Draft Regulations laid before Parliament under section 195(4) of the Road Traffic Act 1988 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No. xxx

ROAD TRAFFIC

The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006

Made - - - -	*2006*
Coming into force - -	*18th September 2006*

These Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and sections 14(1) and (2) and 15(3) and (5) of the Road Traffic Act 1988(**2**).

The Secretary of State for Transport has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the carriage of passengers and goods by road(**3**).

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of the Road Traffic Act 1988.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 195(4) of the Road Traffic Act 1988 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972.

Accordingly the Secretary of State for Transport makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 and shall come into force on 18th September 2006.

(2) These Regulations do not extend to Northern Ireland.

Amendment of the Road Traffic Act 1988

2. The Road Traffic Act 1988 is amended in accordance with regulations 3 to 5.

(**1**) 1972 c.68.
(**2**) 1988 c.52; sections 15 and 195 were amended by the Road Traffic Act 1988 (Amendment) Regulations 1992 (S.I. 1992/3105) and section 15A was inserted by section 1 of the Motor Vehicles (Safety Equipment for Children) Act 1991 c.14.
(**3**) S.I. 1996/266.

3.—(1) In section 15 (restriction on carrying children not wearing seat belts in motor vehicles) after subsection (1) insert—

"(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) In subsection (2) of that section, after "subsection (1)" insert "or (1A)".

(3) For subsection (3) of that section substitute—

"(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.".

(4) In subsection (9) of that section insert before the definition of "maximum laden weight"—

""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;".

(5) After subsection (9) of that section insert—

"(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.".

4. After section 15A insert—

"**Requirement to notify bus passengers to wear seat belts**

15B.—(1) Subject to subsection (6) below, the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that he is required to wear a seat belt at all times when—

(a) he is in a seat equipped with a seat belt, and

(b) the bus is in motion.

(2) For the purposes of subsection (1) above, a passenger may be notified only by one or more of the following means—

(a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;

(b) a sign prominently displayed at each passenger seat equipped with a seat belt.

In paragraph (a) above, "official announcement" means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus.

(3) For the purposes of subsection (2)(b) above, a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2A, depicting a white figure on a blue background.

(4) An operator who fails to comply with subsection (1) above is guilty of an offence.

(5) Where an offence under subsection (4) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) Subsection (1) above does not apply in relation to a bus—

(a) which is being used to provide a local service (within the meaning of the Transport Act 1985(**4**)) in a built-up area, or

(b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.

For the purposes of paragraph (a) above, a local service is provided in a built-up area if the entire route used by that service consists of restricted roads.

(7) In this section—

"bus" has the same meaning as in section 15;

"operator", in relation to a bus, means—

(a) the owner of the bus, or

(b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;

"passenger seat", in relation to a bus, means any seat other than the driver's seat;

"restricted road" means a road that is restricted for the purposes of section 81 of the Road Traffic Regulation Act 1984(**5**) (ignoring any direction under section 82(2)(b) of that Act) or would be so restricted but for a direction under section 82(2)(a) or an order under section 84(1) of that Act.".

5. After Schedule 2, insert the following Schedule—

"SCHEDULE 2A Section 15B

Form of seat belt symbol for buses



Amendment of the Road Traffic Offenders Act 1988

6. The Road Traffic Offenders Act 1988(**6**) is amended in accordance with regulations 7 and 8.

(**4**) 1985 c. 67. A "local service" is defined in section 2 of that Act.
(**5**) 1984 c.27.
(**6**) 1988 c.53 ; the entry in Part 1 of Schedule 2 relating to section 15A(3) or (4) of the Road Traffic Act 1988 was added by section 3 of the Motor Vehicles (Safety Equipment for Children) Act 1991 (c.14).

7. In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply), in column 2 of the table, at the end of the entry for section 15 of the Road Traffic Act 1988 insert—

"or with child in a rear-facing child restraint in front seat with an active air bag.".

8. In Schedule 2 (prosecution and punishment of offences), in Part 1—

(a) in column 2, at the end of the entry for section 15(2) of the Road Traffic Act 1988 insert—

"or with child in a rear-facing child restraint in front seat with an active air bag."; and

(b) after the entry for section 15A(3) or (4) of the Road Traffic Act 1988, insert—

"RTA section 15B	Failure to notify bus passengers of the requirement to wear seat belts.	Summarily.	Level 4 on the standard scale."			

Amendment of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993

9. The Motor Vehicles (Wearing of Seat Belts) Regulations 1993(**7**) are amended in accordance with regulations 10 to 18.

10.—(1) In paragraph (1) of regulation 2 after the definition of "the Construction and Use Regulations" insert—

""large bus" means a motor vehicle which—

(a) is constructed or adapted for use for the carriage of passengers,

(b) has 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 exceeding 3.5 tonnes;".

(2) In paragraph (1) of that regulation after the definition of "licensed taxi" insert—

""light goods vehicle" means a motor vehicle which—

(a) has four 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;".

(3) In paragraph (1) of that regulation after the definition of "medical certificate" insert—

""operator", in relation to a small or large bus, means—

(a) the owner of the bus, or

(b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;".

(4) In paragraph (1) of that regulation after the definition of "seat belt" insert—

""small bus" means a motor vehicle which—

(a) is constructed or adapted for use for the carriage of passengers,

(**7**) S.I. 1993/176, to which there are amendments not relevant to these Regulations.

(b) has 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;".

(5) In paragraph (3) of that regulation substitute "135" for "150" in the definition of a "small child".

(6) In sub-paragraph (d) of paragraph (4) of that regulation—

(a) for "in a relevant vehicle ("the vehicle in question")" substitute "in a vehicle", and

(b) for "in the vehicle in question in that State" substitute "in that vehicle in that State".

(7) In sub-paragraph (b) of paragraph (5) of that regulation—

(a) for "in a relevant vehicle ("the vehicle in question")" substitute "in a vehicle", and

(b) for "in the vehicle in question in that State" substitute "in that vehicle in that State".

(8) For paragraph (8) of that regulation substitute—

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

(a) in relation to a small child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 8;

(b) in relation to a large child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 8 or an adult belt; or

(c) in relation to a person aged 14 years or more, if it is an adult belt.".

(9) After paragraph (9) of that regulation insert—

"(9A) For the purposes of these Regulations, references to a bus being used to provide a service in a "built-up area" shall be construed in the same way as in section 15B(6) of the Act.".

11. Omit regulation 3.

12. In regulation 5 for paragraph (1) substitute—

"(1) Subject to the following provisions of these Regulations, every person—

(a) driving a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar), or

(b) riding in a front or rear seat of a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar),

shall wear an adult belt.".

13. In regulation 6 after paragraph (3) insert—

"(4) The requirements of regulation 5(1)(b) do not apply to a person riding in a small or large bus—

(a) which is being used to provide a local service (within the meaning of the Transport Act 1985) in a built-up area, or

(b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.".

14. In regulation 8—

(a) omit the words "and the vehicle is a relevant vehicle" in sub-paragraph (a) of paragraph (1), and

(b) omit sub-paragraph (b) of paragraph (1).