1978 No. 152

ROAD TRAFFIC AND VEHICLES

Motor Cycles (Wearing of Protective Headgear) Regulations (Northern Ireland) 1978

Made . . . . . *7th June* 1978

Coming into operation . . . . *1st August* 1978

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 (Wearing of Protective Headgear) Regulations (Northern Ireland) 1978 and shall come into operation on 1st August 1978.

Revocation

2. The Motor Cycles (Wearing of Helmets) Regulations (Northern Ireland) 1973(c) are hereby revoked.

Interpretation

3. In these Regulations the expression—

"motor bicycle" means a two wheeled motor cycle, whether having a sidecar 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;

"protective headgear" means headgear which—

(*a*) is either

(i) a helmet bearing a marking applied by the manufacturer indicating compliance with the specification contained in any of the British Standards listed in the Schedule; 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, in the event of an accident, to afford to persons on motor bicycles a degree of protection from injury similar to or greater than that provided by the helmet of a type complying with one of the specifications referred to in sub-paragraph (i); 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

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(a) 1970 c. 2 (N.I.)
(b) S.R. & O. (N.I.) 1973 No. 504 Article 5(*b*) (II, p. 2992)
(c) S.R. & O. (N.I.) 1973 No. 115 (I, p. 637)

(*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.

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 cycle if—

(*a*) it is a mowing machine; or

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

Recommended protective headgear

5. The types of helmet specified in regulation 6 are hereby recommended as affording protection to persons on or in motor cycles from injury in the event of accident.

6. The types of helmet specified for the purposes of regulation 5 are:—

(*a*) in the case of helmets manufactured before 1st January 1975, those which, as respects their shape, construction and other qualities, conform with any of the British Standards listed in the Schedule, subject to such (if any) of the amendments to that Standard mentioned in the Schedule as had effect at the time of their manufacture, and which are legibly 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 question);

(*b*) in the case of helmets manufactured on or after 1st January 1975 but before 1st March 1975, those which, as respects their shape, construction and other qualities, conform as mentioned in sub-paragraph (*a*) and which are legibly marked as mentioned in that sub-paragraph;

(*c*) in the case of helmets manufactured on or after 1st March 1975 but before 2nd February 1977, those which, as respects their shape, construction and other qualities, conform with any one of the British Standards listed in items 2, 3, 4 and 5 in the Schedule, subject to such of the amendments to that Standard mentioned in the Schedule as had effect at the time of their manufacture, and which are legibly marked as mentioned in sub-paragraph (*a*);

(*d*) in the case of helmets manufactured on or after 2nd February 1977 but before 1st July 1977, those which, as respects their shape, construction and other qualities, conform with any one of the British Standards listed in items 3, 5 and 6 in the Schedule, subject to the amendments to that Standard mentioned in the Schedule, and which are legibly marked as mentioned in sub-paragraph (*a*);

(*e*) in the case of helmets manufactured on or after 1st July 1977, those which, as respects their shape, construction and other qualities, conform with one of the British Standards listed in items 5 and 6 in the Schedule, and which are legibly marked as mentioned in sub-paragraph (*a*).

7. Nothing in regulation 6 shall be taken to authorise any person to apply the said number or mark in contravention of the Trade Descriptions Act 1968(**d**).

(**d**) 1968 c. 29

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 7th June 1978.

(L.S.)

E. A. Simpson
Assistant Secretary

SCHEDULE

List of British Standard Specifications for Protective Helmets

1. British Standard 2001, published 25th October 1956 as amended by Amendment No. 1 published 11th January 1957, Amendment No. 2 published 23rd November 1959, Amendment No. 3 published 27th February 1962, Amendment No. 4 published 11th June 1964, Amendment No. 5 published 13th March 1968 and Amendment No. 6 published 18th February 1972.

2. British Standard 1869, published 20th April 1960 as amended by Amendment No. 1 published 29th May 1963, Amendment No. 4 published 3rd December 1965, Amendment No. 5 published 13th March 1968, Amendment No. 6 published 10th August 1971, Amendment No. 7 published 3rd January 1972, Amendment No. 8 published 15th May 1973, Amendment No. 9 published 1st February 1974, Amendment No. 10 published 2nd September 1974 and Amendment No. 11 published 1st March 1975.

3. British Standard 2495, published 20th April 1960 as amended by Amendment No. 1 published 29th May 1963, Amendment No. 2 published 22nd February 1965, Amendment No. 3 published 7th December 1965, Amendment No. 4 published 22nd July 1966, Amendment No. 5 published 10th August 1971, Amendment No. 6 published 3rd January 1972, Amendment No. 7 published 1st February 1974 and Amendment No. 8 published 1st March 1975.

4. British Standard 2001, published 28th April 1972 as amended by Amendment No. 1 published 12th December 1972, Amendment No. 2 published 26th January 1973, Amendment No. 3 published 1st February 1974, Amendment No. 4 published 2nd September 1974 and Amendment No. 5 published 1st March 1975.

5. British Standard 5361, published 1st July 1976.

6. British Standard 2495, published 1st January 1977.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations revoke and replace with amendments the Motor Cycles (Wearing of Helmets) Regulations (Northern Ireland) 1973.

Regulation 3 defines the expressions "motor bicycle" and "protective headgear". Where a helmet does not comply with any of the British Standard specifications mentioned but does afford a degree of protection similar to or greater than that afforded by a helmet which does comply, it must be a helmet of a type manufactured for use by motor cyclists. If a helmet is worn with a chin cup, it must be provided with an additional strap or other fastening for securing the helmet firmly on the wearer's head.

Regulation 4 requires, subject to exceptions, persons travelling on roads on motor bicycles (except in a side-car) to wear protective headgear. The exceptions concern mowing machines and motor bicycles when propelled by pedestrians.

Regulations 5 and 6 specify the types of helmets recommended as affording protection for motor cyclists in the event of accident and which, to comply with section 141 of the Road Traffic Act (Northern Ireland) 1970, may be sold or hired as a helmet affording such protection. Regulation 6 also provides for helmets to be suitably marked so that it will be immediately obvious to anyone intending to buy a helmet whether or not it meets the legal requirements.