

Confidential Filing

The compulsory use of car seat belts.

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3007

TRANSPORT

June 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
4.6.79							
18.6.79							
9.7.79							
21.3.80							
3.12.80							
3.12.81							
3.12.81							
2.6.82							
2.7.82							
6.7.82							
17.10.85							
28.10.85							
6.11.85							
12.11.85							
25.6.91							

PREM 19/3576



TRANSPORT June 1991
Feb 25
pcr

PRIME MINISTER

Prime Minister (4)

REAR SEAT BELTS

WPC
27/6

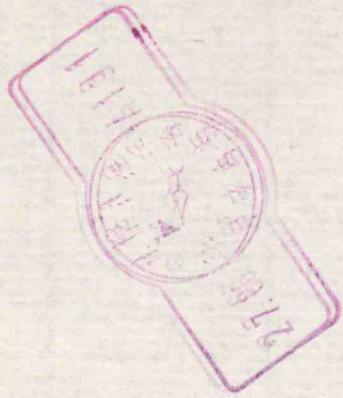
(I've asked Bob to remind you if necessary.)

1. On 1 July it becomes law for adults to wear seat belts in the rear of cars where they are fitted (this has been a legal requirement for children since September 1989). An extensive advertising campaign is underway to make the public aware of the new law. The campaign will be stepped up over the next few days when advertisements will appear in the national press.
2. We can, of course, expect substantial media interest in whether members of the Government are complying with the new law.
3. I am copying this minute to other members of the Cabinet and to Sir Robin Butler.

MR

MALCOLM RIFKIND

25 June 1991





CJBG

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon Nicholas Ridley AMICE MP
Secretary of State for Transport
Department of Transport
2 Marsham Street
LONDON
SW1P 3EB

26 November 1985

Nich

NBRM

REVIEW OF SEAT BELT REGULATIONS

In response to your letter of 17 October, I fully support the proposal that debates on the continuation of compulsory seat belt regulations should take place before Christmas. Like others, I do however feel that, in view of the success of this legislation, there is a strong case for the Resolution being moved in each House by a Minister.

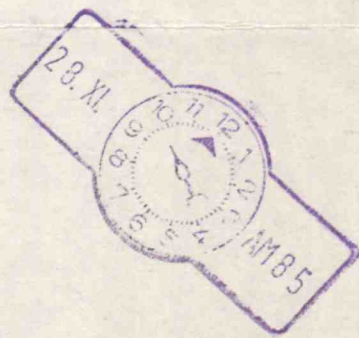
I am taking action to ensure that the regulations are renewed in Northern Ireland.

I am copying this letter to the Prime Minister, Members of H Committee and to Sir Robert Armstrong.

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T K

Transport; seat Belts; June 79





DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

The Rt Hon Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON SW1 2AT

28 November 1985

J. F. To See

2 pa

Dear Viscount

REVIEW OF SEAT BELT REGULATIONS

I have been considering your letter of 6 November, together with those of Quintin Hailsham (21 October) and Nicholas Edwards (4 November) on the handling of the seat belt review. I have also had a brief word with John Wakeham on the subject.

If the general feeling of colleagues is that the Government ought not to remain neutral on the issue and that the necessary resolutions should therefore be moved by Ministers rather than backbenchers I am prepared to withdraw my earlier proposal and go along with the majority view.

On the question of whipping, this of course is a matter for the two Chief Whips but to deny a free vote on the motions is bound to lead us into some difficulties with opponents of compulsory wearing, who are of course drawn in large part from among our own supporters. They will no doubt refer to Norman Fowler's statement during first order questions in April 1981 (ie before the Legislation was debated) that as far as the Government is concerned, "compulsion will always be a matter for a free vote in the House" (Hansard extract attached).

They will also argue:

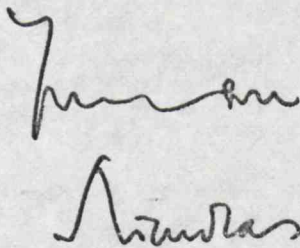
- i) the whole point of the review procedure is not so much to look at the regulations themselves but rather to provide Parliament with an opportunity to consider once again the central principle of compulsion - this time with the benefit of three years' experience of seat belt wearing.
- ii) when the principle of compulsion was previously debated the Government remained neutral and allowed

a free vote at all stages. Even when we asked Parliament to vote in favour of the regulations - on the premise that Parliament had by then accepted the principle of compulsion in the main legislation - and mobilised the payrole vote in support, a free vote was still permitted.

- iii) since the seat belt law came into effect, whilst we have given no specific undertaking that a free vote would be permitted when the regulations came up for renewal, we have continued to counter criticism of the law by referring to Government neutrality on the issue of compulsion and to the granting of free votes.
- iv) for the Government to come out in favour of compulsion at this stage thus not only represents a complete departure from its earlier position but also - given in particular Norman Fowler's undertaking - a clear breach of faith.

The indications are that opponents of compulsory wearing will in fact be rather fewer in number than when the earlier debates took place. But there are undoubtedly still those who cannot accept the principle of compulsion and their hostility may be exacerbated by a refusal at least to allow a free vote on the issue. But this is just background information for the whips.

I am sending a copy of this letter to the Prime Minister, other members of H Committee, and Sir Robert Armstrong.



NICHOLAS RIDLEY

Vol:3 Cols: 769-770

Seat Belts

2. Mr. van Straubenzee asked the Secretary of State for Transport whether he intends to review the possibility of making compulsory by law the wearing of seat belts by occupants of the passenger seat of private motor cars.

The Secretary of State for Transport (Mr. Norman Fowler): I have no plans to extend the compulsory wearing of seat belts beyond the proposals relating to children contained in the Transport Bill.

Mr. van Straubenzee: I make an almost invariable voluntary practice of wearing a seat belt, but does my hon. Friend appreciate that he has behind him a considerable number of hon. Friends who wish him well personally, but who are implacably opposed to the further extension of compulsion in this area and will seek to oppose it in any way they can?

Mr. Fowler: I understand that feeling. It has always been the case, and as far as the Government are concerned it always will be, that compulsion is a matter for a free vote in the House. My advice, as Secretary of State for Transport, is that people should wear seat belts. They save lives and injuries, but my personal view on compulsion is the same as that of my hon. Friend.

Mr. Campbell-Savours: In the light of the article in *The Sunday Times* at the weekend, which drew attention to the dangers facing young children, following tests with seat belts, may we expect a further statement from the Secretary of State?

Mr. Fowler: I saw the article in *The Sunday Times* and we have told the paper that we will examine the evidence that it set out. There are a number of issues that *The Sunday Times* has not considered, particularly the findings of the Child Accident Prevention Committee, but we all want the same thing—safety for children. I will examine the results of the investigations of *The Sunday Times* and I will let the House know the result of that inquiry.

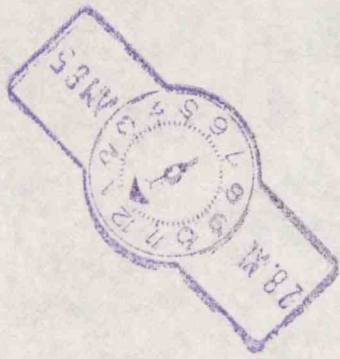
Mr. Higgins: If the House showed on a free vote that it favoured legislation on the compulsory wearing of seat belts, would my right hon. Friend be prepared to introduce it?

Mr. Fowler: Yes, of course. I have always made it clear that we will abide by the will of Parliament. That remains the position. The issue that I wanted to emphasise is that there is a division across parties and hon. Members hold different views on the issue. It is sensible to arrange matters so that the issue is decided by a free vote.

Mr. Prescott: We all agree that this is a matter for a free vote and that the House has expressed its support for seat belts on a free vote. Bearing in mind what *The Sunday Times* said about an amendment, which the Secretary of State supported, for seat belts for children in front seats, will the right hon. Gentleman consider, after looking at the evidence, changing the Bill in another place so that it meets those circumstances and allowing a free vote when the Bill returns to this House?

Mr. Fowler: If the hon. Gentleman is talking about children and seat belts, the Government will be proposing a new clause on that issue in another place. We have made that clear and the amendment passed in this House is not the last word on that matter. As I said in my original answer, we have no plans to introduce a new clause or amendment to require compulsory wearing of seat belts generally.

TRANSPORT
SEAT BELTS
JUNE 79





cc BG

PRIVY COUNCIL OFFICE
WHITEHALL. LONDON SW1A 2AT

6 November 1985

1. JF - to see
2. J.C.

Dear Nick

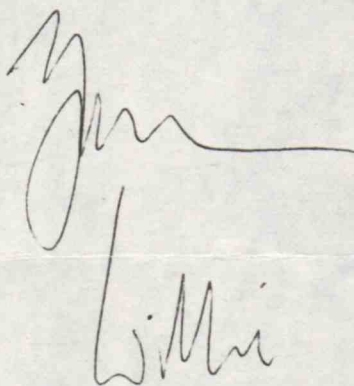
REVIEW OF SEAT BELT REGULATIONS

Thank you for your letter of 17 October indicating that it is necessary for a resolution be moved in both Houses before 31 January to keep the Seat Belt Regulations in force. You suggest that we should seek to continue the regulations but that as a matter of tactics we should arrange for the resolution to do so to be moved by a backbencher with the Government remaining neutral.

You will have seen Quintin Hailsham's letter of 28 October disagreeing with this view and proposing that the Government move the resolution. I understand that John Biffen, Nick Edwards, John Wakeham, and Bertie Denham share this view. I would therefore be grateful if you would reconsider the proposition.

As far as timing is concerned, it seems right to leave some leeway between moving the resolution and expiry of the regulations and there appears to be no objection to the timing you propose but you will wish to contact the two Chief Whips direct to establish a precise time.

I am sending a copy of this letter to the Prime Minister, the members of H Committee, and Sir Robert Armstrong.


Willie

The Rt Hon Nicholas Ridley MP

Transport June 1979

SEAT BELT.





CCBG
HOUSE OF LORDS,
LONDON SW1A 0PW
28 October 1985

MBA

Dear Nicky,

REVIEW OF SEAT BELT REGULATIONS

I do not share the view in your letter of 17th October 1985 to Willie Whitelaw that the Government should remain neutral, leaving the resolution to be moved by Backbenchers in each House, and allowing a free vote.

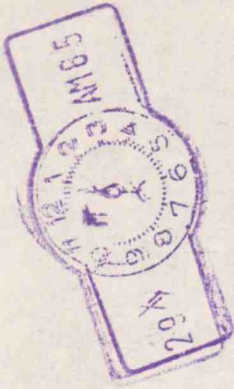
I think it impossible to go back now so I believe the Government should move the resolutions.

I am copying this letter to the Prime Minister and members of H Committee and to Sir Robert Armstrong.

yrs:
L. H.

The Right Honourable
Nicholas Ridley, M.P.,
Secretary of State for Transport.

TRANSPORT
SEAT BELTS
JUNE 79





DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

CCND

The Rt Hon Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON SW1A 2AT

17 October 1985

Dear Viscount

✓
21/10

REVIEW OF SEAT BELT REGULATIONS

We are rapidly approaching the time when Parliament will have to decide whether the compulsory seat belt regulations continue in force beyond 31 January 1986. This letter sets out briefly the Parliamentary procedure required, requests that time be set aside in the Parliamentary timetable for a debate in both Houses before the end of January 1986, and seeks your agreement and that of colleagues to the handling of the Parliamentary debates.

The background is as follows. The regulations making the wearing of seat belts a legal requirement for front seat occupants of cars and light vans will expire on 31 January 1986 unless each House of Parliament has by then resolved that they should continue in force. There is no provision for any further review of the regulations in the event of Parliament deciding that they should remain in force beyond the initial three years.

It seems to me that the debates can be handled in two ways. The resolution in each House that compulsion should continue can be moved by a Minister if the Government wishes to offer Parliament a clear recommendation that the seat belt regulations remain in force, or it can leave the resolution to be moved by backbenchers and confine the role of Ministers to intervening for the purpose of setting out the factual background to the issue.

Because of the strongly held personal views of members on all sides and on all benches of the House about seat belt wearing, the Government remained neutral and allowed a free vote on all occasions when the principle of compulsion

was last debated by Parliament during the passage of the 1981 Transport Act. This issue continues to be an emotive one, and I therefore recommend that the Government again remains neutral, leaves the resolution to be moved by backbenchers in each House, and allows a free vote.

I turn now to the question of timing. I would strongly recommend that the debates in both Houses take place before Christmas, ideally in late November or early December. There are two main reasons for this. Firstly, my Department's report on the effects of compulsory seat belt wearing was published on Wednesday 16 October and we must allow Parliament sufficient time to fully digest its contents. Secondly, we must allow enough time for the debates to be rearranged should the business for that day be lost or have to be altered at short notice. If the initial date for the debate was arranged too close to 31 January 1986 and it proved impossible to rearrange before then the regulations would automatically lapse; for compulsion to continue, if that were Parliament's wish, would then require main legislation.

I should be grateful for your approval to the strategy I have suggested for handling the seat belts issue. I hope, also, that John Wakeham and Bertie Denham will bear in mind the need to allow the necessary time in each House for the debates to take place in early December.

I am copying this letter to the Prime Minister, members of H Committee and to Sir Robert Armstrong.

Yemen

Shaw

NICHOLAS RIDLEY





DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

Transport c/c JV

The Rt Hon James Prior MP
Secretary of State for Northern Ireland
Northern Ireland Office
Great George Street
LONDON SW1P 3AJ

NBM

ms 6/7

6 July 1982

Dear Sir

Thank you for your letter of 2 July about the introduction of compulsory seat belt regulations in Northern Ireland.

I laid the regulations for Great Britain today but, although I am still attempting to arrange the necessary debates before the recess, it now looks as if the debate in the Lords will be held over until October.

To allow for the logistical arrangements I mentioned in my letter to Willie Whitelaw, the Regulations will come into effect the twenty-third Monday after they are made. Compulsion cannot therefore be in force before the New Year and, given the timetable for the debates, is more likely to start in March/April. Consequently you will have ample time to get your regulations through their negative resolution procedure so that compulsory seat belt wearing can come into operation throughout the UK on the same day.

I am copying this letter to the recipients of yours.

*Yours
David*

DAVID HOWELL

JUL 1982





SECRETARY OF STATE
FOR
NORTHERN IRELAND

NBPM
NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

Mus 2/7

Trans

The Rt Hon David Howell MP
Secretary of State for Transport
Department of Transport
2 Marsham Street
LONDON SW1

2 ~~June~~ ^{JULY} 1982

David Howell

I have seen your letter to Willie Whitelaw of 21 June in which you set out your time-table for the introduction of your compulsory seat belt regulations. I can confirm that a date around 6 December will be convenient from my point of view. The corresponding Northern Ireland regulations - which I intend should follow yours precisely apart from a wider exemption for all members of the security forces (army, police and prison officers) whilst on and off duty - will be subject to the negative resolution procedure. The elements within this procedure, notably the need for a 21 day period between laying and commencement, coming up against Summer Recess, could have created difficulties for me in meeting an earlier commencement date. Beneficially a 6 December date affords extra time for me to make appropriate arrangements for free medical examinations. I shall of course be arranging for suitable publicity in Northern Ireland.

I am copying this letter to the Prime Minister, the Lord President, Members of 'H' Committee and Sir Robert Armstrong.

Yours faithfully
T. M.



Transport
Prime Minister (2)

Ms 23/6
QUEEN ANNE'S GATE LONDON SW1H 9AT

22 June 1982

Dear David

COMPULSORY SEAT BELT WEARING

Thank you for your letter of 21 June.

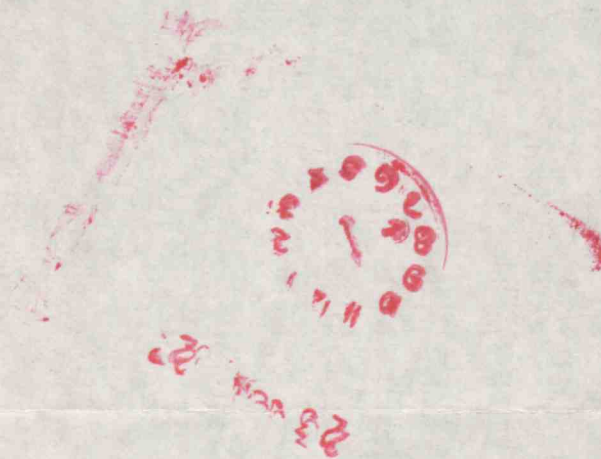
As you know my interest in these regulations is in the exemptions to be provided for police and prison officers. I understand that our officials have agreed a change in the drafting of (e) and (f) of paragraph 5 of the draft regulations. You will no doubt take account of any comments the business managers may have. Subject to these points, I am quite content with what you propose.

Copies go to those who received copies of your letter.

Yours
letter

The Rt. Hon. David Howell, MP.

dm





DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

Prime Minister

JK 22/6

Content with this

line - see X?

MUS 22/6

21 June 1982

The Rt Hon William Whitelaw CH, MC, MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
SW1H 9AT

Yes not

See below

As you know last December I published my statement of proposals on how I intended to implement Parliament's decision in favour of compulsory seat belt wearing and I circulated it widely to interested organisations and the public.

I have now considered the responses and prepared the draft regulations, a copy of which I enclose (the precise wording of some of the exemptions affecting other Government Departments is currently being cleared at official level). So that Parliament can debate these regulations before the Summer Recess I hope to lay them before Parliament towards the end of the week beginning 7 July and I will therefore be sending them to the printers this Wednesday.

I will announce publication by way of an inspired PQ and I also intend to mark the publication with a Press Conference as this is a subject of considerable, and emotive, interest. However I thought you would like to be aware of my proposals in advance. As you will see, I have kept very much to the line I took in my statement that compulsion should broadly apply only to those vehicles which must have seat belts fitted and that exemptions should be kept to a minimum so that the

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* | law is as fair as possible and as easy as possible to enforce. Compulsion arouses strong feelings among supporters and opponents and, following the precedent when Parliament considered the principle, I think we should allow a free vote.

We shall need a minimum of 13 weeks between approval and introduction, mainly so that we can print and distribute medical exemption certificates and so that people can apply to their doctors for exemption. This would mean compulsion would come in about 1 November. However we also intend to provide free examinations through the DHSS Social Security Medical Service for those on low incomes and the disabled and this may require us to allow a somewhat longer period before introduction, say until 6 December. (A date later than 1 November might also make it easier for compulsion in Northern Ireland to be brought in at the same time.)

I am copying this to the Prime Minister, the Lord President, Members of H. and Sir Robert Armstrong.

Howell
David

DAVID HOWELL

Draft 27.3.82

Revised 2.5.82
and 12.6.82

Draft Regulations laid before Parliament under section 199(4) of the Road Traffic Act 1972, as amended by paragraph 18 of Schedule 9 to the Transport Act 1981, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T

1982 No.

ROAD TRAFFIC

The Motor Vehicles (Wearing of Seat Belts) Regulations 1982

Laid before Parliament in draft

Made	1982
Coming into Operation	1982

Whereas -

- (1) the Secretary of State for Transport has, in accordance with section 199(2) of the Road Traffic Act 1972(a), consulted with representative organisations;
- (2) the Secretary of State for Transport has, in accordance with the provisions of section 199(2A) of the Road Traffic Act 1972(b), laid before each House of Parliament a statement explaining proposals to which these Regulations relate, and

-
- (a) 1972 c.20; section 199(2) of which Act has been amended by paragraph 18 of Schedule 9 to the Transport Act 1981 c.56.
 - (b) subsection (2A) of section 199 of c.20 was inserted by section 33A(3) of that Act as provided by section 27 of 1981 c.56.

- (3) the period of three months has expired since the day on which such statement was so laid:

Now, therefore, the Secretary of State for Transport, in exercise of the powers conferred by section 33A(1) and (2) of the Road Traffic Act 1972(a) and of all other enabling powers, hereby makes the following Regulations.

1. These Regulations shall come into operation on the expiry of a period of three months beginning on the day on which these Regulations are made.

2. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) Regulations 1982.

3.-(1) In these Regulations -

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations 1978(b);

"the Driving Licences Regulations" means the Motor Vehicles (Driving Licences) Regulations 1981(c);

"disabled person's seat belt" and "disabled person's vehicle" have the same meaning as in Regulation 17(12) of the Construction and Use Regulations;

(a) 1972 c.20 as amended by section 27 of 1981 c.56.

(b) S.I.1978/1017; as amended by S.I.1978/1233, 1235, 1263, 1317, 1979/128, 843, 1062, 1980/140, 139, 287, 610, 880, 1166, 1789, 1981/264, 697, 915, 1189, 1580, 1663, 1688, 1982/ ;

(c) S.I.1981/952 as amended by S.I.1982/99 and 230.

"private hire vehicle" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976(a);

"public service vehicle" means a vehicle adapted to carry more than 8 passengers and which is within the meaning of that expression in section 1 of the Public Passenger Vehicles Act 1981(b);

"specified passenger's seat" has the same meaning as in Regulation 17(12) of the Construction and Use Regulations;

"taxi" means a vehicle licenced under section 37 of the Town Police Clauses Act 1847(c), section 6 of the Metropolitan Carriage Act 1869(d), section 270 of the Burgh Police (Scotland) Act 1892(e) or any similar local enactment;

"trade licence" has the same meaning as in section 38(1) of the Vehicles (Excise) Act 1971(f).

- (2) In these Regulations a reference to any Act or subordinate legislation (as defined in section 21(1) of the Interpretation Act 1978(g)) includes a reference to that Act or subordinate legislation as from time to time extended, amended, re-enacted or applied.
- (3) In these Regulations, unless the context otherwise requires, any reference to a numbered Regulation is a reference to the Regulation bearing that number in these Regulations.

(a) 1976 c.57.	(b) 1981 c.14.	(c) 1847 c.89.
(d) 1869 c.115.	(e) 1892 c.55.	(f) 1971 c.10.
(g) 1978 c.30.		

4.-(1) Save as provided in Regulation 5, any person who is driving or riding on a road -

(a) in a motor vehicle of a class specified in Regulation 6; and

(b) in the driver's seat or the specified passenger's seat

shall wear a seat belt of a description specified in Regulation 7.

(2) No person shall occupy a forward-facing seat alongside the driver's seat which is not the specified passenger's seat unless the specified passenger's seat is occupied by another person (whether or not that person is over the age of 14 years).

5. The requirement specified in Regulation 4(1) does not apply in the following circumstances -

(a) the person is using a vehicle constructed or adapted for the delivery or collection of goods or mail to consumers or addressees, as the case may be, whilst engaged in making local rounds of deliveries or collections;

(b) the person is driving the vehicle whilst performing a manoeuvre which includes reversing;

(c) the person is a qualified driver (as defined in Regulation 8(5) of the Driving Licences Regulations) and is supervising the holder of a provisional licence (as defined in Regulation 3(1) of those Regulations) while that holder is performing a manoeuvre which includes reversing.

- (d) the person is the holder of a valid certificate in a form specified by the Secretary of State, containing the information required by it, and signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt;
- (e) the person is a constable guarding another person or preventing the escape of another person;
- (f) the person is not a constable but is guarding or preventing the escape of another person by virtue of powers similar to those of a constable for that purpose;
- (g) the person is in the service of a fire brigade and is donning protective clothing or apparatus;
- (h) the person is the driver of -
 - (i) a taxi which is either plying for hire or carrying a passenger for hire, or
 - (ii) a private hire vehicle which is being used to carry a passenger for hire or reward;
- (i) the person is a person by whom, as provided in the Driving Licences Regulations, a test of competence to drive is being conducted under section 85 of the Road Traffic Act 1972, and his wearing a seat belt would endanger himself or any other person; and
- (j) the seat belt provided for the seat which the person occupies either -

- (i) does not comply with the requirements of Regulation 102A of the Construction and Use Regulations, or
 - (ii) has an inertia reel mechanism which is locked as a result of the vehicle being stationary on a steep incline.
- (k) the person is occupying the driver's seat or the specified passenger's seat of a disabled person's vehicle in a case where -
- (i) a disabled person's seat belt for an adult person is provided for that seat in accordance with Regulation 17(6)(b) of the Construction and Use Regulations, and
 - (ii) the person cannot conveniently wear that belt.
6. The classes of vehicle mentioned in Regulation 4(1)(a) are -
- (a) a vehicle to which Regulation 17 of the Construction and Use Regulations applies; and
 - (b) a vehicle which is equipped with anchorage points and seat belts but to which that Regulation does not apply because the vehicle -

- (i) is proceeding to a port for export;
- (ii) has been brought temporarily into Great Britain by a person resident abroad;
- (iii) is within the provisions of Regulation 4(8) of the Construction and Use Regulations (which relates to vehicles subject to certain tax exemptions by virtue of their impending export);
- (iv) is in the service of a visiting force or headquarters (as defined in Article 8(6) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(a);
- (v) is within the provisions of Regulation 4(10) of the Construction and Use Regulations (which relates to vehicles subject to certain exemptions relating to tests of satisfactory conditions);
- (vi) is being used under a trade licence;
or
- (vii) is not a vehicle to which the Motor Vehicles (Type Approval) (Great Britain) Regulations 1979(b) applies but which is being driven from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles

(a) S.I.1965/1536

(b) S.I.1979/1092; as amended by S.I.1980/879 and 1165, 1981/616 and 1619 and 1982/8.

- to premises of a distributor of or dealer in vehicles or of the purchaser of the vehicle, or
- to premises of a person obtaining possession of the vehicle under a hiring agreement or hire-purchase agreement.

7. The description of seat belt referred to in Regulation 4(1) is -

(a) as regards a driver's seat or a specified passenger's seat in respect of which a seat belt is required to be fitted by Regulation 17 of the Construction and Use Regulations -

(i) in the case of a disabled person's vehicle, a disabled person's seat belt;

(ii) in the case of any other vehicle to which that Regulation applies, a seat belt which complies with the requirements specified in paragraphs (5), (7), (8) and (10) of that Regulation;

(b) as regards a driver's seat or a specified passenger's seat in respect of which a seat belt is not required to be fitted by that Regulation, the seat belt fitted to the vehicle in respect of that seat.

1982.

Secretary of State for Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations follow the Transport Act 1981 (Commencement No. 2) Order 1981, S.I.1981/1617 (C.40) by virtue of which clause 27 of, and (in part) paragraph 18 of Schedule 9 to, the Transport Act 1981 came into force as from 1 December 1981, thus empowering the Secretary of State to make regulations under section 33A of the Road Traffic Act 1972.
2. Regulation 3 deals with interpretation. Some terms are defined by reference to other enactments to avoid excessive length.
3. Regulation 4 provides that, save in circumstances mentioned in Regulation 5, any person who is driving or riding on a road in a motor vehicle of a class specified in Regulation 6 in the driver's seat or the specified passenger's seat (as defined in Regulation 3) shall wear a seat belt of a description specified in Regulation 7. It also provides that no person shall occupy a forward-facing seat alongside the driver's seat which is not the specified passenger's seat (which will be the case where the specified passenger's seat is separated from the driver's seat by another seat) unless the specified passenger's seat is occupied by another person.
4. The circumstances specified in Regulation 5 include those in respect of which section 33A(2)(b) of the 1972 Act requires an exemption. And they include constables and other persons guarding or preventing the escape of others, members of fire brigades donning certain clothing or apparatus, drivers of taxis either plying for hire or carrying a passenger for hire or reward and drivers of private hire vehicles being used to carry a passenger for hire or reward, in certain circumstances persons supervising or testing a driver,

(b) in relation to a driver's seat or specified passenger's seat in respect for which a seat belt is not required to be fitted by that Regulation, the belt which is fitted to the vehicle for that seat.

and cases where the seat belt provided for the seat which a person occupies is defective or has temporarily locked. They also include the circumstance of a person occupying the driver's seat or the specified passenger's seat of a disabled person's vehicle where a disabled person's seat belt is provided for that seat and the person cannot conveniently wear the belt.

5. The classes of vehicle specified in Regulation 6 are vehicles to which Regulation 17 of the Motor Vehicles (Construction and Use) Regulations 1978 applies and certain vehicles to which that Regulation does not apply but which are equipped with anchorage points and seat belts.

6. The description of seat belts referred to in Regulation 4(1) are specified in Regulation 7 as -

(a) in relation to a driver's seat or specified passenger's seat in respect of which a seat belt is required to be fitted by Regulation 17 of the Motor Vehicles (Construction and Use) Regulations 1978 -

- (i) in the case of a disabled person's vehicle, a disabled person's seat belt;
- (ii) in the case of any other vehicle to which that Regulation applies, a belt which complies with technical requirements specified in that Regulation; and

2 PPs.
Transport



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

John F Halliday Esq
Private Secretary to
The Rt Hon William Whitelaw CH, MC, MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

3 December 1981

Dear John

My Secretary of State wrote to the Home Secretary on 1 December enclosing a copy of a document he proposed to publish next Wednesday setting out his proposals for compulsory seat belt wearing.

The Opposition have now chosen a Transport matter as the subject for part of next Wednesday's Supply Day Debate and my Secretary of State therefore now intends to publish the seat belt document on Tuesday, 8 December.

I am copying this letter to the Private Secretaries of all those who received copies of my Secretary of State's letter.

Yours ever

C R EDWARDS
Private Secretary

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- 3 DEC 1981

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3 P/L



Prime Minister

QUEEN ANNE'S GATE LONDON SW1H 9AT

You may wish to
glance at these pp's

2 December 1981

so as to be aware that
the consultative document

on seat belts is to be published on 8/12 (Tuesday)

Dear David

M/S 3/12

SEAT BELTS

Thank you for your letter of 1 December covering your proposed consultative document. You do not specifically ask for comments, but I will, if I may, mention two points which affect the police.

In paragraph 35, dealing with public services, you propose an exemption for the police only for front seat passengers escorting prisoners. Our consultations with the police indicated that they would also wish drivers to be exempt in these circumstances, to protect them from attack. Finally, we are currently exploring with the Metropolitan Police whether officers engaged on protection duties need an exemption to perform their task effectively. It may well be that in the end they will not want an exemption, but to allow for the possibility it might be as well to omit or modify the last sentence of paragraph 35.

I am copying this letter to the recipients of yours.

[Handwritten signature]

[Handwritten initials]

The Rt. Hon. David Howell, M.P.

3 DEC 1981





DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON
SW1

1 December 1981

Dear Louise

As you know, during the passage of last session's Transport Act, an amendment was successfully moved to include in the legislation powers to introduce compulsory seat belt wearing. Although the Government was neutral on the issue and allowed a free vote, we did undertake to implement Parliament's wishes as soon as possible.

Before I may make the necessary regulations to bring compulsory wearing into force, the Act requires me to lay a statement of my proposals before Parliament for at least three months. I have now prepared my statement, a copy of which I enclose. To keep matters moving at a reasonable rate I propose to lay this before Parliament on 9 December and will therefore be sending it to the printers this Friday.

I will announce publication by way of a short inspired PQ and I also intend to mark the publication with a Press Conference as I want to make it widely available to interested organisations and the public. I shall, of course, be consulting colleagues when drawing up the regulations in the light of the responses I

receive but I thought you would like to be aware of my proposals before they are published.

I am copying this to the Prime Minister, members of H and Sir Robert Armstrong.

Yours ever

David

DAVID HOWELL

PART II GENERAL

5. The debate on whether the wearing of seat belts should be made compulsory in this country has continued for many years. On the one hand, it has been argued that compulsion in this area would be an unjustified invasion of freedom, that seat belts, so far from preserving life, may in some cases imperil it, that some people (or people in some special circumstances) would have great difficulty in complying with a law that seat belts must be worn and that such a law would be largely unenforceable and therefore a bad law.

6. On the other hand, experience has shown that, in the vast majority of cases in which a car is involved in an accident the risk of injury or death to its occupants will be minimised if they wear seat belts, and a large body of opinion has held very strongly that whatever invasion of personal liberty may be involved in compulsion in this area would be fully justified by the reduction in death and injury it could bring about. Opinion is even more united that children should not be allowed to travel unrestrained in the front seats of cars.

7. Parliament considered these questions - not for the first time - during its 1980-81 Session and decided on a free vote that compulsion should be introduced. The legislation for adults is, however, of an enabling nature and it falls to the Secretary of State to propose in regulations how in detail it should be implemented. It has been necessary for him to consider what general principles ought to be applied. Should the scope of wearing extend to all motor vehicles and seating positions or should it be more restricted? What should the criteria be for exemptions within such classes? Should they be impracticability, inadvisability, inconvenience, or perhaps even dislike?

8. The Secretary of State has come to the firm conclusion that Parliament did not expect him to extend the obligation on adults to wear seat belts beyond those classes of vehicles and seating positions where seat belts are generally already fitted. But equally he believes that within these classes Parliament would wish

any exemption from the obligation to wear to be granted only in the most exceptional circumstances, particularly as the main ones, such as medical exemptions, have been already provided for in the Act itself. Otherwise the casualty saving potential of the legislation would be reduced, the law would not be regarded as fair as between one road user and another and the problems of the police in enforcing it would be increased.

9. The Secretary of State has, however, given further consideration to the particular problems of some of those for whom he does not propose to grant exemption. Some people, for instance, are not convinced that seat belts are an advantage in an accident or cannot be bothered to use them and he is, therefore, planning to carry out a further major publicity campaign before compulsion is introduced to remind and persuade the public of their value. Others are concerned about such aspects as methods of release and comfort of seat belts. The Secretary of State is satisfied from his examination of the present position that seat belts are now generally easy to use and reliable. But he has taken further steps with the seat belt and vehicle manufacturers to ensure that the public will be fully advised how they can, if necessary, improve the comfort and fit of their belt. A more detailed note on this issue is at Annex B.

10. The timetable for the introduction of the legislation is set out in more detail in Part V. The Secretary of State believes that this strikes a balance between the obligation on him to put the intentions of Parliament into effect without undue delay and the need to ensure that the ground is thoroughly prepared first. The value of such preparation has been shown in other countries such as Australia and Sweden where compulsion was introduced with a high degree of public acceptance.

PART III

SCOPE OF SEAT BELT WEARING AND EXEMPTIONS

Vehicles and seating positions to which compulsion will apply

11. The Secretary of State proposes that, subject to the additional categories described in paragraph 13 below, compulsory wearing of seat belts should apply wherever compulsory fitting applies under the Construction and Use Regulations. (a) This means, basically, the driver's seat and 'specified passenger's seat' (b) of cars registered on or after 1 January 1965, light vans which have an unladen weight not exceeding 1525 kilograms, and were registered on or after 1 April 1967 and those not exceeding 3500 kilograms gross weight, registered since 1 April 1980. It also includes three-wheeled motor vehicles registered on or after 1 September 1970.

12. The full list of vehicles covered is in Annex C.

13. Certain categories of vehicle fall within the types liable to compulsory fitting but are, nonetheless, exempt from fitting because of the use being made of them. These are -

(a) certain vehicles intended for export (including those purchased under tax relief schemes and used in the UK for up to 12 months before exportation);

(b) certain used vehicles from abroad (including those temporarily imported by foreign visitors for up to 12 months);

(a) The Motor Vehicles (Construction and Use) Regulations 1978, SI 1978/1017. The relevant amending Instruments are SI 1978/1233, 1979/1062, 1980/610 and 1981/697.

The belt which must be worn must be the same as that which must be fitted. These are identifiable in older vehicles by the British Standard marking and in newer ones by internationally agreed EEC and ECE marking, except for a disabled person's seat belt which is fitted in accordance with the Construction and Use Regulations.

(b) 'Specified passenger seat' means, normally, the front passenger seat. If there is more than one seat next to the driver's, it is the one furthest away from his seat. If there is no seat adjoining the driver's seat, it is the front outside passenger seat foremost in the vehicle. If there is a fixed partition between this seat and the space next to the driver's seat, for instance as in taxi cabs, then there is no specified passenger seat.

- (c) certain vehicles used by the motor trade;
- (d) vehicles used by visiting forces.

In all these categories belts do not have to be fitted under United Kingdom regulations. But the vehicles are predominantly of modern type and, if belts are fitted, they will generally correspond either to UK standards or to those of another country which operates the same or similar standards. The Secretary of State proposes, therefore, in such categories to apply compulsory wearing where belts are in fact fitted.

Vehicles and seating positions to which compulsory wearing will not apply

14. Compulsory wearing will not apply to certain cars by reason of their date of manufacture, registration or first use (eg vintage cars), nor to lorries, coaches and electrically propelled goods vehicles (such as most milk delivery vehicles). A fuller list of such vehicles is at Annex C.

15. Compulsory wearing will not be applied in the case of rear seats in cars. Virtually all cars manufactured on or after 1 October 1981 or first used after 1 April 1982 will now be required to have rear seat anchorages fitted. But fitting of rear seat belts is not obligatory and the Government have no present plans to make it so. Even if fitting were made compulsory in the future, compulsory wearing would not automatically follow.

Exemptions

16. The Act prescribes that the Secretary of State must include three specific categories of exemption in the regulations and may include others. In making his detailed proposals the Secretary of State has had in mind the practice of other countries, which is summarised in Annex D.

Exemptions already provided for in the Act

(a) Very Short Journeys - Delivery Rounds

17. The Act provides that there must be exemption for 'the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries'.

18. The Secretary of State does not intend to provide in regulations a more detailed description of delivery round, perhaps by reference to the type of road used, the number of stops made within a certain distance or the distance between stops, because he is advised that any such attempt might be regarded as limiting the scope of the exemption provided for in the Act itself and might therefore be beyond his regulation making powers.

(b) Reversing

19. Drivers of vehicles will be exempted when reversing or when engaged in a manoeuvre which involves reversing.

(c) Medical Exemptions

20. The Act provides for exemption for 'any person holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt'.

21. The terms of the Act mean that a person, whatever his medical condition, will not be exempt unless and until he has obtained a certificate. They also mean that the decision whether or not to issue a certificate will rest entirely on the judgement of the doctor concerned. There will be no prescribed list of medical conditions for which exemption must be given and exemption will depend on the circumstances in each individual case.

22. Nevertheless both the Secretary of State and the bodies representing members of the medical profession consider that it would be helpful if some general guidelines were issued to the profession. The Medical Commission on Accident Prevention has agreed to prepare these, and the Secretary of State is most grateful for their help.

23. The Secretary of State understands from the Commission that the guidelines will suggest that the scope of the term 'medical grounds' should be taken to cover both physical conditions, including pregnancy, and mental conditions, such as claustrophobia. They will, however, stress that the number of certificates issued should be very small because there are very few medical conditions which of themselves make seat belt wearing inadvisable. Where an exemption is to be given on medical grounds, it is most likely to be necessary because of the combined effect of more than one condition.

24. The guidelines will also recommend that the profession should be prepared to include the long term disabled in the certification procedure. While many disabled drivers and passengers wear seat belts, the possibility that certain disabilities or combination of disabilities may make it impracticable or inadvisable to wear a belt has to be considered. The Secretary of State believes that the medical certificate procedure will be a better and more flexible way of dealing with such cases than by providing a separate exemption for the disabled. Such an exemption could only be couched in general terms and would provide less certainty for the disabled and more problems for the police because it would involve difficult 'on the spot' judgements.

25. As to procedure, a person will be entitled to apply for a certificate to any doctor of his own choice. Arrangements will be made for doctors to hold supplies of blank certificates: applicants will not have to obtain them elsewhere first and bring them to the doctor.

26. A signed certificate will show the person's and the doctor's name and address but not the medical condition for which the exemption has been given. The period of validity of the certificate will be for the doctor to decide. A certificate could be for any limited period or of permanent duration.

27. Doctors will be entitled to charge a fee both where they decide to sign a certificate and where, after consideration, they refuse to do so. The Secretary of State is currently in discussion with the British Medical Association about the scale they will be recommending to their members. This should be available before the first set of regulations are made.

Exemptions not provided for in the Act

(d) Stature

28. Although it has been claimed that people of a certain stature may have problems in wearing seat belts, the Secretary of State does not propose to provide an exemption on these grounds. A properly designed seat belt should not interfere with the ability of a short driver to reach essential controls. If a static belt does prove difficult in this respect, the fitting of an inertia reel belt, for example, should be considered. (Annex B sets out other ways in which this kind of problem can be overcome.) Any driver who has difficulty, belt or no belt, in reaching the controls should not be driving in such circumstances. In the case of short people generally, it has been decided by Parliament that children should not travel in the front passenger seat unless suitably restrained. It would, therefore, be illogical to exempt adults of a similar size. In the case of obese people, while some of the older static belts might have had insufficient webbing, there should be no such problems with inertia reel belts and people should consider changing to them if necessary.

(e) Age

29. It has also been suggested that people over the age of, say, 65 or 70 should be exempted on the grounds that it would be unreasonable to make them wear seat belts at such a time of life if they were not used to doing so or because they might find it physically difficult.

30. The Secretary of State does not believe that the compulsory wearing of seat belts imposes in principle an unreasonable burden on the elderly. Age alone is not, in his view, a valid reason for exemption. Those of the elderly who suffer from a medical condition or disability which makes wearing inadvisable will, of course, be able to seek exemption on medical grounds.

(f) Very Short Journeys

31. Besides those delivering goods or mail in vehicles designed or adapted for the purpose, there will be others engaged in short stopping journeys who may consider they have a claim to exemption. These include, for example, commercial travellers, taxi drivers, those collecting and delivering handicapped people to and from their homes, those engaged in 'meals on wheels' services and people delivering leaflets and collecting jumble.

32. The Secretary of State sees no case for a significantly wider exemption in this general category. If it were possible to devise one, it would present severe problems for the police. Indeed, to meet all potential claims for exemption on very short journeys, it would be necessary almost to go to the logical conclusion of exempting all vehicles on roads subject to a 30 or 40 mph speed limit. However, this would seriously weaken the effect of the legislation because two-fifths of fatal and serious accidents to drivers and front seat passengers occur in built-up areas.

33. The Secretary of State is, therefore, prepared to go no further than extending exemption to those engaged in the collection as well as the delivery of goods or mail in vehicles designed or adapted for the purpose.

(g) Accompaniment of Learner Drivers

34. The Secretary of State is not convinced of the necessity of providing an overall exemption for those who in any capacity accompany learner drivers.

(h) Public Services

35. The Secretary of State proposes to make an exemption for front seat passengers in the case of the police when escorting prisoners, prison officers when escorting prisoners in light vans, and firemen when putting on equipment whilst travelling to an emergency. But beyond these very limited circumstances, he sees no grounds on which members of the public services should enjoy exemption.

(j) Conscientious Objections

36. During the debates on the Transport Act when it was before Parliament, it was suggested that there should be provision for exemption for those who had a strong and sincere objection to compulsory seat belt wearing on conscientious grounds. Among the ideas canvassed were that of making a sworn declaration before a magistrate or Justice of the Peace and that of paying into a special fund to pay for any injuries received.

37. The difficulty about such an exemption is that there is no way in which the strength or sincerity of an objection could be tested. Potentially, therefore, everybody would be able to obtain exemption on grounds of conscience. It can be argued that, in fact, few people would bother to apply. But this is very far from certain. If significant numbers did apply, it would not only lead to a sense of unfairness in the application of the law but seriously erode the potential benefits of the legislation. The Secretary of State has concluded that such an exemption is of so fundamental a nature that Parliament would have included it in the Act itself if they had intended that it should be granted.

(k) Open-topped Cars

38. The Secretary of State has considered whether there is a case for special exemption of those travelling in open cars on the ground that they might be trapped if the car overturned. As ejection from a vehicle is the most dangerous occurrence in an accident, and it is most likely to happen in open-topped cars, the Secretary of State has decided against an exemption for this category.

(1) Defective Belts

39. There may be occasions when a person is travelling in a vehicle which has a defective belt. If it can be shown that the belt cannot be used then the regulations will ensure that no offence of failing to wear a belt will have been committed. However, a person responsible for causing or permitting the use of a vehicle on a road will be committing an offence under Section 40(5) of the Road Traffic Act 1972 and may be fined up to £100. (This will be increased under the forthcoming Criminal Justice Bill to £200 along with other maximum fines which have not been updated for some time.) Also on the rare occasions at the start of a journey on a steep incline, when a belt temporarily cannot be put on because the inertia reel has locked, no offence of failing to wear a belt will have been committed if it can be shown at the time that the belt could not be used.

PART IV CHILDREN IN CARS

40. Section 28 of the Transport Act 1981, which inserts a new Section 33B in the Road Traffic Act 1972, provides broadly that a child under the age of 14 shall not sit in the front seat of any motor vehicle unless properly restrained. There are provisions for exemptions and for prescribing the type of restraints to be worn.

41. The maximum penalty for an offence under this Section is a fine of £50. However, under this Section, unlike the provisions relating to adults, the responsibility for ensuring that the law is observed rests with the driver of the vehicle.

42. The purpose of the legislation is to ensure that children do not travel in the most dangerous position, which is unrestrained in the front of vehicles. This in present circumstances is as far as the law can reasonably be expected to go. Given that it is only a basic minimum requirement, the Secretary of State believes that it should be possible to give it wide application with few exemptions. His aim is to achieve the greater possible gain in road safety consistent with the physical limitations of vehicles; the need to avoid requiring parents to incur expenditure or restricting their means of travel; and the simplicity essential for public understanding and police enforcement. The legislation applies to all motor vehicles, not merely cars, and the only potential problems appear to be in respect of vehicles with no permanent rear seats, such as sports cars, pick-up trucks, vans and lorries.

43. He proposes to exempt entirely vehicles which have neither permanent rear seats nor front seat restraints, as otherwise it would not be possible for children to travel in such vehicles. In the case of vehicles which have no permanent rear seats but do have front seat restraints, he proposes to make a limited exemption to cover circumstances where there are two passengers, one or both of whom is a child, and there are two passenger seats. It will be for the driver to decide which passenger uses the passenger seat with the restraint and he will be exempt from prosecution if a child sits in the other passenger seat if that does not have a restraint.

44. The Secretary of State does not see a need for other exemptions except for those children whose medical condition prevents them from sitting in the back of a vehicle or from travelling restrained in the front. He is considering this matter further with the Child Accident Prevention Committee and would propose to adopt the procedure for medical certificates for adults outlined in paragraphs 25 and 26.

45. As regards the type of restraint to be worn in the front seat, it is proposed that children over the age of one should legally be allowed to wear

any restraint, whether an adult seat belt or an appropriate child restraint, provided it conforms with Construction and Use Regulations. Children under one will be able to travel in the front of any vehicle only if they are wearing one of two kinds of restraints. For those children who can sit up, usually those about nine months old and weighing 20 lbs or more, restraints which meet Group 1 of BS 3254 or Category 1 of ECE Regulation 44 must be used. Such restraints are currently on the market. For younger children who cannot sit up, no approved devices are yet available, but the standards are being modified to allow for the approval of appropriate devices, for example, carry cots with harnesses.

46. While the law will lay down minimum requirements, the Secretary of State hopes that parents will aim to give their children a higher standard of protection, the ideal being that children should travel in the rear, restrained in a type of restraint appropriate for their age and stature. To help them he will be issuing guidance in the form of illustrated leaflets which will be made as widely available as possible. A brief outline of what he has in mind is at Annex E.

PART V TIMETABLE

47. Preparation for the introduction of the legislation on both adult seat belt wearing and children will be in three phases.

48. Phase one between December this year and February 1982 will be the period for consultation. During this period, besides considering the public response, the Secretary of State will carry out the campaign of persuasive publicity referred to in paragraph 9. He will continue to pursue with the seat belt and vehicle manufacturers the advising of the public on comfort and fit of belts. He will complete his arrangements for monitoring the legislation, which will be particularly important in the light of Parliament's decision that it should be in effect reviewed after three years operation. And he will have further discussions with the medical profession and the Association of Chief Police Officers.

49. Phase two will be the period allowed for the making of the regulations, which, in the case of adult seat belt wearing, cannot be laid until three months after the making of this statement. The regulations on children are subject to the negative resolution procedure, but those on adult seat belt wearing are subject to the affirmative procedure and must, therefore, be debated in both Houses of Parliament. Precise timing will, therefore, depend on the overall Parliamentary timetable.

50. If Parliament approves both sets of regulations, the third and final phase will be that of implementation. The Secretary of State believes that a further short period should be allowed between the making of the regulations and their coming into operation. This will allow time for people to make sure that they are satisfied with their belts and, where necessary, to seek medical exemption certificates from their doctor. During this period there would be further publicity to inform people of the procedures for obtaining these certificates; to make it clear precisely to whom compulsion would apply and who would be exempt; and to inform people of the starting date itself. The advisory leaflet on children would also be issued. The aim would be to introduce the provisions on both adult seat belt wearing and children during the Summer of 1982, with July being the target month.

PART VI

NORTHERN IRELAND

51. The legislation on seat belt wearing and children in cars does not apply to Northern Ireland. However, the Secretary of State for Northern Ireland proposes to introduce similar measures for Northern Ireland by the Order in Council procedure.

PART VII

SUMMARY OF PROPOSALS

52. The proposals of the Secretary of State are as follows -

- (a) Compulsory wearing should apply -
 - (i) wherever compulsory fitting applies under the Construction and Use Regulations. (This means very broadly the driver and 'specified passenger's seat' of cars registered after 1 January 1965, light vans registered after 1 April 1967 and three-wheeled motor vehicles registered after 1 September 1970) (paragraph 11);
 - (ii) to similar seating positions in certain other types of vehicle (listed in paragraph 13).

- (b) As regards medical exemptions -
 - (i) the Medical Commission on Accident Prevention have agreed to prepare general guidelines for issue to the profession (paragraph 22);
 - (ii) the agreement of the profession has been sought to the inclusion of the long term disabled in the medical certificate procedure (paragraph 24);
 - (iii) it will be for the British Medical Association to recommend a scale of fees to their members (paragraph 27).

- (c) Exemptions additional to those provided in the Act itself will be kept to a minimum (paragraph 8) and are proposed in respect of -
 - (i) those engaged in the collection as well as the delivery of goods or mail in vehicles designed or adapted for the purpose (paragraph 33);

- (ii) front seat passengers in the case of the police when escorting prisoners, prison officers when escorting prisoners in light vans, and firemen when putting on equipment whilst travelling to an emergency (paragraph 35).
- (d) The provisions of the legislation on children should apply to all motor vehicles except -
- (i) those with neither front seat restraints nor permanent rear seats;
 - (ii) those with no permanent rear seats, where there are two passenger seats in the front and two people travelling, in which case one child passenger may travel in the seat which is not fitted with a belt (paragraphs 42 and 43).
- (e) The question of exemption for certain children on medical grounds is being considered further with the Child Accident Prevention Committee (paragraph 44).
- (f) Children under one will only be able to travel in the front provided they are wearing approved restraints specifically designed for them (paragraph 45).
- (g) Detailed guidance will be issued to parents and drivers both as to how to meet the law's requirements on children and how best to protect children over and above these requirements (paragraph 46).
- (h) Subject to Parliament approving the necessary regulations, both adult seat belt wearing and children should come into operation in the Summer of 1982, with July being the target month.

LEGISLATIVE PROVISIONS ON COMPULSORY SEAT BELT WEARING

Section 27 of the Act, which inserts a new Section 33A in the Road Traffic Act 1972, provides broadly that -

- (a) regulations may be made making seat belt wearing compulsory for different classes of vehicle, different descriptions of people and different circumstances;
- (b) the regulations must include exemptions for -
 - (i) users of vehicles for goods or mail engaged in making local deliveries;
 - (ii) drivers while reversing;
 - (iii) holders of medical certificates signed by a doctor to the effect that it is inadvisable for them to wear seat belts;
- (c) the regulations may make other prescribed exemptions;
- (d) the penalty for non-compliance with the regulations is to be a maximum fine of £50;
- (e) it is the personal responsibility of each occupant of a vehicle, rather than the driver, to ensure that he complies with the law;
- (f) the Secretary of State must lay a statement of his proposals before Parliament three months before making the first set of regulations;
- (g) the regulations are to be subject to the affirmative resolution procedure;
- (h) the regulations will expire after three years unless renewed.

STANDARDISATION, EASE OF USE, RELIABILITY AND COMFORT OF BELTS

1. The Secretary of State is satisfied that the effort of vehicle and seat belt manufacturers to develop satisfactory restraint systems and of Government to set and maintain standards have resulted in a position where seat belts can overall be regarded as effective, easy to use and reliable.
2. Static belts are not always correctly worn or easy to adjust but inertia reel belts overcome this problem and are now fitted in some 95% of new vehicles. Although static belts are still legal in new cars and are prevalent in older models, they are gradually disappearing. It is estimated that the proportion of inertia reel belts in vehicles to which belts have to be fitted is now around 60-70% and is rising steadily year by year.
3. Some of the older types of belt were not always easy to fasten and release, but this problem has now been overcome. Since 1973 all belts in new vehicles whether of the inertia reel or static type have to be capable of being fastened and unfastened with one hand. The fastening mechanism has to be readily available with the release button clearly marked in red.
4. All seat belts have to be type tested and approved before acceptance. Their production is then subject to continuous quality control supervised by Government inspectors. Instances where the performance of a particular type of belt in a crash has been criticised are rare. The problem has invariably been found to be that the belt has functioned less than ideally rather than one of complete failure. Any suggestion of a defective belt is always rigorously pursued by the Department and manufacturer and the belt would be subject to the Defect Recall Campaign procedure if justified.
5. There is, however, one aspect of seat belt wearing to which the Secretary of State has thought it right to give further attention. This is the question of comfort. For most people this should not

be a problem, but it may sometimes be for those who are obese, very short or very tall.

6. There are a variety of ways in which the problems can be overcome. For very tall or obese people it may be possible to improve the comfort and lie of the belt by moving the seat further back. For short people it may be possible to modify the upper belt attachment which would have the effect of lowering the belt and altering the lie of the diagonal strap. Alternatively, the seat could be raised or a firm, non-slip specially designed cushion used. Specialised assistance and advice should be sought through the car or seat belt manufacturer's agent and the Secretary of State is discussing this matter with the manufacturers to ensure that this advice will be available.

ANNEX C

VEHICLES WHICH MUST BE FITTED WITH SEAT BELTS UNDER THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) (NO. 3) REGULATIONS 1979 NO. 1062

(i) Cars and other passenger or dual-purpose (passenger and goods) vehicles with not more than 12 passenger seats which are manufactured on or after 1 July 1964 and first registered on or after 1 January 1965 (Regulation 17).

(ii) Goods vehicles being motor cars other than dual-purpose vehicles manufactured on or after 1 September 1966 and registered on or after 1 April 1967, and having an unladen weight not exceeding 1525 kg or, in the case of a vehicle manufactured on or after 1 October 1979 or first used on or after 1 April 1980, a maximum permitted weight not exceeding 3500 kg (Regulation 17).

(iii) Three-wheeled passenger and goods motorcycles (excluding motorcycles with side cars) manufactured on or after 1 March 1970 and first used on or after 1 September 1970 which have an unladen weight exceeding 255 kg (Regulation 17).

VEHICLES AND SITUATIONS TO WHICH THE REQUIREMENT TO FIT SEAT BELTS UNDER THE MOTOR VEHICLES (CONSTRUCTION AND USE) REGULATIONS 1978, AS AMENDED BY AMENDMENT NO 3 1979 (SI 1979 1062) DOES NOT APPLY

A land tractor or an industrial tractor which is not in either case a motor tractor (Regulations 17(2)(c)) (1979).

A motor tractor (Regulation 17(2)(d)) (1979).

A works truck (Regulation 17(2)(e)) (1979)

An electrically propelled goods vehicle (Regulation 17(2)(f))(1979)

A pedestrian controlled vehicle (Regulation 17(2)(g))(1979)

A vehicle which has been used on roads outside Great Britain and has been imported into Great Britain (Regulation 17(2)(h))(1979).

A vehicle which is incapable by reason of its construction of exceeding a speed of 16 miles per hour on the level under its own power (Regulation 17(2)(i))(1979)

A vehicle while it is being used under a trade licence within the meaning of the Vehicles (Excise) Act 1971 (Regulation 17(6)(a)(i))(1979)

A vehicle during certain initial journeys after leaving the premises of a manufacturer, distributor or dealer (proviso (b) to Regulation 17(6)(a)(ii))(1979)

A vehicle proceeding to port for export (Regulation 4(3)) (1978)

A vehicle brought temporarily into this country by a person resident abroad (Regulation 4(7)) (1978).

A vehicle which is exempt from car tax by virtue of paragraph 7 or 8 of Schedule 7 to the Finance Act 1972, or has been zero rated under Regulation 49 or 50 of the Value Added Tax (General) Regulations 1977 (Regulation 4(8)) (1978).

A vehicle in the service of a visiting force or of a headquarters

(Regulation 4(9)) (1978).

A vehicle whilst being tested for an MOT certificate (Regulation 4(10)) (1978).

SEAT BELT WEARING EXEMPTIONS IN OTHER COUNTRIES
 [IN THE PROCESS OF BEING UPDATED]

AUSTRALIA

New South Wales

- a) Reverse
- b) Medical conditions, by certificate
- c) Physical condition, by certificate
- d) Inability to drive properly, by certificate
- e) Children under 8
- f) Passengers over 70
- h) Work journeys involving frequent stops, under 15 mph
- i) Taxi-drivers
- j) Taxi-passengers
- s) At the Minister's discretion

Queensland

- a) Reverse
- b) Medical conditions, by certificate
- c) Physical impossibility, by certificate
- e) Children under 8
- h) Work journeys involving frequent stops, under 15 mph
- s) Any other, by certificate from Ministry

South Australia

- b) Medical conditions, by certificate
- e) Children under 8
- f) Passengers over 70
- h) Stopping journeys under 15 mph
- k) Passengers in emergency vehicles
- s) Any other, by certificate from the Ministry

Tasmania

- a) Reverse
- b) Medical conditions, by certificate (to be carried)
- c) Impracticability, by certificate from Ministry
- h) Delivery journeys under 15 mph

Victoria

- a) Reverse
- b) Medical, by certificate
- c) Physical impracticability
- e) Children under 8
- h) Low-speed delivery journeys
- s) Other categories, by Order of the Minister

Western Australia

- a) Reverse
- b) Medical conditions, by certificate
- e) Children under 8
- f) Passengers over 70
- h) Work journeys involving frequent stops

Australian Capital Territory

- a) Reverse
- b) Medical conditions, by certificate
- c) Physical characteristics, by certificate
- d) Impracticability of driving safely, by certificate
- e) Children under 14
- f) Passengers over 70
- h) Work journeys involving frequent stops, under 15 mph
- m) Those exempt in their native state
- r) Those who can show "that failure to wear a belt was not unreasonable".

DENMARK

- a) Reverse
- b) Medical condition, by certificate, subject to Ministry guidance
- e) Children under 15
- g) People under 150 cm tall
- h) Commercial use at low speed on a trip shorter than 500 m
- k) Police and soldiers on guard patrol or transporting detainees
- l) Post office vehicles in urban areas and "driving serving the same purpose"

FRANCE

- b) Medical conditions where use of belt would be harmful, by certificate
- g) Those of plainly unsuitable stature
- h) In built up areas, passengers in public vehicles stopping at frequent intervals. In built up areas, passengers in door to door delivery vehicles
- i) Taxi-drivers
- k) Emergency vehicles
- q) Goods vehicles

LUXEMBOURG

- a) Reverse
- b) Medical conditions
- g) People under 150 tall
- h) Door-to-door delivery journeys in towns
- i) Taxi-drivers
- k) Police forces where activity hindered

NETHERLANDS

(Note: the driver is required to ensure that the passenger wears a belt)

- a) Reverse
- b) Serious medical reasons
- c) Those physically handicapped and unable to use a belt
- g) People under 150 cm tall
- h) Short delivery and collection journeys
- i) Taxi-drivers
- m) Foreigners, if exempt in their own country
- s) At the Minister's discretion

NEW ZEALAND

- b) Medical conditions, by certificate
- d) Drivers who, if belted, could not operate the brake, dipswitch, indicator, horn, wiper, choke or sun visor
- e) Children under 8

- h) Drivers and passengers of delivery vehicles at speeds below 20 mph
- i) Taxi-drivers only when plying for hire
- o) Garage workers within 20 miles of their garage

NORWAY

- a) Reverse
- b) Medical conditions, by certificate
- e) Children under 15
- g) People under 150 cm tall
- h) Low speed journeys involving frequent stops
- i) Taxi-drivers

ONTARIO, Canada

- a) Reverse
- b) Medical conditions, by certificate
- c) Incapacity by reason of size, by certificate
- e) Children under 5 or under 50lb in weight
- h) Frequent short journeys at speeds less than 25 mph
- i) Taxi-drivers
- k) Police
- l) Postal employees in rural areas

QUEBEC, Canada

- a) Reverse (driver only)
- b) Medical, by certificate
- c) Weight less than 50 pounds, and incapacity to wear by certificate
- e) Children under 5
- k) Police vehicles used to transport someone under arrest
- s) Further exemptions, as fixed by the Lieutenant Governor in Council

SWEDEN

- b) Medical conditions, by certificate. Psychiatric conditions must be certified by a consultant
- i) Taxi-drivers and passengers
- e) Children under 5
- g) People under 150cm tall
- a) Reverse
- h) Door to door journeys, local distribution and collection services, vehicles in petrol stations, workshop perimeters.

SWITZERLAND

- a) Reversing and parking
- c) Those who are unable to fasten belts (passengers only if they cannot sit in the back)
- e) Children under 12
- h) House to house deliveries under 25 kph and within factory premises maximum speed of 25 kph
- i) Taxi-drivers
- k) Emergency vehicles

SPAIN

- b) Medical conditions
- p) In urban areas

WEST GERMANY

- b) Medical conditions, by certificate (1 year maximum unless chronic)
- h) Delivery men carrying out loading and unloading operations, driving at walking speed
- i) Taxi-drivers

ISRAEL

- a) Reversing, parking or stationary
- b) Medical grounds
- c) Technical impossibility of fitting belt
- e) Children under 14
- g) Height not more than 150 cm (also body weight not more than 35 kg)
- k) Policemen in an operational vehicle
- p) Drivers on urban roads

NEWFOUNDLAND, Canada (To come into effect, 1 January 1982)

- a) Reverse
- b) Medical conditions, by certificate
- h) Frequent short intervals between stops, speed not exceeding 30 mph.

SAFETY OF CHILDREN IN CARS

1. As explained in Part IX of this document, the new provisions seek to prevent children from travelling in cars where they are most at risk, that is unrestrained in the front. However, when this was first proposed there was some concern as it would permit young children to sit in the front restrained by an adult seat belt which is, after all, not designed for them to wear. The Secretary of State therefore reviewed all the available evidence but concluded that an adult seat belt did provide a significant amount of protection. It is not the ideal situation but there may be circumstances when this is the safest option and the Secretary of State had no wish to prevent this by law.

2. Whenever possible a child under 10-11 years of age, 36 kgs (80 lbs) should be carried restrained in the rear of the vehicle. The ideal type of restraint will vary with the age and physique of the child. For very young children up to approximately 9 months of age who cannot sit up unaided then a carrycot restricted by a harness or a specially developed restraint system should be used. From approximately 9 months to 4 years, 9-18 kgs (20-40 lbs), an approved safety seat is the ideal whilst from 3-4 upwards, 18 kgs plus, the conventional child harness has an excellent safety record. Alternative forms of restraint like "booster" cushions using adult seat belts are becoming available in various forms and these are particularly practical for older children.

3. If there is no restraint available in the back of the vehicle and the front passenger seat remains unoccupied then the use of the front seat by the child with a restraint should be seriously considered. In such circumstances the restraint should preferably be modified to suit the child for comfort, convenience and best safety performance. An adult seat belt is potentially more beneficial to older children but even if modification is not possible it will still protect children of all ages from the worst effects of a crash.

11 DEC 1961

1 2 3 4 5
6 7 8 9 10

Transport

DOC 2

cc D/Trans

HS

LOW

Original in G.R.
C.F. Londe

21 March 1980

letter of 13 March
medical profession

March 1980
an opportunity
preferable for you to do
responsible for this

the letter
would like to take
through his
to do
from you

Your
with

Secretary.

The Prime Minister has asked me to thank you for your letter of 13 March requesting her to receive a deputation of leaders of the medical profession to discuss compulsory wearing of seat belts.

She would certainly wish to give you and your colleagues an opportunity to put your views, but she considers that it would be preferable for you to do so to the Minister of Transport who is the Minister responsible for this subject.

He would be very willing to see a deputation and if you would like to take up this offer perhaps you would arrange a convenient time through his Private Office on 212 3753.

CAROLINE STEPHENS

The Lord Smith of Marlow, K.B.E.



10 DOWNING STREET

From the Private Secretary

18 June 1979

Dear Sir

SEAT BELTS

The Prime Minister was grateful for your Minister's minute of 11 June on the question of compulsory seat belt wearing. She has noted that he will be circulating a paper shortly to H Committee on his general strategy in the road safety field.

I am sending copies of this letter to Tony Battishill (HM Treasury), Don Brereton (DHSS), David Edmonds (Department of the Environment) and Martin Vile (Cabinet Office).

Mr *Mr*
T. Vile

Mrs. E.C. Flanagan,
Department of Transport.

4

Prime Minister

Mr Fowler says he will be putting a paper to H Committee on road safety. Shall I ask him to cover the case for and against a statutory requirement for seat belts of wearing?

PL

15/6

CONFIDENTIAL

PRIME MINISTER

I think we can leave that to him - it will be a pretty complete paper out.

Flg A

I understand that you have asked about the precise significance of the Written Answer I gave on 25 May on the subject of seat belts.

The question of compulsory seat belt wearing is one on which you will know I have always held strong views. I do entirely accept the case for seat belt wearing and will do my utmost to promote this by persuasion and other methods. I am not, however, yet convinced that it needs compulsion and criminal penalties. My position on this question has been consistent and clear, as indeed has that of many of our colleagues. The issue was last debated only two and a half months ago at the Second Reading of the previous government's bill, when I argued against compulsion. On that occasion, the party, including 37 Government ministers, voted 2:1 against compulsion.

I naturally considered, when I became Minister of Transport, whether, despite my personal conviction, there was not a case, given the expressed feeling of Parliament

CONFIDENTIAL

CONFIDENTIAL

more generally and the views of some of my colleagues, albeit a minority, for seeking to give the House another opportunity this session to decide on this issue. But, after carefully reviewing my road safety programme, I decided that my own priority must be to reduce the heavy toll in human suffering and economic cost that is taken by accidents which are caused by drinking and driving. I clearly could not ask for time for both measures and I therefore ruled out the possibility of legislation on compulsory seat belt wearing for the time being. I have instead asked for time to bring in a Bill to amend the law on drinking and driving. But I propose to make a major effort to persuade people to wear seat belts voluntarily.

Legislation
Committee
decided
against
introducing
Bill.

If persuasion does not work then I would not rule out legislation in a later session. My Answer rules it out only now when my own arguments for it would have necessarily been unsupported by conviction and when I knew a majority of our colleagues were in a similar position. That is why I did not feel it necessary to consult beforehand. But I shall, now that it seems unlikely that time can be found for my drinking and driving legislation, be taking very shortly to colleagues on the Home Affairs Committee my general strategy in the road safety field. There are real economic savings to be made here in addition to considerable social benefits and we should, I believe, be vulnerable as a Government if we were to do nothing in this important area.

CONFIDENTIAL

CONFIDENTIAL

I am sending copies of this minute to Geoffrey Howe, Patrick Jenkin, Michael Heseltine, and to Sir John Hunt.

A handwritten signature in black ink, appearing to be 'NF', with a horizontal line underneath it.

NORMAN FOWLER

11 June 1979

CONFIDENTIAL

1 JUN 1979



A428 (Polhill Avenue)

Mr. Skeet asked the Minister of Transport if he will re-establish traffic lights at the junction of Polhill Avenue, Bedford and the A428 in the interests of safety both for pedestrians and motorists.

Mr. Kenneth Clarke: Future arrangements for the A428/Polhill Avenue junction are under consideration in the light of experience since the change from traffic signals to mini roundabout last October, and a decision will be taken shortly. I shall ensure that the possibility of a reversion to traffic lights is borne in mind.

Mr. Skeet asked the Minister of Transport how many accidents have occurred at the junction of Polhill Avenue, Bedford and the A428 following the siting of a mini-roundabout.

Mr. Kenneth Clarke: Eight accidents, involving slight injury, have occurred at the junction since the mini roundabout was installed.

A6 (Oakley Road)

Mr. Skeet asked the Minister of Transport what he proposes to do about the traffic congestion occurring daily at the junction of the A6 and Oakley Road, Clapham, Bedford; and when a bypass for the village is expected to be undertaken.

Mr. Kenneth Clarke: I am hoping that the Bedfordshire county council, as the Department's agents, will shortly carry out a traffic survey in this area. When the results of this have been analysed, the possibility of improvements to reduce traffic congestion will be investigated.

There are at present no plans for a by-pass of Clapham.

Seat Belts

Mr. Arthur Lewis asked the Minister of Transport what is his policy on the question of the statutory enforcement of the compulsory use of car seat belts.

Mr. Marks asked the Minister of Transport if it is his intention to re-introduce the Road Traffic (Seat Belts) Bill during the present parliamentary Session.

Mr. Norman Fowler: I have no plans to introduce a Bill to make the wearing

of seat belts compulsory. One of the difficulties, as the hon. Gentleman has pointed out, is enforcement. However, it remains my view that wearing seat belts saves lives and reduces injuries. My strong advice to both drivers and passengers is to wear them.



Transport

10 DOWNING STREET

From the Private Secretary

4 June 1979

✓ F 116.79

Dear Genie

The Prime Minister has seen the Written Answer which your Minister gave on 25 May on the subject of seat belts. She would like to know the precise significance of this reply, and which Departments - if any - were consulted in advance.

I am sending a copy of this letter to Tony Battishill (HM Treasury), Don Brereton (Department of Health and Social Security), David Edmonds (Department of the Environment), Martin Vile (Cabinet Office) and Gerry Spence (Central Policy Review Staff).

Handwritten signature

Mrs. E. C. Flanagan,
Ministry of Transport.

Handwritten signature



of Mr Wolfson
Mr Hodgson
Mr Ryzak

Prime Minister

CONFIDENTIAL

*would you like
a paper prepared
as Ken Berrill
suggests? (we were
not consulted about
the PQ - we should
have been).*

Qa04132

To: MR STOWE

From: SIR KENNETH BERRILL

*Had the matter been raised at
the "Future Legislation" Committee?*

PUBLIC EXPENDITURE - SEAT BELTS

AND THE COST TO DHSS

*if not - perhaps
a letter in the first
instance asking*

*the main significance of his
reply on 1/6
he consulted
me.*

1. The Minister of Transport, in an answer to a PQ on the 25 May, said that he had no plans to introduce a bill to make the wearing of seat belts compulsory. (A copy of this PQ is attached.) As far as I can determine other interested departments were not consulted about this answer. The subsequent press reports implied that the Government's policy was against the statutory enforcement of the use of car seat belts.

2. This announcement raises the general issue of consistency of particular policies with the Government's overall strategy. Quite apart from the considerable human suffering and distress to the families of accident victims, road accidents result in a major and continuing burden on the health and social services (including social security) at a time when we are trying to contain expenditure. The total annual costs of road traffic accidents are estimated at approximately £1,000 m annually for the health and social security programme - mostly for social security benefits relating to accidents in past years. Much of this could have been prevented. The Department of Transport's own figures indicate that each year 1,000 lives would be saved and 10,000 fewer people would suffer serious injury if everyone wore car seat belts. This is equivalent to 1 in 4 of all deaths and serious injuries to car occupants involved in road accidents. Furthermore, 6 of the 9 EEC countries now have some form of compulsion in the wearing of seat belts. The largest motorists' organisation, the AA, favours compulsion. In the UK a clear precedent has been set by the legislation for the compulsory wearing of crash helmets by motorcyclists.



CONFIDENTIAL

3. In the light of this, the Prime Minister may wish to minute the Minister of Transport inviting him to circulate a paper for collective consideration. A draft minute along these lines is attached.

4. I am sending a copy of this minute to Sir John Hunt.

KG

1 June 1979

Att

CONQUEROR
LONDON

DRAFT MINUTE FROM MR STOWE TO MRS FLANAGAN

SEAT BELTS

The Prime Minister has noted the answer that the Minister for Transport gave to a Parliamentary Question on the 25 May and subsequent press reports.

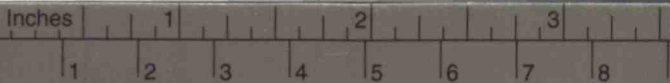
She has commented that this raises issues of major interest to other departments (particularly the DHSS, where there are significant expenditure implications) and would like a paper to be prepared for consideration by the Home and Social Affairs Committee before the summer recess.

I am sending copies of this letter to Tony Battishill (HM Treasury), Don Bereton (DHSS), David Edmonds (DoE) and to Martin Vile (Cabinet Office).

Grey Scale #13



A 1 2 3 4 5 6 **M** 8 9 10 11 12 13 14 15 **B** 17 18 19



Colour Chart #13

Blue Cyan Green Yellow

