

2007 No. 8

ROAD TRAFFIC

**The Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2)
Regulations (Northern Ireland) 2007**

Made - - - - 9th January 2007

Coming into operation - 27th February 2007

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 23(1) and (2), 24(3), (4), (6), (7) and (8) and 110(4) of the Road Traffic (Northern Ireland) Order 1995^(a):

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 and shall come into operation on 27th February 2007.

Amendment of the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993

2. The Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993^(b) are amended in accordance with regulations 3 to 11.

3.—(1) In paragraph (1) of regulation 2 (general interpretation)—

(a) after the definition of “the Driving Licences Regulations” insert—

““large bus” means a motor vehicle which—

- (a) is constructed or adapted for use for the carriage of passengers,
- (b) has 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 exceeding 3.5 tonnes;

“light goods vehicle” means a goods vehicle which—

- (a) has four or more wheels,
- (b) has a maximum design speed exceeding 25 kilometres per hour,
- (c) has a maximum laden weight not exceeding 3.5 tonnes;

^(a) S.I. 1995 No. 2994 (N.I. 18)
^(b) S.R. 1993 No. 362

“licensed for private hire” in relation to a taxi means licensed to carry passengers for hire but not for standing or plying for hire on a road or public place;

“licensed for public hire” in relation to a taxi means licensed to stand or ply for hire on a road or public place;

“local service” has the meaning given by Article 24B of the Road Traffic (Northern Ireland) Order 1995(a).”;

(b) after the definition of “motor car” insert—

““operator” in relation to a small or large bus, means—

(a) the owner of the bus, or

(b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;”;

(c) after the definition of “seat belt” insert—

““small bus” means a motor vehicle which—

(a) is constructed or adapted for use for the carriage of passengers,

(b) has 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;

“taxi” has the same meaning as in Article 79A (8) of the Road Traffic (Northern Ireland) Order 1981.”.

(2) In paragraph (2) of that regulation in the definition of “small child” for “150” substitute “135”.

(3) In paragraphs (3)(d) and (4)(b) of that regulation—

(a) for “in a relevant vehicle (“the vehicle in question”)” in each place where those words occur substitute “in a vehicle”, and

(b) for “in the vehicle in question in that State” in each place where those words occur substitute “in that vehicle in that State”.

(4) For paragraph (7) of that regulation substitute—

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

(a) in relation to a small child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 8;

(b) in relation to a large child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 8 or an adult belt; or

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

(5) After paragraph (8) insert the following—

“(9) For the purposes of these Regulations, references to a bus being used to provide a local service in a built up area shall be construed in the same way as in Article 24A(5) of the Road Traffic (Northern Ireland) Order 1995(a).”

4. Omit regulation 3 (interpretation of reference to relevant vehicles).

5. In regulation 5 (requirement for adults to wear adult belts) for paragraph (1) substitute—

“(1) Subject to the following provisions of these Regulations, every person—

(a) driving a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar); or

(a) Articles 24A and 24B were inserted by S.R. 2007 No. 7

- (b) riding in a front or rear seat of a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar),

shall wear an adult belt.”.

6. In regulation 6 (exceptions)—

(a) after paragraph (3) insert—

“(3A) The requirements of regulation 5(1)(b) do not apply to a person riding in a small or large bus—

- (a) which is being used to provide a local service within the meaning of these Regulations; or
- (b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.”.

(b) In paragraph (4) omit the definitions of ““licensed for private hire”, “licensed for public hire” and “taxi”.

7. In regulation 8(1) (description of seat belts to be worn by children)—

- (a) in sub-paragraph (a) omit the words “and the vehicle is a relevant vehicle”; and
- (b) omit sub-paragraph (b).

8. In regulation 9 (exceptions relating to motor vehicles) for paragraph (a) substitute—

“(a) large buses;”.

9. For regulation 10 (exceptions relating to children) for paragraph (1) substitute—

“(1) The prohibitions in Article 24(3) and (4) of the Road Traffic (Northern Ireland) Order 1995 do not apply in relation to—

- (a) a child for whom there is a medical certificate;
- (b) a small child aged under 3 years who is riding in a taxi licensed for public or private hire, if no appropriate seat belt is available for him in the front or rear of the vehicle;
- (c) a small child aged 3 years or more who is riding in a taxi licensed for public or private hire, or a small bus and wearing an adult belt if an appropriate seat belt is not available for him in the front or rear of the vehicle;
- (d) a small child aged 3 years or more who is wearing an adult belt and riding in a passenger car or light goods vehicle where the use of child restraints by the child occupants of two seats in the rear of the vehicle prevents the use of an appropriate seat belt for that child and no appropriate seat belt is available for him in the front of the vehicle;
- (e) a small child who is riding in a vehicle being used for the purposes of the police, security or emergency services to enable the proper performance of their duty;
- (f) a small child aged 3 years or more who is wearing an adult seat belt, who because of an unexpected necessity, is travelling a short distance in a passenger car or light goods vehicle in which no appropriate seat belt is available for him; or
- (g) a disabled child who is wearing a disabled person’s belt or whose disability makes it impracticable to wear a seat belt where a disabled person’s belt is unavailable to him.

(2) The prohibition in Article 24(3) of the Road Traffic (Northern Ireland) Order 1995 does not apply in relation to a child aged under 3 years riding in a rear seat of a small bus.

(3) The prohibition in Article 24(3) of the Road Traffic (Northern Ireland) Order 1995 does not apply to a small child aged 3 years or more riding in a rear seat of a small bus if neither an appropriate seat belt nor an adult belt is available for him in the front or rear of the vehicle.

(4) For the purposes of paragraph (3), a reference to an appropriate seat belt in paragraphs 2 and 3 of Schedule 2 shall be read as including reference to an adult belt.

(5) The prohibition in Article 24(3) of the Road Traffic (Northern Ireland) Order 1995 does not apply to a child riding in a small bus—

- (a) which is being used to provide a local service in a built-up area, or
- (b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.”.

10. In Schedule 1, omit paragraph 2(b) and the word “or” which precedes it.

11. In Schedule 2, omit paragraphs 3(f), and 6.

Sealed with the Official Seal of the Department of the Environment on 9th January 2007.



Maggie Smith
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the wearing of seat belts and other restraints by children aged less than fourteen in motor vehicles, and by children and adults in the rear of buses.

The Regulations amend the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (the “Wearing of Seat Belts Regulations”). They implement certain requirements of Council Directive 2003/20/EC on the compulsory use of safety belts and child-restraints in vehicles (OJ No L 115 9.5.2003, p63) (the “Seat Belts Directive”).

The Wearing of Seat Belts Regulations prescribe the types of seat belt or child restraint (the “appropriate seat belt”) that should be worn by children under 14 of different ages and sizes. Different provision is made depending on whether a child is a “small child” or a “large child”. Regulation 3 amends the definition of a “small child” for the purposes of the Wearing of Seat Belts Regulations so that a “small child” is now a child aged under 12 years and less than 135 centimetres rather than 150 centimetres in height. (A “large child”, for the purposes of the Wearing of Seat Belt Regulations, is a child under 14 who is not a “small child”.)

Regulation 9 amends the exceptions (at regulation 10 of the Wearing of Seat Belts Regulations) in relation to the prohibition, in Article 24(3) of the Road Traffic (Northern Ireland) Order 1995, against driving a motor vehicle with a child in the rear of the vehicle unrestrained by the appropriate restraint. In particular, the exceptions for small children wearing adult belts in cases where no appropriate seat belt is available in various types of vehicle are removed, along with the exception for a child under 1 year travelling in a carry cot. The following exceptions are added—

- (a) for small children riding in a taxi licensed for public or private hire if no appropriate seat belt is available for them in the front or rear of the vehicle (in such a case a small child aged three or more is required to wear an adult belt);
- (b) for where a small child, aged 3 or more, is prevented from wearing an appropriate seat belt in the rear by the presence of two other children in child restraints;
- (c) for where a small child is riding in a vehicle being used by the police, security or emergency services;
- (d) for where, because of an unexpected necessity, a small child aged 3 or more travels a short distance wearing an adult belt in a passenger car or light goods vehicle in which no appropriate seat belt is available for him; and
- (e) for where a disabled seat belt is not available for a disabled child who cannot wear a seat belt because of his disability.

There is also an exception for small children aged 3 or over riding in a small bus if no appropriate seat belt is available for them provided they wear an adult belt if one is available for them (regulation 10(1)(c) and 10(3) of the Wearing of Seat Belts Regulations as substituted by regulation 9).

Buses

Regulation 5 amends regulation 5 of the Wearing of Seat Belts Regulations so as to require adults and children aged 14 and over to wear seat belts where available in the rear of all classes of motor vehicle. This new requirement does not apply where a large or small bus is being used to provide a local service in a built-up area, or where the bus is constructed or adapted for the carriage of standing passengers and standing is permitted (definitions for large and small buses are supplied by regulation 3).

Regulations 8 and 9 make similar provision in relation to children aged 3 or over but under 14 as regards motor vehicles other than large buses by amending regulations 9 and 10 of the Wearing of Seat Belts Regulations. The amendments remove the existing exception from the requirements of Article 24(3) of the Road Traffic (Northern Ireland) Order 1995, for small buses and other motor

vehicles which are not passenger cars, in relation to such children. The exception is retained however for large buses (regulation 8).

The Regulations also make various minor and consequential amendments to the Wearing of Seat Belts Regulations to the definitions of an “appropriate” seat belt so as to exclude the possibility of an adult seat being “appropriate” for the purposes of those Regulations in relation to small children (regulation 3).

A copy of the regulatory impact assessment has been produced and may be obtained from the Department of the Environment, Road Safety Division website at www.roadsafetyni.gov.uk.

A transposition note is available and can be obtained from the Department of the Environment as above.

A copy of Council Directive 2003/20/EC can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD