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STATUTORY INSTRUMENTS

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1982 No. 157 (N.I. 3)

NORTHERN IRELAND

The Road Traffic (Seat Belts) (Northern Ireland) Order 1982

*Made* 10th February 1982

*Laid before Parliament* 22nd February 1982

*Coming into operation in accordance with Article 1*

ARRANGEMENT OF ORDER

Article.

1. Title and commencement.
2. Interpretation.
3. Compulsory wearing of seat belts.
4. Restriction on carrying children in the front of motor vehicles.

At the Court at Buckingham Palace, the 10th day of February 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas the purposes of this Order in Council correspond to those of sections 27 and 28 of the Transport Act 1981 (a):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (b) (as modified by section 41 (3) of the said Act of 1981), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Title and commencement*

1. This Order may be cited as the Road Traffic (Seat Belts) (Northern Ireland) Order 1982 and shall come into operation on such day as the Head of the Department of the Environment may by order appoint.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In Articles 3 and 4 “the principal Order” means the Road Traffic (Northern Ireland) Order 1981 (d).

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(a) 1981 c. 56. (b) 1974 c. 28. (c) 1954 c. 33 (N.I.).  
(d) S.I. 1981/154 (N.I. 1).

*Compulsory wearing of seat belts*

3.—(1) After Article 129 of the principal Order there shall be inserted the following Article—

*“Wearing of seat belts*

**129A.**—(1) The Department may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.

(2) Regulations under paragraph (1) —

(a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances;

(b) shall include exceptions for—

(i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries;

(ii) the drivers of vehicles while performing a manoeuvre which includes reversing;

(iii) any person 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;

(c) may make any prescribed exceptions subject to such conditions as may be prescribed; and

(d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.

(3) Any person who drives or rides in a motor vehicle in contravention of regulations under paragraph (1) shall be guilty of an offence under this Order; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention shall be guilty of an offence by reason of the contravention.

(4) If the holder of any such certificate as is referred to in paragraph (2)(b) is informed by a constable that he may be prosecuted for an offence under paragraph (3), he shall not, in proceedings for that offence, be entitled to rely on the exception afforded to him by the certificate unless—

(a) it is produced to the constable at the time he is so informed; or

(b) within 5 days after the date on which he is so informed, it is produced at such police station as he may have specified to the constable.

(5) Regulations under paragraph (1) requiring the wearing of seat belts by persons riding in motor vehicles shall not apply to children under the age of 14 years (to whom Article 129B applies).

(6) Regulations made under paragraph (1) shall be subject to affirmative resolution.

(7) At the end of the period of 3 years beginning with the day on which the first regulations under paragraph (1) came into force, all regulations in force under that paragraph shall expire unless continued in force by an order made, subject to affirmative resolution, by the Department under this paragraph.”.

(2) In Article 174 of the principal Order (false statements, etc.) in paragraph (2) after the words “Article 92 or 93,” there shall be inserted the words “any certificate required as a condition of any exception prescribed under Article 129A,”.

(3) In Schedule 4 to the principal Order (table of offences, etc.) after the entry relating to Article 129 there shall be inserted the following entry —

“129A	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts.	Summary	A fine of £50.”.
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*Restriction on carrying children in the front of motor vehicles*

4.—(1) After Article 129 of the principal Order there shall be inserted, after the Article inserted by Article 3, the following Article—

*‘Restriction on carrying children in the front of motor vehicles*

**129B.**—(1) Except as otherwise provided by regulations, a person shall not, without reasonable excuse, drive a motor vehicle on a road when there is in the front of the vehicle a child under the age of 14 years who is not wearing a seat belt in conformity with regulations.

(2) Any person who drives a motor vehicle in contravention of paragraph (1) shall be guilty of an offence under this Order.

(3) The Department may make regulations—

(a) excepting from the prohibition in paragraph (1) children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed;

(b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of paragraph (1);

(c) prescribing for the purposes of paragraph (1) the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such a belt is to be fixed and used.

(4) In this Article “seat belt” includes any description of restraining device for a child and any reference to wearing a seat belt shall be construed accordingly.’.

(2) In Schedule 4 to the principal Order after the entry relating to Article 129A there shall be inserted the following entry—

“129B	Driving motor vehicle with child in the front not wearing seat belt.	Summary	A fine of £50.”.
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*N. E. Leigh,*  
Clerk of the Privy Council.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The purposes of this Order correspond to those of sections 27 and 28 of the Transport Act 1981, which relate to the wearing of seat belts and the carrying of children in the front of motor vehicles.

Under Article 3 the Department of the Environment is empowered to make regulations requiring those travelling in motor vehicles on a road to wear a seat belt. The regulations may prescribe exceptions to the requirement and it is mandatory to except from the requirement users of delivery vehicles of goods or mail in making local rounds of deliveries, drivers of vehicles while performing a manoeuvre which includes reversing and persons holding an exemption certificate signed by a medical practitioner.

Under Article 4 a person may not carry a child under the age of 14 in the front of a motor vehicle unless the child is wearing a seat belt. Regulations may provide for exceptions to the requirement.