

## Transport Policy - Road Safety Team

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Edward Mountain MSP  
Convener, Rural Economy and Connectivity Committee  
Scottish Parliament  
Edinburgh  
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Date: 4 May 2017

Dear Mr Mountain,

During the Stage 1 evidence session on 26th April 2017 Mr Stevenson MSP asked –

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):**

*I suspect that Anne Cairns might have to answer this question. Do the current construction and use regulations specify the type of seat belt that is required? I ask that because most buses on which I find myself travelling are fitted with lap belts rather than diagonal ones. I wonder what the legal position might be on what is required. For younger children, the difficulty is mainly with the diagonal belt rather than with the lap belt.*

The Road Vehicles (Construction and Use) Regulations 1986 (“the 1986 Regulations”) prescribe the requirements as to the types of seat belt which must be fitted to the various descriptions of vehicle set out in those Regulations.

The 1986 Regulations are made under section 41 of the Road Traffic Act 1988, and are reserved to the Westminster Parliament in terms of schedule 5 to the Scotland Act 1998.

Regulation 46 of the 1986 Regulations sets out the vehicles which must have anchorage points for seat belts, with regulation 47 prescribing the seat belts to be fitted to those vehicles. Please see Annex A of this letter for the text of those two regulations.

In relation to buses (other than urban buses), those first used from 1st October 2001 can be fitted with the following types of seat belt –

- (i) an inertia reel belt,
- (ii) a retractable lap belt,
- (iii) a disabled person's belt, or

(iv) a child restraint.

I hope that the members of the Committee find this information useful. If any additional information or explanation is required please let me know.

Yours sincerely,

**Brendan Rooney**  
**Road Safety Policy**  
**Transport Scotland**

## ANNEX A

### 46.— Seat belt anchorage points

(1) This regulation applies to a motor vehicle which is not an excepted vehicle and is—

- (a) a bus first used on or after 1st April 1982;
- (b) a wheeled motor car first used on or after 1st January 1965;
- (c) a three-wheeled motor cycle which has an unladen weight exceeding 255 kg and which was first used on or after 1st September 1970; or
- (d) a heavy motor car first used on or after 1st October 1988.

(2) Each of the following is an excepted vehicle—

- (a) a goods vehicle (other than a dual-purpose vehicle)—
  - (i) first used before 1st April 1967;
  - (ii) first used on or after 1st April 1980 and before 1st October 1988 and having a maximum gross weight exceeding 3500 kg; or
  - (iii) first used before 1st April 1980 or, if the vehicle is of a model manufactured before 1st October 1979, first used before 1st April 1982 and, in either case, having an unladen weight exceeding 1525 kg;
- (b) an agricultural motor vehicle;
- (c) a motor tractor;
- (d) a works truck;
- (e) an electrically propelled goods vehicle first used before 1st October 1988;
- (f) a pedestrian-controlled vehicle;
- (g) a vehicle which has been used on roads outside Great Britain, whilst it is being driven from the place at which it arrived in Great Britain to a place of residence of the owner or driver of the vehicle, or from any such place to a place where, by previous arrangement, it will be provided with such anchorage points as are required by this regulation and with such seat belts as are required by regulation 47;
- (h) a vehicle having a maximum speed not exceeding 16 mph;
- (i) a motor cycle equipped with a driver's seat of a type requiring the driver to sit astride it, and which is constructed or assembled by a person not ordinarily engaged in the trade or business of manufacturing vehicles of that description;
- (j) a locomotive.

(3) A vehicle which falls within a description specified in column (2) of an item in the Table below shall be equipped with anchorage points for seat belts for the use of persons sitting in the seats specified in column (3) of that item and those anchorage points (“mandatory anchorage points”) shall comply with the requirements specified in column (4).

**TABLE**

(1)	(2)	(3)	(4)
<i>Item</i>	<i>Description of vehicle</i>	<i>Seats for which mandatory anchorage points are to be provided</i>	<i>Technical and installation requirements</i>
1.	Any vehicle first used before 1st April 1982	The driver's seat and specified passenger seat (if any)	Anchorage points must be designed to hold seat belts securely in position on the vehicle
2.	Minibus constructed or	The driver's seat	The technical and installation (but not

(1)	(2)	(3)	(4)
Item	Description of vehicle	Seats for which mandatory anchorage points are to be provided	Technical and installation requirements
	adapted to carry not more than 12 seated passengers in addition to the driver, motor ambulance or motor caravan which, in any such case, was first used on or after 1st April 1982 but before 1st October 1988	and specified passenger seat (if any)	the testing) requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 whether or not those instruments apply to the vehicle
3.	Minibus (not being a vehicle falling within item 7 or 8) having a gross weight not exceeding 3500 kg, motor ambulance or motor caravan which, in any such case, was first used on or after 1st October 1988	The driver's seat and each forward-facing front seat	The requirements specified in column (4) of item 2
4.	Goods vehicle first used on or after 1st October 1988 but before 1st October 2001 and having a maximum gross weight exceeding 3500 kg	The driver's seat and each forward-facing front seat	2 or 3 anchorage points designed to hold seat belts securely in position
5.	Goods vehicle first used on or after 1st October 2001 and having a maximum gross weight exceeding 3500 kg	All forward-facing front seats	The technical and installation requirements of Community Directive 96/38 or ECE Regulation 14.04 or 14.05
6.	Coach first used on or after 1st October 1988 but before 1st October 2001	All exposed forward-facing seats	The requirements specified in column (4) of item 2 or, if the anchorage points were fitted before 1st October 2001 and form part of a seat, a requirement that they do not, when a forward horizontal force is applied to them, become detached from the seat before the seat becomes detached from the vehicle
7.	Bus (other than an urban bus) having a gross vehicle weight exceeding 3500 kg and first used on or after 1st October 2001	Anchorage points for every forward-facing and every rearward-facing seat	The requirements specified in column (4) of item 5
8.	Bus (other than an urban bus) having a gross vehicle weight not exceeding 3500 kg and first used on or after 1st October 2001	Every forward-facing and every rearward-facing seat	The requirements specified in column (4) of item 5
9.	Passenger or dual-purpose	Every forward-facing	The requirements specified in column

(1)	(2)	(3)	(4)
<i>Item</i>	<i>Description of vehicle</i>	<i>Seats for which mandatory anchorage points are to be provided</i>	<i>Technical and installation requirements</i>
	vehicle (other than a bus) first used on or after 1st April 1982 and not falling within any of items 2 to 8	seat constructed or adapted to accommodate no more than one adult	(4) of item 2
10.	Vehicle (other than a bus) first used on or after 1st April 1982 and not falling within any of items 2 to 9	Every forward-facing front seat and every non-protected seat	The requirements specified in column (4) of item 2

(4) Any anchorage fitted after 1st October 2001 to a bus not falling within item 7 or 8 of the Table in paragraph (3) must comply with the technical and installation (but not the testing) requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 whether or not those instruments apply to the vehicle.

(5) Subject to paragraph (6), where a vehicle to which this regulation applies and which falls within a class specified in an item of the Table in paragraph (3) is fitted with non-mandatory anchorage points, those anchorage points shall comply with the requirements applicable to the mandatory anchorage points specified for that item.

(6) Paragraph (5) does not apply to non-mandatory anchorage points fitted to—

- (a) a minibus before 1st April 1986; or
- (b) any other vehicle before 1st October 1988.

(7) For the purposes of this regulation—

- (a) the expressions “*exposed forward-facing seat*”, “*forward-facing front seat*”, “*lap belt*”, “*seat belt*” and “*specified passenger’s seat*” have the same meaning as in regulation 47(8);
- (b) “*mandatory anchorage points*” has the meaning given in paragraph (3) and “*non-mandatory anchorage points*” means anchorage points which are not mandatory anchorage points,
- (c) a seat is a “*non-protected seat*” if it is not a front seat and the screen zones within the protected area have a combined surface of less than 800 cm<sup>2</sup>;
- (d) “*screen zone*” and “*protected area*” in relation to a seat shall be construed in accordance with paragraph 4.3.3 of Annex I to Community Directive 81/575; and
- (e) “*urban bus*” means a bus designed for urban use with standing passengers and includes a vehicle which is—
  - (i) a Class I vehicle as defined by paragraph 2.1.2.1.3.1.1 of Annex I of Community Directive 97/27/EC;
  - (ii) a Class II vehicle as defined by paragraph 2.1.2.1.3.1.2 of that Annex; or
  - (iii) a Class A vehicle as defined by paragraph 2.1.2.1.3.2.1 of that Annex.

(8) A vehicle which is not required by this regulation to comply with the technical and installation requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 shall nevertheless be taken to comply with the provisions of this regulation if it does comply with those requirements.

## 47.— Seat belts

(1) This regulation applies to every vehicle to which regulation 46 applies.

(2) Save as provided in paragraph (4) a vehicle to which—

(a) this regulation applies which was first used before 1st April 1981 shall be provided with—

(i) a body-restraining belt, designed for use by an adult, for the driver's seat; and

(ii) a body-restraining belt for the specified passenger's seat (if any);

(b) this regulation applies which is first used on or after 1st April 1981 shall be provided with three-point belts for the driver's seat and for the specified passenger's seat (if any);

(c) item 9 or 10 of the Table in regulation 46(3) applies which is first used on or after 1st April 1987 shall be fitted with seat belts additional to those required by sub-paragraph (b) as follows—

(i) for any forward-facing front seat alongside the driver's seat, not being a specified passenger's seat, a seat belt which is a three-point belt, or a lap belt installed in accordance with paragraph 3.1.2.1 of Annex 1 to Community Directive 77/541 or a disabled person's belt;

(ii) in the case of a passenger or dual-purpose vehicle having not more than two forward-facing seats behind the driver's seat with either—

(A) an inertia reel belt for at least one of those seats, or

(B) a three-point belt, a lap belt, a disabled person's belt or a child restraint for each of those seats;

(iii) in the case of a passenger or dual-purpose vehicle having more than two forward-facing seats behind the driver's seat, with either—

(A) an inertia reel belt for one of those seats being an outboard seat and a three-point belt, a lap belt, a disabled person's belt or a child restraint for at least one other of those seats;

(B) a three-point belt for one of those seats and either a child restraint or a disabled person's belt for at least one other of those seats; or

(C) a three-point belt, a lap belt, a disabled person's belt or a child restraint for each of those seats.

(d) item 3 of the Table in regulation 46(3) applies shall be fitted with seat belts as follows—

(i) for the driver's seat and the specified passenger's seat (if any) a three-point belt; and

(ii) for any forward-facing front seat which is not a specified passenger's seat, a three-point belt or a lap belt installed in accordance with the provisions of sub-paragraph (c)(i);

(e) item 6 of the Table in regulation 46(3) applies shall be equipped with seat belts which shall be three-point belts, lap belts or disabled person's belts ;

(f) item 5 of the Table in regulation 46(3) applies shall be fitted—

(i) as respects the driver's seat with a three-point belt or a lap belt; and

(ii) as respects every other forward-facing front seat with a three-point belt, a lap belt installed in accordance with paragraph 3.1.2.1 of Annex I to Community Directive 77/541 or a disabled person's belt;

(g) item 7 of the Table in regulation 46(3) applies shall be fitted, as respects every forward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt installed in compliance with paragraph 3.1.10 of Annex I to Community Directive 96/36 or 2000/3;

(iii) a disabled person's belt; or

(iv) a child restraint;

(h) item 7 of the Table in regulation 46(3) applies shall be fitted, as respects every rearward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt;

(iii) a disabled person's belt; or

(iv) a child restraint;

(i) item 8 of the Table in regulation 46(3), as respects every forward-facing seat, with—



- (i) an inertia reel belt;
- (ii) a disabled person's belt; or
- (iii) a child restraint;
- (j) item 8 of the Table in regulation 46(3), as respects every rearward-facing seat, with—
  - (i) an inertia reel belt;
  - (ii) a retractable lap belt;
  - (iii) a disabled person's belt; or
  - (iv) a child restraint.

Where a lap belt is fitted to a forward-facing front seat of a minibus, a motor ambulance or a motor caravan, or to an exposed forward-facing seat (other than the driver's seat or any crew seat) of a coach either –

- (i) there shall be provided padding to a depth of not less than 50mm, on that part of the surface or edge of any bar, or the top or edge of any screen or partition, which would be likely to be struck by the head of a passenger wearing the lap belt in the event of an accident; or
- (ii) the technical and installation requirements of Annex 4 to ECE Regulation 21 shall be met, in respect of any such bar, screen or partition,

but nothing in sub-paragraph (i) above shall require padding to be provided on any surface more than 1m from the centre of the line of intersection of the seat cushion and the back rest or more than 150mm on either side of the longitudinal vertical plane which passes through the centre of that line, nor shall it require padding to be provided on any instrument panel of a minibus.

(3) Every seat belt for an adult, other than a disabled person's belt, provided for a vehicle in accordance with [paragraphs (2)(b) to (j)]<sup>7</sup> shall, except as provided in paragraph (6), comply with the installation requirements specified in paragraph 3.2.2 to 3.3.4 of Annex 1 to Community Directive 77/541, 82/319, 90/628, 96/36 or 2000/3 whether or not those Directives apply to the vehicle.

(4) The requirements specified in paragraph (2) do not apply–

- (a) to a vehicle while it is being used under a trade licence within the meaning of section 11 of the Vehicle Excise and Registration Act 1994;
- (b) to a vehicle, not being a vehicle to which the Type Approval (Great Britain) Regulations apply, while it is being driven from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles–
  - (i) to premises of a distributor of or dealer in vehicles or of the purchaser of the vehicle, or
  - (ii) to premises of a person obtaining possession of the vehicle under a hiring agreement or hire-purchase agreement;
- (c) in relation to any seat for which there is provided–
  - (i) a seat belt which bears a mark including the specification number of the British Standard for Passive Belt Systems, namely BS AU 183:1983 and including the registered certification trade mark of the British Standards Institution; or
  - (ii) a seat belt designed for use by an adult which is a harness belt comprising a lap belt and shoulder straps which bears a British Standard mark or a mark including the specification number for the British Standard for Seat Belt Assemblies for Motor Vehicles, namely BS 3254:1960 or BS 3254: Part 1: 1988 and including the registered certification trade mark of the British Standards Institution, or [the marking designated as an approval mark by regulation 4 of the Approval Marks Regulations and shown at item 16 or 16A in Schedule 2 to those Regulations;
- (d) in relation to the driver's seat or the specified passenger's seat (if any) of a vehicle which has been specially designed and constructed, or specially adapted, for the use of a person suffering from some physical defect or disability, in a case where a disabled person's belt for an adult person is provided for use for that seat;
- (e) to a vehicle to which item 4 of the Table in regulation 46(3) applies.

(4A) Vehicles constructed or adapted for the secure transport of prisoners shall not be required to comply with the requirements of paragraph (2) in relation to seats for persons other than the driver and any front seat passenger provided that those seats shall have seat belt anchorage points provided for them in accordance with regulation 46.

(5) Every seat belt provided in pursuance of paragraph (2) shall be properly secured to the anchorage points provided for it in accordance with regulation 46 ; or, in the case of a child restraint, to anchorages specially provided for it or, in the case of a disabled person's belt first fitted before 1st October 2001, secured to the vehicle or to the seat which is being occupied by the person wearing the belt.

(6) Paragraph (3), in so far as it relates to the second paragraph of paragraph 3.3.2 of the Annex there mentioned (which concerns the locking or releasing of a seat belt by a single movement) does not apply in respect of a seat belt fitted for—

- (a) a seat which is treated as a specified passenger's seat by virtue of the provisions of sub-paragraph (ii) in the definition of “specified passenger's seat” in paragraph (8); or
- (b) any forward-facing seat for a passenger alongside the driver's seat of a goods vehicle which has an unladen weight of more than 915 kg and has more than one such seat, any such seats for passengers being joined together in a single structure; or
- (c) any seat (other than the driver's seat) fitted to a coach.

(7) Every seat belt, other than a disabled person's belt or a seat belt of a kind mentioned in paragraph (4)(c) above, provided for any person in a vehicle to which this regulation applies shall be legibly and permanently marked—

- (a) with a British Standard mark or a designated approval mark;
- (b) with an EC Component Type-Approval Mark complying with Annex III to Community Directive 2000/3.

Provided this paragraph shall not operate so as to invalidate the exception permitted in paragraph (6).

(7A) Paragraph (7) does not apply to—

- (a) a seat belt for an adult that satisfies the requirements of a standard corresponding to either of the British Standards referred to in sub-paragraph (i)(a) of the definition of “British Standard mark” in paragraph (8); or
- (b) a child restraint that satisfies the requirements of a standard corresponding to any of the British Standards referred to in sub-paragraph (i)(b) of that definition.

(7B) For the purposes of this regulation a reference to a standard corresponding to a specified British Standard is a reference to—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
- (b) any international standard recognised for use as a standard by any EEA State; or
- (c) a technical specification recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides in relation to seat belts, a level of safety equivalent to that provided by the British Standard and contains a requirement as respects the marking of seat belts equivalent to that provided by the British Standard.

(7C) For the purposes of paragraph (7B)—



- (a) “*EEA State*” means a State which is a contracting Party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the state of Liechtenstein; and
- (b) “*EEA Agreement*” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

(8) In this regulation—

“*body-restraining belt*” means a seat belt designed to provide restraint for both the upper and lower parts of the trunk of the wearer in the event of an accident to the vehicle;

“*British Standard mark*” means a mark consisting of—

(i) the specification number of one of the following British Standards for Seat Belt Assemblies for Motor Vehicles, namely—

(a) if it is a seat belt for an adult, BS 3254:1960 or BS 3254: Part 1: 1988 or BS 3254: Part 2: 1991; or

(b) if it is a child restraint, BS 3254:1960, or BS 3254:1960 as amended by Amendment No. 16 published on 31st July 1986 under the number AMD 5210, BS 3254: Part 2: 1988, BS AU 185, BS AU 186 or 186a, BS AU 202, BS AU 202a or BS AU 202b; and, in either case,

(ii) the registered certification trade mark of the British Standards Institution;

“*child restraint*” means a seat belt for the use of a young person which is designed either to be fitted directly to a suitable anchorage or to be used in conjunction with a seat belt for an adult and held in place by the restraining action of that belt:

Provided that for the purposes of paragraph (2)(c)(ii)(B) and (2)(c)(iii) it means only such seat belts fitted directly to a suitable anchorage and excludes belts marked with the specification numbers BS AU 185 and BS AU 186 or 186a.

“*crew seat*” has the same meaning as in regulation 3(1) of the Public Service Vehicles (Conditions of Fitness Equipment, Use and Certification) Regulations 1981;

“*designated approval mark*” means

(a) if it is a seat belt other than a child restraint, the marking designated as an approval mark by regulation 4 of the Approval Marks Regulations and shown at items 16 and 16A of Schedule 2 to those Regulations or the marking designated as an approval mark by regulation 5 of those Regulations and shown at item 23, 23A and 23B in Schedule 4 to those Regulations, and

(b) if it is a child restraint, any of the markings designated as approval marks by regulation 4 of those Regulations and shown at items 44, 44A, 44B and 44C in Schedule 2 to those Regulations.

“*disabled person's belt*” means a seat belt which has been specially designed or adapted for use by an adult or young person suffering from some physical defect or disability and which is intended for use solely by such a person;

“*exposed forward-facing seat*” means—

(i) a forward-facing front seat (including any crew seat) and the driver's seat; and

(ii) any other forward-facing seat which is not immediately behind and on the same horizontal plane as a forward-facing high-backed seat;

“*forward-facing seat*” means a seat which is attached to a vehicle so that it faces towards the front of the vehicle in such a manner that a line passing through the centre of both the front and the back of the seat is at an angle of 30° or less to the longitudinal axis of the vehicle;

“*forward-facing front seat*” means—

(i) any forward-facing seat alongside the driver's seat; or

(ii) if the vehicle normally has no seat which is a forward-facing front seat under sub-paragraph (i) of this definition, each forward-facing seat for a passenger which is foremost in the vehicle;

*“forward-facing high-backed seat”* means a forward-facing seat which is also a high-backed seat;

*“high-backed seat”* means a seat the highest part of which is at least 1 metre above the deck of the vehicle;

*“inertia reel belt”* means a three-point belt of either of the types required for a front outboard seating position by paragraph 3.1.1 of Annex 1 to Community Directive 77/541;

*“lap belt”* means a seat belt which passes across the front of the wearer's pelvic region and which is designed for use by an adult;

*“retractable lap belt”* means a lap belt with either an automatically locking retractor (as defined in paragraph 1.8.3 of Annex I to Community Directive 77/541) or an emergency locking retractor (as defined in paragraph 1.8.4 of Annex I to Community Directive 77/541);

*“seat”* includes any part designed for the accommodation of one adult of a continuous seat designed for the accommodation of more than one adult;

*“seat belt”* means a belt intended to be worn by a person in a vehicle and designed to prevent or lessen injury to its wearer in the event of an accident to the vehicle and includes, in the case of a child restraint, any special chair to which the belt is attached;

*“specified passenger's seat”* means—

(i) in the case of a vehicle which has one forward-facing front seat alongside the driver's seat, that seat, and in the case of a vehicle which has more than one such seat, the one furthest from the driver's seat;

(ii) if the vehicle normally has no seat which is the specified passenger's seat under sub-paragraph (i) of this definition the forward-facing front seat for a passenger which is the foremost in the vehicle and furthest from the driver's seat, unless there is a fixed partition separating that seat from the space in front of it alongside the driver's seat; and

(iii) a seat belt which satisfies the requirements of a standard corresponding to the British Standard referred to in sub-paragraph (i); or

(iv) a seat belt designed for use by an adult which is a harness belt comprising a lap belt and shoulder straps and which satisfies the requirements of a standard corresponding to any of the British Standards referred to in sub-paragraph (ii).

*“three-point belt”* means a seat belt which—

(i) restrains the upper and lower parts of the torso;

(ii) includes a lap belt;

(iii) is anchored at not less than three points; and

(iv) is designed for use by an adult.