLES (WEARING OF SEAT BELTS) REGULATIONS 1993 TO REQUIRE SEAT BELTS TO WORN IN BUSES AND COACHES

Objective

1. To implement Directive 2003/20/EC[2] to require seat belts to be worn, where installed, by passengers aged 3 years and over, when seated in moving buses and coaches.

Background

2. The Department for Transport issued a consultation document on 21 September 2004[3] on the options available for implementing Directive 2003/20/EC (the "Directive") and announced their decision on the way forward on 19 July 2005[4].

3. Seat belts have been required to be fitted in buses and coaches, except those designed to carry standing passengers, since October 2001. Drivers and front seat passengers are already required to use them where fitted and passengers must wear them in the rear of vehicles up to 3.5 tonnes gross weight (ie minibuses with an unladen weight of up to 2.54 tonnes - about 16 seats) where they are fitted.

4. The Directive, which must be implemented no later than 9 May 2006, requires that seat belts or child restraints must be used by seated occupants aged 3 years and above in all moving buses and coaches where they are available. It also requires passengers to be informed that seat belt wearing is mandatory and provides for exceptions in urban areas or where standing is permitted. It also enables Member States, until May 2008, to permit more children to travel in a vehicle than there are seats available fitted with seat belts.

Rationale

5. Seat belts are effective in saving lives and reducing injuries. All drivers and front seat passengers in any vehicle where seat belts are fitted (the vast majority) are required to use them. Seat belt wearing in the rear of cars has been compulsory since 1991 and in mini-buses since 1993 but it is not currently a legal requirement in larger buses and coaches even where they are fitted. However, when worn, they are particularly beneficial in preventing ejection through the windows of buses and coaches and reduce the risk of crushing if the vehicle overturns.

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[2] Available on-line at http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lg=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=2003&nu_doc=20&type_doc=Directive

[3] Available on-line at www.dft.gov.uk/stellent/groups/dft_control/documents/contentservertemplate/dft_index.hcst?n=11464&l=2

[4] Available on-line at the same address as footnote 2.

Consultation

6. The Department's consultation document, accompanied by a partial RIA, was circulated widely and comments invited by 17 December 2004. A report on the consultation was produced and attached to the letter dated 19 July 2005 referred to in paragraph 2 above. This full impact assessment takes into account comments made during the consultation.

Options

7. The Directive requires legislation to be introduced to make the use of seat belts in moving buses and coaches compulsory, where they are fitted, for seated passengers aged 3 years and over. It must be implemented no later than 9 May 2006 and comments were invited on the following options:

- the date for implementation;
- how passengers should be notified of the obligation to wear seat belts;
- if passengers should be exempt in urban areas or where standing is permitted;
- if more children should be allowed, until May 2008, to be carried than there are seats available fitted with seat belts;
- whether drivers should be responsible for seat belt wearing by children; and
- the creation of a new offence if a coach operator fails to ensure that passengers are informed of the requirement to wear seat belts.

8. The Department proposed that, subject to parliamentary approval, the new regulations should be brought into effect from 1 July 2005 but no later than 1 May 2006. There was little opposition to this and the Department has now decided that the earliest practical date to implement the Directive is 1 January 2006. Arrangements are now in hand to prepare the necessary regulations and obtain Parliamentary approval for this.

9. The Directive requires passengers in buses and coaches to be notified that seat belts (or child restraints) must be worn if available. The Department suggested that operators of vehicles over 3.5 tonnes should be required to use the prescribed pictogram and that in smaller vehicles it would be satisfactory for the driver to make an announcement.

10. Various comments were made and in the light of concerns expressed about the practicality of relying on the pictogram, the Department has decided that operators may choose any of the options permitted under the Directive.

11. On exemptions, the Department has now decided in the light of the comments made to adopt the exception for passengers in urban areas or where standing is permitted. However, there was broad agreement that the existing prohibition on allowing more children to travel in a vehicle than there are seats available fitted with

seat belts should be retained. The Department does not therefore intend to permit this exception.

12. At present drivers are responsible for ensuring that children under 14 wear seat belts. In the consultation document the Department suggested that it would be unreasonable to expect coach drivers to ensure that children wear seat belts. Although a few responses expressed concern that no one would be responsible for children, the Department has decided that the new regulations should exempt drivers of passenger carrying vehicles over 3.5 tonnes from liability for children under 14 years old.

13. The consultation document invited any other comments. In the light of concerns about those with disabilities, the Department has also decided to provide an exemption for registered disabled people who are unable to use a standard seat belt.

Costs and benefits

Business sectors affected

14. Bus and coach operators, and charitable or voluntary organisations that operate such vehicles, will be affected by the requirements of the Directive.

Benefits

15. While bus and coach travel is generally safe, some serious accidents do occur. The number of casualties, particularly deaths, varies each year. The figures for seated bus/coach passengers are

	2001	2002	2003
Fatal	1	8	0
Serious	197	207	172
Slight	5188	4635	4826

16. In some of these cases seat belts may not have been available to wear or would not have been able to prevent the casualties. Although some responses to the consultation questioned the suitability of adult seat belts for young children, we are satisfied that it is safer for everyone over 3 years old to use an adult belt rather than travel unrestrained. While are unable to estimate the likely casualty savings from the introduction of compulsory seat belt wearing in buses and coaches, we do expect the measure to be beneficial. The Department calculates the value of preventing a road fatality at £1.25m at June 2003 prices[1]. For a serious injury this figure is some £140,000 and for a slight injury nearly £11,000.

[1] Highways Economic Note No 1 is available from DfT Free Literature, PO Box 236, Wetherby, LS23 7NB or on-line at http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_026183.hcsp

Costs

17. There are no direct costs on bus and coach passengers arising from a requirement to wear a seat belt, where fitted, although operators may pass on any increased costs arising from the notification requirement. These are considered unlikely to increase fares significantly.

18. Seat belts already have to be installed in all new buses and coaches except those designed to carry standing passengers. The new regulations will not require seat belts to be installed where they are not currently required. Nor will they require child restraints to be provided but there will be costs on operators arising from the requirement to inform passengers that seat belts must be worn.

19. The Confederation of Passenger Transport estimated that fitting pictograms in coaches would cost some £7.6 million with ongoing maintenance costs (eg replacement of signs that had been damaged or vandalised). In the light of responses to consultation, the Department has decided that operators may choose any of the permitted methods for notifying passengers. This should minimise costs, particularly for those operators who already have systems installed on their vehicles which may be used for this purpose.

20. There may also be some costs associated with enforcement. In England and Wales in 2003, 145,294 fixed penalty notices were issued and 4,990 cases went to court for failing to wear seat belts. We do not anticipate that extending compulsory seat belt wearing to rear seat passengers in buses and coaches will significantly increase these figures. There will be some costs on the Department for publicity and these will be met from existing allocations.

Health Impact

21. The Department considers that a separate Health Impact Assessment is not appropriate as the Directive extends existing compulsory seat belt wearing requirements rather than introduces new principles. We are satisfied that seat belt wearing is an effective way to save lives and reduce injuries in a crash and that the new regulations should result in casualty savings. Reducing casualties will have a corresponding benefit on long-term health for those who would otherwise have been injured in a crash, and reduced costs on the health services in providing short and long-term health care.

Rural Impact

22. We recognise that bus and coach operations provide valuable transport services in rural areas. Although some concerns were expressed in the consultation about the possible impact on the provision of such services, we do not expect the new requirements to have a significant effect on those services.

Small Firms' Impact Test

23. This new requirement will apply to all bus and coach operators who provide vehicles fitted with seat belts. However, the Coach Operators Federation pointed out that small operators are more likely to provide public service buses equipped with

seat belts and would be faced with a disproportionate impact if seat belts had to be worn on short journeys in urban areas. One firm pointed out that those supplying vehicles fitted with seat belts would be faced with increased costs due to wear and tear and other damage to the belts. They also pointed out that passengers might decide to use competing services that did not provide seat belts. As a result seat belt equipped services might become unviable and therefore withdrawn, forcing some passengers to resort to cars, with an associated environmental impact, and those without cars, especially the elderly or infirm, would be adversely affected.

24. As explained in paragraph 11 above, the Department has decided to adopt the exemption for passengers on urban routes. In the light of this, we do not expect the new regulations to impose a significant or disproportionate impact on small firms.

Competition assessment

25. As noted above, it was suggested that firms providing vehicles with seat belt could be disadvantaged compared to those providing older, potentially less safe vehicles. The Department is satisfied that providing the exemption on urban routes should ensure that companies providing vehicles with seat belts are not at a competitive disadvantage.

Social exclusion issues

26. Although it was suggested that if some routes became unviable there could be social exclusion issues, the Department is satisfied that the risk of this arising from these new regulations is not significant.

Environmental issues

27. The Department is again satisfied that no significant environmental issues are likely to arise as a result of the requirement to wear seats, where fitted, in buses and coaches.

Enforcement and sanctions

28. Enforcement of road traffic law is a matter for the police and the courts. Seat belt offences are subject to a £30 fixed penalty or a maximum fine on conviction of £500 (currently £200 in respect of children in the rear of a vehicle) if a case goes to court. A new offence will be introduced for failing to ensure that passengers are notified of the requirement to wear seat belts. The penalty will be a maximum fine of £2,500 (Level 4 on the standard scale).

Implementation and Delivery

29. Existing seat belt wearing regulations need to be amended to bring the new requirements into force. The Department will prepare and lay draft regulations before Parliament so that, subject to Parliamentary approval, they will come into force from 1 January 2006.

30. Once the regulations have been made we will write to bus and coach operator trade associations to confirm that the regulations have been made so that operators can take the necessary action to ensure that they notify passengers of the

requirement to wear seat belts. The Department will also undertake targeted publicity and public relations activity to raise awareness of the issue among the travelling public.

Monitoring and review

31. The Department will continue to monitor road traffic casualty statistics, including seated casualties on buses and coaches.

Application to the United Kingdom

32. These regulations will apply in Great Britain. Application in Northern Ireland is a matter for consideration by the Department for the Environment, Northern Ireland.

Summary and recommendation

33. Directive 2003/20/EC requires seated passengers aged 3 and over to use seat belts and child restraints, where available, in buses and coaches. We recommend that regulations should be made to apply this in Great Britain.

Ministerial declaration

"I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs."

Signed by

Stephen Ladyman MP,

Minister of State,

Department for Transport

19 July 2005

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Department for Transport

Regulatory Impact Assessment (RIA)

AMENDMENT TO THE SEAT BELT WEARING REGULATIONS 1993 REGARDING COMPULSORY SEAT BELT AND CHILD RESTRAINT WEARING REQUIREMENTS IN CARS AND GOODS VEHICLES

Objective

1. To further reduce road casualties by increasing the use of child restraints and seat belts by implementing that part of Directive 2003/20/EC ("the Directive")[5] which requires child restraints to be used at all times in cars and goods vehicles, save for specified exceptions; to prohibit the use of rear-facing child restraints in seats protected by active frontal air-bags; to prohibit the use of child restraints that do not meet the standards of UN ECE 44/03 or Directive 77/541/EEC, or subsequent standards; and to prohibit the carrying of a greater number of passengers than there are seats belts available in vehicles equipped with them.

Background

2. Seat belt wearing is already subject to European requirements contained in Directive 91/671/EEC[6]. That Directive requires Member States to ensure that seat belts are used where they are fitted and that child restraints are used where they are available. Regulations implemented in 1993 therefore require that:

- children under 3 years old must use a child restraint if they travel in the front seat, and must use a restraint if available when in the rear seat (ie they may travel unrestrained if a child restraint is not available because a seat belt may not be the safe alternative for such small children); and
- children aged 3 - 11 years old (and under 150 cms in height) in front or rear seats must use a child restraint if available. Otherwise they must use the adult seat belt if available.

3. Since the 1991 Directive, the vast majority of cars on the road are now equipped with rear seat belts. Child restraints to a high standard are also now readily available and are largely used for small children. Many parents however allow older children to move up to an adult belt too soon to benefit fully from them. To deal with this, the Directive will now require children to use child restraints at all times, with few exemptions, instead of adult seat belts, when travelling in cars and goods vehicles.

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[5] Available on-line at http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lg=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=2003&nu_doc=20&type_doc=Directive

[6] Available on-line at http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lg=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1991&nu_doc=671&type_doc=Directive

4. It requires that children under 3 years must use the appropriate child restraint at all times. Those 3 years up to a specified height must use restraints when in vehicles fitted with seat belts. It prohibits the use of rear-facing restraints in seats protected by active frontal air-bags, and the use of older design child restraints after May 2008. It also specifies that from May 2009, in vehicles where seat belts are provided, the number of passengers carried may not exceed the number of seat belts or child restraints provided.

5. The Department issued a consultation document on 13 June 2005[7] on the options available for implementing the Directive, which updates Directive 91/671/EEC. It announced the decision on the way forward on 27th February 2006[8].

6. Note that the Directive also requires seat belts to be worn, where fitted, in the rear of buses and coaches. This is being taken forward separately and is not therefore covered in this impact assessment.

Rationale

7. Seat belts and child restraints (ie rear-facing baby seats, child seats, booster seats and booster cushions) are effective in saving lives and reducing injuries. Modern vehicles are designed with high levels of driver and passenger protection to reduce the risk of injury to occupants in the event of a collision. However, good design cannot prevent injury to someone who is not properly secured inside a vehicle in a crash. Seat belts and child restraints are designed to prevent people from being thrown forward and injured by hitting part of the vehicle or another occupant or ejected from the vehicle.

8. The wearing of seat belts has been compulsory in cars and light vans, where they are available, in the front since 1983 and in the rear for children since 1989 and since 1991 for adults. Seat belt wearing has been compulsory in goods vehicles fitted with seat belts since 1993. Estimates suggest that some 28,000 lives have been saved in GB since seat belt wearing became compulsory.

Consultation

9. The Department's consultation document, accompanied by a partial RIA, invited comments by 5 September 2005. A report on the consultation was produced and attached to the decision letter mentioned in paragraph 5 above. This full impact assessment takes into account comments received.

10. The responses to the consultation identified no significant problems with implementing the Directive. Respondents were broadly in favour of exercising the discretionary options as the Department had proposed. The Department will therefore transpose the requirements of the Directive as proposed in the consultation document, taking up the options as available as described in paragraphs 13 and 14 below.

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[7] Available on-line at www.dft.gov.uk/stellent/groups/dft_control/documents/contentservertemplate/dft_index.hcst?n=13759&l=2

[8] Available from the address at Footnote 3.

Options

11. The requirements of the 1991 Directive for seat belt wearing and child restraint use have been accepted by the UK and are already contained in domestic legislation. As the 'new' Directive updates the requirements of the earlier Directive, the Department does not consider that there is a "do nothing" option. Seat belt wearing and the use of child restraints are well accepted as effective casualty reducing measures.

12. There are two other options. The Directive can be transposed exercising all the options for discretionary exemptions, or not. Different decisions can of course be exercised on different options. The Directive provides Member States with the opportunity to introduce two measures at a later date. It also provides options to implement a limited number of exemptions. These options recognise the practical difficulties that may arise for parents from the requirement to use child restraints and would help to reduce the regulatory impact of the Directive.

13. The options for exemptions are as follows:

- whether the **height threshold** for moving children up to adult belts should be 135 cms (instead of 150 cms);
- whether children should be able to **travel in taxis** if child restraints were not available;
- whether a child 3 years and over can use an adult belt in the rear seat where **2 child restraints prevent the fitment of a third**;
- whether children 3 years and over can use adult belts in the rear seat for **short and occasional journeys**.
- whether the **phasing out of older design restraints** should be brought forward from 2008; and
- whether to introduce the requirement, in vehicles fitted with seat belts, that **more passengers may not be carried than there are seat belts** earlier than 2009.

14. In the light of the comments received, the Department has decided that the options on exemptions and timing will be exercised as originally proposed as follows:

- children aged three years **up to 135 cms**, instead of 150 cms**, in height** will be required to use child restraints when carried in vehicles equipped with seat belts;
- children will be able to travel in the **rear seats of taxis** if restraints are not available. Under 3s can be unrestrained (because the alternative, the adult belt is not suitable for such small children) and those 3 years and over will need to use an adult belt;
- children 3 years or over will be able to use an adult belt in the rear of a vehicle **if two child restraints in use prevent the fitting of a third**;

- children 3 years or over will be able to use an adult belt in the rear of a vehicle if no child restraints are available for them on **short and occasional journeys**;
- children will be allowed to be unrestrained in a vehicle being used for the purposes of police, security, Serious Organised Crime Agency or emergency services (because an appropriate restraint may not be available in an emergency);
- the prohibition on **older design child restraints** will come into force in May 2008 (and not earlier); and
- that, from May 2009 (and not earlier), in vehicles where seat belts are provided, the **number of passengers carried may not exceed the number of seat belts or child restraints provided**.

The prohibition of older design child restraints will require separate Regulations, to be made in due course, amending the Motor Vehicle (Construction and Use) Regulations. This amendment is not required immediately, and is not appropriate to seat belt wearing regulations.

15. The Department proposed that, subject to parliamentary approval, the regulations should be brought into effect from 8 May 2006. There was little objection to that and the Department is now preparing the necessary regulations and will seek the necessary Parliamentary approval. However, in order to provide time for parents/carers to prepare, the regulations are planned to come into force in September 2006.

Costs and benefits

Business sectors affected

16. All those who carry children in cars or goods vehicles will be subject to new requirements (although an exemption will be available in respect of taxis if no child restraint is available). A range of businesses, professional child carers, social services and charitable or voluntary organisations will therefore be affected. We do not have numbers. Many, in particular social services departments, professional child carers and others regularly transporting children, are likely already to require child restraints to be used as a result of undertaking normal risk assessments.

17. Others, such as taxi operators, may be affected from May 2009 if they currently carry more passengers in the back of a vehicle than there are seat belts available. Those using such services are more likely to have to bear the cost of additional or alternative transport arrangements but some taxi operators may decide to use MPV type vehicles instead of saloon cars. Again, we cannot judge how many operators might be affected.

Benefits

18. The Department calculates the benefit of preventing a road fatality at £1.38m at June 2004 prices. For a serious injury this figure is some £156,000 and for a slight injury nearly £12,000[9].

19. We have not estimated the costs or savings resulting from each individual option. From their knowledge of seat belt wearing and observed seat belt wearing surveys, TRL Ltd estimate that the new requirements will together result in the following casualty savings based on 2004 casualty figures. The 0-9 years of age total represents the savings estimated by using the 135 cms height threshold for children to move up to an adult seat belt (on average children reach 135 cms at 9 years):

Casualty reductions expected if child passengers who had worn an adult belt used a Child Restraint System instead

	age	Front Seat Passenger				Rear Seat Passenger			
		killed	serious	slight	all	killed	serious	slight	all
2004	0-2	0.2	0.7	46	47	0.2	1.7	118	120
	3-8	0.0	6.7	452	459	0.9	22	1020	1042
	9	0.0	1.3	131	132	0.2	3.9	243	247
	10-11	0.6	6.2	280	286	0.2	9.3	475	485
	Total (0-11)	0.8	15	908	924	1.5	36	1856	1894
	Total (0-9)	0.2	8.7	629	637	1.3	27	1381	1410

Costs

20. We do not know how many child restraints are presently in use. Seat belt wearing surveys show that a high proportion of children already travel using a seat belt or child restraint, although some will be in a restraint inappropriate to their size. The numbers of child restraints that do not meet the current standards and still in use by May 2008 are likely to be small. Current standard restraints became available from 1996-97. A rear facing convertible baby seat for use from birth up to 4 years old starts at a cost of around £35. A new car seat that is suitable for a 4 year old and meets current standards may currently be purchased from about £20. Booster cushions can be purchased for under £10.

21. The Department is aware that some children are allowed to use adult seat belts too soon for optimum safety and that some people may carry more passengers in the back of cars than there are restraints available. In accordance with the Directive, in future it will be necessary to ensure that children continue to use child restraints until they are big enough to use the adult seat belt. And from May 2008 that will need to be a current specification restraint. There will be some additional costs as extra child restraints are likely to have to be bought but that can be ameliorated by restraints passing down from child to child. We are unable to estimate reliably how many additional restraints will be purchased but

[9] Available on-line at http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_610642.hcsp

booster cushions, suitable for older children, who are more likely to be affected by the changes, can currently be obtained for less than £10.

22. Taxis whose license allows them to count two children as one adult for the purpose of the number of people they may carry will no longer always be able to apply that facility. As children over 3 years will have to use an adult belt (in the absence of a child restraint) from May 2006, in some cases, two taxis would be needed for a journey. Equally, the general prohibition on carrying more people than seat belts would affect this facility from May 2009. It is not practicable to estimate how many extra journeys will be necessary, or how many families will need to get a larger vehicle if they all wish to travel together.

23. More significantly, however, those who currently need to carry more adults and children than there are seat belts (such as large families) will be required from 2009 to use a larger or second vehicle. We cannot reliably estimate how many people or vehicles this will affect but it could have significant financial implications if a standard saloon car had to be changed for a "people carrier". However, these vehicles have been available for several years now and are available second-hand.

24. There may also be some costs associated with enforcement. In England and Wales in 2003, 145,294 fixed penalty notices were issued and 4,990 cases went to court for failing to wear seat belts. We do not anticipate that extending compulsory seat belt wearing as required by the Directive will significantly increase these figures. We expect the police will prefer to educate parents about the need for children to be properly secured within vehicles rather than prosecute them. The Department will also be seeking to publicise the new requirements before new regulations come into force to help reduce the numbers who do not provide or use child restraints for their children. Publicity costs will be met from the Department's existing allocation.

Environmental Issues

25. No significant adverse environmental impacts are expected to arise directly from the greater use of seat belts or child restraints. However, the requirements may mean that some families or groups will need to use larger vehicles, or 2 vehicles, if they wish to travel together. We are unable to estimate reliably how many additional vehicle trips will result

26. Equally, we are unable to estimate the costs to the environment in respect of the disposal of obsolete child restraints in landfill sites or otherwise. We do not know how many 'old' specification restraints will be condemned by these requirements but note that restraints to the more recent specification have been available since 1996 and believe therefore that a large proportion of 'old' restraints may already have been disposed of.

Social Issues

27. Implementing the Directive may give rise to social exclusion issues as those with large families as well as those on limited incomes are likely to be affected. This is because they may need larger (or two) vehicles in order to continue to carry adults and children properly restrained.

28. There is also a risk that the requirements to carry children only when they are properly restrained will impact on children's activities, e.g. those connected with the guiding/scouting movements, and sporting fixtures. This is because more trips will be needed to transport the same numbers of children in cars or because parents may become unwilling to transport other peoples' children.

Health Impact

29. The Department considers that a separate Health Impact Assessment is not appropriate as the Directive only requires amendments to existing regulations on the use of seat belts and child restraints. We are satisfied that seat belt wearing is one of the single most effective ways to save lives and reduce injuries in a crash and that these proposals will result in casualty savings. If injuries can be reduced, then there will be a corresponding benefit on long-term health for those who have been involved in a crash, and for the costs incurred by the health services in reduced short and long-term health care requirements.

30. However, any additional journeys or changes to larger vehicles that may result from the prohibition on carrying unrestrained children and, from May 2009, more passengers that there are restraints in cars and goods vehicles fitted with seat belts, may give rise to some increased risk of injury accidents.

Equity and fairness

31. Road traffic legislation applies to everyone using the roads and is enforced by the police. Those with large families will be affected by the requirements for greater use of seat belts and child restraints because they may need to use larger or more vehicles if they wish to travel together.

Race Impact

32. We are aware some ethnic minorities are less likely to use seat belts and child restraints then others. The Department has undertaken research about communicating with hard-to-reach audiences and will use that in its communications strategy for child road safety in general and child car seats in particular.

Equality Impact

33. Existing seat belt wearing legislation recognises that some people may, by virtue of a disability or a medical condition, not be able to use a standard adult seat belt or child restraint either temporarily or permanently. Exemption from using a seat belt or child restraint can be certified by a doctor for as long as is considered necessary. In addition, the regulations specifically provide for those who use a disabled person's seat belt instead of the mandated seat belt/child restraint. Such people can therefore legally use a seat belt specifically designed for their needs. The Department's Mobility and Vehicle Information Service provides names of suppliers.

Small Firms' Impact Test

34. The new requirements to use seat belts and child restraints will apply equally to all those who carry children and other passengers in cars and good vehicles. There will therefore be some impact on small firms but we do not expect it to be

disproportionate. Consultation did not reveal any specific issues for them. The Directive does not require seat belts to be installed where they are not already required but for any company that carries children in vehicles, there will be additional costs on those who do not currently provide appropriate child restraints. Firms that presently allow more passengers to be carried in vehicles fitted with seat belts than there are seat belts available will also be affected after May 2009.

Rural Impact

35. Road traffic legislation applies on all roads and we do not expect the new requirements to have a significant impact in rural areas compared to other areas, although it is acknowledged that alternative forms of transport are more accessible in non-rural areas.

Competition assessment

36. The Directive applies throughout the EU and we do not consider that extending the requirements to use seat belts and child restraints will result in any competitive disadvantage to British interests.

Enforcement and sanctions

37. Enforcement of road traffic law is a matter for the police. The penalty for failing to wear a seat belt is a fixed penalty of £30 or a maximum fine on conviction in court of £500 (level 2 on the standard scale) and £200 (level 1) in respect of children in the rear of a vehicle, although proposals in the Road Safety Bill currently before Parliament will increase this to level 2.

Implementation and Delivery

38. Existing seat belt wearing regulations need to be amended to bring the new requirements into force. The Department will prepare and lay draft regulations before Parliament with the aim, subject to parliamentary approval, for them to come into force in September 2006.

39. The police are of course responsible for enforcement of road traffic regulations. The Department will undertake appropriate publicity and public relations activity to raise awareness of the changes.

Monitoring and Review

40. The Department will continue to monitor road traffic casualty statistics and carry out surveys of seat belt and child restraint use. We will also continue with our Think! publicity campaigns promoting seat belt and child restraint use.

Application to the United Kingdom

41. The new regulations will apply in Great Britain. Application in Northern Ireland is a matter for consideration by the Department for the Environment, Northern Ireland.

Consultation

42. Consultation was undertaken from June to September 2005 on the proposals and on the associated partial regulatory impact assessment. This assessment has been amended to take account of comments made. A summary of the responses received has been prepared and published together with the Department's decision letter. Both are available on-line from the Department's web-site - see footnote 4.

Summary and Recommendation

43. Directive 2003/20/EC requires a general tightening up of the requirements to use up-to-date design child restraints in cars and goods vehicles. Following consultation on the options available the Department has confirmed that the Directive should be implemented to require that:

- children aged under 3 years must use the appropriate child restraint at all times in the front or seat seats of cars or goods vehicles;
- children aged three years up to 135 cms in height must use child restraints when carried in vehicles equipped with seat belts;
- children will be able to travel in the rear seats of taxis if restraints are not available. Under 3s can be unrestrained (because the alternative, the adult belt is not suitable for such small children) and those 3 years and over will need to use an adult belt;
- children 3 years or over will be able to use an adult belt in the rear of a vehicle if two child restraints in use prevent the fitting of a third;
- children 3 years or over will be able to use an adult belt in the rear of a vehicle if no child restraints are available for them on short and occasional journeys;
- children will be allowed to be unrestrained in a vehicle being used for the purposes of police, security, Serious Organised Crime Agency or emergency services;
- rear facing child restraints will be prohibited in seats protected by active frontal air-bags;
- older design child restraints will be prohibited by separate Regulations from May 2008; and
- from May 2009 in vehicles where seat belts are provided, the number of passengers carried may not exceed the number of seat belts or child restraints provided.

44. There would be no cost if we did nothing, but that is not an option. The Directive has to be implemented and the Government supports provisions aimed at ensuring that children travel safely in appropriate restraints.

45. The cost of implementation would be maximised if no discretionary exemptions were adopted. The proposal to exercise all the options is therefore the least costly (to those transporting children) of the available options.

46. The costs of the individual legislative changes are not readily assessable. Seat belt wearing and child restraint use are already well accepted. Those following current advice on how children should travel will already fulfil the new requirements and incur no extra cost. It is presently not possible to determine how many children, for example, use the adult belt before they really should, how many old style child restraints are in use, or on how many occasions passengers in excess of seat capacity are carried.

47. Calculations have been made that some 2000 casualties of all types could be saved annually by making sure that all children used child restraints, rather than adult seat belts. The benefit in preventing such casualties is calculated at some £31 million using the 2004 figures given in paragraphs 18 and 19.

48. We recommend that regulations should be made to apply these in Great Britain.

Ministerial Declaration

49. "I have read the Regulatory Impact Assessment and am satisfied that the benefits justify the costs."

Signed

Stephen Ladyman MP

Minister of State
Department for Transport
27th February 2006

Contact point

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Transposition Note for Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes

These regulations do what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

In the first column references in brackets are to provisions of the 1991 Directive substituted or amended by the 2003 Directive.

Article	Objective	Implementation	Responsibility
1.2 (1.1)	Requires member states to extend the scope of the 1991 Directive. The 1991 Directive already covers three categories of vehicles: M1 (passenger vehicles except buses (cars)), M2 (buses up to 3.5 tonnes and excluding rear seats) and N1 (goods vehicles with a maximum gross weight not exceeding 3.5 tonnes (light vans)) but again excluding rear seats. The 2003 Directive extends the coverage of M2 vehicles up to 5 tonnes and includes rear seats, adds rear seats for N1 vehicles and also adds M3 vehicles (buses over	The 1991 Directive is implemented by sections 14 and 15 of the Road Traffic Act 1988 (the "RTA") and coverage of the 1991 Directive classes of vehicles (and some others - i.e. front seats of all motor vehicles) is provided for under regulation 5 of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (S.I 1993/176) (the "Wearing of Seat Belts Regulations") and regulation 6 of the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 (S.I. 1993/31) (the "Children in Front Seats Regulations"). The additional 2003 Directive vehicle categories are added, in relation to adults and children aged 14 and over by regulation 12 of the present Regulations which amends regulation 5 of the Wearing of Seat Belts Regulations. The effect is to extend the coverage of those Regulations to all the categories of vehicles	Secretary of State

	5 tonnes), N2 vehicles (goods vehicles with a maximum gross weight between 3.5 and 12 tonnes) and N3 vehicles (goods vehicles with a maximum gross weight exceeding 12 tonnes).	opposite as regards adults and children 14 and over. In relation to children under 14 the requirements are partially implemented by regulation 15 of the present Regulations. This amends regulation 9 of the Wearing of Seat Belts Regulations. The amendment removes an exemption in relation to rear seats that currently applies to all vehicles other than motor cars and passenger cars ("passenger cars" - MI vehicles - of which motor cars are a subset - are defined at section 15(9) of the RTA). Regulation 9, as so amended, however, continues to exempt large buses (M3 vehicles and M2 vehicles exceeding 3.5 tonnes) and partitioned taxis and hire cars. In the latter case this continues an exemption permitted in accordance with article 6 of the 1991 Directive (and still permitted in the amended version of that article).	
1.2 (1.2 - 1.4)	This provision sets out definitions used in the operative provisions of the Directive	Relevant definitions are set out in section 15 ("passenger car") 185 ("motor vehicle") and 192 ("goods vehicle") of the RTA and in regulation 2 of the Wearing of Seat Belts Regulations to which amendments are made by regulation 10 of these Regulations.	

1.3 (2.1.a.i - first sub-paragraph)	Requires member state to ensure that all occupants of vehicles use the safety systems provided in M1, N1, N2 and N3 vehicles.	See above for the extension of the scope of national legislation to N2 and N3 vehicles and the rear seats of N1 vehicles. The requirement to wear seat belts arises in the case of adults and children aged 14 and over under section 14 of the RTA and in relation to children under 14 under section 15(1) and (3) of the RTA.	Secretary of State
1.3 (2.1.a.i - second sub-paragraph)	Requires member state to ensure that children less than 150 cm (or where the exemption in amended Article 2(1)(a)(ii) is relied upon, 135cm) travelling in M1, N1, N2 and N3 vehicles are restrained by an integral or non-integral child-restraint system suitable for the child's mass.	This has been implemented, in relation to the rear seats of vehicles, by regulations 10(5) and (8) and regulations 16(1), (2) and (3) of the present Regulations as read with section 15(3) of the RTA. Regulation 2(5) of the Wearing of Seat Belts regulations as amended by regulation 10(6) of the present Regulations defines the requirements to be satisfied by a child restraint both of the integral and non-integral kind. Regulation 10(8) of the present Regulations amends regulation 2(8) of the Wearing of Seat Belts Regulations so as to amend the definition of an "appropriate seat belt" for children. For a small child these will now be a child restraint appropriate for a child of his height and weight; for large children the same applies with the additional possibility of an	Secretary of State

		adult belt. A “small child” is defined in regulation 2(3) of the Wearing of Seat Belts Regulations (as amended by regulation 10(5) of these Regulations) as a child aged less than 12 and less than 135 cms in height. A large child is a child (under 14) who is not a small child (again see regulation 2(3) of the Wearing of Seat Belts Regulations). Regulation 16(1) of the present regulations replaces regulation 10(1) of the Wearing of Seat Belts Regulations and among other things deletes the current exemption for small children over 3 wearing an adult belt if a suitable child restraint is not available. Regulation 16(2) and (3) removes further exemptions for small children travelling in the rear of vehicles where no appropriate seat belts are available for them	
1.3 (2.1.a.i) fourth sub-paragraph, first and second indents)	Children under three years may not be carried in M1, N1, N2 and N3 vehicles which are not fitted with safety systems. Children aged three and over and less than 135cm (the exemption in Article 2(1)(a)(ii) is relied upon) may travel in the rear of	This requirement is implemented in relation to rear seats by section 15(3) of the RTA (as substituted by regulation 3(3) of the present Regulations). The provision is partially implemented in relation to front seats by section 15(1) RTA but amendments will be required to the Children in Front Seats Regulations (for which separate negative regulations are necessary) to remove the scope for a	Secretary of State

	such vehicles.	small child to wear an adult belt in the front of a vehicle if no suitable child restraint is available.	
1.3 (2.1.a.ii)	Allows member states to substitute 135cm for 150cm as the height when children may be restrained by an adult belt.	Regulation 10(5) implements this part of Article 1.3 by substituting 135cm for 150cm in the definition of a "small child" in regulation 2(3) of the Wearing of Seat Belts Regulations.	Secretary of State
1.3 (2.1.a.iii)	Allows member states to exempt children in the above two categories from using child restraints when they are travelling in the rear of taxis.	Regulation 16(1) implements this part of Article 1.3 by amending regulation 10 of the Wearing of Seat Belts Regulations. New regulation 10(1)(b) and (c) of the Wearing of Seat Belts Regulations allow a small child aged under 3 to travel unrestrained in the rear of a taxi or hire car, and a small child aged three years or more to wear an adult belt in the rear of a taxi or hire car. In each case this is on the basis that no appropriate child restraint is available.	Secretary of State
1.3 (2.1.b)	Requires member states to ensure that children using a rearward facing child-restraint system are not in a passenger seat protected by a front air bag unless the air bag has been deactivated even in cases where the air bag is automatically	Regulation 3(1), (2) and (5) implements this part of Article 1.3 by inserting new subsections (1A) and (9A) into section 15 of the RTA and by amending subsection (2) of that section. The amendment to subsection (2) makes breach of the new requirement an offence. The implementation of this provision is commented on further in the Explanatory Memorandum, noting in particular that the English	Secretary of State

	deactivated in a sufficient manner.	text of Directive 2003/20 is poorly rendered here by comparison with other language texts.	
1.3 (2.1.c and d)	Allows member states to permit until 8 May 2008 the use of child-restraint systems approved in accordance with the national standards in member states. After that date child-restraint systems must conform to the standards of Regulation 44/03 of the United Nations Economic Commission for Europe (UN-ECE) or Directive 75/541/EEC.	Article 2.1(d) is already implemented by regulation 8 of the Wearing of Seat Belts Regulations and Regulation 5 of the Children in Front Seats Regulations. Amendments to regulation 8 by regulation 14 of the present regulations have the effect of extending the scope of the derogation to the new classes of vehicle brought within the scope of the 1993 Directive as amended by the 2003 Directive. Article 2.1c will be implemented by separate amendments to the Road Vehicles (Construction and Use) Regulations 1986 to take effect on 8 May 2008.	Secretary of State
1.3 (2.2a)	Requires member states to ensure that all occupants aged three and over of M2 and M3 vehicles use the safety systems provided when they are seated.	This provision is implemented in relation to adults and children aged 14 and over by regulation 12 of the present regulations (as noted above in relation to article 1.2(1.1)). It is implemented in relation to children aged 3 and over but less than 14 as regards M2 vehicles up to 3.5 tonnes laden weight (i.e minibuses) by regulation 15. Regulation 10(1) and (3) of the Wearing of Seat Belts Regulations as amended by regulation 16(1) and (3) of these Regulations has the effect that a child restraint need only be used	Secretary of State

		in the rear of a small bus if one is available. If it is not but an adult belt is, then that should be worn (see regulation 10(1)(c), (3) and (3A) of the Wearing of Seat Belts Regulations as substituted by regulations 16(1) and (3) of these regulations). The new obligation is not implemented for the under 14s in relation to M2 vehicles exceeding 3.5 tonnes and M3 vehicles (i.e. large buses and coaches) (again see regulation 15 "large buses" are defined in regulation 2(1) of the Wearing of Seat Belts Regulations as substituted by regulation 10(1) of these regulations). Children under 3 years of age are exempted from the seat belt requirements for M2 and M3 vehicles by virtue of regulations 15 and 16(2) of the present Regulations. These amend regulations 9 and 10 of the Wearing of Seat Belt Regulations.	
1.3 (2.b)	Requires member states to ensure that passengers in M2 and M3 vehicles are informed, in one of four ways, of the requirement to wear safety belts whenever they are seated and the vehicle is	Regulation 4 implements this part of Article 1 by inserting new section 15B into the RTA. This imposes a duty on the bus operator to inform passengers of the requirement to wear seat belts. Failure to do so is an offence punishable on summary conviction with a fine not exceeding level 4 on the standard scale (see	Secretary of State

	in motion.	regulation 4 and new section 15B(4) RTA and regulation 8(b)). The obligation can be met by an announcement by the driver or by a conductor, courier or group leader, by an audio-visual presentation or by signing at seat positions.	
1.4	This repeals article 4 of Directive 91/671 which allowed children over 3 years to be restrained by adult belts in M1, M2 and N1 vehicles and children under 3 to be carried unrestrained if a suitable child restraint was unavailable.	See comments above at 1.3 (2.1 a.i second sub-paragraph) and 1.3 (2.1 a.i. fourth sub-paragraph first and second indents). These provisions in effect displace article 4; the relevant national implementation provisions are indicated at those entries.	
1.5 (6, 3rd indent)	Provides that member states may grant an exemption from the requirement to wear seat belts in order to ensure that the police, security or emergency services can perform their duties properly	Regulation 16(1) implements this requirement in relation to rear seats by amending regulation 10(1) of the Wearing of Seat Belts Regulations. Regulation 10(1)(e) of those regulations now provides an exemption for a small child riding in a vehicle being used for the purposes of the police, security or emergency services to enable the proper performance of their duties.	Secretary of State
1.5 (6, 4th indent)	Provides that member states may grant an exemption from the requirement to wear seat belts in M1 and N1	Regulation 16(1) implements this exemption by amending regulation 10(1) of the Wearing of Seat Belts Regulations. Regulation 10(1)(d) now provides an exemption for a small child	Secretary of State

	vehicles where two child restraints are already fitted in the rear of such vehicles and lack of space prevents the fitting of a third. The exemption would allow a third child, aged three years or over and less than 135cm to be restrained by an adult belt	riding in the rear of a passenger car or light goods vehicle if there are two other children in child restraints in the rear of the vehicle and no room for a third child restraint. The exempted child must wear an adult belt.	
1.5(6, 5th indent)	Provides that member states may grant an exemption from the requirement to wear seat belts in M1 and N1 vehicles to allow children aged three and over to be restrained by an adult belt in the rear seats, for occasional transport over a short distance when no child restraint or an insufficient number of child restraints is available in the vehicle.	Regulation 16(1) implements this exemption by amending regulation 10(1) of the Wearing of Seat Belts Regulations. Regulation 10(1)(f) of those regulations, as so amended, exempts a small child aged three or more who is wearing an adult belt and who, because of an unexpected necessity is travelling a short distance in a passenger car or light goods vehicle in which no appropriate seat belt is available for him.	Secretary of State
1.5 (6, 6th indent)	Provides that member states may grant an exemption from the requirement to wear seat belts in M2 and M3	Regulation 13 (which amends regulation 6 of the Wearing of Seat Belt Regulations) adds this exemption for adults and children aged 14 and over. Regulation 16(4)(which	Secretary of State

	vehicles used for local transport in urban and built-up areas, or in which standing is allowed.	amends regulation 10 of the Wearing of Seat Belts Regulations) adds this exemption (at new regulation 10(4A)) for children aged less than 14. The exemption is also made applicable in relation to the new section 15B RTA notification requirement (as added by regulation 4 of these regulations - see new section 15B (6) RTA). Relevant definitions for the purpose of new section 15B(6) are at new section 15B(7), as also inserted by regulation 4. For the purposes of new regulations 6(4) and 10(3) in the Wearing of Seat Belts Regulations relevant definitions are supplied by new regulation 2(9A) of those regulations as inserted by regulation10(9) of the present regulations.	
1.5 (6.a)	Provides that member states may, with the Commission's agreement, grant temporary exemptions until 8 May 2008 for local transport operations, particularly for school buses, to transport in M2 and M3 vehicles, a greater number of children than available seats fitted	It is not proposed to implement this derogation in these Regulations.	Secretary of State

	with safety belts.		
1.5 (6.b)	Provides that member states may grant temporary exemptions until 8 May 2009 to allow a greater number of persons to be transported in M1 and N1 vehicles, than available seats fitted with safety belts or restraint systems.	Regulation 6(3) of the Wearing of Seat Belt Regulations provides certain exemptions for adults and children aged 14 and over where insufficient seat belts are available. Further consideration is being given to whether these exemptions can remain past 8 May 2009; any changes decided upon will be implemented at a later date.	Secretary of State