

2007 No. 7

ROAD TRAFFIC

**The Motor Vehicles (Wearing of Seat Belts) (Amendment)
Regulations (Northern Ireland) 2007**

Made - - - - - *9th January 2007*

Coming into operation - *27th February 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Department of the Environment has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the carriage of passengers and goods by road (b).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 27th February 2007.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment to the Road Traffic (Northern Ireland) Order 1995

3. The Road Traffic (Northern Ireland) Order 1995(d) is amended in accordance with regulations 4 to 6.

4.—(1) In Article 24 (restriction on carrying children not wearing seat belts in motor vehicles) after paragraph (1) insert—

“(1A) Where—

- (a) a child is in the front of a motor vehicle other than a bus;
 - (b) the child is in a rear-facing child restraining device; and
 - (c) the passenger seat where the child is placed is protected by a front air bag,
- a person must not without reasonable excuse drive the vehicle on a road unless the air bag is deactivated.”.

(2) In paragraph (2) of that Article after “paragraph (1)” insert “or (1A)”.

(a) 1972 c.68.
(b) S.I. 1996/266
(c) 1954 c.33 (N.I.)
(d) S.I. 1995 No. 2994 (N.I. 18)

- (3) For paragraph (3) of that Article substitute the following—
- “(3) Except as provided by regulations, where—
- (a) a child under the age of 3 years is in the rear of a motor vehicle; or
 - (b) a child of or over that age but under the age of 14 years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle,
- a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.”.
- (4) In paragraph (11) of that Article insert before the definition of “maximum laden weight”—
- ““bus” means a motor vehicle that—
- (a) has at least four wheels,
 - (b) is constructed or adapted for the carriage of passengers,
 - (c) has more than eight seats in addition to the driver’s seat, and
 - (d) has a maximum design speed exceeding 25 kilometres per hour;”.

(5) After paragraph (11) of that Article insert—

“(12) The reference in paragraph (1A) to the air bag being deactivated includes a reference to the case where the air bag is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraining device in the seat in question.”.

5. After Article 24 insert the following Articles—

“Requirement to notify bus passengers to wear seat belts

24A.—(1) Subject to paragraph (6), the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that he is required to wear a seat belt at all times when—

- (a) he is in a seat equipped with a seat belt; and
- (b) the bus is in motion.

(2) For the purposes of paragraph (1) a passenger may be notified only by one or more of the following means—

- (a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;
- (b) a sign prominently displayed at each passenger seat equipped with a seat belt.

(3) For the purposes of paragraph (2)—

- (a) “official announcement” means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus; and
- (b) a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2A, depicting a white figure on a blue background.

(4) An operator who fails to comply with paragraph (1) is guilty of an offence.

(5) Paragraph (1) does not apply in relation to a bus—

- (a) which is being used to provide a local service within the meaning of Article 24B in a built-up area; or
- (b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.

For the purposes of sub-paragraph (a), a local service is provided in a built up area if the entire route used by that service consists of restricted roads.

(6) In this Article—

“bus” has the same meaning as in Article 24;

“operator”, in relation to a bus, means—

- (a) the owner of the bus; or
- (b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;

“passenger seat”, in relation to a bus, means any seat other than the driver’s seat;

“restricted road” means a road that is restricted for the purposes of Article 36 of the Road Traffic Regulation (Northern Ireland) Order 1997(a) (other than a road restricted by an order made under Article 37(3)(a) of that Order) or would be so restricted but for an order under Article 37(3)(b) or an order under Article 38(1)(a) of that Order.

Local Service

24B.—(1) In Article 24A “local service” means a service using one or more buses, for the carriage of passengers by road at separate fares other than one—

- (a) which is excluded by paragraph (4); or
- (b) in relation to which (except in an emergency) one or both of the conditions in paragraph (2) are met with respect to every passenger using the service.

(2) The conditions are that—

- (a) the place where he is set down is fifteen miles or more, measured in a straight line, from the place where he was taken up;
- (b) some point on the route between those places is fifteen miles or more, measured in a straight line, from either of those places.

(3) Where a service consists of one or more parts with respect to which one or both of the conditions are met, and one or more of the parts with respect to which neither of them is met, each of those parts shall be treated as a separate service for the purposes of paragraph (1).

(4) A service shall not be regarded for the purposes of Article 24A as a local service if—

- (a) the conditions set out in paragraphs (5) to (8) (trips organised privately by persons acting independently of public service vehicle operators) are met in respect of each journey by the vehicles used in providing the service; or
- (b) every vehicle used in providing the service is so used under a permit granted under Section 10B of the Transport Act (Northern Ireland) 1967(b).

(5) The arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—

- (a) the holder of the Road Service licence under which the vehicle is to be used, if such a licence is in force;
- (b) the driver or the owner of the vehicle or any person who has made the vehicle available under any arrangement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

(6) The journey must be made without previous advertisement to the public of the arrangements therefor.

(7) All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

(a) S.I. 1997 No. 276 (N.I. 2)

(b) 1967 c. 37, as amended by S.I. 1990 No. 994 (N.I. 7)

(8) No differentiation of fares for the journey on the basis of distance or time must be made.

(9) For the purposes of this Article—

- (a) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
- (b) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised; and
- (c) where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of sub-paragraphs (a) and (b) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.”.

6. After Schedule 2 insert the following Schedule—

“SCHEDULE 2A

Article 24A

Form of seat belt symbol for buses



Amendment to the Road Traffic Offenders (Northern Ireland) Order 1996

7. Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996(a) is amended as follows—

- (a) in column 2 of the table, at the end of the entry for Article 24(2) of the Road Traffic (Northern Ireland) Order 1995 insert—

“or with child in a rear-facing child restraint in front seat with an active air bag.”;

- (b) after the entry for Article 24(5) insert—

“Article 24A (4)	Failure to notify bus passengers of the	Summarily.	Level 4 on the standard scale.”.
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(a) S.I. 1996 No. 1320 (N.I. 10)

	requirement to wear seat belts.		
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Sealed with the Official Seal of the Department of the Environment on 9th January 2007.



Maggie Smith
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the wearing of seat belts and other restraints by children and adults in motor vehicles.

They amend the Road Traffic (Northern Ireland) Order 1995 (the “Road Traffic Order”) and the Road Traffic Offenders (Northern Ireland) Order 1996 (the “Offenders Order”). They implement requirements of Council Directive 2003/20/EC (OJ No L 115 9.5.2003, p63).

Regulation 4(1) inserts a new paragraph (1A) into Article 24 of the Road Traffic Order to provide that a child should not be transported in the front of a motor vehicle other than a bus using a rear-facing child restraint unless any front air bag has been deactivated entirely or is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraint. Transporting a child in a motor vehicle other than a bus in circumstances where the front air bag has not been so deactivated or is not so designed is made an offence (regulation 4(2)) punishable on summary conviction with a maximum fine of level 2 on the standard scale (see regulation 7 which makes consequential changes to the Offenders Order to this effect).

Regulation 4(3) amends Article 24(3) of the Road Traffic Order to prohibit, except as provided by regulations, a motor vehicle being driven with a child under the age of 3 years in the rear of the vehicle unless the child is restrained by a seat belt conforming with regulations. The amended Article 24(3) also applies the same prohibition to a child aged 3 or more but less than 14 where any seat belt is fitted in the rear of the vehicle.

The Regulations (regulation 5) also insert a new Article 24A into the Road Traffic Order requiring bus operators to take reasonable steps to ensure that bus passengers are notified that they are required to wear a seat belt. This may be done by means of an announcement by the driver or by a courier, conductor or group leader or by means of an audio-visual presentation or by signs displayed at every seating position. New Article 24A(2) of, and schedule 2A, to the Road Traffic Order also specify a form of sign which may be used to meet the notification requirement (regulation 5 and 6). A new Article 24B defines a “local service”.

Operators who fail to take reasonable steps to ensure passengers are notified as set out above are guilty of an offence (regulation 5). Consequentially amendments to the Offenders Order make the offence punishable on summary conviction with a maximum fine of up to level 4 on the standard scale (regulation 7).

The requirement to notify bus passengers does not apply where the bus is being used to provide a local service in a built up area or where the bus is constructed or adapted for the carriage of standing passengers on services in which standing is permitted.

A copy of the regulatory impact assessment has been produced and may be obtained from the Department of the Environment, Road Safety Division website at www.roadsafetyni.gov.uk.

A copy of Council Directive 2003/20/EC can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.