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STATUTORY INSTRUMENTS

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**1993 No. 176**

**ROAD TRAFFIC**

**The Motor Vehicles (Wearing of Seat Belts) Regulations 1993**

*Made* - - - - *1st February 1993*

*Coming into force* - - *2nd February 1993*

Whereas a draft of the following Regulations has been approved by both Houses of Parliament:  
Now, the Secretary of State for Transport, in exercise of the powers conferred by section 14(1) and (2) and 15(3), (3A), (5) and (6) of the Road Traffic Act 1988(1), 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:—

**PART I**

**INTRODUCTION**

**Citation, commencement and revocations**

1.—(1) These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 and shall come into force on 2nd February 1993.

(2) The Regulations set out in Schedule 3 to these Regulations are hereby revoked.

**General interpretation**

2.—(1) In these Regulations—

“the Act” means the Road Traffic Act 1988;

“the Construction and Use Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(2);

“licensed hire car” has the meaning given by section 13(3) of the Transport Act 1985(3);

“licensed taxi” has the meaning given by section 13(3) of the Transport Act 1985;

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(1) 1988 c. 52; sections 14, 15 and 195 were amended by the Road Traffic Act 1988 (Amendment) Regulations 1992 (S.I. 1992/3105).

(2) S.I. 1986/1078; relevant amending instruments are S.I. 1987/1133, 1989/1478 and 1991/2003.

(3) 1985 c. 67.

“maximum laden weight” has the meaning given by Part IV of Schedule 6 to the Road Traffic Regulation Act 1984(4);

“medical certificate” has the meaning given in Schedule 1 to these Regulations;

“passenger car” has the same meaning as in section 15 of the Act;

“private hire vehicle” means a motor vehicle which has no more than 8 seats in addition to the driver’s seat, other than a licensed taxi or a public service vehicle (within the meaning of the Public Passenger Vehicles Act 1981(5)), which is provided for hire with the services of a driver for the purpose of carrying passengers and which displays a sign pursuant to either section 21 of the Vehicles (Excise) Act 1971(6) or section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976(7) or any similar enactment;

“rear seat” in relation to a vehicle means a seat not being the driver’s seat, a seat alongside the driver’s seat or a specified passenger seat;

“restraint system” means a system combining a seat fixed to the structure of the vehicle by appropriate means and a seat belt for which at least one anchorage point is located on the seat structure;

“seat belt” except in this regulation, includes a child restraint and references to wearing a seat belt shall be construed accordingly;

“trade licence” has the meaning given by section 38(1) of the Vehicles (Excise) Act 1971(8);

“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 section 17 of the Interpretation Act 1978(9), a reference to a provision in any subordinate legislation (within the meaning of that Act) 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) In these Regulations—

“child” means a person under the age of 14 years;

“large child” means a child who is not a small child; and

“small child” means a child who is—

- (a) aged under 12 years, and
- (b) under 150 centimetres in height.

(4) In these Regulations, “adult belt” means a seat belt in respect of which one or more of the following requirements is satisfied, namely that—

- (a) it is a three-point belt which has been marked in accordance with regulation 47(7) of the Construction and Use Regulations,
- (b) it is a lap belt which has been so marked,
- (c) it is a seat belt that falls within regulation 47(4)(c)(i) or (ii) of those Regulations;
- (d) it is a seat belt fitted in a relevant vehicle (“the vehicle in question”) and comprised in a restraint system—
  - (i) of a type which has been approved by an authority of another member State for use by all persons who are either aged 13 years or more or of 150 centimetres or more in height, and

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(4) 1984 c. 27.  
 (5) 1981 c. 14.  
 (6) 1971 c. 10.  
 (7) 1976 c. 57.  
 (8) 1971 c. 10.  
 (9) 1978 c. 30.

- (ii) in respect of which, by virtue of such approval, the requirements of the law of another member State corresponding to these Regulations would be met were it to be worn by persons who are either aged 13 years or more or of 150 centimetres or more in height when travelling in the vehicle in question in that State.
- (5) In these Regulations, “child restraint” means a seat belt or other device in respect of which the following requirements are satisfied, namely that—
  - (a) it is a seat belt or any other description of restraining device for the use of a child which is—
    - (i) 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
    - (ii) marked in accordance with regulation 47(7) of the Construction and Use Regulations; or
  - (b) it is a seat belt consisting of or comprised in a restraint system fitted in a relevant vehicle (“the vehicle in question”), being a restraint system—
    - (i) of a type which has been approved by an authority of another member State for use by a child, and
    - (ii) in respect of which, by virtue of such approval, the requirements of the law of that State corresponding to these Regulations would be met were it to be worn by a child when travelling in the vehicle in question in that State.
- (6) Subject to paragraph (7), for the purposes of these Regulations, a seat shall be regarded as provided with an adult seat belt if it is fixed in such a position that it can be worn by an occupier of that seat.
- (7) A seat shall not be regarded as provided with an adult seat belt if the seat belt—
  - (a) has an inertia reel mechanism which is locked as a result of the vehicle being, or having been, on a steep incline, or
  - (b) does not comply with the requirements of regulation 48 of the Construction and Use Regulations.
- (8) For the purposes of these Regulations, a seat belt is appropriate—
  - (a) in relation to a child aged under 3 years, if it is of a description prescribed for a child of his height and weight by regulation 8;
  - (b) in relation to a child aged 3 years or more, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 8 or is an adult belt; or
  - (c) in relation to a person aged 14 years or more, if it is an adult belt.
- (9) For the purposes of these Regulations, any reference to a seat belt being available shall be construed in accordance with Schedule 2 to these Regulations.
- (10) Unless the context otherwise requires, in these Regulations—
  - (a) any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations; and
  - (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears.

### **Interpretation of references to relevant vehicles**

- 3.—(1) In these Regulations, “relevant vehicle” means—
- (a) a passenger car,
  - (b) a light goods vehicle, or

- (c) a small bus.
- (2) For the purposes of this regulation—
  - “light goods vehicle” means a goods vehicle which—
    - (a) has four or more wheels,
    - (b) has a maximum design speed exceeding 25 kilometres per hour,
    - (c) has a maximum laden weight not exceeding 3.5 tonnes; and
  - “small bus” 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 more than 8 seats in addition to the driver’s seat,
    - (c) has four or more wheels,
    - (d) has a maximum design speed exceeding 25 kilometres per hour;
    - (e) has a maximum laden weight not exceeding 3.5 tonnes, and
    - (f) is not constructed or adapted for the carriage of standing passengers.

## PART II

### ADULTS IN THE FRONT OR REAR OF A VEHICLE

#### General

- 4. This Part of these Regulations shall have effect for the purpose of section 14 of the Act.

#### Requirement for adults to wear adult belts

- 5.—(1) Subject to the following provisions of these Regulations, every person—
  - (a) driving a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar);
  - (b) riding in a front seat of a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar); or
  - (c) riding in a rear seat of a motor car or a passenger car which is not a motor car;shall wear an adult belt.

- (2) Paragraph (1) does not apply to a person under the age of 14 years.

#### Exemptions

- 6.—(1) The requirements of regulation 5 do not apply to—
  - (a) a person holding a medical certificate;
  - (b) a person using a vehicle constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries or collections;
  - (c) a person driving a vehicle while performing a manoeuvre which includes reversing;
  - (d) a qualified driver (within the meaning given by regulation 9 of the Motor Vehicles (Driving Licences) Regulations 1987(10)) who is supervising the holder of a provisional licence

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(10) S.I. 1987/1378; relevant amending instrument is S.I. 1990/1396.

(within the meaning of Part III of the Act) while that holder is performing a manoeuvre which includes reversing;

- (e) a person by whom, as provided in the Motor Vehicles (Driving Licences) Regulations 1987, a test of competence to drive is being conducted and his wearing a seat belt would endanger himself or any other person;
- (f) a person driving or riding in a vehicle while it is being used for fire brigade or police purposes or for carrying a person in lawful custody (a person who is being so carried being included in this exemption);
- (g) the driver of—
  - (i) a licensed taxi while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire, or
  - (ii) a private hire vehicle while it is being used to carry a passenger for hire;
- (h) a person riding in a vehicle, being used under a trade licence, for the purpose of investigating or remedying a mechanical fault in the vehicle;
- (j) a disabled person who is wearing a disabled person's belt; or
- (k) a person riding in a vehicle while it is taking part in a procession organised by or on behalf of the Crown.

(2) Without prejudice to paragraph (1)(k), the requirements of regulation 5 do not apply to a person riding in a vehicle which is taking part in a procession held to mark or commemorate an event if either—

- (a) the procession is one commonly or customarily held in the police area or areas in which it is being held, or
- (b) notice in respect of the procession was given in accordance with section 11 of the Public Order Act 1986(11).

(3) The requirements of regulation 5 do not apply to—

- (a) a person driving a vehicle if the driver's seat is not provided with an adult belt;
- (b) a person riding in the front of a vehicle if no adult belt is available for him in the front of the vehicle;
- (c) a person riding in the rear of a vehicle if no adult belt is available for him in the rear of the vehicle.

## PART III

### CHILDREN IN THE REAR OF A VEHICLE

#### General

7. This Part of these Regulations has effect for the purposes of section 15(3) and (3A) of the Act.

#### Description of seat belts to be worn by children

8.—(1) For a child of any particular height and weight travelling in a particular vehicle, the description of seat belt prescribed for the purposes of section 15(3) of the Act to be worn by him is—

- (a) if he is a small child and the vehicle is a relevant vehicle, a child restraint of a description specified in sub-paragraph (a) or (b) of paragraph (2);

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(11) 1986 c. 64.

- (b) if he is a small child and the vehicle is not a relevant vehicle, a child restraint of a description specified in sub-paragraph (a) of paragraph (2);
  - (c) if he is a large child, a child restraint of a description specified in sub-paragraph (a) of paragraph (2) or an adult belt.
- (2) The descriptions of seat belt referred to in paragraph (1) are—
- (a) a child restraint with the marking required under regulation 47(7) of the Construction and Use Regulations if the marking indicates that it is suitable for his weight and either indicates that it is suitable for his height or contains no indication as respects height;
  - (b) a child restraint which would meet the requirements of the law of another member State corresponding to these Regulations were it to be worn by that child when travelling in that vehicle in that State.

**Vehicles to which section 15(3) and (3A) of the Act do not apply**

9. The following classes of vehicles are exempt from the prohibition in section 15(3) and (3A) of the Act, that is to say—
- (a) vehicles which are neither motor cars nor passenger cars;
  - (b) licensed taxis and licensed hire cars in which (in each case) the rear seats are separated from the driver by a fixed partition.

**Exemptions**

- 10.—(1) The prohibitions in section 15(3) and (3A) of the Act do not apply in relation to—
- (a) a small child aged 3 years or more if a seat belt of a description prescribed by regulation 8 for a small child of his height and weight is not available in the front or rear of the vehicle and he is wearing an adult belt;
  - (b) a child for whom there is a medical certificate;
  - (c) a child aged under 1 year in a carry cot provided that the carry cot is restrained by straps; or
  - (d) a disabled child who is wearing a disabled person’s belt.
- (2) The prohibition in section 15(3) of the Act does not apply in relation to a small child in a passenger car if no appropriate seat belt is available for him in the front or in the rear of the vehicle.
- (3) The prohibition in section 15(3) of the Act does not apply in relation to a small child in a vehicle other than a passenger car if no appropriate seat belt is available for him in the rear of the vehicle.
- (4) The prohibition in section 15(3) of the Act does not apply in relation to a large child in any vehicle if no appropriate seat belt is available for him in the rear of the vehicle.
- (5) The prohibition in section 15(3A) of the Act does not apply in relation to a child if no appropriate seat belt is available for him in the front of the vehicle.

Signed by authority for the Secretary of State

1st February 1993

*Kenneth Carlisle*  
Parliamentary Under Secretary of State  
Department of Transport

SCHEDULE 1

Regulation 2(1)

MEANING OF “MEDICAL CERTIFICATE”

PART I

1. Subject to paragraph 2, in these Regulations, “medical certificate”, in relation to a person driving or riding in a vehicle, means—
  - (a) 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, or
  - (b) a valid certificate to such effect issued by the authority having power to issue such a certificate under the law of another member State corresponding to these Regulations.
2. A certificate shall not be regarded as a medical certificate in relation to a person driving or riding in a vehicle for the purposes of these Regulations unless—
  - (a) it specifies its period of validity and bears the symbol shown in Part II of this Schedule; or
  - (b) the person is aged under 14 years and the vehicle is not a relevant vehicle.
3. Paragraph 2 does not apply in relation to a certificate issued before 1st January 1995.

PART II

(see paragraph 2(a) in Part I of this Schedule)



SCHEDULE 2

Regulation 2(9)

INTERPRETATION OF REFERENCES TO AVAILABILITY OF SEAT BELTS

1. For the purposes of these Regulations, in relation to a person aged 14 years or more riding in a vehicle,—
  - (a) if any front seat in the vehicle (other than the driver’s seat) is provided with an adult belt, that belt shall be regarded as being available for him in the front of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that person, that seat and that belt; and
  - (b) if any rear seat in the vehicle is provided with an adult belt, that belt shall be regarded as being available for him in the rear of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that person, that seat and that belt.
2. For the purposes of these Regulations, in relation to a child riding in a vehicle,—
  - (a) if any front seat in the vehicle (other than the driver’s seat) is provided with an appropriate seat belt, that belt shall be regarded as an appropriate seat belt available for him in the



front of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that child, that seat and that belt; and

- (b) if any rear seat in a vehicle is provided with an appropriate seat belt, that belt shall be regarded as an appropriate seat belt available for him in the rear of the vehicle unless the requirements of paragraph 3 are satisfied in relation to that child, that seat and that belt.

**3.** The requirements of this paragraph are satisfied in relation to a particular person (“the person in question”) and a particular seat (“the relevant seat”) provided with a particular seat belt (“the relevant belt”) if—

- (a) another person is wearing the relevant belt;
- (b) a child is occupying the relevant seat and wearing a child restraint which is an appropriate child restraint for that child;
- (c) another person, being a person holding a medical certificate, is occupying the relevant seat;
- (d) a disabled person (not being the person in question) is occupying the relevant seat and wearing a disabled person’s belt;
- (e) by reason of his disability, it would not be practicable for the person in question to wear the relevant belt;
- (f) the person in question is prevented from occupying the relevant seat by the presence of a carry cot which is restrained by straps and in which there is a child aged under 1 year;
- (g) the person in question is prevented from occupying the relevant seat by the presence of a child restraint which could not readily be removed without the aid of tools; or
- (h) the relevant seat 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,

and 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 being carried in the vehicle to be so carried were the configuration not so adjusted.

**4.** Paragraph 3 shall have effect in relation to regulation 10(5) as if sub-paragraphs (a) to (d) of that paragraph were omitted.

**5.** Paragraph 3(b) and (d) shall not apply unless the presence of the other person renders it impracticable for the person in question to wear the relevant belt.

**6.** Paragraph 3(f) 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 by straps so as to render it practicable for the person in question to wear the relevant belt.

**7.** Paragraph 3(g) shall not apply if—

- (a) the person in question is a child; and
- (b) the child restraint is appropriate for him.

**8.** A child restraint shall be regarded as provided for a seat for the purposes of this Schedule 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 child for whom it is appropriate and who is occupying another seat.

## SCHEDULE 3

Regulation 1(2)

## REVOCATIONS

<i>Title</i>	<i>Year and number</i>
The Motor Vehicles (Wearing of Seat Belts) Regulations 1982	S.I.1982/1203
The Motor Vehicles (Wearing of Seat Belts by Children in Rear Seats) Regulations 1989	S.I. 1989/1219
The Motor Vehicles (Wearing of Seat Belts in Rear Seats by Adults) Regulations 1991	S.I. 1991/1255

**EXPLANATORY NOTE***(This note is not part of the Regulations)*

These Regulations make provisions relating to the wearing of seat belts in the front or rear of motor vehicles by adults and to the wearing of seat belts and other restraints by children in the rear of motor vehicles. They replace:

- (a) The Motor Vehicles (Wearing of Seat Belts) Regulations 1982;
- (b) The Motor Vehicles (Wearing of Seat Belts by Children in Rear Seats) Regulations 1989; and
- (c) The Motor Vehicles (Wearing of Seat belts in Rear Seats by Adults) Regulations 1991.

These Regulations, the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 (S.I. 1993/31) and the Road Traffic Act 1988 (Amendment) Regulations 1992 (S.I. 1992/3105) implement Council Directive 91/671/EEC. The Directive applies only to vehicles of less than 3.5 tonnes which have 4 or more wheels and a design speed of more than 25 km/h. It does not apply to passenger vehicles with more than 8 passenger seats if they are designed to carry standing passengers. Vehicles within the scope of the Directive with not more than 8 passenger seats are referred to in the Regulations as “passenger cars”.

**Adults in the front or rear of a motor vehicle**

The main changes made by these Regulations as regards adults are as follows:

- (a) Previously a driver could commit an offence under section 14 of the Road Traffic Act 1988 even if the driver’s seat was not provided with a seat belt. This will no longer be the case. The general rule will be that if an adult belt is provided it must be worn.
- (b) Previously a passenger in the front of the vehicle could, in some cases, commit an offence under section 14 of the Road Traffic Act 1988 even if no seat belt was available in the front of the vehicle. This will no longer be the case. The general rule will be that if an adult belt is available in the front a passenger in the front must wear it.
- (c) Previously the front seat wearing requirements applied only to vehicles that were required to be fitted with seat belts by the Road Vehicles (Construction and Use) Regulations 1986.

They will now apply to all motor vehicles (other than motor bicycles) to which seat belts are fitted.

- (d) The description of seat belt that must be worn if available will in the case of vehicles within the scope of the Directive include belts approved by other member States.
- (e) Previously the requirement to wear a seat belt in the rear of a vehicle applied to motor cars which were not constructed or adapted to carry more than 8 passengers and to no other vehicles. The requirements will now apply to all motor cars as defined in the Road Traffic Act 1988 and all passenger cars.
- (f) As before there is an exemption for persons holding a certificate to the effect that it is inadvisable on medical grounds for him to wear a seat belt. Such a certificate will in future have to state its period of validity and bear a specified symbol. The exemption is extended to holders of certificates issued under the law of another member State.
- (g) The exemptions relating to emergency vehicles and persons in custody have been widened.

### **Children in the rear of a motor vehicle**

Children are for the purposes of the Regulations divided into two categories. A small child is a child who is aged under 12 years and is under 150 centimetres in height. Any other child aged under 14 years is referred to as a large child.

Previously it was unlawful to drive a vehicle with an unrestrained child in the rear only if a seat belt or other restraint was fitted in the rear. The Road Traffic Act 1988 (Amendment) Regulations 1992 makes it an offence to drive a passenger car with an unrestrained small child in the rear where no rear seat belt is fitted subject to exceptions made by Regulations. These Regulations prescribe exceptions.

The main changes made by these Regulations and The Road Traffic Act 1988 (Amendment) Regulations 1992 as regards children are as follows.

- (a) The previous Regulations applied only to motor cars as defined in the Road Traffic Act 1988. These Regulations extend to all passenger cars as well as motor cars.
- (b) Previously it was lawful to drive a vehicle with an unrestrained child in the rear if no suitable restraint was available in the rear even if one was available in the front. This will generally cease to be lawful in the case of a small child in a passenger car where an unoccupied seat in the front is provided with a suitable restraint.
- (c) A small child will generally have to wear a suitable child restraint if one is available. If no such restraint is available, a small child aged over 3 years must generally wear an adult belt if one is available.
- (d) An adult belt is now treated as suitable for a child aged 3 years or over even if no booster cushion is used. Previously there was provision for a child aged 1, 2 or 3 years in the rear to use an adult belt in conjunction with a booster cushion. There is no equivalent provision in these Regulations. Accordingly, a child aged under 3 years will not be required to wear an available adult belt even if a booster cushion is also available.
- (e) There are provisions concerning restraints approved by other member States and medical certificates in similar (but not identical) terms to those relating to adults.