

Draft Regulations laid before Parliament under section 195(4) of the Road Traffic Act 1988 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No. xxx

ROAD TRAFFIC

The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006

Made - - - - 2006

Coming into force - - 18th September 2006

These Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and sections 14(1) and (2) and 15(3) and (5) of the Road Traffic Act 1988(2).

The Secretary of State for Transport has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the carriage of passengers and goods by road(3).

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of the Road Traffic Act 1988.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 195(4) of the Road Traffic Act 1988 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972.

Accordingly the Secretary of State for Transport makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 and shall come into force on 18th September 2006.

(2) These Regulations do not extend to Northern Ireland.

Amendment of the Road Traffic Act 1988

2. The Road Traffic Act 1988 is amended in accordance with regulations 3 to 5.

(1) 1972 c.68.

(2) 1988 c.52; sections 15 and 195 were amended by the Road Traffic Act 1988 (Amendment) Regulations 1992 (S.I. 1992/3105) and section 15A was inserted by section 1 of the Motor Vehicles (Safety Equipment for Children) Act 1991 c.14.

(3) S.I. 1996/266.

3.—(1) In section 15 (restriction on carrying children not wearing seat belts in motor vehicles) after subsection (1) insert—

“(1A) Where—

- (a) a child is in the front of a motor vehicle other than a bus,
- (b) the child is in a rear-facing child restraining device, and
- (c) the passenger seat where the child is placed is protected by a front air bag,

a person must not without reasonable excuse drive the vehicle on a road unless the air bag is deactivated.”.

(2) In subsection (2) of that section, after “subsection (1)” insert “or (1A)”.

(3) For subsection (3) of that section substitute—

“(3) Except as provided by regulations, where—

- (a) a child under the age of three years is in the rear of a motor vehicle, or
- (b) a child of or over that age but under the age of fourteen years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle,

a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.”.

(4) In subsection (9) of that section insert before the definition of “maximum laden weight”—

““bus” means a motor vehicle that—

- (a) has at least four wheels,
- (b) is constructed or adapted for the carriage of passengers,
- (c) has more than eight seats in addition to the driver’s seat, and
- (d) has a maximum design speed exceeding 25 kilometres per hour;”.

(5) After subsection (9) of that section insert—

“(9A) The reference in subsection (1) above to the air bag being deactivated includes a reference to the case where the air bag is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraining device in the seat in question.”.

4. After section 15A insert—

“15B Requirement to notify bus passengers to wear seat belts

(1) Subject to subsection (6) below, the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that he is required to wear a seat belt at all times when—

- (a) he is in a seat equipped with a seat belt, and
- (b) the bus is in motion.

(2) For the purposes of subsection (1) above, a passenger may be notified only by one or more of the following means—

- (a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;
- (b) a sign prominently displayed at each passenger seat equipped with a seat belt.

In paragraph (a) above, “official announcement” means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus.

(3) For the purposes of subsection (2)(b) above, a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2A, depicting a white figure on a blue background.

(4) An operator who fails to comply with subsection (1) above is guilty of an offence.

(5) Where an offence under subsection (4) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) Subsection (1) above does not apply in relation to a bus—

(a) which is being used to provide a local service (within the meaning of the Transport Act 1985(4)) 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.

For the purposes of paragraph (a) above, a local service is provided in a built-up area if the entire route used by that service consists of restricted roads.

(7) In this section—

“bus” has the same meaning as in section 15;

“operator”, in relation to a 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;

“passenger seat”, in relation to a bus, means any seat other than the driver’s seat;

“restricted road” means a road that is restricted for the purposes of section 81 of the Road Traffic Regulation Act 1984(5) (ignoring any direction under section 82(2)(b) of that Act) or would be so restricted but for a direction under section 82(2)(a) or an order under section 84(1) of that Act.”

5. After Schedule 2, insert the following Schedule—

“SCHEDULE 2A

Section 15B

Form of seat belt symbol for buses



Amendment of the Road Traffic Offenders Act 1988

6. The Road Traffic Offenders Act 1988(6) is amended in accordance with regulations 7 and 8.

(4) 1985 c. 67. A “local service” is defined in section 2 of that Act.

(5) 1984 c.27.

(6) 1988 c.53 ; the entry in Part 1 of Schedule 2 relating to section 15A(3) or (4) of the Road Traffic Act 1988 was added by section 3 of the Motor Vehicles (Safety Equipment for Children) Act 1991 (c.14).

7. In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply), in column 2 of the table, at the end of the entry for section 15 of the Road Traffic Act 1988 insert—

“or with child in a rear-facing child restraint in front seat with an active air bag.”.

8. In Schedule 2 (prosecution and punishment of offences), in Part 1—

(a) in column 2, at the end of the entry for section 15(2) of the Road Traffic Act 1988 insert—

“or with child in a rear-facing child restraint in front seat with an active air bag.”; and

(b) after the entry for section 15A(3) or (4) of the Road Traffic Act 1988, insert—

“RTA section 15B	Failure to notify bus passengers of the requirement to wear seat belts.	Summarily.	Level 4 on the standard scale.”			
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Amendment of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993

9. The Motor Vehicles (Wearing of Seat Belts) Regulations 1993(7) are amended in accordance with regulations 10 to 18.

10.—(1) In paragraph (1) of regulation 2 after the definition of “the Construction and Use 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;”.

(2) In paragraph (1) of that regulation after the definition of “licensed taxi” insert—

““light goods vehicle” means a motor vehicle which—

- (a) has four 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;”.

(3) In paragraph (1) of that regulation after the definition of “medical certificate” 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;”.

(4) In paragraph (1) of that regulation 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,

(7) [S.I. 1993/176](#), to which there are amendments not relevant to these Regulations.

- (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.”
- (5) In paragraph (3) of that regulation substitute “135” for “150” in the definition of a “small child”.
- (6) In sub-paragraph (d) of paragraph (4) of that regulation—
- (a) for “in a relevant vehicle (“the vehicle in question”)” substitute “in a vehicle”, and
 - (b) for “in the vehicle in question in that State” substitute “in that vehicle in that State”.
- (7) In sub-paragraph (b) of paragraph (5) of that regulation—
- (a) for “in a relevant vehicle (“the vehicle in question”)” substitute “in a vehicle”, and
 - (b) for “in the vehicle in question in that State” substitute “in that vehicle in that State”.
- (8) For paragraph (8) of that regulation substitute—
- “(8) 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.”.
- (9) After paragraph (9) of that regulation insert—
- “(9A) For the purposes of these Regulations, references to a bus being used to provide a service in a “built-up area” shall be construed in the same way as in section 15B(6) of the Act.”.
- 11.** Omit regulation 3.
- 12.** In regulation 5 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
 - (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.”.
- 13.** In regulation 6 after paragraph (3) insert—
- “(4) 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 the Transport Act 1985) 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.”.
- 14.** In regulation 8—
- (a) omit the words “and the vehicle is a relevant vehicle” in sub-paragraph (a) of paragraph (1), and
 - (b) omit sub-paragraph (b) of paragraph (1).

15. In regulation 9 for paragraph (a) substitute—

“(a) large buses;”.

16.—(1) In regulation 10 for paragraph (1) substitute—

“(1) The prohibitions in section 15(3) and (3A) of the Act 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 licensed taxi or licensed hire car, 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 licensed taxi, a licensed hire car 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 belt and 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) For paragraph (2) substitute—

“(2) The prohibition in section 15(3) of the Act does not apply in relation to a child aged under 3 years riding in a rear seat of a small bus.”.

(3) For paragraph (3) of that regulation substitute—

“(3) The prohibition in section 15(3) of the Act 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.

(3A) For the purposes of paragraph (3) of this regulation, 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.”.

(4) After paragraph (4) of that regulation insert—

“(4A) The prohibition in section 15(3) of the Act does not apply to a child riding in a small bus—

- (a) which is being used to provide a local service (within the meaning of the Transport Act 1985) 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.”.

17. In Schedule 1 omit sub-paragraph (b) of paragraph 2 and the word “or” which precedes it.

18.—(1) In Schedule 2 omit sub-paragraph (f) of paragraph 3.

(2) Omit paragraph 6 of that Schedule.

Signed by authority of the Secretary of State

2006

Minister of State
Department for Transport

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 and adults in motor vehicles.

They amend the Road Traffic Act 1988 (the “Road Traffic Act”) and the Road Traffic Offenders Act 1988 (the “Road Traffic Offenders Act”). They also amend the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (the “Wearing of Seat Belts Regulations”). They implement requirements of Council Directive [2003/20/EC](#) (OJ No L 115 9.5.2003, p63).

Wearing of seat belts by children

Regulation 3(1) inserts a new subsection (1A) into section 15 of the Road Traffic Act to provide that a child should not be transported in the front of a motor vehicle other than a bus using a rear-facing child restraint unless any front air bag has been deactivated entirely or is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraint. Transporting a child in a motor vehicle other than a bus in circumstances where the front air bag has not been so deactivated or is not so designed is made an offence (regulation 3(2)) punishable on summary conviction with a maximum fine of level 2 on the standard scale (see regulation 8 which makes consequential changes to the Road Traffic Offenders Act to this effect).

Regulation 3(3) amends section 15(3) of the Road Traffic Act to prohibit, except as provided by regulations, a motor vehicle being driven with a child under the age of 3 years in the rear of the vehicle unless the child is restrained by a seat belt conforming with regulations. The amended section 15(3) also applies the same prohibition to a child aged 3 or more but less than 14 where any seat belt is fitted in the rear of the vehicle.

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 10 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 16 amends the exemptions (at regulation 10 of the Wearing of Seat Belts Regulations) in relation to the prohibition, in section 15(3) of the Road Traffic Act, against driving a motor vehicle with a child in the rear of the vehicle unrestrained by the appropriate restraint. In particular, the exemptions 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 exemption for a child under 1 year travelling in a carry cot. Exemptions are added—

- (a) for small children riding in a licensed taxi or hire car 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 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 exemption 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 16(1) and (3)).

Buses

Regulation 12 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 (regulation 13). (Definitions for large and small buses are supplied by regulation 10).

Regulations 15 and 16(2) and (3) 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 exemption from the requirements of section 15(3) of the Road Traffic Act, for small buses and other motor vehicles which are not passenger cars, in relation to such children. The exemption is retained however for large buses (regulation 15).

The Regulations (regulation 4) also insert a new section 15B into the Road Traffic Act requiring bus operators to take reasonable steps to ensure that bus passengers are notified that they are required to wear a seat belt. This may be done by means of an announcement by the driver or by a courier, conductor or group leader or by means of an audio-visual presentation or by signs displayed at every seating position. New section 15B(3) of and Schedule 2A to the Road Traffic Act also specify a form of sign which may be used to meet the notification requirement (regulations 4 and 5).

Operators who fail to take reasonable steps to ensure passengers are notified as set out are guilty of an offence. Where the offence is committed by a body corporate with the consent or neglect of an officer of the body corporate, then both are guilty of the offence (regulation 4). Consequential amendments to the Road Traffic Offenders Act make the offence punishable on summary conviction with a maximum fine at level 4 on the standard scale (regulation 8).

The requirement to notify bus passengers does not apply where the bus is being used to provide a local service within the meaning of the Transport Act 1985 in a built-up area or where the bus is constructed or adapted for the carriage of standing passengers and standing is permitted (regulation 4).

The Regulations also make various minor and consequential amendments to the Road Traffic Act, the Road Traffic Offenders Act and the Wearing of Seat Belts Regulations including, in the Wearing of Seat Belts Regulations, amendments 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 10).

A full regulatory impact assessment of the effect this instrument will have on costs of business is available from Driver Safety Division 2, Department for Transport, Zone 2/11 Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the library of each House of Parliament. The regulatory impact assessment may also be accessed on the HMSO website at www.opsi.gov.uk.

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

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 No. 1892*

A copy of Council Directive [2003/20/EC](#) can be obtained from the Office of Public Sector Information.