

1987 No. 227

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Construction and Use) (Amendment)
Regulations (Northern Ireland) 1987**

Made 19th May 1987

Coming into operation 22nd June 1987

The Department of the Environment, in exercise of the powers conferred on it by Articles 28(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a) and of all other powers enabling it in that behalf makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 1987 and shall come into operation on 22nd June 1987.

Regulations amended

2. The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(b) shall be amended as follows:

(1) For regulation 17 there shall be substituted the following regulations—

“Requirements as to anchorage points for seat belts

17.—(1) Except as provided by paragraph (2) this regulation applies to—

- (a) every motor car manufactured on or after 1st July 1964 and registered on or after 1st January 1965; and
- (b) every three-wheeled motor cycle the unladen weight of which exceeds 255 kilograms and which was manufactured on or after 1st March 1970 and first used on or after 1st September 1970.

(2) This regulation does not apply to—

- (a) a goods vehicle (other than a dual-purpose vehicle) which—
 - (i) was manufactured before 1st September 1966, or
 - (ii) was first registered before 1st May 1967, or
 - (iii) was first used on or after 1st April 1980 and has a maximum gross weight in Northern Ireland (determined in accordance with the provisions of Schedule 2) exceeding 3,500 kilograms, or

(a) S.I. 1981/154 (N.I. 1)

(b) S.R. 1976 No. 320; the relevant amending regulations are S.R.s 1978 No. 208, 1980 No. 164 and 1982 No. 336

- (iv) was first used before 1st April 1980 or, if the vehicle is of a model manufactured before 1st October 1979, was manufactured before 1st October 1981 and first used before 1st April 1982 and in either case, has an unladen weight exceeding 1,525 kilograms;
- (b) a passenger or dual-purpose vehicle constructed or adapted to carry more than twelve passengers exclusive of the driver;
- (c) an agricultural motor vehicle;
- (d) an industrial tractor;
- (e) a works truck;
- (f) an electrically-propelled goods vehicle;
- (g) a pedestrian-controlled vehicle;
- (h) a vehicle which has been used on roads outside Northern Ireland and has been imported into Northern Ireland, whilst it is being driven after its importation into Northern Ireland, from the place where it has arrived in Northern Ireland 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 such seat belts as are required by regulation 17A;
- (i) a vehicle which is incapable by reason of its construction of exceeding a speed of 16 m.p.h. on the level under its own power; or
- (j) 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.

(3) A vehicle to which this regulation applies and which was first used before 1st April 1982 shall be equipped with anchorage points which are designed to hold securely in position on the vehicle, seat belts for the driver's seat and the specified passenger's seat (if any).

(4) A vehicle to which this regulation applies and which was manufactured on or after 1st October 1981 and first used on or after 1st April 1982 shall be equipped with anchorage points—

- (a) which are designed to hold securely in position on the vehicle, seat belts for—
- (i) in the case of a vehicle constructed or adapted to carry more than eight seated passengers exclusive of the driver, a motor ambulance or a motor caravan, the driver's seat and the specified passenger's seat (if any), and
- (ii) in any other case, every forward-facing seat constructed or adapted to accommodate one adult, and
- (b) which comply with Council Directive 76/115/EEC(a) or 81/575/EEC(b) or 82/318/EEC(c) or the ECE Regulation whether

(a) O.J. L24, 30.1.76, p. 6

(b) O.J. L209, 29.7.81, p. 30

(c) O.J. L139, 19.5.82, p. 9

or not those instruments apply to the vehicle, so however, that the requirements in those instruments which relate to testing shall not apply.

(5) A vehicle of a type mentioned in paragraph (4)(a)(i), which on or after 1st April 1986 is additionally equipped with anchorage points for seats other than the driver's and the specified passenger's (if any) shall comply with the requirements in paragraph (4)(b).

(6) In this regulation—

- (a) the expressions “forward-facing seat”, “seat belt” and “specified passenger's seat” have the same meaning as in regulation 17A(8);
- (b) the expressions “motor ambulance” and “motor caravan” have the same meaning as in regulation 2(1) of the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985(a); and
- (c) “ECE Regulation” means the regulation numbered 14 of 30th January 1970 as amended on 16th March 1971 and issued with revised text on 19th August 1976 or as amended on 22nd November 1984 and issued with revised text on 25th February 1985 annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958(b) as amended(c) to which the United Kingdom is a party.

Requirements as to provision of seat belts

17A.—(1) This regulation applies to every vehicle to which regulation 17 applies.

(2) Except as provided in paragraph (4)—

- (a) a vehicle to which this regulation applies which was first used before 1st April 1981 shall be fitted with—
 - (i) a body-restraining seat belt, designed for use by an adult, for the driver's seat, and
 - (ii) a body-restraining seat belt for the specified passenger's seat (if any);
- (b) a vehicle to which this regulation applies which is manufactured on or after 1st October 1980 and is first used on or after 1st April 1981 shall be fitted with three-point seat belts for the driver's seat and for the specified passenger's seat (if any);
- (c) a vehicle to which regulation 17(4)(a)(ii) applies which is manufactured on or after 1st October 1986 and is first used on or after 22nd June 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

(a) S.R. 1985 No. 294

(b) Cmmd. 2535

(c) Cmmd. 3562

three-point belt, or a lap belt installed in accordance with paragraph 3.1.2.1 of Annex I to Council Directive 77/541/EEC(a) 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 nearest either side of the vehicle, 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.

(3) Every seat belt for an adult other than a disabled person's belt fitted in a vehicle in accordance with paragraph (2)(b) or (c) shall, except as provided in paragraph (6), comply with the installation requirements specified in paragraph 3.2.2 to 3.3.4 of Annex I to the said Council Directive 77/541/EEC whether or not that Directive applies to the vehicle.

(4) The requirements specified in paragraph (2) shall not apply—

- (a) to a vehicle while it is being used under a trade licence issued under section 16(1) of the Vehicles (Excise) Act (Northern Ireland) 1972(b);
- (b) to a vehicle, not being a vehicle to which the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985 apply, while it is being driven from premises of the manufacturer by whom it was made, or of a distributor of vehicles or a dealer in vehicles—
 - (i) to premises of a distributor of, or a 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 fitted—
 - (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 includes the registered certification trade mark of the British Standards Institution; or

(a) O.J. L220, 24.8.77, p. 95

(b) 1972 c. 10 (N.I.)

- (ii) a seat belt designed for use by an adult which is a harness belt comprising a lap belt and shoulder straps and which bears—
- (A) a British Standards mark; or
 - (B) a mark including the specification number for the British Standards for Seat Belt Assemblies for Motor Vehicles, namely BS 3254: 1960 and including the registered certificate trade mark of the British Standards Institution; or
 - (C) the marking designated in item 16 to Schedule 2 to the Motor Vehicles (Designation of Approval Marks) Regulations 1979(a);
- (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 fitted for use for that seat.

(5) Every seat belt, fitted in pursuance of paragraph (2) shall be properly secured to the anchorage points provided for it in accordance with regulation 17, or in the case of a child restraint, to anchorages specially provided for it, or in the case of a disabled person's belt, secured to the vehicle or to the seat which is occupied by the person wearing the belt.

(6) The requirements referred to in paragraph (3), insofar as they relate to the second sub-paragraph of paragraph 3.3.2 of the Annex there mentioned (which relates to the locking or releasing of a seat belt by a single movement) shall 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 paragraph (b) 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 kilograms and has more than one such seat, any such seats for passengers being joined together in a single structure.

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

- (a) if the vehicle was first used before 1st April 1981 or if the belt is a child restraint, with a British Standards mark or a designated approval mark; and
- (b) in any other case, with a designated approval mark:

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

(8) In this regulation—

"body-restraining seat 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;

(a) S.I. 1979/1088; the relevant amending instrument is S.I. 1980/582

“British Standards mark” means a mark consisting of—

- (a) the specification number of one of the following British Standards for Seat Belt Assemblies for Motor Vehicles, namely—
- (i) in the case of a seat belt for an adult, BS 3254:1960 and BS AU 160a: 1971 or 160b: 1971,
 - (ii) in the case of a child restraint, BS 3254:1960, BS AU 157:1973 or 157a: 1975, BS AU 185:1983, BS AU 186:1983 or 186a:1983 and BS AU 202:1985, and, in either case,
- (b) 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 185:1983 and BS AU 186:1983 or 186a:1983.

“designated approval mark” means—

- (a) in the case of a seat belt other than a child restraint, the marking designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations as shown at item 16 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 of Schedule 4 to those Regulations; and
- (b) in the case of a child restraint either of the markings designated as approval marks by regulation 4 of those Regulations and shown at item 44 or 44A 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;

“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;

“inertia reel belt” means a three-point belt of either of the types required for a front seating position nearest either side of the vehicle by paragraph 3.1.1 of Annex I to Council Directive 77/541/EEC;

“lap belt” means a seat belt which passes across the front of the wearer’s pelvic region;

“maximum gross weight” in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;

“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—

- (a) if the vehicle has only one forward-facing front seat alongside the driver’s seat, that seat, and if the vehicle has more than one such seat, the one furthest from the driver’s seat; or
- (b) if the vehicle normally has no seat which is the specified passenger’s seat under paragraph (a) the forward-facing front seat which is 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

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

- (a) restrains the upper and lower parts of the torso;
- (b) includes a lap belt;
- (c) is anchored at not less than 3 points; and
- (d) is designed for use by an adult.”.

(2) Regulation 38A (distinguishing plates for motor cycles) shall be re-numbered “38B”.

(3) After regulation 38 there shall be inserted the following regulation—

“**38A.**—(1) Subject to paragraph (2) this regulation applies to every motor vehicle manufactured on or after 1st October 1986 and first used on or after 22nd June 1987, which is a passenger vehicle or a dual-purpose vehicle other than a vehicle which is a dual-purpose vehicle by reason only that it satisfies the requirements specified in paragraph (i) in the definition of “dual-purpose vehicle” in regulation 3(1); and which—

- (a) is adapted to carry not more than 8 passengers exclusive of the driver and either has 4 or more wheels or, if having only 3 wheels, has a maximum gross weight of more than 1,000 kilograms; or
- (b) has 3 wheels, a maximum gross weight not exceeding 1,000 kilograms, and either a design speed exceeding 25 miles per hour or an engine with a capacity exceeding 50 cubic centimetres, and is not a motor cycle with a side-car attached.

(2) This regulation does not apply to any vehicle specified in regulation 3(2) of the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985.

(3) Every motor vehicle to which this regulation applies shall be equipped with a plate which is in a conspicuous and readily accessible position, is affixed to a vehicle part which is not normally subject to replacement and which—

(a) either—

- (i) shows clearly and indelibly the name of the manufacturer of the vehicle together with the vehicle identification number in accordance with the requirements specified in paragraph 3.1.1 and 3.1.2 of the Annex to Council Directive 76/114/EEC(a), disregarding any amendments thereto; or
- (ii) complies with the requirement specified in the Annex to Council Directive 76/114/EEC as amended by Commission Directive 78/507/EEC(b); and

(b) shows clearly and indelibly either—

- (i) the approval reference number of the type approval certificate which relates to the vehicle model or the model variant of the vehicle model, as the case may be, issued in accordance with the provisions of regulation 9(1) of, and Part I of Schedule 3 to, the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985; or
- (ii) the approval reference number of the Department's approval certificate which relates to the vehicle issued in accordance with the provisions of regulation 9(2) of, and Part I(A) of Schedule 4 to, the said Regulations:

Provided that the information required under sub-paragraph (b) may be shown clearly and indelibly on an additional plate which is fitted in a conspicuous and readily accessible position and which is affixed to a vehicle part which is not normally subject to replacement.

(4) The vehicle identification number of every motor vehicle to which this regulation applies shall be marked on the chassis, frame or other similar structure, on the right-hand side of the vehicle, in a clearly visible and accessible position, and by a method such as hammering or stamping, in such a way that it cannot deteriorate or be obliterated.

(5) In this regulation "maximum gross weight" in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry."

(4) In regulation 92A(1) and (6) (maintenance of seat belts and anchorage points) for "17" wherever it occurs there shall be substituted "17A".

Sealed with the Official Seal of the Department of the Environment on 19th May 1987.

(L.S.)

Trevor Pearson

Assistant Secretary

(a) O.J. L24, 30.1.76, p. 1

(b) O.J. L155, 13.6.78, p. 31

(This note is not part of the Regulations.)

1. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976 by—

- (i) substituting two new regulations for regulation 17 which deals with seat belts and their anchorage points (regulation 2(1)); and
- (ii) re-numbering regulation 38A as 38B and introducing a new regulation 38A which deals with plating of motor vehicles (regulation 2(2) and (3)).

2. The amendments contained in the new regulations 17 and 17A—

- (i) require subject to certain exceptions the fitting of one of a number of specified combinations of adult seat belts, child restraints or disabled person's seat belts in any forward-facing rear seats in all new vehicles manufactured on or after 1st October 1986 and first used on or after 22nd June 1987;
- (ii) require subject to certain exceptions the fitting of a specified seat belt in any forward-facing front seat in new vehicles manufactured on or after 1st October 1986 and first used on or after 22nd June 1987;
- (iii) require devices used in conjunction with an adult seat belt to be marked to show compliance with British Standards AU 185: 1983 for Booster Cushions, AU 186: 1983 or 186a: 1983 for Carrycots or AU 202: 1985 for Infant Carriers;
- (iv) require with certain exceptions, the fitting of every seat belt for an adult (other than a disabled person's seat belt) to meet the seat belt installation requirements of Council Directive 77/541/EEC;
- (v) clarify the requirements for the fitting and use of anchorages for seat belts.

3. The amendments contained in the new regulation 38A require that certain motor vehicles manufactured on or after 1st October 1986 and first used on or after 22nd June 1987 shall be equipped with a plate which—

- (i) is in a conspicuous and readily accessible position;
- (ii) is affixed to a vehicle part which is not normally subject to replacement;
- (iii) shows clearly and indelibly—
 - (a) either the name of the manufacturer of the vehicle, and the vehicle identification number in accordance with the requirements of Council Directive 76/114/EEC of 18th December 1975, or complies with the requirements specified in the Annex to that Directive as amended by Commission Directive 78/507/EEC of 19th May 1978; and
 - (b) either the approval reference number of the type approval certificate or the Department's approval certificate issued in accordance with the Motor Vehicles (Type Approval) Regulations (Northern Ireland) 1985.

4. Copies of ECE Regulations and EEC Directives referred to in these Regulations may be obtained from Her Majesty's Stationery Office.

5. Copies of the British Standards referred to are available from any of the sales outlets operated by the British Standards Institute or by post from the British Standards Institute, Linford Wood, Milton Keynes, MK14 6LE.