



# Horses (Protective Headgear for Young Riders) Act 1990

## 1990 CHAPTER 25

An Act to secure the wearing of protective headgear by children while horse riding; to prescribe offences and penalties; and for connected purposes. [13th July 1990]

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 Causing or permitting child under 14 to ride on road without protective headgear.**

- (1) Except as provided by regulations, it is an offence for any person to whom this subsection applies to cause or permit a child under the age of 14 years to ride a horse on a road unless the child is wearing protective headgear, of such description as may be specified in regulations, in such manner as may be so specified.
- (2) Subsection (1) above applies to the following persons—
  - (a) any person who—
    - (i) for the purposes of Part I of the <sup>M1</sup>Children and Young Persons Act 1933, has responsibility for the child; or
    - (ii) for the purposes of Part II of the <sup>M2</sup>Children and Young Persons (Scotland) Act 1937, has [<sup>F1</sup>parental responsibilities (within the meaning given by section 1(3) of the Children (Scotland) Act 1995) in relation to, or has], charge or care of the child;
  - (b) any owner of the horse;
  - (c) any person other than its owner who has custody of or is in possession of the horse immediately before the child rides it; and
  - (d) where the child is employed, his employer and any other person to whose orders the child is subject in the course of his employment.

*Changes to legislation: There are currently no known outstanding effects for the Horses (Protective Headgear for Young Riders) Act 1990. (See end of Document for details)*

- (3) A person guilty of an offence under subsection (1) above is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) Until the coming into force of paragraph 5 of Schedule 13 to the <sup>M3</sup>Children Act 1989, subsection (2)(a)(i) above shall have effect as if for “responsibility for the child” there were substituted “custody, charge or care of the child”.

#### Textual Amendments

**F1** Words in s. 1(2)(a)(ii) substituted (1.11.1996) by 1995 c. 36, s. 105(4), **Sch. 4 para. 51** (with s. 103(1)); S.I. 1996/2203, art. 3(3), **Sch.**

#### Commencement Information

**I1** S. 1 wholly in force at 30.6.1992 see s. 5(2) and S.I. 1992/1200, **art. 2**

#### Marginal Citations

**M1** 1933 c. 12.

**M2** 1937 c. 37.

**M3** 1989 c. 41.

## 2 Regulations.

- (1) The Secretary of State may by regulations made by statutory instrument—
- provide that section 1 of this Act shall not apply in relation to children of any prescribed description, or in relation to the riding of horses in such circumstances as may be prescribed;
  - prescribe for the purposes of that section (by reference to shape, construction or any other quality) the descriptions of protective headgear to be worn by children of any prescribed description in prescribed circumstances; and
  - prescribe for those purposes the manner in which such headgear is to be worn.
- (2) Before making any regulations under this section the Secretary of State shall consult such representative organisations as he thinks fit.
- (3) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I2** S. 2 wholly in force at 30.6.1992 see s. 5(2) and S.I. 1992/1200, **art. 2**

## 3 Interpretation.

- (1) In this Act—
- “horse” includes pony, mule, donkey or other equine animal;
- “regulations” means regulations under section 2 of this Act; and
- “road” does not include a footpath or bridleway but, subject to that, has—
- in England and Wales the meaning given by section 192(1) of the <sup>M4</sup>Road Traffic Act 1988; and

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- (b) in Scotland the meaning given by section 151(1) of the <sup>M5</sup>Roads (Scotland) Act 1984.
- (2) For the purposes of the definition of “road” in subsection (1) above—
- (a) “footpath” means a way—
- (i) over which the public have a right of way or, in Scotland, of passage on foot only; and
- (ii) which is not associated with a carriageway; and
- (b) “bridleway” means a way over which the public have the following, but no other, rights of way: a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way.

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**Commencement Information**

**I3** S. 3 wholly in force at 30.6.1992 see s. 5(2) and S.I. 1992/1200, art. 2

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**Marginal Citations**

**M4** 1988 c. 52.

**M5** 1984 c. 54.

#### 4 Corresponding provision for Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M6</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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**Marginal Citations**

**M6** 1974 c. 28.

#### 5 Short title, commencement and extent.

- (1) This Act may be cited as the Horses (Protective Headgear for Young Riders) Act 1990.
- (2) This Act, apart from section 4 and this section, shall not come into force until such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) Section 4 and this section extend to Northern Ireland, but otherwise this Act does not extend there.

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**Modifications etc. (not altering text)**

**C1** S. 5(2): power fully exercised: 30.6.1992 appointed by S.I. 1992/1200, art. 2

**Changes to legislation:**

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