



Amendment to the Seat Belt Wearing Regulations

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Title

Amendment to the Seat Belt Wearing Regulations 1993 Regarding Compulsory Seat Belt and Child Restraint Wearing Requirements in Cars and Goods Vehicles Regulatory Impact Assessment (RIA)

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") ¹ 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 ². 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.

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 ³.

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.

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 Â£1.38m at June 2004 prices. For a serious injury this figure is some Â£156,000 and for a slight injury nearly Â£12,000

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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 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.

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

² Available on-line at <http://www.dft.gov.uk/transportforyou/safety/roads/>

³ 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

⁴ Available from the address at Footnote 3.

⁵ Available on-line at <http://www.dft.gov.uk/pgr/roadsafety/ea/highwayseconomicnoteno12004>

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 than 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 Â£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

Road User Safety Division 2
Department for Transport
Zone 2/11, Great Minster House
76 Marsham Street
London, SW1P 4DR

Telephone: 020 7944 2046

E-mail: road.safety@dft.gsi.gov.uk