1993 No. 363

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993

Made	*17th August 1993*
Coming into operation . .	*1st October 1993*

The Department of the Environment, in exercise of the powers conferred on it by Articles 129B(1), (3) and (3A) 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:

Citation and commencement

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

General interpretation

2.—(1) In these Regulations—

"Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**b**);

"front seat", in relation to a vehicle, means a seat which is wholly or partially in the front of the vehicle and "rear seat", in relation to a vehicle, means any seat which is not a front seat (see also regulation 4);

"medical certificate" has the meaning given in Schedule 1;

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

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

"restraint system" means a system combining a seat fixed to the structure of the vehicle by appropriate means and a seat 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;

"disabled person's belt", "lap belt", "seat" and "three-point belt" have the meanings given by regulation 47(9) 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 129B was inserted by Article 4 of S.I. 1982/157 (N.I. 3) and 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

(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(**a**);

(*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—

(i) designed either to be fitted directly to a suitable anchorage or to be used in conjunction with an adult 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.

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

(5) Subject to paragraph (6), for the purposes of these Regulations, a seat shall be regarded as provided with an adult belt if an adult belt 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 belt if the 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 shall be regarded as provided with a child restraint if a child restraint is—

(*a*) fixed in such a position that it can be worn by an occupier of that seat, or

(*b*) elsewhere in or on the vehicle but—

(i) could readily be fixed in such a position without the aid of tools, and

(ii) is not being worn by a child for whom it is appropriate and who is occupying another seat.

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

(*a*) in relation to a child aged under 3 years, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 5;

(*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 5 or is an adult belt; or

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

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;

"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.

Interpretation of references to the front of a vehicle

4.—(1) This regulation has effect for the purpose of defining in relation to a vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of Article 129B(1) of the Order.

(2) Subject to paragraph (3), every part of the vehicle forward of the transverse vertical plane passing through the rearmost part of the driver's seat shall be regarded as the front of the vehicle; and accordingly no part of the vehicle to the rear of that plane shall be regarded as being in the front of the vehicle.

(3) Where a vehicle has a deck which is above the level of the driver's head when he is in the normal driving position, no part of the vehicle above that level shall be regarded as being in the front of the vehicle.

Description of seat belts to be worn by children

5.—(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 129B(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.

Exceptions relating to motor vehicles

6. The prohibition in Article 129(B)(1) of the Order shall not apply to two-wheeled motor cycles with or without sidecars.

Exceptions relating to children

7.—(1) The prohibition in Article 129B(1) 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 5 for a small child of his height and weight is