
STATUTORY INSTRUMENTS

1992 No. 3105

ROAD TRAFFIC

The Road Traffic Act 1988 (Amendment) Regulations 1992

Made - - - - - *9th December 1992*
Laid before Parliament *9th December 1992*
Coming into force - - - *2nd February 1993*

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the compulsory use of safety belts in vehicles of less than 3.5 tonnes, in exercise of the powers conferred on him by section 2(2) of that Act and of all other enabling powers, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Road Traffic Act 1988 (Amendment) Regulations 1992 and shall come into force on 2nd February 1993.

(2) These Regulations do not extend to Northern Ireland.

2.—(1) Section 14 of the Road Traffic Act 1988⁽³⁾ shall be amended as follows.

(2) In subsection (2)—

(a) after paragraph (a), there shall be inserted—

“(aa) may, for the purpose of implementing the seat belt Directive, authorise the wearing of a seat belt approved under the law of a member State other than the United Kingdom,” and

(b) after paragraph (b) there shall be inserted—

“(bb) shall, for the purpose of implementing the seat belt Directive, include an exception for any person holding a certificate to the like effect as that mentioned in paragraph (b)(iii) above which was issued in a member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this section.”

(3) In subsection (4), after “subsection (2)(b)” there shall be inserted “or (bb)”.

(4) After subsection (6), there shall be inserted—

(1) S.I.1992/1711.
(2) 1972 c. 68.
(3) 1988. c.52.

“(7) In this section, “the seat belt Directive” means the Directive of the Council of the European Communities, dated 16th December 1991, (No.91/671/EEC) on the approximation of the laws of the member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes(4).”

3.—(1) Section 15 of the Road Traffic Act 1988 shall be amended as follows.

(2) After subsection (3) there shall be inserted—

“(3A) Except as provided by regulations, where—

- (a) a child who is under the age of 12 years and less than 150 centimetres in height is in the rear of a passenger car,
- (b) no seat belt is fitted in the rear of the passenger car, and
- (c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the passenger car on a road.”

(3) In subsection (4) after “subsection (3)” there shall be inserted “or (3A)”.

(4) In subsection (5)—

- (a) in paragraph (a) for “or (3)” there shall be substituted “, (3) or (3A)”,
- (b) in paragraph (b) after “(1)” there shall be inserted “or (3A)” and after “(3)” there shall be inserted “or (3A)”.

(5) After subsection (5), there shall be inserted—

“(5A) Without prejudice to the generality of subsection (5) above, regulations made by virtue of paragraph (c) of that subsection may, for the purpose of implementing the seat belt Directive,—

- (a) make different provision in relation to different vehicles and different circumstances,
- (b) authorise the wearing of a seat belt approved under the law of any member State other than the United Kingdom.”

(6) For subsection (6), there shall be substituted—

“(6) Regulations made for the purposes of subsection (3) or (3A) above—

- (a) shall include an exemption for any child 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, and
- (b) shall, for the purpose of implementing the seat belt Directive, include an exemption for any child holding a certificate to the like effect which was issued in any member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this section,

but such regulations may, for the purpose of implementing that Directive, make either of those exemptions subject to such conditions as may be prescribed.”

(7) In subsection (9)—

(a) before the definition of “regulations” there shall be inserted—

““maximum laden weight” has the meaning given by Part IV of Schedule 6 to the Road Traffic Regulation Act 1984(5);

(4) O.J. No. L373, 31.12.91, p26.

(5) 1984 c. 27.

“passenger car” means a motor vehicle which—

- (a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
 - (b) has no more than eight seats in addition to the driver’s seat,
 - (c) has four or more wheels,
 - (d) has a maximum design speed exceeding 25 kilometres per hour, and
 - (e) has a maximum laden weight not exceeding 3.5 tonnes,”
- (b) the word “and” immediately after the definition of “regulations” shall be omitted and after the definition of “seat belt” there shall be inserted—
- ““the seat belt Directive” has the same meaning as in section 14.”

4. In section 195 of the Road Traffic Act 1988 (provision as to regulations) in sub-sections (3) and (4) after “subsection (3)” there shall be inserted “or (3A)”.

Signed by authority of the Secretary of State for Transport

9th December 1992

Kenneth Carlisle
Parliamentary Under Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend sections 14 and 15 of the Road Traffic Act 1988 for the purpose of implementing Council Directive [91/671/EEC](#) on the approximation of the laws of member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes.

Section 14 relates to the wearing of seat belts by persons aged 14 years or more. Section 15 relates to the wearing of seat belts by persons aged under 14 years. Section 15 (amongst other things) makes it an offence for a person to drive a motor vehicle if (amongst other things) a child in the rear is not wearing a seat belt and a seat belt is fitted in the rear. Provision is made for exceptions to be prescribed by Regulations. The sections give the Secretary of State power to prescribe the descriptions of seat belts which are to be worn and require regulations to make exemption for a person holding a certificate signed by a medical practitioner to the effect that it would be inadvisable on medical grounds for him to wear a seat belt.

The amendments extend the offence described above so that it applies where there is no seat belt fitted in the rear, but there is an unoccupied seat in the front which is provided with a seat belt. The extension applies only to children who are aged under 12 years and less than 150 centimetres tall. Regulations can prescribe exceptions.

The amendments enable regulations to make provision for seat belts approved by other member States and require regulations to make exemptions for persons holding equivalent certificates which are valid under the law of another member State.