STATUTORY INSTRUMENTS

1989 No. 680 (N.I. 5)

NORTHERN IRELAND

The Motor Vehicles (Wearing of Rear Seat Belts by Children) (Northern Ireland) Order 1989

Made - - - -	*18th April 1989*
Laid before Parliament	*27th April 1989*
Coming into operation on a day to be appointed under Article 1(2)	

At the Court at Windsor Castle, the 18th day of April 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the Motor Vehicles (Wearing of Rear Seat Belts by Children) Act 1988(**1**):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(**2**) (as modified by section 2 of the said Act of 1988) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Motor Vehicles (Wearing of Rear Seat Belts by Children) (Northern Ireland) Order 1989.

(2) This Order shall come into operation on such day as the Head of the Department of the Environment may by order appoint.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(**1**) 1988 c. 23
(**2**) 1974 c. 28
(**3**) 1954 c. 33 (N.I.)

Compulsory wearing of seat belts by children

3.—(1) After Article 129C of the Road Traffic (Northern Ireland) Order 1981(**4**) ("the Order of 1981") there shall be inserted the following Article—

"**Compulsory wearing of rear seat belts by children**

129D.—(1) Except as provided by regulations a person shall not, without reasonable excuse, drive a motor vehicle to which is fitted any seat belt in the rear of the vehicle on a road when there is in the rear of the vehicle a child under the age of 14 years who is not wearing a seat belt in conformity with regulations.

(2) It is an offence for a person to drive a motor vehicle in contravention of paragraph (1).

(3) Provision may be made by regulations—

(a) excepting from the prohibition in paragraph (1), children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed;

(b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the rear of the vehicle for the purposes of that paragraph;

(c) prescribing for the purposes of that paragraph the description of seat belt to be worn by children of any prescribed description and the manner in which such a belt is to be fixed and used.

(4) Regulations shall include an exemption for any child holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt.

(5) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under paragraph (2), he shall not, in proceedings for that offence, be entitled to rely on an exception afforded to a child by a certificate referred to in paragraph (4) unless—

(a) it is produced to the constable at the time he is so informed; or

(b) within 5 days after the date on which he is so informed, it is produced at such police station as he may have specified to the constable.

(6) In this Article—

"regulations" means regulations made, subject to affirmative resolution, by the Department under this Article; and

"seat belt" includes any description of restraining device for a child and any reference to wearing a seat belt shall be construed accordingly.".

(2) In Schedule 4 to the Order of 1981 (table of offences, etc.), after the entry relating to Article 129B there shall be inserted the following entry—

129D	Driving motor vehicle with child in the rear not wearing seat belt.	Summary	Level 1 on the standard scale.

(**4**) 1981 NI 1