Road Traffic Act 1988

1988 CHAPTER 52

PART I

PRINCIPAL ROAD SAFETY PROVISIONS

Protective measures: seat belts, helmets, etc.

15 Restriction on carrying children not wearing seat belts in motor vehicles.

(1) Except as provided by regulations, where a child under the age of fourteen years is in the front of a motor 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.

[[F1](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) It is an offence for a person to drive a motor vehicle in contravention of subsection (1) **[**[F2]or (1A)**]** above.

[[F3](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.**]**

[[F4](3A) Except as provided by regulations, where—

(a) a child who is under the age of 12 years and less than 150 centimetres in height is in the rear of a passenger car,

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(b) no seat belt is fitted in the rear of the passenger car, and

(c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the passenger car on a road.**]**

(4) It is an offence for a person to drive a motor vehicle in contravention of subsection (3) **[**[F5] or (3A)**]** above.

(5) Provision may be made by regulations—

(a) excepting from the prohibition in subsection (1) **[**[F6], (3) or (3A)**]** 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 front of the vehicle for the purposes of subsection (1) **[**[F7]or (3A)**]** above or as the rear of the vehicle for the purposes of subsection (3) **[**[F7]or (3A)**]** above,

(c) prescribing for the purposes of subsection (1) or (3) above the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such seat belt is to be fixed and used.

[[F8](5A) Without prejudice to the generality of subsection (5) above, regulations made by virtue of paragraph (c) of that subsection may, for the purpose of implementing the seat belt Directive,—

(a) make different provision in relation to different vehicles and different circumstances,

(b) authorise the wearing of a seat belt approved under the law of any member State other than the United Kingdom.**]**

[[F9](6) Regulations made for the purposes of subsection (3) or (3A) above—

(a) 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, and

(b) shall, for the purpose of implementing the seat belt Directive, include an exemption for any child holding a certificate to the like effect which was issued in any member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this section,

but such regulations may, for the purpose of implementing that Directive, make either of those exemptions subject to such conditions as may be prescribed.**]**

(7) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under subsection (4) above, he is not in proceedings for that offence entitled to rely on an exception afforded to a child by a certificate referred to in subsection (6) above unless—

(a) it is produced to the constable at the time he is so informed, or

(b) it is produced—

(i) within seven days after the date on which he is so informed, or

(ii) as soon as is reasonably practicable,

at such police station as he may have specified to the constable, or

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(c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.

(8) For the purposes of subsection (7) above, 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.

(9) In this section—

[[F10]"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;**]**

[[F11]"maximum laden weight" has the meaning given by Part IV of Schedule 6 to the [M1]Road Traffic Regulation Act 1984;

"passenger car" 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 no 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,**]**

"regulations" means regulations made by the Secretary of State under this section, [F12]. . .

"seat belt" includes any description of restraining device for a child and any reference to wearing a seat belt is to be construed accordingly.

[[F11]"the seat belt Directive" has the same meaning as in section 14.**]**

[[F13](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.**]**

[F14](10) . . . . . .

Textual Amendments

F1 S. 15(1A) inserted (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), **reg. 3(1)**

F2 Words in s. 15(2) inserted (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), **reg. 3(2)**

F3 S. 15(3) subsitituted (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), **reg. 3(3)**

F4 S. 15(3A) inserted (2.2.1993) by S.I 1992/3105, reg. 3(2).

F5 Words in s. 15(4) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(3)**.

F6 Words in s. 15(5)(a) substituted (2.2.1993) by S.I. 1992/3105, **reg. 3(4)(a)**.

F7 Words in s. 15(5)(b) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(4)(b)**.

F8 S. 15(5A) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(5)**.

F9 S. 15(6) substituted (2.2.1993) by S.I. 1992/3105, **reg. 3(6)**.

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F10 In s. 15(9) definition of "bus" inserted (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), **reg. 3(4)**

F11 Definitions in s. 15(9) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(7)(a)(b)**.

F12 Word in s. 15(9) omitted (2.2.1993) by virtue of S.I. 1992/3105, **reg. 3(7)(b)**.

F13 S. 15(9A) inserted (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), **reg. 3(5)**

F14 S. 15(10) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C1 S. 15(1) restricted (2.2.1993) by S.I. 1993/31, **regs. 6**, 7(1)-(3) (as amended (18.9.2006) by The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations 2006 (S.I. 2006/2213), **reg. 6**)

Marginal Citations

M1 1984 c. 27.

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