



# 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.

[<sup>F1</sup>(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) [<sup>F2</sup>or (1A)] above.

[<sup>F3</sup>(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.]

[<sup>F4</sup>(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.

<sup>F8</sup>(5A) .....

- [<sup>F9</sup>(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) [<sup>F10</sup>may] include an exemption for any child holding a certificate to the like effect which was issued in any member State <sup>F11</sup>... and which, under the law of that State, is valid for purposes corresponding to those of this section,

<sup>F12</sup>....]

- (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
- (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—

[<sup>F13</sup>“bus” means a motor vehicle that—

- (a) has at least four wheels,
- (b) is constructed or adapted for the carriage of passengers,

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- (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;]
- [<sup>F14</sup>“maximum laden weight” has the meaning given by Part IV of Schedule 6 to the <sup>M1</sup>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, <sup>F15</sup> . . .
- “seat belt” includes any description of restraining device for a child and any reference to wearing a seat belt is to be construed accordingly.

<sup>F16</sup>  
...

- [<sup>F17</sup>(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.]

<sup>F18</sup>(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) substituted (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\(5A\)](#) omitted (31.12.2020) by virtue of [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/512\)](#), regs. 1(1), **2(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 15(6) substituted (2.2.1993) by S.I. 1992/3105, **reg. 3(6)**.
- F10** Word in [s. 15\(6\)\(b\)](#) substituted (31.12.2020) by [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/512\)](#), regs. 1(1), **2(3)(b)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in [s. 15\(6\)\(b\)](#) omitted (31.12.2020) by virtue of [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/512\)](#), regs. 1(1), **2(3)(b)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in [s. 15\(6\)](#) omitted (31.12.2020) by virtue of [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/512\)](#), regs. 1(1), **2(3)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** 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)**
- F14** Definitions in s. 15(9) inserted (2.2.1993) by S.I. 1992/3105, **reg. 3(7)(a)(b)**.

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- F15** Word in s. 15(9) omitted (2.2.1993) by virtue of S.I. 1992/3105, **reg. 3(7)(b)**.
- F16** Words in s. 15(9) omitted (31.12.2020) by virtue of [The Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/512), regs. 1(1), **2(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** 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)**
- F18** 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.**

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**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**)

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**Marginal Citations**

- M1** 1984 c. 27.

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### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 8](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A inserted by [2000 c. 37 Sch. 7 para. 6](#) (This amendment not applied to legislation.gov.uk. The amending provision has been repealed)
- s. 41(2)(m) inserted by [2006 c. 49 s. 18\(1\)\(a\)](#)
- s. 41(2)(ba) inserted by [2006 c. 49 s. 56\(3\)](#)
- s. 49(3A) inserted by [2006 c. 49 s. 48\(1\)](#)
- s. 66(7A) inserted by [2006 c. 49 s. 56\(5\)](#)
- s. 85(1) words omitted (temp.) by [S.I. 2019/648 reg. 2\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(i))
- s. 85(1) words omitted (temp.) by [S.I. 2019/648 reg. 2\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(ii))
- s. 85(2) added by [1988 c. 54 Sch. 2 para. 17\(c\)](#)
- s. 97(1)(c)(ia) words repealed by [2006 c. 49 Sch. 3 para. 6\(2\)\(b\)Sch. 7\(4\)](#)
- s. 97(1)(d)(ii) words omitted by [S.I. 2018/1251 reg. 2\(4\)](#)
- s. 97(1ZA) inserted by [2006 c. 49 s. 38\(2\)](#)
- s. 108(1BA) inserted by [S.I. 2018/1251 reg. 2\(5\)\(c\)](#)
- s. 123(123A) substituted for s. 123 by [2006 c. 49 Sch. 6 para. 2](#)
- s. 123A(3) words inserted by [2009 c. 17 s. 1\(3\)](#)
- s. 124(3)-(5) inserted by [2009 c. 17 s. 3](#)
- s. 124(6) inserted by [2015 c. 20 Sch. 2 para. 2\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A)-(3D) inserted by [2015 c. 20 Sch. 2 para. 3\(2\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(5A) inserted by [2015 c. 20 Sch. 2 para. 3\(3\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by [2006 c. 49 Sch. 6 para. 6\(3\)](#)
- s. 125ZA inserted by [2006 c. 49 Sch. 6 para. 5](#)
- s. 125ZA(2)(b) word omitted by [2015 c. 20 Sch. 2 para. 4\(2\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(2)(d) and word inserted by [2015 c. 20 Sch. 2 para. 4\(2\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) word omitted by [2015 c. 20 Sch. 2 para. 4\(3\)\(c\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) words substituted by [2015 c. 20 Sch. 2 para. 4\(3\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(ba)(bb) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

- s. 125ZA(4)(ca) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(d\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126(5) omitted by [2015 c. 20 Sch. 2 para. 6](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126A inserted by [2016 c. 16 s. 1\(3\)](#)
- s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by [2016 c. 16 s. 3\(3\)](#)
- s. 126A heading words inserted by [S.I. 2016/1089 reg. 3\(2\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128A inserted by [2006 c. 49 Sch. 6 para. 11](#)
- s. 128A(4) inserted by 2006 c. 49 Sch. 6 para. 11 (as inserted) by [2016 c. 16 s. 4\(4\)](#)
- s. 128B inserted by [2015 c. 20 Sch. 2 para. 9](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 128ZA inserted by [2009 c. 17 s. 1\(1\)](#)
- s. 128ZB inserted by [2009 c. 17 s. 2](#)
- s. 128AZA128AZB inserted by [2016 c. 16 s. 2\(2\)](#)
- s. 128AZA128AZB inserted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA heading words inserted by [S.I. 2016/1089 reg. 4\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(1) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(4) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB heading words inserted by [S.I. 2016/1089 reg. 4\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 131(A1)-(C1) inserted by 2006 c. 49, Sch. 6 para. 13(1A) (as inserted) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(a\)\(i\)](#)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by [2006 c. 49 Sch. 6 para. 13\(4\)](#)
- s. 131(6) inserted by [2016 c. 16 s. 2\(4\)](#)
- s. 131(6) inserted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by [2006 c. 49 Sch. 6 para. 14](#)

- s. 133(2)(a) words omitted by [2015 c. 20 Sch. 2 para. 10\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by [2015 c. 20 Sch. 2 para. 10\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133D(1A) inserted by [2015 c. 20 Sch. 2 para. 14\(2\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 140(1)(2) inserted by [2006 c. 49 Sch. 6 para. 23\(2\)](#)
- s. 140(1A) inserted in earlier affecting provision 2006 c. 49, Sch. 6 para. 23(2) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(b\)](#)
- s. 140(3) s. 140 renumbered as s. 140(3) by [2006 c. 49 Sch. 6 para. 23\(1\)](#)
- s. 141A(5) words repealed by [2006 c. 49 Sch. 3 para. 24](#)[Sch. 7\(4\)](#)
- s. 143(1A) repealed (cond.) by [S.I. 2019/1047 Sch. 2 para. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 143(1A) by 2018 c. 18, Sch. para. 17 was repealed (1.11.2019) by The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, Sch. 2 para. 1 (with reg. 5) without ever being brought into force.)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by [2006 c. 49 Sch. 6 para. 27](#)
- s. 173(2)(n) and word inserted by [2006 c. 49 s. 37\(8\)](#)
- s. 174(1)(da) inserted by [2006 c. 49 Sch. 6 para. 28](#)
- s. 183(6A) inserted by [2006 c. 49 Sch. 6 para. 29](#)