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STATUTORY INSTRUMENTS

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**1998 No. 1807**

**ROAD TRAFFIC**

**The Motor Cycles (Protective Helmets) Regulations 1998**

<i>Made</i>	- - - -	<i>22nd July 1998</i>
<i>Laid before Parliament</i>		<i>30th July 1998</i>
<i>Coming into force</i>	- -	<i>21st August 1998</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 16 and 17 of the Road Traffic Act 1988<sup>(1)</sup>, and after consultation with representative organisations in accordance with the provisions of section 195(2) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Motor Cycles (Protective Helmets) Regulations 1998 and shall come into force on 21st August 1998.

**Revocation**

2. The Regulations specified in Schedule 1 to these Regulations are hereby revoked.

**Interpretation**

3. In these Regulations—

- (a) “EEA State” means a State which is a contracting party to 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<sup>(2)</sup>;
- (b) a reference to a numbered regulation is a reference to the regulation so numbered in these Regulations; and
- (c) a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference occurs.

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(1) 1988 c. 52.  
(2) Cm 2073 and 2183.

### **Protective headgear**

4.—(1) Save as provided in paragraph (2), every person driving or riding (otherwise than in a side-car) on a motor bicycle when on a road shall wear protective headgear.

(2) Nothing in paragraph (1) shall apply to any person driving or riding on a motor bicycle if—

- (a) it is a mowing machine; or
- (b) it is for the time being propelled by a person on foot.

(3) In this regulation—

“motor bicycle” means a two-wheeled motor cycle, whether or not having a side-car attached, and for the purposes of this definition where the distance measured between the centre of the area of contact with the road surface of any two wheels of a motor cycle is less than 460 millimetres, those wheels shall be counted as one wheel;

“protective headgear” means a helmet which—

- (a) either—
    - (i) bears a marking applied by its manufacturer indicating compliance with the specifications contained in one of the British Standards (whether or not as modified by any amendment) mentioned in Schedule 2 to these Regulations; or
    - (ii) is of a type manufactured for use by persons on motor cycles which by virtue of its shape, material and construction could reasonably be expected to afford to the wearer a degree of protection from accidental injury similar to or greater than that provided by a helmet of a type prescribed by regulation 5;
  - (b) if worn with a chin cup attached to or held in position by a strap, is provided with an additional strap (to be fastened under the wearer’s jaw) for securing the helmet to the head; and
  - (c) is securely fastened to the head by means of straps provided for that purpose; and
- “strap” includes any fastening device.

### **Prescribed types of recommended helmet**

5.—(1) The types of helmet hereby prescribed as types of helmet recommended as affording protection to persons on or in motor cycles from injury in the event of an accident are helmets which as regards their shape, construction and other qualities conform—

- (a) with British Standard 6658:1985 as amended by Amendment Slip number 1 published on 28th February 1986 and are marked with the number of that standard, or
- (b) with any other standard accepted by an EEA State which offers in use equivalent levels of safety, suitability and fitness for purpose and are marked with a mark to indicate that standard,

and in either case are marked with an approved certification mark of an approved body (whether or not they are required to be so marked by the standard in point).

(2) For the purposes of this regulation—

- (a) an approved certification mark is—
  - (i) the certification mark of the British Standards Institution; or
  - (ii) a certification mark which indicates that a conformity assessment equivalent to that of the British Standards Institution has been undertaken, and
- (b) an approved body is—
  - (i) the British Standards Institution; or

- (ii) any body approved by an EEA State to undertake conformity assessments equivalent to those undertaken by the British Standards Institution.

**Saving for the Trade Descriptions Act 1968 and the Consumer Protection Act 1987**

6. Nothing in regulation 5(1) shall be taken to authorise any person to apply any number or mark referred to therein in contravention of the Trade Descriptions Act 1968<sup>(3)</sup> or the Consumer Protection Act 1987<sup>(4)</sup>.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Helene Hayman*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

22nd July 1998

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<sup>(3)</sup> 1968 c. 29.  
<sup>(4)</sup> 1987 c. 43.

SCHEDULE 1

Regulation 2

REVOCATIONS

<i>(1)</i> <i>Orders revoked</i>	<i>(2)</i> <i>References</i>
The Motor Cycles (Protective Helmets) Regulations 1980	S.I. <a href="#">1980/1279</a>
The Motor Cycles (Protective Helmets) (Amendment) Regulations 1981	S.I. <a href="#">1981/374</a>
The Motor Cycles (Protective Helmets) (Amendment) Regulations 1986	S.I. <a href="#">1986/472</a>

SCHEDULE 2

Regulation 4(3)

BRITISH STANDARDS

1. British Standard 2001:1956 as amended by the following Amendment Slips—

<i>Number</i>	<i>Date of Publication</i>
1	11th January 1957
2	23rd November 1959
3	27th February 1962
4	11th June 1964
5	13th March 1968
6	18th February 1972

2. British Standard 1869:1960 as amended by the following Amendment Slips—

<i>Number</i>	<i>Date of Publication</i>
1	29th May 1963
4	3rd December 1965
5	13th March 1968
6	10th August 1971
7	3rd January 1972
8	15th May 1973
9	1st February 1974
10	2nd September 1974
11	1st March 1975

3. British Standard 2495:1960 as amended by the following Amendment Slips—

<i>Number</i>	<i>Date of Publication</i>
1	29th May 1963
2	22nd February 1965
3	7th December 1965
4	22nd July 1966
5	10th August 1971
6	3rd January 1972
7	1st February 1974
8	1st March 1975

**4.** British Standard 2001:1972 as amended by the following Amendment Slips—

<i>Number</i>	<i>Date of Publication</i>
1	12th December 1972
2	26th January 1973
3	1st February 1974
4	2nd September 1974
5	1st March 1975

**5.** British Standard 5361:1976

**6.** British Standard 2495:1977

**7.** British Standard 5361:1976 as amended by the following Amendment Slips—

<i>Number</i>	<i>Date of Publication</i>
1	30th September 1977
2	31st August 1978
3	31st August 1979
4	29th February 1980

**8.** British Standard 2495:1977 as amended by the following Amendment Slips—

<i>Number</i>	<i>Date of Publication</i>
1	30th September 1977
2	31st August 1978
3	31st August 1979
4	29th February 1980

**9.** British Standard 5361:1976 as amended by the following Amendment Slips—

**Status:** This is the original version (as it was originally made).

<i>Number</i>	<i>Date of Publication</i>
1	30th September 1977
2	31st August 1978
3	31st August 1979
4	29th February 1980
5	27th February 1981

**10.** British Standard 2495:1977 as amended by the following Amendment Slips—

<i>Number</i>	<i>Date of Publication</i>
1	30th September 1977
2	31st August 1978
3	31st August 1979
4	29th February 1980
5	27th February 1981

**11.** British Standard 6658:1985 as amended by the following Amendment Slip—

<i>Number</i>	<i>Date of Publication</i>
1	28th February 1986

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and consolidate with amendments the Motor Cycles (Protective Helmets) Regulations 1980 and their amending instruments (the “1980 Regulations”). The 1980 Regulations prescribed certain types of helmet recommended as affording protection to persons on or in motor cycles from injury in the event of accident. The types of helmet were prescribed by reference to conformity with certain British Standards and by appropriate markings.

These Regulations require every person driving or riding (otherwise than in a side-car) on a motor cycle on a road to wear protective headgear as defined in regulation 4. This requirement does not extend to a mowing machine, or vehicle being propelled by persons on foot (regulation 4(2)). Nor does it extend, by virtue of section 16(2) of the Road Traffic Act 1988, to a follower of the Sikh religion while he is wearing a turban.

Regulation 5 prescribes certain types of helmet recommended as affording protection to persons on or in motor cycles from injury in the event of an accident. The types of helmet are so prescribed by reference to British Standard 6658:1985 as amended or any other standard accepted by a European Economic Area (“EEA”) State which offers in use equivalent levels of safety, suitability and fitness for purpose. In each case the helmet must be marked with the relevant standard with which it

conforms and an approved certification mark of an approved body. In this context “equivalent levels” means levels which are the same or greater in respect of the factors specified. The 1980 Regulations did not prescribe types of helmet by reference to standards accepted by EEA States.

These Regulations have been notified to the European Commission pursuant to Directive [83/189/EEC](#) of 28th March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1983 L109, p.9) as amended by Council Directive [88/182/EEC](#) of 22nd March 1988 (OJ 1988 L81, p.75) and European Parliament and Council Directive [94/10/EEC](#) of 23rd March 1994 (OJ 1994 L100, p.30).

British Standard 6658:1985 may be obtained from any outlet operated by the British Standards Institution (BSI) or by post from BSI at 389 Chiswick High Road, London W4 4AL (Telephone number: 0181-996 9000).

Copies of the Directives can be obtained from the Stationery Office.