EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (WEARING OF SEAT BELTS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2020

S.R. 2020 No. 88

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 23(1) and (2)(e) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the affirmative resolution procedure.

2. Purpose

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

2.2. The amendment to regulation 6(1) of the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 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 ("the EU Directive") in order that health care professionals riding in motor ambulances can carry out their duties properly.

2.3. The Statutory Rule will also revoke the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 414).

3. Background

3.1. Regulation 5 of the 1993 Regulations requires a person driving a motor vehicle or riding in a front or rear seat of a motor vehicles 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 (n).

3.2. Under Article 6 of the EU Directive, a Member State may exempt emergency services from the requirement to use safety belts 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 EU Directive. The agreement of the European Commission was obtained in respect of the proposed amendment on 17th June 2014.

3.3. Following consultation, it was 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.

3.4. This exemption will provide clarity for the ambulance service and remove the potential threat of prosecution or a fixed penalty under the seat belt regulations. It will also ensure parity between the position of ambulance professionals and police and fire professionals when performing the duties required of an emergency service.

3.5. The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 414) ("the 2016 Regulations") are being revoked by these Regulations. The 2016 Regulations reflect the initial bid to provide for this seat belt exemption. The intention was that those Regulations would become operational in March 2017, following their affirmation by the NI Assembly. However they were not debated or affirmed by the Assembly due to its unexpected suspension in January 2017, therefore although on the statute book the 2016 Regulations are not operational. Hence the need to revoke them.

3.6. With the restoration of the Northern Ireland Assembly in January 2020, these Regulations provide for the seat belt exemption that had been intended following the 2016 consultation.

4. Consultation

4.1. Consultation took place between 30th March 2016 and 25th May 2016. There were eight responses and all respondents agreed with the proposal. It was not anticipated that such an exemption should extend to the drivers of the ambulance.

4.2. Although it has been four years since consultation, it was not envisaged that further consultation would be necessary due to the limited scope of the proposal and the level of support at the time.

5. Equality Impact

5.1. The Statutory Rule does not impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998 and has therefore been excluded from an Equality Impact Assessment.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment is not required as the Statutory Rule will give statutory effect to current operational practice.

7. Financial Implications

7.1. The Department has considered the financial implications and concluded that there are no financial implications for the Department as a result of the

introduction of the Statutory Rule and that there will be no adverse impact in terms of cost to the industry as the costs are negligible.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Statutory Rule will ensure compliance with the requirements of the EU Directive.

10. Parity or replicatory measure

10.1 The Statutory Rule is based on similar provisions contained in the GB Statutory Instrument 2015 No. 242.

11. Additional information

11.1. Not applicable.