STATUTORY RULES OF NORTHERN IRELAND

2007 No. 7

ROAD TRAFFIC

The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*9th January 2007*
Coming into operation	*27th February 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Department of the Environment 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 (**2**).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 27th February 2007.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment to the Road Traffic (Northern Ireland) Order 1995

3. The Road Traffic (Northern Ireland) Order 1995(**4**) is amended in accordance with regulations 4 to 6.

4.—(1) In Article 24 (restriction on carrying children not wearing seat belts in motor vehicles) after paragraph (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

(**1**) 1972 c.68.
(**2**) S.I. 1996/266
(**3**) 1954 c.33 (N.I.)
(**4**) S.I. 1995 No. 2994 (N.I. 18)

(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 paragraph (2) of that Article after "paragraph (1)" insert "or (1A)".

(3) For paragraph (3) of that Article substitute the following—

4.—"(3) Except as provided by regulations, where—

(a) a child under the age of 3 years is in the rear of a motor vehicle; or

(b) a child of or over that age but under the age of 14 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 paragraph (11) of that Article 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 paragraph (11) of that Article insert—

"(12) The reference in paragraph (1A) 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.".

5. After Article 24 insert the following Articles—

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

24A.—(1) Subject to paragraph (6), 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 paragraph (1) 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.

(3) For the purposes of paragraph (2)—

(a) "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; and

(b) 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 paragraph (1) is guilty of an offence.

(5) Paragraph (1) does not apply in relation to a bus—

(a) which is being used to provide a local service within the meaning of Article 24B 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 sub-paragraph (a), a local service is provided in a built up area if the entire route used by that service consists of restricted roads.

(6) In this Article—

"bus" has the same meaning as in Article 24;

"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 Article 36 of the Road Traffic Regulation (Northern Ireland) Order 1997(**5**) (other than a road restricted by an order made under Article 37(3)(a) of that Order) or would be so restricted but for an order under Article 37(3)(b) or an order under Article 38(1)(a) of that Order.

Local Service

24B.—(1) In Article 24A "local service" means a service using one or more buses, for the carriage of passengers by road at separate fares other than one—

(a) which is excluded by paragraph (4); or

(b) in relation to which (except in an emergency) one or both of the conditions in paragraph (2) are met with respect to every passenger using the service.

(2) The conditions are that—

(a) the place where he is set down is fifteen miles or more, measured in a straight line, from the place where he was taken up;

(b) some point on the route between those places is fifteen miles or more, measured in a straight line, from either of those places.

(3) Where a service consists of one or more parts with respect to which one or both of the conditions are met, and one or more of the parts with respect to which neither of them is met, each of those parts shall be treated as a separate service for the purposes of paragraph (1).

(4) A service shall not be regarded for the purposes of Article 24A as a local service if—

(a) the conditions set out in paragraphs (5) to (8) (trips organised privately by persons acting independently of public service vehicle operators) are met in respect of each journey by the vehicles used in providing the service; or

(b) every vehicle used in providing the service is so used under a permit granted under Section 10B of the Transport Act (Northern Ireland) 1967(**6**).

(5) The arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—

(**5**) S.I. 1997 No. 276 (N.I. 2)
(**6**) 1967 c. 37, as amended by S.I. 1990 No. 994 (N.I. 7)