

1993 No. 362

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Wearing of Seat Belts) Regulations
(Northern Ireland) 1993**

Made 17th August 1993

Coming into operation 1st October 1993

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department of the Environment, in exercise of the powers conferred on it by Articles 129A(1) and (2), 129D(1), (1A), (3), (3A) and (4), 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a) and of all other powers enabling it in that behalf, makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

General interpretation

2.—(1) In these Regulations—

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(b);

“the Driving Licences Regulations” means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(c);

“medical certificate” has the meaning given in Schedule 1;

“member State” means a State which is a member of the European Economic Community;

“motor car” has the meaning given by regulation 2(1) of the Construction and Use Regulations;

(a) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of “Department” and “prescribed”; Article 129A was inserted by Article 3 of S.I. 1982/157 (N.I. 3); Article 129D was inserted by Article 3 of S.I. 1989/680 (N.I. 5); *see* Article 129D(6) for the definition of “regulations”; Articles 129A and 129D were amended by S.R. 1993 No. 361

(b) S.R. 1989 No. 299; relevant amending Regulations are S.R. 1991 No. 147 and 1992 No. 111

(c) S.R. 1989 No. 238; relevant amending Regulations are S.R. 1990 No. 311, 1990 No. 412, 1992 No. 315

- “the Order” means the Road Traffic (Northern Ireland) Order 1981;
- “rear seat” in relation to a vehicle means a seat not being the driver’s seat, nor a seat alongside the driver’s seat nor a specified passenger’s seat;
- “restraint system” means a system combining a seat fixed to the structure of the vehicle by appropriate means and a safety belt for which at least one anchorage point is located on the seat structure;
- “seat belt” except in this regulation, includes a child restraint and references to wearing a seat belt shall be construed accordingly;
- “trade licence” has the same meaning as in section 38(1) of the Vehicles (Excise) Act 1971(a);
- “disabled person’s belt”, “lap belt”, “seat”, “specified passenger’s seat” and “three-point belt” have the meanings given by regulation 47(9) of the Construction and Use Regulations.

(2) In these Regulations—

- “child” means a person under the age of 14 years;
- “large child” means a child who is not a small child; and
- “small child” means a child who is—

- (a) aged under 12 years; and
- (b) under 150 centimetres in height.

(3) In these Regulations, “adult belt” means a seat belt in respect of which one or more of the following requirements is satisfied, namely that—

- (a) it is a three-point belt which has been marked in accordance with regulation 47(8) of the Construction and Use Regulations;
- (b) it is a lap belt which has been so marked;
- (c) it is a seat belt that falls within regulation 47(5)(c)(i) or (ii) of those Regulations(b);
- (d) it is a seat belt fitted in a relevant vehicle (“the vehicle in question”) and comprised in a restraint system—
- (i) of a type which has been approved by an authority of another member State for use by all persons who are either aged 13 years or more or are 150 centimetres or more in height, and
- (ii) in respect of which, by virtue of such approval, the requirements of the law of another member State corresponding to these Regulations would be met were it to be worn by persons who are either aged 13 years or more or are 150 centimetres or more in height when travelling in the vehicle in question in that State.

(4) In these Regulations, “child restraint” means a seat belt or other device in respect of which the following requirements are satisfied, namely that—

- (a) it is a seat belt or any other description of restraining device for the use of a child which is—

(a) 1971 c. 10

(b) Reg. 47(5)(c)(ii) was amended by S.R. 1991 No. 147 reg. 2(3)

- (i) designed either to be fitted directly to a suitable anchorage or to be used in conjunction with an adult seat belt and held in place by the restraining action of that belt, and
 - (ii) marked in accordance with regulation 47(8) of the Construction and Use Regulations; or
- (b) it is a seat belt consisting of or comprised in a restraint system fitted in a relevant vehicle ("the vehicle in question"), being a restraint system—
- (i) of a type which has been approved by an authority of another member State for use by a child, and
 - (ii) in respect of which, by virtue of such approval, the requirements of the law of that State corresponding to these Regulations would be met were it to be worn by a child when travelling in the vehicle in question in that State.

(5) Subject to paragraph (6), for the purposes of these Regulations, a seat shall be regarded as provided with an adult seat belt if it is fixed in such a position that it can be worn by an occupier of that seat.

(6) A seat shall not be regarded as provided with an adult seat belt if the seat belt—

- (a) has an inertia reel mechanism which is locked as a result of the vehicle being, or having been, on a steep incline, or
- (b) does not comply with the requirements of regulation 48 of the Construction and Use Regulations.

(7) For the purposes of these Regulations, a seat belt is appropriate—

- (a) in relation to a child aged under 3 years, if it is of a description prescribed for a child of his height and weight by regulation 8;
- (b) in relation to a child aged 3 years or more, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 8 or is an adult belt; or
- (c) in relation to a person aged 14 years or more, if it is an adult belt.

(8) For the purposes of these Regulations, any reference to a seat belt being available shall be construed in accordance with Schedule 2.

Interpretation of references to relevant vehicles

3.—(1) In these Regulations, "relevant vehicle" means—

- (a) a passenger car,
- (b) a light goods vehicle, or
- (c) a small bus.

(2) For the purposes of this regulation—

"light goods vehicle" means a goods vehicle which—

- (a) has 4 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; and
“small bus” 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 more than 8 seats in addition to the driver’s seat,
 - (c) has 4 or more wheels,
 - (d) has a maximum design speed exceeding 25 kilometres per hour,
 - (e) has a maximum laden weight not exceeding 3.5 tonnes, and
 - (f) is not constructed or adapted for the carriage of standing passengers.

PART II

ADULTS IN THE FRONT OR REAR OF A VEHICLE

General

4. This Part has effect for the purposes of Article 129A of the Order.

Requirement for adults to wear adult belts

- 5.—(1) Subject to the following provisions every person—
- (a) driving a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar);
 - (b) riding in a front seat of a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar or a passenger car which is not a motor car); or
 - (c) riding in a rear seat of a motor car or a passenger car which is not a motor car;

shall wear an adult belt.

(2) Paragraph (1) does not apply to a person under the age of 14 years.

Exceptions

- 6.—(1) The requirements of regulation 5 shall not apply to—
- (a) a person holding a medical certificate;
 - (b) a person using a vehicle constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries or collections;
 - (c) a person driving a vehicle while performing a manoeuvre which includes reversing;
 - (d) a qualified driver (within the meaning given by regulation 8 of the Driving Licences Regulations) who is supervising the holder of a provisional licence (within the meaning of Part II of the Order)(a)

(a) Part II was substituted by Sch. 1 to S.I. 1991/197 (N.I. 3)

while that holder is performing a manoeuvre which includes reversing;

- (e) a person by whom, as provided in the Driving Licences Regulations, a test of competence to drive is being conducted and his wearing a seat belt would endanger himself or any other person;
- (f) a person driving or riding in a vehicle while it is being used for the purposes of—
 - (i) the fire brigade,
 - (ii) the police force,
 - (iii) the regular armed forces of the Crown, or
 - (iv) carrying a person in lawful custody (a person who is being so carried being included in this exception);
- (g) the driver of a taxi licensed for private hire or public hire while it is being used to carry a passenger for hire;
- (h) a person riding in a vehicle, being used under a trade licence, for the purpose of investigating or remedying a mechanical fault in the vehicle;
- (j) a disabled person who is wearing a disabled person's belt;
- (k) a person riding in a vehicle while it is taking part in a procession organised by or on behalf of the Crown;
- (l) a member of the police force;
- (m) a governor, medical officer or other officer of a prison whether acting in the course of his duties or not; or
- (n) a member of the regular armed forces of the Crown whether on duty or not.

(2) Without prejudice to paragraph (1)(k), the requirements of regulation 5 do not apply to a person riding in a vehicle which is taking part in a procession held to mark or commemorate an event if notice in respect of the procession was given in accordance with Article 3 of the Public Order (Northern Ireland) Order 1987(a).

(3) The requirements of regulation 5 shall not apply to—

- (a) a person driving a vehicle if the driver's seat is not provided with an adult belt;
- (b) a person riding in the front of a vehicle if no adult belt is available for him in the front of the vehicle; or
- (c) a person riding in the rear of a vehicle if no adult belt is available for him in the rear of the vehicle.

(4) In this regulation—

“fire brigade” has the meaning assigned to it in Article 2(2) of the Fire Services (Northern Ireland) Order 1984(b);

(a) S.I. 1987/463 (N.I. 7); see S.R. 1987 No. 126, Art. 2

(b) S.I. 1984/1821 (N.I. 11)

- “licensed for private hire” in relation to a taxi means licensed to carry passengers for hire but not for standing or plying for hire on a road or public place;
- “licensed for public hire” in relation to a taxi means licensed to stand or ply for hire on a road or public place;
- “police force” has the meaning assigned to it in section 35 of the Police Act (Northern Ireland) 1970(a);
- “prison” includes any prison or other institution for the treatment of offenders not being a remand home or training school within the meaning of section 180(1) of the Children and Young Persons Act (Northern Ireland) 1968(b);
- “regular armed forces of the Crown” has the meaning assigned to it in section 1(2) of the Northern Ireland Assembly Disqualification Act 1975(c);
- “taxi” has the same meaning as in Article 79A(8)(d) of the Order.

PART III

CHILDREN IN THE REAR OF A VEHICLE

General

7. This Part has effect for the purposes of Article 129D of the Order.

Description of seat belts to be worn by children

8.—(1) For a child of any particular height and weight travelling in a particular motor vehicle, the description of seat belt prescribed for the purposes of Article 129D(1) of the Order to be worn by him is—

- (a) if he is a small child and the vehicle is a relevant vehicle, a child restraint of a description specified in paragraph (2)(a) or (b);
 - (b) if he is a small child and the vehicle is not a relevant vehicle, a child restraint of a description specified in paragraph (2)(a);
 - (c) if he is a large child, a child restraint of a description specified in paragraph (2)(a) or an adult belt.
- (2) The descriptions of seat belt referred to in paragraph (1) are—
- (a) a child restraint with the marking required under regulation 47(8) of the Construction and Use Regulations if the marking indicates that it is suitable for his weight and either indicates that it is suitable for his height or contains no indication as respects height;
 - (b) a child restraint which would meet the requirements of the law of another member State corresponding to these Regulations were it to be worn by that child when travelling in that vehicle in that State.

(a) 1970 c. 9 (N.I.)

(b) 1968 c. 34 (N.I.)

(c) 1975 c. 75. The definition was substituted by the Armed Forces Act 1976 c. 52 section 20

(d) Article 79A was inserted by Part II of Sch. 3 to S.I. 1991/197 (N.I. 3)

Exceptions relating to motor vehicles

9. The prohibitions in Article 129D(1) and (1A) of the Order shall not apply to—

- (a) motor vehicles which are neither motor cars nor passenger cars;
- (b) licensed taxis in which the rear seats are separated from the driver by a fixed partition.

Exceptions relating to children

10.—(1) The prohibitions in Article 129(D)(1) and (1A) of the Order shall not apply in relation to—

- (a) a small child aged 3 years or more if a seat belt of a description prescribed by regulation 8 for a small child of his height and weight is not available in the front or rear of the vehicle and he is wearing an adult belt;
- (b) a child holding a medical certificate;
- (c) a child aged under 1 year in a carry cot, provided that the carry cot is restrained by straps; or
- (d) a disabled child who is wearing a disabled person's belt.

(2) The prohibition in Article 129D(1) of the Order shall not apply in relation to—

- (a) a small child in a passenger car if no appropriate seat belt is available for him in the front or in the rear of the vehicle;
- (b) a small child in a vehicle other than a passenger car if no appropriate seat belt is available for him in the rear of the vehicle; or
- (c) a large child in any vehicle if no appropriate seat belt is available for him in the rear of the vehicle.

(3) The prohibition in Article 129D(1A) shall not apply in relation to a child if no appropriate seat belt is available for him in the front of the vehicle.

Revocation

11. The Regulations set out in Schedule 3 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on
17th August 1993.

(L.S.)

R. Warburton

Assistant Secretary

Meaning of “medical certificate”

PART I

1. Subject to paragraph 2, in these Regulations, “medical certificate”, in relation to a person driving or riding in a vehicle, means—

- (a) a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for that person to wear a seat belt, or
- (b) a valid certificate to such effect issued by the authority having power to issue such a certificate under the law of another member State corresponding to these Regulations.

2. A certificate shall not be regarded as a medical certificate in relation to a person driving or riding in a vehicle for the purposes of these Regulations unless—

- (a) it specifies its period of validity, and bears the symbol shown in Part II; or
- (b) the person is aged under 14 years and the vehicle is not a relevant vehicle.

3. Paragraph 2 does not apply in relation to a certificate issued before 1st January 1995.

PART II

(see paragraph 2(a) in Part I)



Interpretation of References to Availability of Seat Belts

1. For the purposes of these Regulations, in relation to a person aged 14 years or more riding in a vehicle—
 - (a) if any front seat in the vehicle (other than the driver's seat) is provided with an adult belt, that belt shall be regarded as being available for him in the front of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that person, that seat and that belt; and
 - (b) if any rear seat in the vehicle is provided with an adult belt, that belt shall be regarded as being available for him in the rear of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that person, that seat and that belt.

2. For the purposes of these Regulations, in relation to a child riding in a vehicle—
 - (a) if any front seat in the vehicle (other than the driver's seat) is provided with an appropriate seat belt, that belt shall be regarded as an appropriate seat belt available for him in the front of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that child, that seat and that belt; and
 - (b) if any rear seat in a vehicle is provided with an appropriate seat belt, that belt shall be regarded as an appropriate seat belt available for him in the rear of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that child, that seat and that belt.

3. The requirements of this paragraph are satisfied in relation to a particular person ("the person in question") and a particular seat ("the relevant seat") provided with a particular seat belt ("the relevant belt") if—
 - (a) another person is wearing the relevant belt;
 - (b) a child is occupying the relevant seat and wearing a child restraint which is an appropriate child restraint for that child;
 - (c) another person, being a person holding a medical certificate, is occupying the relevant seat;
 - (d) a disabled person (not being the person in question) is occupying the relevant seat and wearing a disabled person's belt;
 - (e) by reason of his disability, it would not be practicable for the person in question to wear the relevant belt;
 - (f) the person in question is prevented from occupying the relevant seat by the presence of a carry cot which is restrained by straps and in which there is a child aged under 1 year;
 - (g) the person in question is prevented from occupying the relevant seat by the presence of a child restraint which could not readily be removed without the aid of tools; or
 - (h) the relevant seat is specially designed so that—
 - (i) it can be adjusted to increase the space in the vehicle available for goods or personal effects, and
 - (ii) when it is so adjusted it cannot be used as a seat,

and it is so adjusted and it would not be reasonably practicable for the goods and personal effects being carried in the vehicle to be so carried were the seat not so adjusted.

4. Paragraph 3 shall have effect in relation to regulation 10(3) as if sub-paragraphs (a) to (d) of that paragraph were omitted.

5. Paragraph 3(b) and (d) shall not apply unless the presence of the other person renders it impracticable for the person in question to wear the relevant belt.

6. Paragraph 3(f) shall not apply if it would be reasonably practicable for the carry cot to be carried in any other part of the vehicle where it could be restrained by straps so as to render it practicable for the person in question to wear the relevant belt.

7. Paragraph 3(g) shall not apply if—

- (a) the person in question is a child; and
- (b) the child restraint is appropriate for him.

8. A child restraint shall be regarded as provided for a seat for the purposes of this Schedule if—

- (a) it is fixed in such a position that it can be worn by an occupier of that seat, or
- (b) it is elsewhere in or on the vehicle but—
 - (i) it could readily be fixed in such a position without the aid of tools, and
 - (ii) it is not being worn by a child for whom it is appropriate and who is occupying another seat.

Regulations revoked

<i>Title</i>	<i>Year and Number</i>
Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1982	S.R. 1982 No. 357
Motor Vehicles (Wearing of Rear Seat Belts by Children) Regulations (Northern Ireland) 1989	S.R. 1989 No. 314
Motor Vehicles (Wearing of Rear Seat Belts by Adults) Regulations (Northern Ireland) 1991	S.R. 1991 No. 213

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provisions relating to the wearing of seat belts in the front or rear of motor vehicles by adults and to the wearing of seat belts and other restraints by children in the rear of motor vehicles. They replace and revoke:

- (a) the Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1982;
- (b) the Motor Vehicles (Wearing of Rear Seat Belts by Children) Regulations (Northern Ireland) 1989; and
- (c) the Motor Vehicles (Wearing of Rear Seat Belts by Adults) Regulations (Northern Ireland) 1991.

These Regulations, the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 363) and the Road Traffic (1981 Order) (Amendment) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 361) implement Council Directive 91/671/EEC (O.J. No. L373, 31.12.91, p. 26). The Directive applies only to vehicles of less than 3.5 tonnes which have 4 or more wheels and a design speed of more than 25 km/h. It does not apply to passenger vehicles with more than 8 passenger seats if they are designed to carry standing passengers. Vehicles within the scope of the Directive with not more than 8 passenger seats are referred to in the Regulations as "passenger cars".

Adults in the front or rear of a motor vehicle

The main changes made by these Regulations as regards adults are as follows:

- (a) Previously a driver or passenger in the front of a vehicle could commit an offence under Article 129A of the Road Traffic (Northern Ireland) Order 1981 even if the driver's seat or the passenger's seat was not

provided with a seat belt. This will no longer be the case (regulation 6(3)).

- (b) Previously the front seat wearing requirements applied only to vehicles that were required to be fitted with seat belts by the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989. They will now apply to all motor vehicles (other than motor cycles) to which seat belts are fitted (regulation 5).
- (c) The description of seat belt that must be worn if available will in the case of vehicles within the scope of the Directive include belts approved by other member States (regulation 2(3)).
- (d) Previously the requirement to wear a seat belt in the rear of a vehicle applied to motor cars which were not constructed or adapted to carry more than 8 passengers and to no other vehicles. The requirements will now apply to all motor vehicles and all passenger cars (regulations 5 and 9).
- (e) As before there is an exception for persons holding a certificate to the effect that it is inadvisable on medical grounds for him to wear a seat belt. Such a certificate will in future have to state its period of validity and bear a specified symbol. The exception is extended to holders of certificates issued under the law of another member State (regulation 6 and Schedule 1).
- (f) The exceptions relating to emergency vehicles have been widened and the exception in relation to taxi drivers has been restricted (regulation 6(1)(f) and (g)).

Children in the rear of a motor vehicle

Children are for the purposes of the Regulations divided into two categories. A small child is a child who is aged under 12 years and is under 150 centimetres in height. Any other child aged under 14 years is referred to as a large child (regulation 2(2)).

Previously it was unlawful to drive a vehicle with an unrestrained child in the rear only if a seat belt or other restraint was fitted in the rear. The Road Traffic (Northern Ireland) Order 1981 (Amendment) Regulations (Northern Ireland) 1993 makes it an offence to drive a passenger car with an unrestrained small child in the rear where no rear seat belt is fitted subject to exceptions made by Regulations. These Regulations prescribe exceptions.

The main changes made by these Regulations and the Road Traffic (Northern Ireland) Order 1981 (Amendment) Regulations (Northern Ireland) 1993 as regards children are as follows:

- (a) The previous Regulations applied only to motor cars as defined in the Road Traffic (Northern Ireland) Order 1981. These Regulations extend to all passenger cars as well as motor cars (regulation 9).
- (b) Previously it was lawful to drive with an unrestrained child in the rear if no suitable restraint was available in the rear even if one was available in the front. This will generally cease to be lawful in the case

of a small child in a passenger car where an unoccupied seat in the front is provided with a suitable restraint.

- (c) A small child will generally have to wear a suitable child restraint if one is available. If no such restraint is available, a small child aged over 3 years must generally wear an adult belt if one is available (Schedule 2).
- (d) An adult belt is now treated as suitable for a child age 3 years or over even if no booster cushion is used. Previously there was provision for a child in the rear aged between 1 and 4 years to use an adult belt in conjunction with a booster cushion. There is no equivalent provision in these Regulations. Accordingly, a child aged under 3 years will not be required to wear an available adult belt even if a booster cushion is also available (regulation 10(1)(a)).
- (e) The description of seat belt or child restraint that must be worn if available will in the case of vehicles within the scope of the Directive include belts or restraints approved by other member States (regulation 2(4)).
- (f) As before, there is an exception for a child holding a certificate to the effect that it is inadvisable on medical grounds for him to wear a seat belt. In the case of vehicles within the scope of the Directive such a certificate will in future have to state its period of validity and bear a specified symbol. The exception is extended to holders of certificates issued under the law of another member State (regulation 10 and Schedule 1).

Copies of the EEC Directive referred to in this note may be obtained from Her Majesty's Stationery Office.