

2007 No. 9

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations (Northern Ireland) 2007

Made - - - - 9th January 2007

Coming into operation- - 27th February 2007

The Department of the Environment makes the following regulations in exercise of the powers conferred by Articles 24(1), (6), (7) and (8) and 110(1) of the Road Traffic (Northern Ireland) Order 1995(a):

Citation and Commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on the 27th February 2007.

Amendment of the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993

2. The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993(b) are amended in accordance with regulations 3 to 8.

3. In regulation 2 (general interpretation)—

(a) in paragraph (1)—

(i) before the definition of “Construction and Use Regulations” insert—

““bus” has the same meaning as in Article 24(11) of the Road Traffic (Northern Ireland) Order 1995(c);”,

(ii) after the definition of “front seat” insert—

““local service” has the same meaning as in Article 24B of the Road Traffic (Northern Ireland) Order 1995(d);”,

(iii) After the definition of “member State” insert—

““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,

(c) hire-purchase, conditional sale, loan or otherwise, that person;”;

(a) S.I. 1995 No. 2994 (N.I. 18)

(b) S.R. 1993 No. 363

(c) Article 24(11) was amended by S.R. 2007 No. 7

(d) Article 24B was inserted by S.R. 2007 No. 7

- (b) in paragraph (2) in the definition of “small child” for “150” substitute “135”;
- (c) in paragraph (3)(d)—
 - (i) for “in a relevant vehicle (“the vehicle in question”)” substitute “in a vehicle”, and
 - (ii) for “in the vehicle in question in that State” substitute “in that vehicle in that State”;
- (d) in paragraph (4)(b)—
 - (i) for “in a relevant vehicle (“the vehicle in question”)” substitute “in a vehicle”, and
 - (ii) for “in the vehicle in question in that State” substitute “in that vehicle in that State”;
- (e) for paragraph (8) substitute the following—

“(8) For the purposes of these Regulations, a seat belt is appropriate—

 - (a) in relation to a small child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 5;
 - (b) in relation to a large child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 5 or an adult belt; or
 - (c) in relation to a person aged 14 years or more, if it is an adult belt.”.
- (f) after paragraph (8) insert the following—

“(9) For the purposes of these Regulations, references to a bus being used to provide a local service in a built up area shall be construed in the same way as in Article 24A(5)(a) of the Road Traffic (Northern Ireland) Order 1995.”.

4. Omit regulation 3 (interpretation of references to relevant vehicles).

5. In regulation 5(1) (description of seat belts to be worn by children)—

- (a) in sub-paragraph (a) omit the words “and the vehicle is a relevant vehicle”; and
- (b) omit sub-paragraph (b).

6. In regulation 7 (exceptions relating to children) for paragraph (1) substitute the following—

“(1) The prohibition in Article 24(1) of the Road Traffic (Northern Ireland) Order 1995 shall not apply in relation to—

- (a) a small child aged 3 years or more who is riding in a bus and is wearing an adult belt if an appropriate seat belt is not available for him in the front or rear of the vehicle;
- (b) a child for whom there is a medical certificate;
- (c) a disabled child who is wearing a disabled person’s belt.

(1A) The prohibition in Article 24(1) of the Road Traffic (Northern Ireland) Order 1995 shall not apply to a child riding in a bus—

- (a) which is being used to provide a local service 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.”.

7. In paragraph 2(b) of Schedule 1 (meaning of “medical certificate”), omit the words “and the vehicle is not a relevant vehicle”.

8. In Schedule 2 (interpretation of reference to availability of seat belts)—

- (a) in paragraph (1)—
 - (i) for “adult belt” in both places substitute “appropriate seat belt”, and
 - (ii) for “that person” in both places substitute “that child”;
- (b) omit paragraph 2 (f);

(a) Article 24A was inserted by S.R. 2007 No. 7

(c) omit paragraph 4.

Sealed with the Official Seal of the Department of the Environment on 9th January 2007.



Maggie Smith
A senior officer of the
Department of the Environment

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 in the front of motor vehicles.

They amend the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993 (the “Principal Regulations”). They implement for Northern Ireland requirements of Council Directive 2003/20/EC (OJ No L 115 9.5.2003, p63). Requirements of that Directive in relation to the wearing of seat belts by adults and children in the rear seats of motor vehicles for Northern Ireland are implemented in the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 and the Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 (the “Wearing of Seat Belts Amendment Regulations”).

The Regulations prescribe the types of seat belt or child restraints (the “appropriate seat belt”) to be worn in the front seats of motor vehicles by children under 14 of different ages and sizes. Different provision is made depending on whether a child is a “small child” or a “large child”. Regulation 3 amends the definition of a “small child” for the purposes of the Principal Regulations so that a “small child” is now a child aged under 12 years and less than 135 centimetres rather than 150 centimetres in height. A “large child”, for the purposes of the Principal Regulations, is a child under 14 years who is not a “small child”.

The Regulations (at regulation 6) also amend the exceptions (at regulation 7 of the Principal Regulations) in relation to the prohibition, in Article 24(1) of the Road Traffic (Northern Ireland) Order 1995 (the “Order”), against driving a motor vehicle with a child in the front of the vehicle unrestrained by the appropriate restraint. In particular, the exception allowing small children aged 3 or over to wear adult belts in cases where no appropriate child restraint is available for them is removed, except in relation to buses. Also removed are exceptions for children under 1 year travelling in a carry cot and for children riding unrestrained in the front seat of a motor car first used before 1st January 1965, where that car has no rear seat and no seat belt is provided which is appropriate for the child.

The existing exception (in Regulation 7(2) of the Principal Regulations) for a child riding in a vehicle which is being used to provide a local service is replaced (at regulation 6) with an exemption for a child riding in a bus—

- (a) which is providing a local service in a built up area; or
- (b) which is constructed or adapted for the carriage of standing passengers and on which standing is permitted.

The Regulations (at regulations 3(5) and (6), 4 and 5) also amend the description of the types of child restraint (or adult belt, in the case of large children) which may be worn in order to permit restraints or belts approved by other member States to be worn in all classes of motor vehicle. Previously restraints approved by other member States could only be worn in a “relevant vehicle”, that is to say, light goods vehicles, passenger cars and small buses (as these were defined by regulation 3 of the Principal Regulations).

The Regulations make various other minor and consequential amendments.

A separate regulatory impact assessment has not been prepared for this instrument. Reference should instead be made to the regulatory impact assessment prepared in relation to the Wearing of Seat Belts Amendment Regulations which provides an assessment of the impact of the changes made both by those Regulations and these Regulations. A copy of that 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.

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Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N3006. C2. 1/07. Gp. 130. 14567.

£3.00