

1993 No. 363

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993

Made 17th August 1993

Coming into operation 1st October 1993

The Department of the Environment, in exercise of the powers conferred on it by Articles 129B(1), (3) and (3A) 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 (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

General interpretation

2.—(1) In these Regulations—

“Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(b);

“front seat”, in relation to a vehicle, means a seat which is wholly or partially in the front of the vehicle and “rear seat”, in relation to a vehicle, means any seat which is not a front seat (see also regulation 4);

“medical certificate” has the meaning given in Schedule 1;

“member State” means a State which is a member of the European Economic Community;

“the Order” means the Road Traffic (Northern Ireland) Order 1981;

“restraint system” means a system combining a seat fixed to the structure of the vehicle by appropriate means and a seat belt for which at least one anchorage point is located on the seat structure;

“seat belt”, except in this regulation, includes a child restraint and references to wearing a seat belt shall be construed accordingly;

“disabled person’s belt”, “lap belt”, “seat” and “three-point belt” have the meanings given by regulation 47(9) of the Construction and Use Regulations.

(a) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department” and “prescribed”; Article 129B was inserted by Article 4 of S.I. 1982/157 (N.I. 3) and amended by S.R. 1993 No. 361.
 (b) S.R. 1989 No. 299; relevant amending regulations are S.R. 1991 No. 147 and 1992 No. 111

(2) In these Regulations—

“child” means a person under the age of 14 years;

“large child” means a child who is not a small child; and

“small child” means a child who is—

(a) aged under 12 years; and

(b) under 150 centimetres in height.

(3) In these Regulations, “adult belt” means a seat belt in respect of which one or more of the following requirements is satisfied, namely that—

(a) it is a three-point belt which has been marked in accordance with regulation 47(8) of the Construction and Use Regulations;

(b) it is a lap belt which has been so marked;

(c) it is a seat belt that falls within regulation 47(5)(c)(i) or (ii) of those Regulations(a);

(d) it is a seat belt fitted in a relevant vehicle (“the vehicle in question”) and comprised in a restraint system—

(i) of a type which has been approved by an authority of another member State for use by all persons who are either aged 13 years or more or are 150 centimetres or more in height, and

(ii) in respect of which, by virtue of such approval, the requirements of the law of another member State corresponding to these Regulations would be met were it to be worn by persons who are either aged 13 years or more or are 150 centimetres or more in height when travelling in the vehicle in question in that State.

(4) In these Regulations, “child restraint” means a seat belt or other device in respect of which the following requirements are satisfied, namely that—

(a) it is a seat belt or any other description of restraining device for the use of a child which is—

(i) designed either to be fitted directly to a suitable anchorage or to be used in conjunction with an adult belt and held in place by the restraining action of that belt, and

(ii) marked in accordance with regulation 47(8) of the Construction and Use Regulations; or

(b) it is a seat belt consisting of or comprised in a restraint system fitted in a relevant vehicle (“the vehicle in question”), being a restraint system—

(i) of a type which has been approved by an authority of another member State for use by a child, and

(ii) in respect of which, by virtue of such approval, the requirements of the law of that State corresponding to these Regulations would be met were it to be worn by a child when travelling in the vehicle in question in that State.

(a) Reg. 47(5)(c)(ii) was amended by S.R. 1991 No. 147 reg. 2(3)

(5) Subject to paragraph (6), for the purposes of these Regulations, a seat shall be regarded as provided with an adult belt if an adult belt is fixed in such a position that it can be worn by an occupier of that seat.

(6) A seat shall not be regarded as provided with an adult belt if the belt—

(a) has an inertia reel mechanism which is locked as a result of the vehicle being, or having been, on a steep incline, or

(b) does not comply with the requirements of regulation 48 of the Construction and Use Regulations.

(7) For the purposes of these Regulations, a seat shall be regarded as provided with a child restraint if a child restraint is—

(a) fixed in such a position that it can be worn by an occupier of that seat, or

(b) elsewhere in or on the vehicle but—

(i) could readily be fixed in such a position without the aid of tools, and

(ii) is not being worn by a child for whom it is appropriate and who is occupying another seat.

(8) For the purposes of these Regulations, a seat belt is appropriate—

(a) in relation to a child aged under 3 years, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 5;

(b) in relation to a child aged 3 years or more, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 5 or is an adult belt; or

(c) in relation to a person aged 14 years or more, if it is an adult belt.

Interpretation of references to relevant vehicles

3.—(1) In these Regulations, “relevant vehicle” means—

(a) a passenger car,

(b) a light goods vehicle, or

(c) a small bus.

(2) For the purposes of this regulation—

“light goods vehicle” means a goods vehicle which—

(a) has 4 or more wheels,

(b) has a maximum design speed exceeding 25 kilometres per hour, and

(c) has a maximum laden weight not exceeding 3.5 tonnes;

“small bus” 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 more than 8 seats in addition to the driver’s seat,

(c) has 4 or more wheels,

- (d) has a maximum design speed exceeding 25 kilometres per hour,
- (e) has a maximum laden weight not exceeding 3.5 tonnes, and
- (f) is not constructed or adapted for the carriage of standing passengers.

Interpretation of references to the front of a vehicle

4.—(1) This regulation has effect for the purpose of defining in relation to a vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of Article 129B(1) of the Order.

(2) Subject to paragraph (3), every part of the vehicle forward of the transverse vertical plane passing through the rearmost part of the driver's seat shall be regarded as the front of the vehicle; and accordingly no part of the vehicle to the rear of that plane shall be regarded as being in the front of the vehicle.

(3) Where a vehicle has a deck which is above the level of the driver's head when he is in the normal driving position, no part of the vehicle above that level shall be regarded as being in the front of the vehicle.

Description of seat belts to be worn by children

5.—(1) For a child of any particular height and weight travelling in a particular motor vehicle, the description of seat belt prescribed for the purposes of Article 129B(1) of the Order to be worn by him is—

- (a) if he is a small child and the vehicle is a relevant vehicle, a child restraint of a description specified in paragraph (2)(a) or (b);
- (b) if he is a small child and the vehicle is not a relevant vehicle, a child restraint of a description specified in paragraph (2)(a);
- (c) if he is a large child, a child restraint of a description specified in paragraph (2)(a) or an adult belt.

(2) The descriptions of seat belt referred to in paragraph (1) are—

- (a) a child restraint with the marking required under regulation 47(8) of the Construction and Use Regulations if the marking indicates that it is suitable for his weight and either indicates that it is suitable for his height or contains no indication as respects height;
- (b) a child restraint which would meet the requirements of the law of another member State corresponding to these Regulations were it to be worn by that child when travelling in that vehicle in that State.

Exceptions relating to motor vehicles

6. The prohibition in Article 129B(1) of the Order shall not apply to two-wheeled motor cycles with or without sidecars.

Exceptions relating to children

7.—(1) The prohibition in Article 129B(1) of the Order shall not apply in relation to—

- (a) a small child aged 3 years or more if a seat belt of a description prescribed by regulation 5 for a small child of his height and weight is

not available for him in the front or rear of the vehicle and he is wearing an adult belt;

- (b) a child for whom there is a medical certificate;
- (c) a child aged under 1 year in a carry cot, provided that the carry cot is restrained by straps;
- (d) a disabled child who is wearing a disabled person's belt; or
- (e) a child riding in a motor car first used before 1st January 1965 if—
 - (i) the vehicle has no rear seat, and
 - (ii) apart from the driver's seat, no seat in the vehicle is provided with a seat belt which is appropriate for that child,

and for the purposes of this paragraph, the date on which a vehicle is first used shall be determined in accordance with regulation 2(4) of the Construction and Use Regulations.

(2) The prohibition in Article 129B(1) of the Order shall not apply in relation to a large child if no appropriate seat belt is available for him in the front of the vehicle.

(3) For the purposes of this regulation, a reference to a seat belt being available shall be construed in accordance with Schedule 2.

Revocation

8. The Motor Vehicles (Wearing of Seat Belts by Children) Regulations (Northern Ireland) 1982(a) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on
17th August 1993.

(L.S.)

R. Warburton

Assistant Secretary

Meaning of “Medical Certificate”**PART I**

1. Subject to paragraph 2, in these Regulations, “medical certificate”, in relation to a person driving or riding in a vehicle, means—
 - (a) a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for that person to wear a seat belt, or
 - (b) a valid certificate to such effect issued by the authority having power to issue such a certificate under the law of another member State corresponding to these Regulations.
2. A certificate shall not be regarded as a medical certificate in relation to a person driving or riding in a vehicle for the purposes of these Regulations unless—
 - (a) it specifies its period of validity and bears the symbol shown in Part II; or
 - (b) the person is aged under 14 years and the vehicle is not a relevant vehicle.
3. Paragraph 2 does not apply in relation to a certificate issued before 1st January 1995.

PART II

(see paragraph 2(a) in Part I)



Interpretation of Reference to Availability of Seat Belts

1. For the purposes of these Regulations, in relation to a child riding in a vehicle—

- (a) if any front seat in the vehicle (other than the driver's seat) is provided with an adult belt, that belt shall be regarded as being available for him in the front of the vehicle unless the requirements of paragraph 2 are satisfied in relation to that person, that seat and that belt; and
- (b) if any rear seat in the vehicle is provided with an adult belt, that belt shall be regarded as being available for him in the rear of the vehicle unless the requirements of paragraph 2 are satisfied in relation to that person, that seat and that belt.

2. The requirements of this paragraph are satisfied in relation to a particular child ("the child in question") and a particular seat ("the relevant seat") provided with a particular seat belt ("the relevant belt") if—

- (a) another person is wearing the relevant belt;
- (b) another child is occupying the relevant seat and wearing a child restraint which is an appropriate child restraint for that child;
- (c) another person, being a person holding a medical certificate, is occupying the relevant seat;
- (d) a disabled person (not being the child in question) is occupying the relevant seat and wearing a disabled person's belt;
- (e) by reason of his disability, it would not be practicable for the child in question to wear the relevant belt;
- (f) the child in question is prevented from occupying the relevant seat by the presence of a carry cot which is restrained by straps and in which there is a child aged under 1 year;
- (g) the child in question is prevented from occupying the relevant seat by the presence of a child restraint which could not readily be removed without the aid of tools; or
- (h) the relevant seat is specially designed so that—
 - (i) it can be adjusted to increase the space in the vehicle available for goods or personal effects, and
 - (ii) when it is so adjusted it cannot be used as a seat, and it is so adjusted and it would not be reasonably practicable for the goods and personal effects being carried in the vehicle to be so carried were the seat not so adjusted.

3. Paragraphs 2(b) and (d) shall not apply unless the presence of the other person renders it impracticable for the child in question to wear the relevant belt.

4. Paragraph 2(f) shall not apply if it would be reasonably practicable for the carry cot to be carried in any other part of the vehicle where it could be restrained by straps so as to render it practicable for the child in question to wear the relevant belt.

5. Paragraph 2(g) shall not apply if the child restraint is appropriate for the child in question.

(This note is not part of the Regulations.)

These Regulations make provisions relating to the wearing of seat belts and other restraints by children in the front of motor vehicles. They replace and revoke the Motor Vehicles (Wearing of Seat Belts by Children) Regulations (Northern Ireland) 1982.

These Regulations, the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 362) and the Road Traffic (1981 Order) (Amendment) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 361) implement Council Directive 91/671/EEC (O.J. No. L373, 31.12.91, p. 26). The Directive applies only to vehicles of less than 3.5 tonnes which have 4 or more wheels and a design speed of more than 25 km/h. It does not apply to passenger vehicles with more than 8 passenger seats if they are designed to carry standing passengers.

Children are for the purposes of the Regulations divided into 2 categories. A small child is a child who is aged under 12 years and is under 150 centimetres in height. Any other child aged under 14 years is referred to as a large child (regulation 2(2)).

The main changes made by these Regulations are as follows—

- (a) Previously a child could be carried in a seat beside the driver without a seat belt if every other seat was occupied. In future, it will, in general be unlawful to drive a vehicle with a small child in the front unless he is wearing a suitable child restraint. In the case of a large child, the offence will be committed where and only where a suitable restraint is available in the front of the vehicle. For a small child aged 3 years or more an adult belt will be regarded as suitable only if no suitable child restraint is available in the vehicle. An adult belt as well as a suitable child restraint will always be regarded as suitable for a large child. There is an exception for certain cars first used before 1st January 1965.
- (b) Previously the front seat belt wearing requirements applied only to vehicles that were required to be fitted with seat belts by the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989. They will now apply to all motor vehicles (other than motor cycles).
- (c) The prescribed description of seat belt in the case of vehicles within the scope of the Directive includes belts approved by other member States.
- (d) As before there is an exception for persons holding a certificate to the effect that it is inadvisable on medical grounds for him to wear a seat belt. Such a certificate will, if issued on or after 1st January 1995, have to state its period of validity and bear a specified symbol. The exception is extended to holders of certificates issued under the law of another member State.

Copies of the EEC Directive referred to in this note may be obtained from Her Majesty's Stationery Office.