
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions relating to the wearing of seat belts and other restraints by children in the front of motor vehicles. They replace the Motor Vehicles (Wearing of Seat Belts by Children) Regulations 1982.

These Regulations, and the Road Traffic Act 1988 (Amendment) Regulations 1992(S.I.1992/3105) partially 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.

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.

The main changes made by these Regulations are as follows:

- (a) Previously a child could be carried in a seat beside the driver without a seat belt if every other seat was occupied. In future, it will, in general be unlawful to drive a vehicle with a small child in the front unless he is wearing a suitable restraint. In the case of a large child, the offence will be committed where and only where a suitable restraint is available in the front of the vehicle. For a small child aged 3 years or more an adult belt will be regarded as suitable only if no suitable child restraint is available in the vehicle. An adult belt as well as a suitable child restraint will always be regarded as suitable for a large child. Children in buses being used on a local service are exempt. There is also an exemption for certain cars first used before 1st January 1965.
- (b) 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).
- (c) The prescribed description of seat belt in the case of vehicles within the scope of the Directive includes belts approved by other member States.
- (d) 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, if issued on or after 1st January 1995, 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.