1989 No. 314

ROAD TRAFFIC AND VEHICLES

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

Made . . . . . *2nd August 1989*

Coming into operation . . *1st September 1989*

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 129D (1), (3), (4) and (6) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Rear Seat Belts by Children) Regulations (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

Interpretation

2.—(1) In these Regulations—

"adult seat belt" means—

(*a*) a three-point belt, or

(*b*) a lap belt,

marked in accordance with regulation 47(8) of the Construction and Use Regulations;

"booster cushion" means a cushion designed for a person of small stature to sit on to improve the fit of an adult seat belt (including a cushion that has an integral back above the seating plane);

"child restraint" means a seat belt for the use of a young person—

(*a*) which is 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

(*b*) which has been marked in accordance with regulation 47(8) of the Construction and Use Regulations;

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

(a) S.I. 1981/154 (N.I. 1); Article 129D was inserted by Article 3 of S.I. 1989/680 (N.I. 5)
(b) S.R. 1989 No. 299

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

"medical certificate" means a valid certificate in respect of a person, signed by a medical practitioner, to the effect that it is inadvisable on medical grounds for that person to wear a seat belt;

"rear seat" in relation to a vehicle means a seat not being the driver's seat, a seat alongside the driver's seat or a specified passenger seat; and

(2) In these Regulations the expressions—

"taxi" means a public service vehicle seating not more than six passengers in addition to the driver;

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

(2) A seat belt is appropriate—

(*a*) in relation to a child under the age of 14 years, if it is of a description specified for a child of his class in regulation 3, and

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

Descriptions of seat belts and the manner in which they are to be used

3.—(1) A child shall be regarded as wearing a seat belt in conformity with regulations for the purposes of Article 129D of the Order of 1981 if and only if—

(*a*) he is wearing a seat belt of a description prescribed by paragraph (2) for a child of his class, and

(*b*) where paragraph (3) is applicable, he is using the seat belt in the manner prescribed by that paragraph.

(2) The description of seat belts prescribed for the purposes of paragraph (1) are—

(*a*) for any child, a child restraint appropriate to the weight of the child in accordance with the indication of weight shown on the mark required by regulation 47(8) of the Construction and Use Regulations; and

(*b*) for a child aged 1 year or more, an adult seat belt.

(3) If a child who has attained the age of 1 year but not the age of 4 years wears an adult seat belt, the manner prescribed by this paragraph is that it must be used in conjunction with a booster cushion.

Vehicles to which Article 129D of the Order of 1981 does not apply

4. The prohibition in Article 129D(1) of the Order of 1981 shall not apply to—

(*a*) vehicles which are not motor cars within the meaning of Article 37(1) of the Order of 1981(**a**), and

(*b*) licensed taxis in which the rear seats are separated from the driver by a fixed partition.

(**a**) As amended by S.R. 1982 No. 285

Children to which Article 129D of the Order of 1981 does not apply

5. The prohibition in Article 129D(1) of the Order of 1981 shall not apply to—

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

(*b*) a child aged under 1 year in a carrycot provided that the carrycot is properly secured by straps;

(*c*) a disabled child who is wearing a disabled person's belt; or

(*d*) a child for whom no appropriate seat belt is available (within the meaning of regulation 6).

Interpretation of reference to availability of appropriate seat belt in regulation 5(d)

6.—(1) Subject to paragraphs (2) to (5), if a rear seat in a vehicle is provided with a seat belt which is appropriate for a particular child (''the child in question''), that belt (''the relevant belt'') shall be regarded as available for that child for the purposes of regulation 5(*d*) unless—

(*a*) another person is wearing the relevant belt and it is an appropriate belt for that person;

(*b*) another person is occupying the seat and wearing some other seat belt, that other belt being an appropriate belt for that person;

(*c*) another person, being a person holding a medical certificate, is occupying the seat;

(*d*) the child in question is prevented from occupying the seat by the presence of a carrycot which is secured as mentioned in regulation 5(*b*) and in which there is a child aged under 1 year;

(*e*) the child in question is prevented from occupying the seat by the presence of a properly secured marked child restraint which—

(i) is not appropriate to his weight in accordance with the indication of weight shown on the mark required by regulation 47(8) of the Construction and Use Regulations; and

(ii) cannot readily be removed without the aid of tools;

(*f*) in the case of a seat specially designed so that—

(i) it can be adjusted to increase the space in the vehicle available for goods, and

(ii) when so adjusted it cannot be used as a seat,

it is so adjusted and it would not be reasonably practicable for the goods carried in the vehicle to be so carried were the seat not so adjusted; or

(*g*) the child in question has attained the age of 1 year but not the age of 4 years, the relevant belt is an adult seat belt and there is no booster cushion in or on the vehicle that is not being used by a child in that age range who is wearing an adult seat belt.

(2) Paragraph (1)(*b*) shall not apply for the purposes of this regulation, unless the presence of the person renders it impracticable for the child in question to wear the relevant belt.

(3) Paragraph (1)(*d*) shall not apply for the purposes of this regulation, if it would be reasonably practicable for the carrycot to be carried in any other part of the vehicle where it could be secured as mentioned in regulation 5(*b*) so as to render it practicable for the child in question to wear the relevant belt.

(4) An adult seat belt shall not be regarded as available for a child for the purposes of regulation 5(*d*) if—

(*a*) it is an inertia reel belt which is locked as a result of the vehicle being, or having been, on a steep incline, or

(*b*) it does not comply with the requirements of regulation 48 of the Construction and Use Regulations (maintenance of seat belts and anchorage points).

(5) A seat belt shall be regarded as provided for a seat for the purposes of this regulation if—

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

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

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

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

Sealed with the Official Seal of the Department of the Environment on 2nd August 1989.

(L.S.) *Trevor Pearson*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations are made for the purposes of Article 129D of the Road Traffic (Northern Ireland) Order 1981. Article 129D(1) requires children under the age of 14 years in the rear of motor vehicles to wear seat belts in conformity with regulations in certain circumstances.

2. Regulation 3 prescribes the descriptions of seat belts that are to be worn and, in relation to children aged between 1 and 4 years using an adult seat belt, the manner of use. In such a case the adult seat belt must be used in conjunction with a booster cushion. However, the Regulations do not prevent a child wearing an adult seat belt other than in this manner if regulation 5(*d*) excepts him from the requirements of Article 129D (see paragraph 5 below). For example, if the only seat belt in the rear of the vehicle is an adult seat belt and there is no booster cushion in the vehicle, a child aged 3 would be exempt from the requirements of Article 129D and could lawfully wear the seat belt without using a booster cushion.

3. Regulation 4 exempts certain vehicles from the application of Article 129D. By virtue of that regulation Article 129D applies only to motor cars. Furthermore, licensed taxis are exempt if the rear seats are separated from the driver by a fixed partition.

4. Regulation 5 excepts—

(*a*) any child for whom there is a certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for that child to wear a seat belt,

(*b*) a child aged under 1 year in a carrycot secured by straps,

(*c*) a disabled child who is wearing a disabled person's belt, and

(*d*) a child being carried in the rear of a vehicle if no appropriate seat belt is available for that child's use.

5. The exception in regulation 5(*d*) depends upon the meaning of "appropriate" and "available". "Appropriate" is defined in regulation 2(2) and the rules for determining whether a seat belt is available are set out in regulation 6. Amongst other things, an adult seat belt is to be regarded as available for a child aged between 1 and 4 years only if there is a booster cushion in the vehicle which is not being used by another child in that age range.

6. Any person who drives a motor vehicle in contravention of the said Article 129D(1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 (currently £50) on the standard scale.