

EXPLANATORY MEMORANDUM TO

The Motor Cycles (Protective Headgear) (Amendment) Regulations (Northern Ireland) 2017

SR 2017 No. 89

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 27(1), 28(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Regulations is to amend the Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999 ("the 1999 Regulations") to require riders of motor quadricycles to wear protective headgear when driving or riding on a public road.

3. Background

- 3.1. The 1999 Regulations provide that every person driving or riding on a motor bicycle on a road shall wear protective headgear. Regulation 2(2)(a) of these Regulations extends this requirement to include any person driving or riding on a motor quadricycle as defined in regulation 2(2)(b). The definition of motor quadricycle prescribed in these Regulations is intended to exclude motor quadricycles that are cars or have car like attributes.

4. Consultation

- 4.1. A consultation was carried out from 20 June 2012 to 12 September 2012. A total of 9 responses were received 4 of which were supportive of the proposal. One respondent gave qualified support for the proposal in that there was a perceived risk in using quadricycles on the road.

5. Equality Impact

- 5.1. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998. An Equality Screening Exercise has been completed and as no equality issues were identified, a full equality impact assessment was considered unnecessary.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment (RIA) has not been produced for these Regulations as the effect is already included in the RIA prepared for the Road Traffic (Amendment) Act (Northern Ireland) 2016. One of the powers included in the Act was an extension of the existing power to require persons to wear protective headgear when driving or riding 'motor

cycles' to also cover 'other motor vehicles', thus bringing motor quadricycles within its scope.

7. Financial Implications

- 7.1. The retail cost of a motorcycle helmet starts at around £50, although it may be necessary to purchase a helmet holder. These are available for around £60. Therefore the total cost to a quadricycle driver would start from around a minimum of £50 if only a helmet is required or £110 if both helmet and holder are required.
- 7.2. In respect of costs to industry, it is impossible to quantify the effect of the various options on consumer choice, in view of the relatively recent appearance of many of the modern quad vehicles in the marketplace and the continuing interest in eco-friendly “green” transportation.
- 7.3. No financial implications have been identified to the public sector.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered the matter of Convention rights and Community law and is satisfied that there are no relevant concerns.

9. EU Implications

- 9.1. Not applicable

10. Parity or Replicatory Measure

- 10.1. There is no equivalent GB legislation.

11. Additional Information

- 11.1. Not applicable