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## STATUTORY INSTRUMENTS

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# 1995 No. 2994

## The Road Traffic (Northern Ireland) Order 1995

### PART II

#### Principal Road Safety Provisions

*Protective measures: seat belts, helmets, etc.*

#### **Seat belts: adults**

**23.**—(1) The Department may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.

(2) Regulations under this Article—

- (a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances;
- (b) may, for the purpose of implementing the seat belt Directive, authorise the wearing of a seat belt approved under the law of a member State other than the United Kingdom;
- (c) shall include exceptions for—
  - [<sup>F1</sup>(i) the driver of, or a passenger in, a motor vehicle constructed or adapted for carrying goods, while on a journey which does not exceed the prescribed distance and which is undertaken for the purpose of delivering or collecting any thing,]
  - (ii) the drivers of vehicles while performing a manoeuvre which includes reversing;
  - (iii) any person 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;
- (d) shall, for the purpose of implementing the seat belt Directive, include an exception for any person holding a certificate to the like effect as that mentioned in sub-paragraph (c)(iii) which was issued in a member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this Article;
- (e) may make any prescribed exceptions subject to such conditions as may be prescribed; and
- (f) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.

(3) A person who drives or rides in a motor vehicle in contravention of regulations under this Article is guilty of an offence; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention.

(4) If the holder of any such certificate as is referred to in paragraph (2)(c) or (d) is informed by a constable that he may be prosecuted for an offence under paragraph (3), he is not in proceedings for that offence entitled to rely on the exception afforded to him by the certificate unless—

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

**Status:** Point in time view as at 27/10/2008.

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- (b) it is produced—
  - (i) within 7 days after the date on which he is so informed, or
  - (ii) as soon as is reasonably practicable,
 at such police station as he may have specified to the constable; or
- (c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.

(5) For the purposes of paragraph (4), the service of a summons on the accused shall be treated as the commencement of the proceedings.

(6) Regulations under this Article requiring the wearing of seat belts by persons riding in motor vehicles shall not apply to children under the age of 14 years.

(7) In this Article, “the seat belt Directive” means the Directive of the Council of the European Communities, dated 16th December 1991 (No.91/671/EEC), on the approximation of the laws of member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes.

**F1** Art. 23(2)(c)(i) substituted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 26; S.R. 2007/302, art. 2, Sch.

### Restriction on carrying children not wearing seat belts in motor vehicles

**24.**—(1) Except as provided by regulations, where a child under the age of 14 years is in the front of a motor vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.

[<sup>F2</sup>(1A) Where—

- (a) a child is in the front of a motor vehicle other than a bus;
- (b) the child is in a rear-facing child restraining device; and
- (c) the passenger seat where the child is placed is protected by a front air bag,

a person must not without reasonable excuse drive the vehicle on a road unless the air bag is deactivated.]

(2) It is an offence for a person to drive a motor vehicle in contravention of paragraph (1) [<sup>F3</sup>or (1A)].

[<sup>F4</sup>(3) Except as provided by regulations, where—

- (a) a child under the age of 3 years is in the rear of a motor vehicle; or
- (b) a child of or over that age but under the age of 14 years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle,

a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.]

(4) Except as provided by regulations, where—

- (a) a child who is under the age of 12 years and less than 150 centimetres in height is in the rear of a passenger car;
- (b) no seat belt is fitted in the rear of the passenger car; and
- (c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the passenger car on a road.

(5) It is an offence for a person to drive a motor vehicle in contravention of paragraph (3) or (4).

- (6) Provision may be made by regulations—
- (a) excepting from the prohibition in paragraph (1), (3) or (4) 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 front of the vehicle for the purposes of paragraph (1) or (4) or as the rear of the vehicle for the purposes of paragraph (3) or (4);
  - (c) prescribing for the purposes of paragraph (1) or (3) the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such seat belt is to be fixed and used.
- (7) Without prejudice to the generality of paragraph (6), regulations made by virtue of subparagraph (c) of that paragraph may, for the purpose of implementing the seat belt Directive,—
- (a) make different provision in relation to different vehicles and different circumstances;
  - (b) authorise the wearing of a seat belt approved under the law of any member State other than the United Kingdom.
- (8) Regulations made for the purposes of paragraph (3) or (4)—
- (a) 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; and
  - (b) shall, for the purpose of implementing the seat belt Directive, include an exemption for any child holding a certificate to the like effect which was issued in any member State other than the United Kingdom and which, under the law of that state, is valid for purposes corresponding to those of this Article,
- but such regulations may, for the purpose of implementing that Directive, make either of those exemptions subject to such conditions as may be prescribed.
- (9) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under paragraph (5), he is not in proceedings for that offence entitled to rely on an exception afforded to a child by a certificate referred to in paragraph (8) unless—
- (a) it is produced to the constable at the time he is so informed, or
  - (b) it is produced—
    - (i) within 7 days after the date on which he is so informed, or
    - (ii) as soon as is reasonably practicable,at such police station as he may have specified to the constable, or
  - (c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.
- (10) For the purposes of paragraph (9), the service of a summons on the accused shall be treated as the commencement of the proceedings.
- (11) In this Article—
- [<sup>F5</sup>“bus” means a motor vehicle that—
    - (a) has at least four wheels,
    - (b) is constructed or adapted for the carriage of passengers,
    - (c) has more than eight seats in addition to the driver's seat, and
    - (d) has a maximum design speed exceeding 25 kilometres per hour;]
- “maximum laden weight” in relation to a vehicle means—

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- (a) in the case of a vehicle in respect of which a gross weight not to be exceeded is specified in construction and use requirements, that weight; or
- (b) in the case of a vehicle in respect of which no such weight is specified in construction and use requirements, the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden,

and in sub-paragraphs (a) and (b), the expression “construction and use requirements” has the meaning given in Article 53;

“passenger car” means a motor vehicle which—

- (a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
- (b) has no more than 8 seats in addition to the driver's seat,
- (c) has 4 or more wheels,
- (d) has a maximum design in speed exceeding 25 kilometres per hour, and
- (e) has a maximum laden weight not exceeding 3.5 tonnes;

“regulations” means regulations made by the Department under this Article;

“seat belt” includes any description of restraining device for a child and any reference to wearing a seat belt shall be construed accordingly; and

“the seat belt Directive” has the same meaning as in Article 23.

[<sup>F6</sup>(12) The reference in paragraph (1A) to the air bag being deactivated includes a reference to the case where the air bag is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraining device in the seat in question.]

- F2** Art. 24(1A) inserted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/7\)](#), **reg. 4(1)**
- F3** Words in art. 24(2) inserted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/7\)](#), **reg. 4(2)**
- F4** Art. 24(3) substituted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/7\)](#), **reg. 4(3)**
- F5** Art. 24(11): definition of "bus" inserted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/7\)](#), **reg. 4(4)**
- F6** Art. 24(12) inserted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/7\)](#), **reg. 4(5)**

#### **Modifications etc. (not altering text)**

- C1** Art. 24(1) excluded by S.R. 1993/363, reg. 7(1)(1A) (as substituted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts by Children in Front Seats\) \(Amendment\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/9\)](#), **reg. 6**)
- C2** Art. 24(3)(4) excluded by S.R. 1993/362, reg. 10(1) (as substituted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/8\)](#), **reg. 9**)
- C3** Art. 24(3) excluded by S.R. 1993/362, reg. 10(2) (as substituted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/8\)](#), **reg. 9**)
- C4** Art. 24(3) excluded by S.R. 1993/362, reg. 10(3) (as substituted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/8\)](#), **reg. 9**)

**C5** Art. 24(3) excluded by S.R. 1993/362, reg. 10(5) (as substituted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 (S.R. 2007/8), reg. 9)

### [<sup>F7</sup>Requirement to notify bus passengers to wear seat belts

**24A.**—(1) Subject to paragraph (6), the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that he is required to wear a seat belt at all times when—

- (a) he is in a seat equipped with a seat belt; and
- (b) the bus is in motion.

(2) For the purposes of paragraph (1) a passenger may be notified only by one or more of the following means—

- (a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;
- (b) a sign prominently displayed at each passenger seat equipped with a seat belt.

(3) For the purposes of paragraph (2)—

- (a) “official announcement” means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus; and
- (b) a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2A, depicting a white figure on a blue background.

(4) An operator who fails to comply with paragraph (1) is guilty of an offence.

(5) Paragraph (1) does not apply in relation to a bus—

- (a) which is being used to provide a local service within the meaning of Article 24B in a built-up area; or
- (b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.

For the purposes of sub-paragraph (a), a local service is provided in a built up area if the entire route used by that service consists of restricted roads.

(6) In this Article—

“bus” has the same meaning as in Article 24;

“operator”, in relation to a bus, means—

- (a) the owner of the bus; or
- (b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;

“passenger seat”, in relation to a bus, means any seat other than the driver's seat;

“restricted road” means a road that is restricted for the purposes of Article 36 of the Road Traffic Regulation (Northern Ireland) Order 1997 (other than a road restricted by an order made under Article 37(3)(a) of that Order) or would be so restricted but for an order under Article 37(3)(b) or an order under Article 38(1)(a) of that Order.

**F7** Arts. 24A - 24B inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), reg. 5

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## Local Service

**24B.**—(1) In Article 24A “local service” means a service using one or more buses, for the carriage of passengers by road at separate fares other than one—

- (a) which is excluded by paragraph (4); or
- (b) in relation to which (except in an emergency) one or both of the conditions in paragraph (2) are met with respect to every passenger using the service.

(2) The conditions are that—

- (a) the place where he is set down is fifteen miles or more, measured in a straight line, from the place where he was taken up;
- (b) some point on the route between those places is fifteen miles or more, measured in a straight line, from either of those places.

(3) Where a service consists of one or more parts with respect to which one or both of the conditions are met, and one or more of the parts with respect to which neither of them is met, each of those parts shall be treated as a separate service for the purposes of paragraph (1).

(4) A service shall not be regarded for the purposes of Article 24A as a local service if—

- (a) the conditions set out in paragraphs (5) to (8) (trips organised privately by persons acting independently of public service vehicle operators) are met in respect of each journey by the vehicles used in providing the service; or
- (b) every vehicle used in providing the service is so used under a permit granted under Section 10B of the Transport Act (Northern Ireland) 1967.

(5) The arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—

- (a) the holder of the Road Service licence under which the vehicle is to be used, if such a licence is in force;
- (b) the driver or the owner of the vehicle or any person who has made the vehicle available under any arrangement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

(6) The journey must be made without previous advertisement to the public of the arrangements therefor.

(7) All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

(8) No differentiation of fares for the journey on the basis of distance or time must be made.

(9) For the purposes of this Article—

- (a) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
- (b) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised; and
- (c) where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of sub-paragraphs (a) and (b) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.]

**F7** Arts. 24A - 24B inserted (27.2.2007) by [Motor Vehicles \(Wearing of Seat Belts\) \(Amendment\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/7\)](#), [reg. 5](#)

### Payments in respect of applicants for exemption from wearing seat belts

**25.**—(1) The Department may make payments in respect of the examination of applicants falling within any class mentioned in paragraph (2) being applicants for medical certificates required as a condition of any exception prescribed by regulations under Article 23 or 24 (wearing of seat belts).

(2) The classes referred to in paragraph (1) are—

(a) those in receipt of—

- (i) attendance allowance under section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>F8</sup>;
- (ii) a disability living allowance under section 71 of that Act;
- (iii) disablement pension under section 103 of that Act at a weekly rate increased by virtue of section 104(1) of that Act (constant attendance needed);
- (iv) an allowance under Article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983<sup>F9</sup> (constant attendance allowance);
- (v) a mobility supplement under a scheme made under the Personal Injuries (Emergency Provisions) Act 1939<sup>F10</sup> or under an Order in Council made under section 12 of the Social Security (Miscellaneous Provisions) Act 1977<sup>F11</sup> (war pensioners' mobility supplement); or
- (vi) a disability pension paid by the Secretary of State for Defence on account of disability attributable to injury sustained after 30th September 1921 but before 3rd September 1939 together with a mobility supplement paid under the Naval and Marine Pay and Pensions (Disablement Awards) (No. 2) Order 1984 or under Royal Warrant dated 30th December 1949 or under Queen's Regulations for the Royal Air Force;

(b) those in receipt of income support,<sup>F12</sup> an income-based jobseeker's allowance within the meaning of the Jobseekers (Northern Ireland) Order 1995<sup>F13</sup>, an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance) or<sup>F14</sup> any element of child tax credit other than the family element or working tax credit] and their dependants; and

<sup>F15</sup>(bb) those in receipt of guarantee state pension credit (under section 1(3)(a) of the State Pension Credit Act (Northern Ireland) 2002) and those persons who (within the meaning of that Act) are members of a<sup>F16</sup> couple] the other member of which is in receipt of guarantee state pension credit;]

(c) those whose names are in the register of disabled persons maintained under section 6 of the Disabled Persons (Employment) Act (Northern Ireland) 1945<sup>F17</sup>.

(3) The Department may by order amend paragraph (2) (whether as originally enacted or as previously amended under this paragraph) so as to omit any of the classes mentioned in that paragraph or add to or substitute for any of those classes other classes of any description.

**F8** 1992 c. 7

**F9** SI 1983/883

**F10** 1939 c. 82

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- F11** 1977 c. 5
- F12** SR 1996/146
- F13** Words in art. 25(2)(b) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 28(1), 60(1), **Sch. 3 para. 7**; S.R. 2008/276, **art. 2(2)(d)**, Sch. Pt. 2
- F14** 2002 c. 21
- F15** 2002 c. 14 (NI)
- F16** SR 2005/479
- F17** 1945 c. 6 (NI)

### Safety equipment for children in motor vehicles

**26.—(1)** The Department may make regulations prescribing (by reference to shape, construction or any other quality) types of equipment of any description to which this Article applies that are recommended as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles.

(2) Regulations under this Article may make provision for securing that when equipment of a type prescribed by the regulations is sold, or offered or exposed for sale, as equipment which is so conducive—

- (a) appropriate information is provided in relation to it in such manner as may be prescribed; and
- (b) inappropriate information is not provided in relation to it.

(3) Except in such circumstances as may be prescribed, if a person sells, or offers or exposes for sale, equipment of any description for which a type is prescribed under this Article as equipment which is so conducive and that equipment

- (a) is not of a type so prescribed, or
- (b) is sold, or offered or exposed for sale, in contravention of regulations under this Article,

he is, subject to paragraph (5), guilty of an offence.

(4) Except in such circumstances as may be prescribed, if a person sells, or offers or exposes for sale, equipment of any description for which a type is prescribed under this Article as equipment conducive to the safety in the event of accident

- (a) of children not of a class prescribed in relation to equipment of that type, or
- (b) of children in motor vehicles not of a class prescribed in relation to equipment of that type,

he is, subject to paragraph (5), guilty of an offence.

(5) A person shall not be convicted of an offence under this Article in respect of the sale, or offering or exposing for sale, of equipment if he proves that it was sold or, as the case may be, offered or exposed for sale for export from Northern Ireland.

(6) The provisions of Schedule 1 shall have effect in relation to contraventions of this Article.

(7) This Article applies to equipment of any description for use in a motor vehicle consisting of—

- (a) a restraining device for a child or for a carry-cot, or
- (b) equipment designed for use by a child in conjunction with any description of restraining device.

(8) References in this Article to selling or sale include references to letting on hire and offering or exposing for sale shall be construed accordingly.



### **Wearing of protective headgear**

**27.**—(1) The Department may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in sidecars) on motor cycles of any class or description specified in the regulations to wear protective headgear of such description as may be so specified.

(2) A requirement imposed by regulations under this Article shall not apply to any follower of the Sikh religion while he is wearing a turban.

(3) A person who drives or rides on a motor cycle in contravention of regulations under this Article is guilty of an offence; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention unless the person actually committing the contravention is a child under the age of 16 years.

### **Protective helmets for motor cyclists**

**28.**—(1) The Department may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes, from injury in the event of accident.

(2) If a person sells, or offers or exposes for sale, a helmet as a helmet for affording such protection and the helmet is neither—

(a) of a type prescribed under this Article, nor

(b) of a type authorised under regulations made under this Article and sold, or offered or exposed for sale, subject to any conditions specified in the authorisation,

subject to paragraph (3), he is guilty of an offence.

(3) A person shall not be convicted of an offence under this Article in respect of the sale, or offering or exposing for sale, of a helmet if he proves that it was sold or, as the case may be, offered or exposed for sale for export from Northern Ireland.

(4) The provisions of Schedule 1 shall have effect in relation to contraventions of this Article.

(5) In this Article and Schedule 1 “helmet” includes any head-dress, and references to selling or sale shall include references to letting on hire and references to offering or exposing for sale shall be construed accordingly.

### **Authorisation of head-worn appliances for use on motor cycles**

**29.**—(1) The Department may make regulations prescribing (by reference to shape, construction or any other quality) types of appliance of any description to which this Article applies as authorised for use by persons driving or riding (otherwise than in sidecars) on motor cycles of any class specified in the regulations.

(2) Regulations under this Article may impose restrictions or requirements with respect to the circumstances in which appliances of any type prescribed by the regulations may be used.

(3) If a person driving or riding on a motor cycle on a road uses an appliance of any description for which a type is prescribed under this Article and that appliance—

(a) is not of a type so prescribed, or

(b) is otherwise used in contravention of regulations under this Article,

he is guilty of an offence.

(4) If a person sells, or offers or exposes for sale, an appliance of any such description as authorised for use by persons on or in motor cycles, or motor cycles of any class, and that appliance

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is not of a type prescribed under this Article as authorised for such use, he is, subject to paragraph (5), guilty of an offence.

(5) A person shall not be convicted of an offence under this Article in respect of the sale, or offering or exposing for sale, of an appliance if he proves that it was sold or, as the case may be, offered or exposed for sale for export from Northern Ireland.

(6) The provisions of Schedule 1 shall have effect in relation to contravention of paragraph (4).

(7) This Article applies to appliances of any description designed or adapted for use—

(a) with any headgear, or

(b) by being attached to or placed upon the head,

(as, for example, eye protectors or earphones).

(8) References in this Article to selling or sale include references to letting on hire and references to offering or exposing for sale shall be construed accordingly.

**Status:**

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**Changes to legislation:**

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