

1989 No. 1219

ROAD TRAFFIC

**The Motor Vehicles (Wearing of Seat Belts by Children
in Rear Seats) Regulations 1989**

Approved by both Houses of Parliament

Made - - - - 14th July 1989

Coming into force 1st September 1989

The Secretary of State for Transport, in exercise of the powers conferred by section 15(3), (5), (6) and (9) of the Road Traffic Act 1988(a), and all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts by Children in Rear Seats) Regulations 1989 and shall come into force on 1st September 1989.

General interpretation

2.—(1) In these Regulations—

“the Act” means the Road Traffic Act 1988;

“adult seat belt” means—

- (a) a three-point belt, or
- (b) a lap belt,

which has been marked in accordance with regulation 47(7) of the Construction and Use Regulations;

“booster cushion” means a cushion designed for a person of small stature to sit on to improve the fit of an adult seat belt (including a cushion that has an integral back above the seating plane);

“child restraint” means a seat belt for the use of a young person—

- (a) which is designed either to be fitted directly to a suitable anchorage or to be used in conjunction with an adult seat belt and held in place by the restraining action of that belt; and
- (b) which has been marked in accordance with regulation 47(7) of the Construction and Use Regulations;

“Construction and Use Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(b);

“medical certificate”, in relation to a person, means a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for that person to wear a seat belt;

(a) 1988 c.52.

(b) S.I. 1986/1078; the relevant amending instrument is S.I. 1987 1133.

“rear seat” in relation to a vehicle means a seat not being the drivers seat, a seat alongside the drivers seat or a specified passenger seat; and

“disabled person’s belt”, “lap belt”, “seat”, “specified passenger seat” and “three-point belt” have the meanings given by regulation 47(8) of the Construction and Use Regulations.

(2) Without prejudice to sections 17 and 20 of the Interpretation Act 1978(a), a reference to a provision of the Construction and Use Regulations is a reference to that provision as from time to time amended or as from time to time re-enacted with or without modification.

(3) For the purposes of these Regulations a seat belt is appropriate—

- (a) in relation to a child under the age of 14 years, if it is of a description specified for a child of his class in regulation 3(2), and
- (b) in relation to a person aged 14 years or more, if it is an adult seat belt.

Descriptions of seat belts and the manner in which they are to be used

3.—(1) A child shall be regarded as wearing a seat belt in conformity with regulations for the purposes of section 15(3) if and only if—

- (a) he is wearing a seat belt of a description prescribed by paragraph (2) below for a child of his class, and
- (b) where paragraph (3) is applicable, he is using the seat belt in the manner prescribed by that paragraph.

(2) The descriptions of seat belt prescribed by this paragraph are—

- (a) for any child, a child restraint appropriate to the weight of the child in accordance with the indication of weight shown on the marking required under regulation 47(7) of the Construction and Use Regulations; and
- (b) for any child aged 1 year or more, an adult seat belt.

(3) If a child who has attained the age of 1 year but not the age of 4 years wears an adult seat belt, the manner prescribed by this paragraph is that it must be used in conjunction with a booster cushion.

Vehicles to which section 15(3) of the Act does not apply

4. The following classes of vehicles are exempt from the prohibition in section 15(3) of the Act, that is to say—

- (a) vehicles which are not motor cars within the meaning of section 185 of the Act, and
- (b) licensed taxis and licensed hire cars within the meanings given by section 13 of the Transport Act 1985(b) in which (in each case) the rear seats are separated from the driver by a fixed partition.

Exemptions

5.—(1) The prohibition in section 15(3) of the Act shall not apply to—

- (a) a child for whom there is a medical certificate;
- (b) a child aged under 1 year in a carry cot provided that the carry cot is restrained by straps; or
- (c) a disabled child who is wearing a disabled person’s belt.

(2) The prohibition in section 15(3) of the Act shall not apply to the driving of a vehicle where the condition specified in paragraph (3) below is satisfied as respects every child aged under 14 years who is in the rear of the vehicle and not wearing an appropriate seat belt.

(3) The condition is that no appropriate seat belt is available for the child.

(a) 1978 c.30.

(b) 1985 c.67.

Interpretation of reference to availability

6. (1) An appropriate seat belt shall not be regarded as being available for a child for the purposes of regulation 5(2) unless such a belt is regarded as available to him by virtue of paragraph (2) below.

(2) Subject to paragraph (5) below, if any rear seat in a vehicle is provided with a seat belt which is appropriate for a particular child ("the child in question") that belt ("the relevant belt") shall be regarded as available for that child for the purposes of regulation 5(2) unless—

- (a) another person is wearing the relevant belt and it is an appropriate belt for that person;
- (b) another person is occupying the seat and wearing some other seat belt, that other belt being an appropriate belt for that person;
- (c) another person, being a person for whom there is a medical certificate, is occupying the seat;
- (d) the child in question is prevented from occupying the seat by the presence of a carry cot which is restrained as mentioned in regulation 5(1)(b) and in which there is a child aged under 1 year;
- (e) the child in question is prevented from occupying the seat by the presence of a correctly secured child restraint which—
 - (i) is not appropriate to his weight in accordance with the indication of weight shown on the marking referred to in regulation 47(7) of the Construction and Use Regulations, and
 - (ii) could not readily be removed without the aid of tools;
- (f) in the case of a seat that is specially designed so that—
 - (i) its configuration can be adjusted in order to increase the space in the vehicle available for goods or personal effects, and
 - (ii) when it is so adjusted the seat cannot be used as such, the configuration is adjusted in the manner described in sub-paragraph (i) and it would not be reasonably practicable for the goods and personal effects carried in the vehicle to be so carried were the configuration not so adjusted;
- (g) the child in question has attained the age of 1 year but not the age of 4 years, the relevant belt is an adult seat belt and there is no booster cushion in or on the vehicle that is not being used by a child in that age range who is wearing an adult seat belt.

(3) Paragraph (2)(b) above shall not apply unless the presence of the person renders it impracticable for the child in question to wear the relevant belt.

(4) Paragraph (2)(d) above shall not apply if it would be reasonably practicable for the carry cot to be carried in any other part of the vehicle where it could be restrained as mentioned in regulation 5(1)(b) so as to render it practicable for the child in question to wear the relevant belt.

(5) An adult seat belt shall not be regarded as available for any child for the purposes of regulation 5(2) if—

- (a) it has an inertia reel mechanism which is locked as a result of the vehicle being, or having been, on a steep incline, or
- (b) it does not comply with the requirements of regulation 48 of the Construction and Use Regulations.

(6) A seat belt shall be regarded as provided for a seat for the purposes of this regulation if—

- (a) it is fixed in such a position that it can be worn by an occupier of that seat, or
- (b) it is elsewhere in or on the vehicle but—
 - (i) it could readily be fixed in such a position without the aid of tools, and
 - (ii) it is not being worn by a person for whom it is appropriate and who is occupying another seat.

14th July 1989

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations are made for the purposes of section 15(3) of the Road Traffic Act 1988. Section 15(3) requires children under the age of 14 years in the rear of motor vehicles to wear seat belts in conformity with regulations in certain circumstances.

2. Regulation 3 prescribes the descriptions of seat belts that are to be worn and, in relation to children aged between 1 and 4 years using an adult seat belt, the manner of use. The prescribed manner of use in such a case is that the adult seat belt must be used in conjunction with a booster cushion. However, the Regulations do not prevent a child wearing an adult seat belt other than in this manner if regulation 5(2) exempts him from the requirements of section 15(3) (see paragraphs 5 and 6 below). For example, if the only seat belt in the rear of a vehicle is an adult seat belt and there is no booster cushion in the vehicle, a child aged 3 would be exempt from the requirements of section 15(3) and could lawfully wear the seat belt without using a booster cushion.

3. Regulation 4 exempts certain vehicles from the application of section 15(3). By virtue of that regulation section 15(3) applies only to motor cars. Furthermore, licensed taxis and licensed hire cars (as defined in section 13 of the Transport Act 1985) are exempt if the rear seats are separated from the driver by a fixed partition.

4. Regulation 5(1) exempts—

- (a) any child for whom there is a certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for that child to wear a seat belt;
- (b) a child aged under 1 year in a carry cot restrained by straps; and
- (c) a disabled child who is wearing a disabled person's belt.

5. Regulation 5(2) exempts from the application of section 15(3) the driving of a vehicle where every child for whom an appropriate seat belt is available, is wearing such a belt and other children are in the rear of the vehicle.

6. This exemption depends upon the meaning of "appropriate" and "available". "Appropriate" is defined in regulation 2(3) and the rules for determining whether a seat belt is available are set out in regulation 6. Amongst other things, an adult seat belt is to be regarded as available for a child aged between 1 and 4 years only if there is a booster cushion in or on the vehicle which is not being used by another child in that age range.

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