STATUTORY RULES OF NORTHERN IRELAND

1999 No. 170

ROAD TRAFFIC AND VEHICLES

Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999

Made - - - - *31st March 1999*

Coming into operation *12th May 1999*

The Department of the Environment, in exercise of the powers conferred on it by Articles 27(1), 28(1) and 110(2) of the Road Traffic (Northern Ireland) Order 1995(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999 and shall come into operation on 12th May 1999.

(2) In these Regulations—

"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(**2**).

Protective headgear

2.—(1) Save as provided in paragraph (2), every person driving or riding (otherwise than in a side-car) on a motor bicycle when on a road shall wear protective headgear.

(2) Nothing in paragraph (1) shall apply to any person driving or riding on a motor bicycle if—

(a) it is a mowing machine; or

(b) it is for the time being propelled by a person on foot.

(3) In this regulation—

"motor bicycle" means a two-wheeled motor cycle, whether or not having a side-car attached, and for the purposes of this definition where the distance measured between the centre of the area of contact with the road surface of any two wheels of a motor cycle is less than 460 millimetres, those wheels shall be counted as one wheel;

(**1**) S.I. 1995/2994 (N.I. 18); see Article 2(2) for the definition of "the Department"
(**2**) Cm 2073 and 2183

"protective headgear" means a helmet which—

(a) either—

(i) bears a marking applied by its manufacturer indicating compliance with the specifications contained in one of the British Standards (whether or not as modified by any amendment) mentioned in the Schedule; or

(ii) is of a type manufactured for use by persons on motor cycles which by virtue of its shape, material and construction could reasonably be expected to afford to the wearer a degree of protection from accidental injury similar to or greater than that provided by a helmet of a type prescribed by regulation 3;

(b) if worn with a chin cup attached to or held in position by a strap, is provided with an additional strap (to be fastened under the wearer's jaw) for securing the helmet to the head; and

(c) is securely fastened to the head by means of straps provided for that purpose; and

"strap" includes any fastening device.

Prescribed types of recommended helmet

3.—(1) The types of helmet hereby prescribed as types of helmet recommended as affording protection to persons on or in motor cycles from injury in the event of an accident are helmets which as regards their shape, construction and other qualities conform—

(a) with British Standard 6658:1985 as amended by Amendment Slip number 1 published on 28th February 1986 and are marked with the number of that standard, or

(b) with any other standard accepted by an EEA State which offers in use equivalent levels of safety, suitability and fitness for purpose and are marked with a mark to indicate that standard,

and in either case are marked with an approved certification mark of an approved body (whether or not they are required to be so marked by the standard in point).

(2) For the purposes of this regulation—

(a) an approved certification mark is—

(i) the certification mark of the British Standards Institution; or

(ii) a certification mark which indicates that a conformity assessment equivalent to that of the British Standards Institution has been undertaken, and

(b) an approved body is—

(i) the British Standards Institution; or

(ii) any body approved by an EEA State to undertake conformity assessments equivalent to those undertaken by the British Standards Institution.

Saving for the Trade Descriptions Act 1968, the Consumer Protection Act 1987 and the Consumer Protection (Northern Ireland) Order 1987

4. Nothing in regulation 3(1) shall be taken to authorise any person to apply any number or mark referred to therein in contravention of the Trade Descriptions Act 1968(**3**), the Consumer Protection Act 1987(**4**) or the Consumer Protection (Northern Ireland) Order 1987(**5**).

(**3**) 1968 c. 29
(**4**) 1987 c. 43
(**5**) S.I. 1987/2049 (N.I. 20)

Revocation

5. The Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1981(**6**) and the Motor Cycles (Protective Headgear) (Amendment) Regulations (Northern Ireland) 1986(**7**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on

31st March 1999.

J. Ritchie
Assistant Secretary

(**6**) S.R. 1981 No. 141
(**7**) S.R. 1986 No. 238