

## 1993 No. 361

## EUROPEAN COMMUNITIES

## ROAD TRAFFIC AND VEHICLES

Road Traffic (1981 Order) (Amendment) Regulations  
(Northern Ireland) 1993

*Made* . . . . . 17th August 1993

*Coming into operation* . . . . . 1st October 1993

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the compulsory use of safety belts in vehicles of less than 3.5 tonnes, in exercise of the powers conferred on it by section 2(2) of that Act and of all other powers enabling it in that behalf, makes the following Regulations:

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Road Traffic (1981 Order) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(3) In these Regulations “the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981(d).

*Amendment of Article 129A of the 1981 Order*

2.—(1) Article 129A of the 1981 Order(e) (wearing of seat belts) shall be amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (a), insert the following sub-paragraph—

“(aa) 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;”;

(b) after sub-paragraph (b) insert the following sub-paragraph—

“(bb) shall, for the purpose of implementing the seat belt Directive, include an exception for any person holding a certificate to the

(a) S.I. 1992/1711

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) S.I. 1981/154 (N.I. 1)

(e) Article 129A was inserted by S.I. 1982/157 (N.I. 3) Article 3

like effect as that mentioned in sub-paragraph (b)(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;”.

(3) In paragraph (4), after “paragraph (2)(b)” insert “or (bb)”.

(4) After paragraph (7), add—

“(8) In this Article and in Articles 129B and 129D, “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 the member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes.”.

#### *Amendment of Article 129B of the 1981 Order*

3.—(1) Article 129B of the 1981 Order(a) (restriction on carrying children in the front of motor vehicles) shall be amended as follows.

(2) After paragraph (3), insert the following paragraph—

“(3A) Without prejudice to the generality of paragraph (3), regulations made by virtue of sub-paragraph (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 a member State other than the United Kingdom.”.

#### *Amendment of Article 129D of the 1981 Order*

4.—(1) Article 129D of the 1981 Order(b) (compulsory wearing of rear seat belts by children) shall be amended as follows.

(2) After paragraph (1), insert the following paragraph—

“(1A) 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 that car, and
- (c) a seat in the front of that car is provided with a seat belt but is not occupied by any person,

a person shall not without reasonable excuse drive that car on a road.”.

(3) In paragraph (2), after “(1)” insert “or (1A)”.

(4) In paragraph (3)—

- (a) in sub-paragraph (a) after “(1)” insert “or (1A)”;
- (b) in sub-paragraphs (b) and (c) for “that paragraph” substitute “those paragraphs”.

(a) Article 129B was inserted by S.I. 1982/157 (N.I. 3) Article 4

(b) Article 129D was inserted by S.I. 1989/680 (N.I. 5) Article 3

(5) After paragraph (3), insert the following paragraph—

“(3A) Without prejudice to the generality of paragraph (3), regulations made by virtue of sub-paragraph (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 a member State other than the United Kingdom.”.

(6) For paragraph (4) substitute—

“(4) Regulations shall include—

- (a) 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) for the purpose of implementing the seat belt Directive, an exemption for any child holding a certificate to the like effect 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,

but such regulations may, for the purpose of implementing that Directive, make either of those exemptions subject to such conditions as may be prescribed.”.

(7) In paragraph (6) before the definition of “regulations” insert—

“ “maximum laden weight” in relation to a vehicle means—

- (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” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989;

“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 speed exceeding 25 kilometres per hour, and
- (e) has a maximum laden weight not exceeding 3.5 tonnes;”.

Sealed with the Official Seal of the Department of the Environment on  
17th August 1993.

(L.S.)

R. Warburton

Assistant Secretary

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend Articles 129A, 129B and 129D of the Road Traffic (Northern Ireland) Order 1981 for the purpose of implementing Council Directive 91/671/EEC (O.J. No. L373, 31.12.91, p. 26) on the approximation of the laws of member States relating to the compulsory use of safety belts in vehicles of less than 3.5 tonnes ("the seat belt Directive").

Article 129A relates to the wearing of seat belts by persons aged 14 years or more. Article 129B relates to the restriction on carrying persons aged under 14 years in the front of a motor vehicle. Article 129D relates to the wearing of rear seat belts by persons aged under 14 years.

The amendments made by regulations 2, 3 and 4 enable regulations to make provision for authorisation of seat belts approved by other member States. Regulations 2 and 4 amend Articles 129A and 129D so as to require regulations under those Articles to make exemptions for persons holding medical certificates which are valid under the law of another member State.

Article 129D(1) makes it an offence for a person to drive a motor vehicle if a child in the rear is not wearing a seat belt and a seat belt is fitted in the rear. The amendments made by regulation 4 of these Regulations extend the offence described above so that it applies where there is no seat belt fitted in the rear, but there is an unoccupied seat in the front which is provided with a seat belt. The amendment applies only to children who are aged under 12 years and less than 150 centimetres tall.

Copies of the Council Directive referred to in these Regulations may be obtained from Her Majesty's Stationery Office.