1980 No. 428

ROAD TRAFFIC AND VEHICLES

Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1980

Made . . . . . 24th November 1980

Coming into operation . . . 5th January 1981

The Department of the Environment in exercise of the powers conferred by sections 114 and 189 of the Road Traffic Act (Northern Ireland) 1970(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf hereby makes the following regulations.

Citation and commencement

1. These Regulations may be cited as the Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1980 and shall come into operation on 5th January 1981.

Revocation

2. The Motor Cycles (Wearing of Protective Headgear) Regulations (Northern Ireland) 1978(**c**) are hereby revoked.

Interpretation

3. In these Regulations—

"the Act" means the Road Traffic Act (Northern Ireland) 1970;

"motor bicycle" means a two-wheeled motor-cycle, whether having a side-car attached thereto or not, and for the purposes of this definition any wheels of a motor-cycle shall, if the distance between the centres of the areas of contact between such wheels and the road surface is less than 460 millimetres, be counted as one wheel; and

"protective headgear" means headgear which—

(*a*) is either—

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

(ii) a helmet 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 persons on motor bicycles a degree of protection from injury in the event of an accident similar to or greater than that provided by the helmet of a type prescribed by regulation 5; and

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

(*c*) is securely fastened to the head of the wearer by means of the straps or other fastening provided on the headgear for that purpose.

(**a**) 1970 c. 2 (N.I.)
(**b**) S.R. & O. (N.I.) 1973 No. 504 Article 5(*b*) (II, p. 2992)
(**c**) S.R. 1978 No. 152 (I, p. 512)

Wearing of protective headgear

4.—(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 moving machine; or

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

Recommended protective headgear

5.—(1) The types of headgear prescribed for the purposes of section 114(3) of the Act (headgear recommended as affording protection to persons on or in motor-cycles from injury in the event of accident) are—

(*a*) until 1st January 1982, helmets which as respects their shape, construction and other qualities—

(i) conform—

(A) in the case of a helmet manufactured before 1st March 1975, with any one of the British Standards mentioned in items 1, 2, 3 and 4 in the Schedule,

(B) in the case of a helmet manufactured on or after 1st March 1975 but before 2nd February 1977 with any one of the British Standards mentioned in items 2, 3, 4 and 5 in the Schedule,

(C) in the case of a helmet manufactured on or after 2nd February 1977 but before 1st July 1977 with any one of the British Standards mentioned in items 3, 5 and 6 in the Schedule,

(D) in the case of a helmet manufactured on or after 1st July 1977 but before 1st October 1980 with any one of the British Standards mentioned in items 5, 6, 7 and 8 in the Schedule,

(E) in the case of a helmet manufactured on or after 1st October 1980 with one of the British Standards mentioned in items 7 and 8 in the Schedule; and

(ii) are marked with the number of the British Standard with which they conform and the certification mark of the British Standards Institution (whether or not they are required to be so marked by the British Standard in point);

(*b*) on and after 1st January 1982, helmets which as respects their shape, construction and other qualities—

(i) conform with one of the British Standards mentioned in items 5, 6, 7 and 8 in the Schedule, and

(ii) are marked with the number of the British Standard with which they conform and the certification mark of the British Standards Institution (whether or not they are required to be so marked by the British Standard in point);

(2) A reference in paragraph (1) to a helmet which, as respects its shape, construction and other qualities, conforms with one of the British Standards mentioned in an item in the Schedule is a reference to a helmet which so conforms with one of those British Standards subject to such (if any) of the amendments to the relevant Standard mentioned in the relevant item as had effect at the time of the manufacture of the helmet.

6. Nothing in regulation 5(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(**d**).

(**d**) 1968 c. 29