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STATUTORY INSTRUMENTS

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**1994 No. 3270**

**ROAD TRAFFIC**

**The Road Vehicles (Construction and Use)  
(Amendment) (No.3) Regulations 1994**

*Made* - - - - *17th December 1994*  
*Laid before Parliament* *9th January 1995*  
*Coming into force* - - *1st February 1995*

The Secretary of State for Transport,

- (a) in exercise of the powers conferred by section 41(1), (2) and (5) of the Road Traffic Act 1988(1) (“the 1988 Act”) and after consultation with representative organisations in accordance with section 195(2) of the 1988 Act and
  - (b) being a Minister designated(2) for the purposes of subsection (2) of section 2 of the European Communities Act 1972(3) in relation to the regulation of the construction and equipment of vehicles and of components of vehicles, in exercise of the powers conferred by that section,
- and in exercise of all other enabling powers, hereby makes the following Regulations:—

**Commencement and Citation**

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No.3) Regulations 1994 and shall come into force on 1st February 1995.

**Preliminary**

2.—(1) The Road Vehicles (Construction and Use) Regulations 1986(4) shall be further amended in accordance with the following provisions of these Regulations.

(2) So far as any requirement is imposed by virtue of these Regulations, that requirement is imposed in exercise of the powers conferred by section 41 of the Road Traffic Act 1988 to the exclusion of section 2(2) of the European Communities Act 1972.

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(1) 1988 c. 52; section 41 was amended by paragraph 50 of Schedule 4 to the Road Traffic Act 1991 (c. 40) and by Schedule 8 to that Act.  
(2) S.I. 1972/1811.  
(3) 1972 c. 68; section 2(2) was amended by sections 2 and 3 of the European Economic Area Act 1993 (c. 51).  
(4) S.I. 1986/1078; relevant amending instruments are S.I. 1987/1133, 1989/1478 and 1991/2003.

### **Amendments to regulation 46 (seat belt anchorage points)**

3. In regulation 46(4)(b) and (4B)(b), after “14.02” there shall be inserted “or 14.03”.

### **Amendments to Regulation 47 (seat belts)**

- 4.—(1) Regulation 47 shall be amended as follows.

- (2) In paragraph (4)(c)—

- (a) for the words “the marking designated in item 16 in Schedule 2 to the Approval Marks Regulations”(5) in sub-paragraph (ii), there shall be substituted the “the marking designated as an approval mark by regulation 4 of the Approval Marks Regulations and shown at item 16 of 16A in Schedule 2 to those Regulations.”;

- (b) the word “or” immediately after sub-paragraph (i) shall be omitted and after sub-paragraph (ii) there shall be added the following—

“(iii) a seat belt which satisfies the requirements of a standard corresponding to the British Standard referred to in sub-paragraph (i); or

(iv) a seat belt designed for use by an adult which is a harness belt comprising a lap belt and shoulder straps and which satisfies the requirements of a standard corresponding to any of the British Standards referred to in sub-paragraph (ii).”.

- (3) In paragraph (7), for “4(c)(i) and (ii)” there shall be substituted “(4)(c)”.

- (4) After paragraph (7), there shall be inserted the following paragraphs—

“(7A) Paragraph (7) does not apply to—

- (a) a seat belt for an adult provided for a person in a vehicle first used before 1st April 1981 being a seat belt that satisfies the requirements of a standard corresponding to either of the British Standards referred to in sub-paragraph (i) (a) of the definition of “British Standard mark” in paragraph (8); or

- (b) a child restraint that satisfies the requirements of a standard corresponding to any of the British Standards referred to in sub-paragraph (i)(b) of that definition.

(7B) For the purposes of this regulation a reference to a standard corresponding to a specified British Standard is a reference to—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA State;
- (b) any international standard recognised for use as a standard by any EEA State; or
- (c) a technical specification recognised for use as a standard by a public authority of any EEA State,

where the standard, code of practice, international standard or technical specification provides in relation to seat belts, a level of safety equivalent to that provided by the British Standard and contains a requirement as respects the marking of seat belts equivalent to that provided by the British Standard.

(7C) For the purposes of paragraph (7B)—

- (a) “EEA State” means a State which is a contracting Party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the state of Liechtenstein; and

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(5) “The Approval Marks Regulations” are defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as meaning the Motor Vehicles (Designation of Approval Marks) Regulations 1979 (S.I. 1979/1088). Relevant amendments are made to the 1979 Regulations by S.I. 1980/582 and S.I. 1989/1014.

(b) “EEA Agreement”(6) means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(7).”.

(5) In paragraph (8), in sub-paragraph (i)(b) of the definition of “British Standard mark” after “BS 3254: Part 2: 1988” there shall be inserted “or BS 3254: Part 2: 1991”.

#### **Amendments to Schedule 2**

5. In Table II of Schedule 2, after item 6B there shall be inserted the following item—

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“6C	14.03	30.1.70	Anchorage for seat belts	29.1.92	12A	—”
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Signed by authority of the Secretary of State for Transport

*Steven Norris*  
Parliamentary Under-Secretary of State,  
Department of Transport

17th December 1994

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(6) Cm 2073.  
(7) Cm 2183.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986 by—

- (a) amending regulation 46(4)(b) and 46(4B)(b) so as to permit vehicles to be equipped with anchorages marked in accordance with ECE Regulation 14.03;
- (b) amending regulation 47(4)(c)(ii) so as to permit vehicles to be equipped with harness seat belts marked in accordance with ECE Regulation 16.04;
- (c) amending regulation 47(8)(i)(b) so as to permit the use of a child restraint system marked in accordance with Bs 3254:Part 2:1991 and bearing the registered certification trade mark of the British Standards Institution; and
- (d) adding paragraphs 47(7A), 47(7B) and 47(7C) so as to permit seat belts to an equivalent standard recognised by any EEA State and marked accordingly to be fitted.

Copies of the ECE Regulations which are relevant to these Regulations can be obtained from Her Majesty's Stationery Office. Copies of the British Standards can be obtained from the British Standards Institution, Customer Services Department, 389 Chiswick High Road, London W4 4AL (telephone: 0181-996 7000). The details of the relevant ECE Regulations are set out below.

Principal Instruments	Relevant Amending Instruments
<p>1. Regulation 14 dated 30th January 1970 and annexed to the Agreement concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958 (CMND 2535) as amended (CMND 3562) to which the United Kingdom is party by an instrument of accession dated 14th January 1963 deposited with the Secretary General of the United Nations on 15th January 1963.</p>	<p>Revision 2 dated 16th December 1992.</p>
<p>2. Regulation 16 dated 14th August 1970 and annexed to that Agreement.</p>	<p>Revised on 9th December 1979 corrected on 25th June 1981 and amended on 22nd December 1985.</p>

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