

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

**EXITING THE EUROPEAN UNION
ROAD TRAFFIC**

**The Motor Vehicles (Wearing of Seat Belts)
(Amendment) (EU Exit) Regulations 2018**

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(1).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

(2) Regulations 2, 3 and 4 extend to England and Wales and Scotland.

(3) Regulations 5, 6 and 7 extend to Northern Ireland only.

PART 2

Amendment of primary legislation

Amendment of the Road Traffic Act 1988

- 2.—(1) The Road Traffic Act 1988(2) is amended as follows.
- (2) In section 14(3) (seat belts: adults)—
- (a) in subsection (2)—
 - (i) omit paragraph (aa);
 - (ii) in paragraph (bb)—
 - (aa) for “shall, for the purpose of implementing the seat belt Directive,” substitute “may”;
 - (bb) omit “other than the United Kingdom”;
 - (b) omit subsection (7).
- (3) In section 15(4) (restriction on carrying children not wearing seat belts in motor vehicles)—
- (a) omit subsection (5A);
 - (b) in subsection (6)—
 - (i) in paragraph (b)—
 - (aa) for “shall, for the purpose of implementing the seat belt Directive,” substitute “may”;
 - (bb) omit “other than the United Kingdom”;
 - (ii) omit the words after paragraph (b);
 - (c) in subsection (9), omit the definition of “the seat belt Directive”.

PART 3

Amendment of subordinate legislation

Amendment of the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993

- 3.—(1) The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993(5) are amended as follows.
- (2) In regulations 2 and 5, and in Schedule 1, in each place it occurs, for “another member State” substitute “a member State”.

Amendment of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993

- 4.—(1) The Motor Vehicles (Wearing of Seat Belts) Regulations 1993(6) are amended as follows.

(2) 1988 c. 52.

(3) Section 14 was amended by the Road Traffic Act 1988 (Amendment) Regulations 1992 (S.I. 1992/3105) and the Railways and Transport Safety Act 2003 (c. 20), section 110.

(4) Section 15 was amended by the Road Traffic Act 1991 (c. 40), Schedule 8, the Road Traffic Act 1988 (Amendment) Regulations 1992 (S.I. 1992/3105), and the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892).

(5) S.I. 1993/31, amended by S.I. 2006/2213 and S.I. 2015/402.

(6) S.I. 1993/176; relevant amending instruments are S.I. 2006/1892 and S.I. 2015/574.

(2) In regulations 2 and 8, and in Schedule 1, in each place it occurs, for “another member State” substitute “a member State”.

PART 4

Amendment of Northern Ireland legislation

Amendment of the Road Traffic (Northern Ireland) Order 1995

5.—(1) The Road Traffic (Northern Ireland) Order 1995(7) is amended as follows.

(2) In Article 23 (seat belts: adults)—

(a) in paragraph (2)—

(i) omit sub-paragraph (b);

(ii) in sub-paragraph (d)—

(aa) for “shall, for the purpose of implementing the seat belt Directive,” substitute “may”;

(bb) omit “other than the United Kingdom”;

(b) omit paragraph (7).

(3) In Article 24 (restriction on carrying children not wearing seat belts in motor vehicles)—

(a) omit paragraph (7);

(b) in paragraph (8)—

(i) in sub-paragraph (b)—

(aa) for “shall, for the purpose of implementing the seat belt Directive,” substitute “may”;

(bb) omit “other than the United Kingdom”;

(ii) omit the words after sub-paragraph (b);

(c) in paragraph 11, omit—

(i) “; and” at the end of the definition of “seat belt”;

(ii) the definition of “the seat belt Directive”.

Amendment of the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993

6.—(1) The Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993(8) are amended as follows.

(2) In regulations 2 and 8, and in Schedule 1, in each place it occurs, for “another member State” substitute “a member State”.

(7) [S.I. 1995/2994 \(N.I. 18\)](#); relevant amending instruments are [S.I. 2007/916 \(N.I. 10\)](#) and [S.R. 2007 No. 7](#). There are other amending instruments but none is relevant.

(8) [S.R. 1993 No. 362](#); relevant amending instruments are [S.R. 2007 No. 8](#), [2008 No. 29](#), [2015 No. 24](#).

Amendment of the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993

7.—(1) The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993⁽⁹⁾ are amended as follows.

(2) In regulations 2 and 5, and in Schedule 1, in each place it occurs, for “another member State” substitute “a member State”.

Signed by authority of the Secretary of State for Transport

Date

Minister of State
Department for Transport

(9) S.R. 1993 No. 363; relevant amending instruments are S.R. 2007 No. 9, 2015 No. 23.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (c) and (g) of section 8(2) of the 2018 Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of road safety and, in particular, amend legislation relating to the compulsory use of seat belts in motor vehicles. Part 2 amends primary legislation, Part 3 amends subordinate legislation and Part 4 amends Northern Ireland legislation. These Regulations remove existing powers and duties, in the Road Traffic Act 1988 and the Road Traffic (Northern Ireland) Order 1995, to make subordinate legislation for the purpose of implementing an EU Directive as these are no longer needed after the United Kingdom's withdrawal from the European Union. These Regulations also adjust language and references to recognise that the United Kingdom is no longer a member State, to eliminate any ambiguity, but otherwise maintain the current seat belt wearing requirements regime intact in the United Kingdom.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.