Motor Vehicles (Safety Equipment for Children) Act 1991

1991 CHAPTER 14

1 Safety equipment for children in motor vehicles

The following section shall be inserted after section 15 of the Road Traffic Act 1988—

"**15A Safety equipment for children in motor vehicles**

(1) The Secretary of State may make regulations prescribing (by reference to shape, construction or any other quality) types of equipment of any description to which this section applies that are recommended as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles.

(2) Regulations under this section may make provision for securing that when equipment of a type prescribed by the regulations is sold or offered for sale as equipment which is so conducive—

(a) appropriate information is provided in relation to it in such manner as may be prescribed, and

(b) inappropriate information is not provided in relation to it.

(3) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment which is so conducive and that equipment—

(a) is not of a type so prescribed, or

(b) is sold or offered for sale in contravention of regulations under this section,

he is, subject to subsection (5) below, guilty of an offence.

(4) Except in such circumstances as may be prescribed, if a person sells, or offers for sale, equipment of any description for which a type is prescribed under this section as equipment conducive to the safety in the event of accident—

(a) of children not of a class prescribed in relation to equipment of that type, or

(b) of children in motor vehicles not of a class prescribed in relation to equipment of that type,

he is, subject to subsection (5) below, guilty of an offence.

(5) A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of equipment if he proves that it was sold or, as the case may be, offered for sale for export from Great Britain.

(6) The provisions of Schedule 1 to this Act shall have effect in relation to contraventions of this section.

(7) Regulations under this section may make different provision in relation to different circumstances.

(8) This section applies to equipment of any description for use in a motor vehicle consisting of—

(a) a restraining device for a child or for a carry-cot, or

(b) equipment designed for use by a child in conjunction with any description of restraining device.

(9) References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.”.

2 Proceedings for offences under section 15A of the Road Traffic Act 1988

(1) In the heading and in paragraphs 1 to 4 of Schedule 1 to the Road Traffic Act 1988 (supplementary provisions in connection with proceedings for offences under sections 17 and 18(4)) “15A,” shall be inserted before “17” wherever it occurs.

(2) In paragraph 5 of that Schedule the following sub-paragraph shall be inserted before sub-paragraph (1)—

“(1A) Subject to the provisions of this paragraph, in any proceedings (whether in England and Wales or Scotland) for an offence under section 15A of this Act it shall be a defence for the accused to prove—

(a) if the offence is under subsection (3)(a) of that section—

(i) that he purchased the equipment in question as being of a type which could be lawfully sold or offered for sale as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles and with a written warranty to that effect;

(ii) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type; and

(iii) that it was then in the same state as when he purchased it;

(b) if the offence is under subsection (3)(b) of that section, he provided information in relation to the equipment and it is alleged that it did not include appropriate information or included or consisted of inappropriate information—

(i) that the information provided by him was information which had been provided to him with a written warranty

to the effect that it was the information required to be provided by him under section 15A of this Act; and

(ii) that he had no reason to believe at the time of the commission of the alleged offence that the information provided by him was not the information required to be provided under that section; or

(c) if the offence is under subsection (3)(b) of that section, he provided information in relation to the equipment and it is alleged that it was not provided in the manner required under that section—

(i) that the information provided by him had been provided to him either with a written warranty to the effect that it was provided to him in the manner in which it was required to be provided by him under that section or with instructions as to the manner in which the information should be provided by him and with a written warranty to the effect that provision in that manner would comply with regulations under that section;

(ii) that he had no reason to believe at the time of the commission of the alleged offence that he was not providing the information in the manner required under that section; and

(iii) that the information was then in the same state as when it was provided to him or, as the case may be, that it was provided by him in accordance with the instructions given to him.”.

(3) In sub-paragraph (3) of paragraph 5 of that Schedule for the words “helmet or appliance in question” there shall be substituted the words “equipment, helmet or appliance in question under a warranty, or to whom the information in question was provided”.

(4) The following paragraphs shall be substituted for paragraphs 6 and 7 of that Schedule—

“6 (1) An accused who in any proceedings for an offence under section 15A, 17 or 18(4) of this Act wilfully applies to equipment, information, a helmet or, as the case may be, an appliance a warranty not given in relation to it is guilty of an offence.

(2) A person who, in respect of equipment, a helmet or an appliance sold by him, or information provided by him, being equipment, a helmet, an appliance or information in respect of which a warranty might be pleaded under paragraph 5 of this Schedule, gives to the purchaser a false warranty in writing, is guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained in it were accurate.

(3) Where the accused in a prosecution for an offence under section 15A, 17 or 18(4) of this Act relies successfully on a warranty given to him or his employer, any proceedings under sub-paragraph (2) above in respect of the warranty may, at the option of the prosecutor, be taken before a court having jurisdiction in the place—

(a) where the equipment, helmet or appliance, or any of the equipment, helmets or appliances, to which the warranty relates was procured;

(b) where the information, or any of it, to which the warranty relates was provided; or

(c) where the warranty was given.

7 In this Schedule, "equipment" means equipment to which section 15A of this Act applies and "appliance" means an appliance to which section 18 of this Act applies.".

3 Offences — supplementary

(1) In section 4(1) of the Road Traffic Offenders Act 1988 (offences for which local authorities in England and Wales may institute proceedings) for the words "17 or 18 of the Road Traffic Act 1988" there shall be substituted the words "15A of the Road Traffic Act 1988 (safety equipment for children in motor vehicles) or under section 17 or 18 of that Act".

(2) In Part I of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), after the entry relating to the offence created by section 15(4) of the Road Traffic Act 1988 there shall be inserted—

"RTA section 15A(3) or (4)	Selling etc. in certain circumstances equipment as conducive to the safety of children in motor vehicles.	Summarily.	Level 3 on the standard scale.".

(3) In that Part of that Schedule in the entry relating to the offence created by paragraph 6 of Schedule 1 to the Road Traffic Act 1988 for the words from "protective" to "section" there shall be substituted the words "equipment, protective helmet, appliance or information in defending proceedings under RTA section 15A,".

4 Short title and extent

(1) This Act may be cited as the Motor Vehicles (Safety Equipment for Children) Act 1991.

(2) This Act does not extend to Northern Ireland.