1993 No. 362

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Wearing of Seat Belts) Regulations (Northern Ireland) 1993

Made . . . . . *17th August 1993*

Coming into operation . . *1st October 1993*

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department of the Environment, in exercise of the powers conferred on it by Articles 129A(1) and (2), 129D(1), (1A), (3), (3A) and (4), 214(1) 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:

PART I

INTRODUCTION

Citation and commencement

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

General interpretation

2.—(1) In these Regulations—

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

"the Driving Licences Regulations" means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(**c**);

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

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

"motor car" has the meaning given by regulation 2(1) 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 129A was inserted by Article 3 of S.I. 1982/157 (N.I. 3); Article 129D was inserted by Article 3 of S.I. 1989/680 (N.I. 5); *see* Article 129D(6) for the definition of "regulations"; Articles 129A and 129D were 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

(**c**) S.R. 1989 No. 238; relevant amending Regulations are S.R. 1990 No. 311, 1990 No. 412, 1992 No. 315

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

"rear seat" in relation to a vehicle means a seat not being the driver's seat, nor a seat alongside the driver's seat nor a specified passenger's seat;

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

"trade licence" has the same meaning as in section 38(1) of the Vehicles (Excise) Act 1971(**a**);

"disabled person's belt", "lap belt", "seat", "specified passenger's seat" and "three-point belt" have the meanings given by regulation 47(9) of the Construction and Use Regulations.

(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(**b**);

(*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—

(**a**) 1971 c. 10

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

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

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

(*a*) in relation to a child aged under 3 years, if it is of a description prescribed for a child of his height and weight by regulation 8;

(*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 8 or is an adult belt; or

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

(8) For the purposes of these Regulations, any reference to a seat belt being available shall be construed in accordance with Schedule 2.

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; and

"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.

PART II

ADULTS IN THE FRONT OR REAR OF A VEHICLE

General

4. This Part has effect for the purposes of Article 129A of the Order.

Requirement for adults to wear adult belts

5.—(1) Subject to the following provisions every person—

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

(*b*) riding in a front seat of a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar or a passenger car which is not a motor car); or

(*c*) riding in a rear seat of a motor car or a passenger car which is not a motor car;

shall wear an adult belt.

(2) Paragraph (1) does not apply to a person under the age of 14 years.

Exceptions

6.—(1) The requirements of regulation 5 shall not apply to—

(*a*) a person holding a medical certificate;

(*b*) a person using a vehicle constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries or collections;

(*c*) a person driving a vehicle while performing a manoeuvre which includes reversing;

(*d*) a qualified driver (within the meaning given by regulation 8 of the Driving Licences Regulations) who is supervising the holder of a provisional licence (within the meaning of Part II of the Order(**a**))

(**a**) Part II was substituted by Sch. 1 to S.I. 1991/197 (N.I. 3)

while that holder is performing a manoeuvre which includes reversing;

(*e*) a person by whom, as provided in the Driving Licences Regulations, a test of competence to drive is being conducted and his wearing a seat belt would endanger himself or any other person;

(*f*) a person driving or riding in a vehicle while it is being used for the purposes of—

(i) the fire brigade,

(ii) the police force,

(iii) the regular armed forces of the Crown, or

(iv) carrying a person in lawful custody (a person who is being so carried being included in this exception);

(*g*) the driver of a taxi licensed for private hire or public hire while it is being used to carry a passenger for hire;

(*h*) a person riding in a vehicle, being used under a trade licence, for the purpose of investigating or remedying a mechanical fault in the vehicle;

(*j*) a disabled person who is wearing a disabled person's belt;

(*k*) a person riding in a vehicle while it is taking part in a procession organised by or on behalf of the Crown;

(*l*) a member of the police force;

(*m*) a governor, medical officer or other officer of a prison whether acting in the course of his duties or not; or

(*n*) a member of the regular armed forces of the Crown whether on duty or not.

(2) Without prejudice to paragraph (1)(*k*), the requirements of regulation 5 do not apply to a person riding in a vehicle which is taking part in a procession held to mark or commemorate an event if notice in respect of the procession was given in accordance with Article 3 of the Public Order (Northern Ireland) Order 1987(**a**).

(3) The requirements of regulation 5 shall not apply to—

(*a*) a person driving a vehicle if the driver's seat is not provided with an adult belt;

(*b*) a person riding in the front of a vehicle if no adult belt is available for him in the front of the vehicle; or

(*c*) a person riding in the rear of a vehicle if no adult belt is available for him in the rear of the vehicle.

(4) In this regulation—

"fire brigade" has the meaning assigned to it in Article 2(2) of the Fire Services (Northern Ireland) Order 1984(**b**);

(**a**) S.I. 1987/463 (N.I. 7); *see* S.R. 1987 No. 126, Art. 2
(**b**) S.I. 1984/1821 (N.I. 11)