
STATUTORY INSTRUMENTS

1996 No. 163

ROAD TRAFFIC

**The Road Vehicles (Construction and Use)
(Amendment) (No.2) Regulations 1996**

<i>Made</i>	- - - -	<i>31st January 1996</i>
<i>Laid before Parliament</i>		<i>8th February 1996</i>
<i>Coming into force</i>		
<i>For the purposes of regulation 4</i>		<i>6th March 1996</i>
<i>For all other purposes</i>		<i>10th February 1997</i>

The Secretary of State for Transport—

- (a) in exercise of the powers conferred by sections 41(1), (2) and (5) of the Road Traffic Act 1988⁽¹⁾ (“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 subsection, and in exercise of all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of the 1988 Act, hereby makes the following Regulations:—

Commencement and Citation

1.—(1) These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1996.

2. These Regulations shall come into force for the purposes of regulation 4 on 6th March 1996 and for all other purposes on 10th February 1997.

(1) 1988 c. 52; Section 41 was amended by the Road Traffic Act 1991 (c. 40), para. 50 of Schedule 4 and Schedule 8.
(2) S.I. 1972/1811.
(3) 1972 c. 68.

Preliminary

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

(2) Regulation 5 of these Regulations is made in exercise of the powers conferred by section 41 of the Road Traffic Act 1988 to the exclusion of the powers under section 2(2) of the European Communities Act 1972.

Amendments to regulation 47 (seat belts)

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

(2) In paragraph (7)—

(a) in sub-paragraph (a), the words “if the vehicle” to “restraint,” and

(b) sub-paragraph (b) and the word “or” immediately preceding that sub-paragraph, shall be omitted.

(3) In paragraph (7A)(a) the words from “provided” to “being a seat belt” shall be omitted.

New regulation 48A (requirement for minibuses and coaches to be fitted with additional seat belts when used in certain circumstances)

5. After regulation 48, there shall be inserted the following —

“Minibuses and coaches to be fitted with additional seat belts when used in certain circumstances

48A.—(1) No person shall use or cause or permit to be used on a road a coach or minibus wholly or mainly for the purpose of carrying a group of 3 or more children in the following circumstances unless the appropriate number of forward-facing passenger seats fitted to the vehicle meet the requirements of this regulation.

(2) The circumstances are that—

(a) the group of children are on an organised trip; and

(b) the journey is being made for the purposes of the trip.

(3) In paragraph (1), the reference to the appropriate number is a reference to the number of children being carried in the vehicle (excluding disabled children in wheelchairs).

(4) Without prejudice to the generality of paragraph (2)(a), a group of children shall, for the purposes of this regulation, be regarded as being on an organised trip if they are being carried to or from their school or from one part of their school premises to another.

(5) Without prejudice to the meaning of paragraph (2)(b), paragraph (1) shall not apply to a vehicle if it is being used in the provision of a bus service of a description specified in paragraph 2 of the Schedule to the Fuel Duty Grant (Eligible Bus Services) Regulations 1985⁽⁵⁾ or if it is otherwise being used wholly or mainly for the purpose of providing a transport service for the general public.

(6) For a forward-facing passenger seat to meet the requirements of this regulation a seat belt must be provided for it, and —

(a) if paragraph (3) of regulation 47 does not (in whole or part) apply to the seat belt and the seat belt was first fitted to the vehicle after 10th February 1997, the seat

(4) S.I. 1986/1078; relevant amending instruments are S.I. 1987/1133, 1989/1478, 1991/2003 and 1994/3270.

(5) S.I. 1985/1886.

belt must comply with that paragraph to the extent (if any) that it would have to so comply were—

- (i) that regulation to apply to all motor vehicles, and
 - (ii) there substituted for the words “provided” to “or (e)”, in that paragraph, the words “provided for any person in a vehicle to which this regulation applies”;
- (b) if paragraph (5) of regulation 47 does not apply to the seat belt and the seat belt is a seat belt for an adult (not being a disabled person’s belt) that was first fitted to the vehicle after 10th February 1997, the seat belt must comply with the requirements specified in paragraph (7) below;
 - (c) if paragraph (5) of regulation 47 does not apply to the seat belt and the seat belt is a child restraint that was first fitted to the vehicle after 10th February 1997, the seat belt must be properly secured to anchorages provided for it;
 - (d) if paragraph (5) of regulation 47 does not apply to the seat belt and the seat belt is a disabled person’s belt that was first fitted to the vehicle after 10th February 1997, the seat belt must be properly secured to the vehicle or to the seat;
 - (e) if regulation 47 does not apply to the vehicle and the seat belt was first fitted to the vehicle after 10th February 1997, the seat belt must comply with paragraph (7) of that regulation to the extent (if any) that it would have to so comply were that regulation to apply to all motor vehicles; and
 - (f) if regulation 48 does not apply to the seat belt and the seat belt was first fitted to the vehicle after 10th February 1997, the requirements of paragraph (4) of that regulation must be met in relation to the anchorages, fastenings, adjusting device and retracting mechanism (if any) of the seat belt to the extent (if any) that those requirements would have to be met were that paragraph to apply to all anchorages, fastenings, adjusting devices and retracting mechanisms of seat belts fitted to motor vehicles,

and paragraph (2) of regulation 48 shall apply for the purposes of sub-paragraph (f) above as it applies for the purposes of that regulation.

(7) The requirements referred to in paragraph (6)(b) are that the seat belt must be properly secured to the anchorage points provided for it and, in a case where any of those anchorage points is first fitted to the vehicle after 10th February 1997 the anchorage points to which it is secured must comply—

- (a) if the vehicle is a coach, with the requirements specified in regulation 46(4)(b) or (4A)(b)(ii); or
- (b) in any other case, with the requirements specified in regulation 46(4)(b).

(8) Until 10th February 1998, this regulation shall not apply to a coach first used before 1st October 1988.

(9) In this regulation—

“school” has the meaning given by section 14(5) of the Further and Higher Education Act 1992(6);

“forward-facing passenger seat” means a forward-facing seat which is not the driver’s seat; and

“child restraint”, “disabled person’s belt”, “forward-facing seat”, “seat”, and “seat belt” have the meanings given in regulation 47.

(6) 1992 c. 13; section 14(5) was amended by section 304(1) of the Education Act 1993 (c. 35).

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

(10) For the purpose of this regulation, a child is a person who is aged 3 years or more but is under the age of 16 years.”.

Signed by the authority of the Secretary of State for Transport

31st January 1996

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Road Vehicles (Construction and Use) Regulations 1986 in relation to seat belts and anchorages.

2. Paragraph (7) of regulation 47 of the 1986 Regulations previously required seat belts fitted to certain motor vehicles to bear a mark indicating that they were of a type which had been approved as complying with certain European standards. However, in the case of any seat belt fitted to a vehicle first used before the 1st April 1981 or a child restraint, it could instead bear a mark indicating that it had been approved as complying with various British Standards or that it complied with the requirements of a corresponding standard. These Regulations amend paragraph (7) so that all seat belts to which the paragraph applies have the option of bearing a mark indicating that they have been approved as complying with one of the British Standards or that they comply with the requirements of a corresponding standard.

3. The new provisions that authorise seat belts bearing a mark that indicates compliance with a corresponding standard are inserted in discharge of obligations under Article 30 of the Treaty of Rome.

4. These Regulations also insert a new regulation 48A. It prohibits the use of a coach or a minibus for the purpose of carrying a group of three or more children in connection with an organised trip unless at least as many forward-facing passenger seats as there are children are fitted with seat belts. A disabled child in a wheelchair is disregarded for this purpose. For the purposes of the regulation a “child” is a person who is aged 3 years or more but is under the age of 16 years.

5. The new regulation 48A of the 1986 Regulations does not apply to a vehicle providing a transport service for the general public.

6. Compliance cost assessments have been prepared and copies can be obtained from the Department of Transport, Zone 2/08, Great Minister House, 76 Marsham Street, London SW1P 4DR (Telephone 0171 – 271 – 4662). Copies are being placed in the Libraries of each House of Parliament.