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## 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Motor Vehicles (Wearing of Seat Belts) Regulations 1993.