

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eleventh Delegated Legislation Committee

DRAFT MOTOR VEHICLES (WEARING OF SEAT BELTS) (AMENDMENT) (EU EXIT) REGULATIONS 2018

Wednesday 16 January 2019

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The Committee consisted of the following Members:

Chair: DAVID HANSON

† Blackman, Bob (*Harrow East*) (Con)
 † Bruce, Fiona (*Congleton*) (Con)
 † Cruddas, Jon (*Dagenham and Rainham*) (Lab)
 † Donelan, Michelle (*Chippenham*) (Con)
 † Farrelly, Paul (*Newcastle-under-Lyme*) (Lab)
 † Fellows, Marion (*Motherwell and Wishaw*) (SNP)
 † George, Ruth (*High Peak*) (Lab)
 † Heappey, James (*Wells*) (Con)
 † Huq, Dr Rupa (*Ealing Central and Acton*) (Lab)
 † Jones, Darren (*Bristol North West*) (Lab)
 † Kawczynski, Daniel (*Shrewsbury and Atcham*) (Con)

† Lamont, John (*Berwickshire, Roxburgh and Selkirk*) (Con)
 † Norman, Jesse (*Minister of State, Department for Transport*)
 † Peacock, Stephanie (*Barnsley East*) (Lab)
 † Thomas, Derek (*St Ives*) (Con)
 † Turner, Karl (*Kingston upon Hull East*) (Lab)
 † Vickers, Martin (*Cleethorpes*) (Con)

Yohanna Sallberg, Zoe Grünewald, *Committee Clerks*

† **attended the Committee**

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Wednesday 16 January 2019

[DAVID HANSON *in the Chair*]

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

2.30 pm

The Minister of State, Department for Transport (Jesse Norman): I beg to move,

That the Committee has considered the draft Motor Vehicles (Wearing of Seat Belts) (Amendment) (EU Exit) Regulations 2018.

It is a pleasure to serve under your chairmanship, Mr Hanson. As the Committee will appreciate, the draft regulations are a very minor and technical change to the law on seatbelts. I am keenly aware of hon. Members' interest in proceedings in the Chamber, so I do not propose to detain them for longer than is necessary.

The draft regulations are made under powers contained in the European Union (Withdrawal) Act 2018. Their principal purpose is to make technical changes to ensure that domestic seatbelt legislation continues to work after the UK's withdrawal from the EU. It is important to say that they will not make any substantive changes to domestic seatbelt wearing policy; if approved, they will maintain the status quo.

This legislation is a devolved matter in Northern Ireland, but in the absence of a Northern Ireland Executive and in the interest of legal certainty, the UK Government will take through the necessary secondary legislation for Northern Ireland. Accordingly, the draft regulations will make changes to legislation applicable both in Great Britain and in Northern Ireland.

There is no doubt that the introduction, over a number of years, of the compulsory use of front seatbelts, rear seatbelts and child restraints has had a highly beneficial effect on road safety. It should be borne in mind that failure to adhere to the rules on the use of seatbelts and child restraints carries a fixed penalty fine of £100—£60 in Northern Ireland—or a maximum fine of £500 in the magistrates courts. It is therefore important that the law governing those obligations remains clear.

The Government consider that it is only by making the technical changes in the draft regulations that clarity can be achieved for drivers, passengers and those responsible for enforcing the law. In our view, maintaining the status quo, both on seatbelt and child restraint use obligations and on recognition of medical exemption certificates, is the most appropriate way to achieve that clarity.

In essence, the draft regulations will make two key changes. First, they will remove 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. Secondly, they will amend EU references in subordinate legislation by replacing “another member State” with “a member State”, thereby reflecting the fundamental change in the UK's relationship with the EU.

The removal of existing powers and duties to make subordinate legislation for the purpose of implementing an EU directive is required because such powers will no longer be needed after the UK's withdrawal from the EU. The draft regulations will achieve the removal of the powers to implement the EU directive by means of a straightforward deletion of the relevant powers from Great Britain and Northern Ireland legislation. The duties to implement the EU directive will also be deleted and replaced with a power that allows the UK to achieve the same outcome—the power to decide whether there should be an exemption from wearing a seatbelt for any person holding a medical certificate issued in an EU member state.

Replacing “another member State” with “a member State” is necessary to ensure that the law remains clear and continues to have effect when the UK is no longer a member state of the European Union. Without those changes, it is possible that the relevant provisions would be rendered legally ineffective or questionable.

These amendments to subordinate legislation will ensure three things in particular. First, medical certificates issued to drivers and passengers in EU member states who cannot wear seatbelts on account of a medical condition will continue to be recognised in the UK. This will prevent a situation whereby, for example, a driver resident in an EU member state who holds such a certificate issued by that state would either need to apply to a UK health practitioner for an exemption or be committing an offence if they did not use a seatbelt.

The second objective is to ensure that passengers are obliged to wear an adult seatbelt even when the only belt available was approved by an EU member state and is not otherwise compliant for use in the UK. That is important because there is an exemption from the requirement to wear an adult seatbelt when no compliant seatbelt is available. If such seatbelts ceased to be compliant by virtue of our not making this technical amendment, their non-use would no longer constitute an offence.

What that means in practical terms is that a failure to make the regulations could have adverse consequences for road safety. After exit day, any lack of clarity over what constitutes a compliant seatbelt could lead to drivers and passengers with seatbelts approved by “another member State” choosing not to wear those belts—clearly not a safe or sensible policy from the Government's perspective. Making the regulations maintains the current position that seatbelts must be worn.

The third objective is to ensure that driving in the UK with a child restraint system that would meet the requirements of the law of an EU member state, but that would not otherwise meet the requirements of domestic seatbelt-wearing legislation, does not become an offence. We want to avoid confusion for any family travelling to the UK over whether that child restraint is legal.

The Government see considerable benefit in maintaining the status quo, enabling people from both the UK and the EU to carry on using the same child restraints on UK roads after exit day as they do now. In essence, we wish domestic legislation to continue to work effectively, in order to retain good travel, tourism and business access from EU member states following this country's exit. I commend the regulations to the Committee.

2.35 pm

Karl Turner (Kingston upon Hull East) (Lab): It is always a pleasure to see you in the chair, Mr Hanson, and to serve under your chairmanship. I will be very brief in my remarks.

As the Minister has mentioned, the regulations are part of the many aspects of EU law falling into UK law under the Government's European Union (Withdrawal) Act, and ensure that child restraints and seatbelts approved under the law of EU member states, and medical exemption certificates issued in existing EU member states, continue to be recognised in UK law. They are absolutely necessary and the Opposition support them.

2.36 pm

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship, Mr Hanson. I simply echo what has just been said. The Scottish National party is very content with this measure, as it is a sensible change in the present circumstances.

Question put and agreed to.

2.36 pm

Committee rose.

