



Motor Vehicles (Wearing of Rear Seat Belts by Children) Act 1988

1988 CHAPTER 23

An Act to make provision for the wearing of rear seat belts by children; and for connected purposes. [28th June 1988]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1.—(1) After section 33B of the Road Traffic Act 1972 (“the 1972 Act”) there shall be inserted the following section—

“Compulsory wearing of rear seat belts by children.

33C.—(1) Except as provided by regulations a person shall not, without reasonable excuse, drive a motor vehicle to which is fitted any seat belt in the rear of the vehicle on a road when there is in the rear of the vehicle a child under the age of fourteen years who is not wearing a seat belt in conformity with regulations.

Compulsory wearing of rear seat belts by children. 1972 c. 20.

(2) It is an offence for a person to drive a motor vehicle in contravention of subsection (1) above.

(3) Provision may be made by regulations—

(a) excepting from the prohibition in subsection (1) above, children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed;

(b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the rear of the vehicle for the purposes of that subsection;

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(c) prescribing for the purposes of that subsection the description of seat belt to be worn by children of any prescribed description and the manner in which such a belt is to be fixed and used.

(4) Regulations under this section shall include an exemption for any child holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt.

(5) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under subsection (2) above, he shall not, in proceedings for that offence, be entitled to rely on an exception afforded to a child by a certificate referred to in subsection (4) above unless—

- (a) it is produced to the constable at the time he is so informed; or
- (b) within seven days after the date on which he is so informed, it is produced at such police station as he may have specified to the constable; or
- (c) it is produced there as soon as is reasonably practicable; or
- (d) it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced;

and for the purposes of this subsection the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(6) In this section—

“regulations” means regulations made by the Secretary of State under this section; and

“seat belt” includes any description of restraining device for a child and any reference to wearing a seat belt shall be construed accordingly.”.

(2) In section 199 of the 1972 Act (exercise of regulation-making powers and Parliamentary control)—

- (a) in subsection (3) after “33A” there shall be inserted “, 33C”; and
- (b) in subsection (4) for the words “or 33A” there shall be substituted the words “, 33A or 33C”.

(3) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences), after the entry relating to section 33B there is inserted—

“33C. Driving motor vehicle with child in the rear not wearing a seat belt.	Summarily. Level 1 on the standard scale.	— — Sections 181 and 183 apply.”
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2. An Order in Council made under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 which contains a statement that it is made only for purposes corresponding to the purposes of this Act shall not be subject to sub-paragraphs (4) and (5) of paragraph 1 of that Schedule (affirmative resolution of both Houses of Parliament) but shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Northern Ireland
(corresponding
provision).
1974 c. 28.

3.—(1) This Act may be cited as the Motor Vehicles (Wearing of Rear Seat Belts by Children) Act 1988.

Short title,
commencement
and extent.

(2) Section 1 of this Act shall come into force on such day as may be appointed by the Secretary of State by an order made by statutory instrument; and different days may be appointed for different provisions or different purposes.

(3) Section 1 of this Act does not extend to Northern Ireland.

c. 23

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