STATUTORY INSTRUMENTS

1982 No. 1342

ROAD TRAFFIC

The Motor Vehicles (Wearing of Seat Belts by Children) Regulations 1982

Made - - -	20*th September* 1982
Laid before Parliament	29*th September* 1982
Coming into Operation	31*st January* 1983

The Secretary of State for Transport, in exercise of the powers conferred by section 33B(1) and (3) of the Road Traffic Act 1972(**a**), and of all other enabling powers, and after consultation with representative organisations in accordance with section 199(2) of that Act, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 31st January 1983, and may be cited as the Motor Vehicles (Wearing of Seat Belts by Children) Regulations 1982.

2. In these Regulations—

"adult seat belt" means:—

(*a*) in a case where the seat belt is one mentioned in paragraph (5) of Regulation 17 of the Construction and Use Regulations, one which complies with the requirements specified in paragraphs (5), (7), (8) and (10) of that Regulation;

(*b*) in a case where the seat belt is not one to which paragraph (5) of that Regulation applies, the belt fitted to the vehicle for use by a person occupying the seat in question;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations 1978(**b**);

"restraining device for a young person" means a seat belt which is marked with a marking referred to in Regulation 17(11) of the Construction and Use Regulations; and

"seat belt" and "specified passenger's seat" have the meanings respectively given to those expressions in Regulation 17(12) of the Construction and Use Regulations.

(**a**) 1972 c.20; section 33B of that Act was inserted by section 28 of the Transport Act 1981 (c.56).

(**b**) S.I. 1978/1017; the relevant amending instruments are S.I. 1979/1062, 1980/610, 1981/697 and 1982/1132.

3. The provisions of section 33B(1) of the Road Traffic Act 1972 do not apply in respect of a child for whom there is a valid certificate in a form supplied by the Secretary of State, containing the information required by it, and signed by a registered medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt.

4. The provisions of the said section 33B(1) apply only in respect of a vehicle which is of a class specified in Regulation 6 of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982(**a**) (which relates to vehicles to which seat belts for certain seats are required to be fitted and to vehicles to which, but for the use being made of them, that requirement would apply).

5. The provisions of the said section 33B(1) do not apply to a person driving on a road a motor vehicle in respect of a child who occupies either—

(*a*) a forward facing seat alongside the driver's seat if every other part of the vehicle which is designed to be used as a seat (including the specified passenger's seat and any seat which may be folded) is occupied by another person (whether a child or not); or

(*b*) a seat for which no restraining device for a young person is provided, and

(i) the seat belt provided for that seat is an adult seat belt which has an inertia reel mechanism which is locked as a result of the vehicle being, or having been, on a steep incline, or

(ii) the seat belt provided for that seat is an adult seat belt which does not comply with the requirements of Regulation 102A of the Construction and Use Regulations.

6. The descriptions of seat belt prescribed for the purposes of the said section 33B(1) are—

(*a*) for a child under 1 year of age, a restraining device for a young person appropriate to the weight of the child in accordance with the indication of weight shown on the marking referred to in Regulation 17(11) of the Construction and Use Regulations;

(*b*) for a child of 1 year of age or more who is not disabled, either any type of a restraining device for a young person or an adult seat belt;

(*c*) for a child of 1 year of age or more who is disabled, either—

(i) any type of a restraining device for a young person; or

(ii) an adult seat belt; or

(iii) a seat belt which has been specially designed and constructed, and not merely adapted, for use by a person suffering from some physical defect or disability.

David Howell,
Secretary of State for Transport.

20th September 1982.

(**a**) S.I. 1982/1203.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. Section 33B of the Road Traffic Act 1972 (Restriction on carrying children in the front of motor vehicles) will come into operation as a result of the Transport Act 1981 (Commencement No. 6) Order 1982 (S.I. 1982/1341) on 31st January 1983. That is the date on which both these Regulations and the Motor Vehicles (Wearing of Seat Belts) Regulations 1982 will come into operation.

2. By virtue of that section these Regulations—

(1) provide that the provisions of that section do not apply—

(*a*) in respect of a child for whom there is a valid medical exemption certificate (see Regulation 3),

(*b*) in respect of a vehicle which is not of a class specified in Regulation 6 of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982 (see Regulation 4), and

(*c*) to a person driving a vehicle in respect of a child who occupies—

(i) a forward facing seat alongside the driver's seat which is not the specified passenger's seat and every other part of the vehicle which is capable of being used as a seat is occupied by another person, or

(ii) a seat for which no restraining device for a young person is provided and the seat belt provided for the seat is locked or out of order (see Regulation 5); and

(2) prescribe descriptions of seat belt (see Regulation 6).

3. Certain terms used in these Regulations are defined in Regulation 2.

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