
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the wearing of seat belts and other restraints by children and adults in motor vehicles.

They amend the Road Traffic (Northern Ireland) Order 1995 (the “Road Traffic Order”) and the Road Traffic Offenders (Northern Ireland) Order 1996 (the “Offenders Order”). They implement requirements of Council Directive [2003/20/EC](#) (OJ No L 115 9.5.2003, p63).

Regulation 4(1) inserts a new paragraph (1A) into Article 24 of the Road Traffic Order to provide that a child should not be transported in the front of a motor vehicle other than a bus using a rear-facing child restraint unless any front air bag has been deactivated entirely or 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 restraint. Transporting a child in a motor vehicle other than a bus in circumstances where the front air bag has not been so deactivated or is not so designed is made an offence (regulation 4(2)) punishable on summary conviction with a maximum fine of level 2 on the standard scale (see regulation 7 which makes consequential changes to the Offenders Order to this effect).

Regulation 4(3) amends Article 24(3) of the Road Traffic Order to prohibit, except as provided by regulations, a motor vehicle being driven with a child under the age of 3 years in the rear of the vehicle unless the child is restrained by a seat belt conforming with regulations. The amended Article 24(3) also applies the same prohibition to a child aged 3 or more but less than 14 where any seat belt is fitted in the rear of the vehicle.

The Regulations (regulation 5) also insert a new Article 24A into the Road Traffic Order requiring bus operators to take reasonable steps to ensure that bus passengers are notified that they are required to wear a seat belt. This may be done by means of an announcement by the driver or by a courier, conductor or group leader or by means of an audio-visual presentation or by signs displayed at every seating position. New Article 24A(2) of, and schedule 2A, to the Road Traffic Order also specify a form of sign which may be used to meet the notification requirement (regulation 5 and 6). A new Article 24B defines a “local service”.

Operators who fail to take reasonable steps to ensure passengers are notified as set out above are guilty of an offence (regulation 5). Consequentially amendments to the Offenders Order make the offence punishable on summary conviction with a maximum fine of up to level 4 on the standard scale (regulation 7).

The requirement to notify bus passengers does not apply where the bus is being used to provide a local service in a built up area or where the bus is constructed or adapted for the carriage of standing passengers on services in which standing is permitted.

A copy of the regulatory impact assessment has been produced and may be obtained from the Department of the Environment, Road Safety Division website at www.roadsafetyni.gov.uk.

A copy of Council Directive [2003/20/EC](#) can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.