

2001 No. 1043

ROAD TRAFFIC

**The Road Vehicles (Construction and Use) (Amendment)
(No. 2) Regulations 2001**

<i>Made - - - -</i>	<i>14th March 2001</i>
<i>Laid before Parliament</i>	<i>20th March 2001</i>
<i>Coming into force</i>	<i>1st October 2001</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by section 41 of the Road Traffic Act 1988(a) and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2001 and shall come into force on 1st October 2001.

Preliminary

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

Amendment of regulation 46 (Seat belt anchorage points)

3. For regulation 46 there shall be substituted the regulation set out in the Schedule to these Regulations.

Amendment of regulation 47 (Seat belts)

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

(2) In paragraph (2)—

- (a) in sub-paragraph (c) for the words “regulation 46(4)(a)(ii) or (iii)” there shall be substituted “item 9 or 10 of the Table in regulation 46(3)”;
- (b) in sub-paragraph (d) for the words “regulation 46(4)(a)(i)(B)” there shall be substituted “item 3 of the Table in regulation 46(3)”;

(a) 1988 c. 52; section 41 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 50 and Schedule 8.
(b) S.I. 1986/1078; relevant amending instruments are S.I. 1987/1133; 1989/1478; 1991/2003; 1994/3270; 1996/163 and 1998/2429.

(c) in sub-paragraph (e) for the words “regulation 46(4A)(b)” there shall be substituted “item 6 of the Table in regulation 46(3)”; and

(d) at the end of sub-paragraph (e) there shall be inserted “;

(f) item 5 of the Table in regulation 46(3) applies shall be fitted—

(i) as respects the driver’s seat with a three-point belt or a lap belt; and

(ii) as respects every other forward-facing front seat with a three-point belt, a lap belt installed in accordance with paragraph 3.1.2.1 of Annex I to Community Directive 77/541 or a disabled person’s belt;

(g) item 7 of the Table in regulation 46(3) applies shall be fitted, as respects every forward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt installed in compliance with paragraph 3.1.10 of Annex I to Community Directive 96/36 or 2000/3;

(iii) a disabled person’s belt; or

(iv) a child restraint;

(h) item 7 of the Table in regulation 46(3) applies shall be fitted, as respects every rearward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt;

(iii) a disabled person’s belt; or

(iv) a child restraint;

(i) item 8 of the Table in regulation 46(3), as respects every forward-facing seat, with—

(i) an inertia reel belt;

(ii) a disabled person’s belt; or

(iii) a child restraint;

(j) item 8 of the Table in regulation 46(3), as respects every rearward-facing seat, with—

(i) an inertia reel belt;

(ii) a retractable lap belt;

(iii) a disabled person’s belt; or

(iv) a child restraint.”

(3) In paragraph (3) for the words “paragraph (2)(b), (c), (d) or (e)” there shall be substituted “any of paragraphs (2)(b) to (j)” and from “or 82/319 to 96/36” there shall be substituted “, 82/319, 90/628, 96/36 or 2000/3”.

(4) In paragraph (4)—

(a) in sub-paragraph (a) for the words “section 16 of the 1971 Act” there shall be substituted “section 11 of the Vehicle Excise and Registration Act 1994(a)”; and

(b) in sub-paragraph (e) for the words “regulation 46(4A)(a)” there shall be substituted “item 4 of the Table in regulation 46(3)”.

(a) 1994 c. 22.

(5) After subparagraph (4), the following subparagraph shall be inserted—

“(4A) Vehicles constructed or adapted for the secure transport of prisoners shall not be required to comply with the requirements of paragraph (2) in relation to seats for persons other than the driver and any front seat passenger provided that those seats shall have seat belt anchorage points provided for them in accordance with regulation 46.”

(6) In paragraph (5) after the words “disabled person’s belt” there shall be inserted “first fitted before 1st October 2001”.

(7) In paragraph (7), after subparagraph (a) there shall be inserted—

“; or

(b) with an EC Component Type-Approval Mark complying with Annex III to Community Directive 2000/3”.

(8) In paragraph (8) after the definition of “lap belt” the following definition shall be inserted—

““retractable lap belt” means a lap belt with either an automatically locking retractor (as defined in paragraph 1.8.3 of Annex I to Community Directive 77/541) or an emergency locking retractor (as defined in paragraph 1.8.4 of Annex I to Community Directive 77/541).”

Amendment of regulation 48 (Maintenance of seat belts and anchorage points)

5.—(1) Regulation 48 shall be amended as follows.

(2) In paragraph (1) for “regulation 46(4A)(a)” there shall be substituted “regulation 46(3) and item 4 in the Table in that regulation”.

Amendment of regulation 48A (Minibuses and coaches to be fitted with additional seat belts when used in certain circumstances)

6.—(1) Regulation 48A shall be amended as follows.

(2) After paragraph (3) there shall be inserted—

“(3A) For the purposes of this regulation a rearward-facing seat shall be treated as a forward-facing seat which meets the requirements of this regulation if the coach or minibus concerned was first used on or after 1st October 2001, and the rearward-facing seat complies with the requirements of regulations 46 and 47.”

Amendment of Schedule 2 (Table I Community Directives)

7. In column 2 of item 59 in Table I in Schedule 2 for “90/269” there shall be substituted “90/629”.

Amendment of Schedule 2 (Table II ECE Regulations)

8. After the entry for item 6A in Table II in Schedule 2 there shall be inserted the following entries—

“6B	14.03	14	30.1.70	Anchorage for seat belts	29.1.92	—	—
6C	14.04	14	30.1.70	Anchorage for seat belts	18.1.98	—	—
6D	14.05	14	30.1.70	Anchorage for seat belts	4.2.99	—	—”

Signed by authority of the Secretary of State

14th March 2001

Larry Whitty
Parliamentary Under Secretary of State,
Department of the Environment, Transport and the Regions

REGULATION TO BE SUBSTITUTED FOR REGULATION 46

“Seat belt anchorage points

46.—(1) This regulation applies to a motor vehicle which is not an excepted vehicle and is—

- (a) a bus first used on or after 1st April 1982;
- (b) a wheeled motor car first used on or after 1st January 1965;
- (c) a three-wheeled motor cycle which has an unladen weight exceeding 255 kg and which was first used on or after 1st September 1970; or
- (d) a heavy motor car first used on or after 1st October 1988.

(2) Each of the following is an excepted vehicle—

- (a) a goods vehicle (other than a dual-purpose vehicle)—
 - (i) first used before 1st April 1967;
 - (ii) first used on or after 1st April 1980 and before 1st October 1988 and having a maximum gross weight exceeding 3500 kg; or
 - (iii) first used before 1st April 1980 or, if the vehicle is of a model manufactured before 1st October 1979, first used before 1st April 1982 and, in either case, having an unladen weight exceeding 1525 kg;
- (b) an agricultural motor vehicle;
- (c) a motor tractor;
- (d) a works truck;
- (e) an electrically propelled goods vehicle first used before 1st October 1988;
- (f) a pedestrian-controlled vehicle;
- (g) a vehicle which has been used on roads outside Great Britain, whilst it is being driven from the place at which it arrived in Great Britain to a place of residence of the owner or driver of the vehicle, or from any such place to a place where, by previous arrangement, it will be provided with such anchorage points as are required by this regulation and with such seat belts as are required by regulation 47;
- (h) a vehicle having a maximum speed not exceeding 16 mph;
- (i) a motor cycle equipped with a driver’s seat of a type requiring the driver to sit astride it, and which is constructed or assembled by a person not ordinarily engaged in the trade or business of manufacturing vehicles of that description;
- (j) a locomotive.

(3) A vehicle which falls within a description specified in column (2) of an item in the Table below shall be equipped with anchorage points for seat belts for the use of persons sitting in the seats specified in column (3) of that item and those anchorage points (“mandatory anchorage points”) shall comply with the requirements specified in column (4).

TABLE

<i>(1) Item</i>	<i>(2) Description of vehicle</i>	<i>(3) Seats for which mandatory anchorage points are to be provided</i>	<i>(4) Technical and installation requirements</i>
1.	Any vehicle first used before 1st April 1982	The driver's seat and specified passenger seat (if any)	Anchorage points must be designed to hold seat belts securely in position on the vehicle
2.	Minibus constructed or adapted to carry not more than 12 seated passengers in addition to the driver, motor ambulance or motor caravan which, in any such case, was first used on or after 1st April 1982 but before 1st October 1988	The driver's seat and specified passenger seat (if any)	The technical and installation (but not the testing) requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 whether or not those instruments apply to the vehicle
3.	Minibus (not being a vehicle falling within item 7 or 8) having a gross weight not exceeding 3500 kg, motor ambulance or motor caravan which, in any such case, was first used on or after 1st October 1988	The driver's seat and each forward-facing front seat	The requirements specified in column (4) of item 2
4.	Goods vehicle first used on or after 1st October 1988 but before 1st October 2001 and having a maximum gross weight exceeding 3500 kg	The driver's seat and each forward-facing front seat	2 or 3 anchorage points designed to hold seat belts securely in position
5.	Goods vehicle first used on or after 1st October 2001 and having a maximum gross weight exceeding 3500 kg	All forward-facing front seats	The technical and installation requirements of Community Directive 96/38 or ECE Regulation 14.04 or 14.05
6.	Coach first used on or after 1st October 1988 but before 1st October 2001	All exposed forward-facing seats	The requirements specified in column (4) of item 2 or, if the anchorage points were fitted before 1st October 2001 and form part of a seat, a requirement that they do not, when a forward horizontal force is applied to them, become detached from the seat before the seat becomes detached from the vehicle

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Description of vehicle</i>	<i>(3)</i> <i>Seats for which mandatory anchorage points are to be provided</i>	<i>(4)</i> <i>Technical and installation requirements</i>
7.	Bus (other than an urban bus) having a gross vehicle weight exceeding 3500 kg and first used on or after 1st October 2001	Anchorage points for every forward-facing and every rearward-facing seat	The requirements specified in column (4) of item 5
8.	Bus (other than an urban bus) having a gross vehicle weight not exceeding 3500 kg and first used on or after 1st October 2001	Every forward-facing and every rearward-facing seat	The requirements specified in column (4) of item 5
9.	Passenger or dual-purpose vehicle (other than a bus) first used on or after 1st April 1982 and not falling within any of items 2 to 8	Every forward-facing seat constructed or adapted to accommodate no more than one adult	The requirements specified in column (4) of item 2
10.	Vehicle (other than a bus) first used on or after 1st April 1982 and not falling within any of items 2 to 9	Every forward-facing front seat and every non-protected seat	The requirements specified in column (4) of item 2

(4) Any anchorage fitted after 1st October 2001 to a bus not falling within item 7 or 8 of the Table in paragraph (3) must comply with the technical and installation (but not the testing) requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 whether or not those instruments apply to the vehicle.

(5) Subject to paragraph (6), where a vehicle to which this regulation applies and which falls within a class specified in an item of the Table in paragraph (3) is fitted with non-mandatory anchorage points, those anchorage points shall comply with the requirements applicable to the mandatory anchorage points specified for that item.

(6) Paragraph (5) does not apply to non-mandatory anchorage points fitted to—

- (a) a minibus before 1st April 1986; or
- (b) any other vehicle before 1st October 1988.

(7) For the purposes of this regulation—

- (a) the expressions “exposed forward-facing seat”, “forward-facing front seat”, “lap belt”, “seat belt” and “specified passenger’s seat” have the same meaning as in regulation 47(8);
- (b) “mandatory anchorage points” has the meaning given in paragraph (3) and “non-mandatory anchorage points” means anchorage points which are not mandatory anchorage points;
- (c) a seat is a “non-protected seat” if it is not a front seat and the screen zones within the protected area have a combined surface of less than 800 cm²;

- (d) “screen zone” and “protected area” in relation to a seat shall be construed in accordance with paragraph 4.3.3 of Annex I to Community Directive 81/575; and
- (e) “urban bus” means a bus designed for urban use with standing passengers and includes a vehicle which is—
- (i) a Class I vehicle as defined by paragraph 2.1.2.1.3.1.1 of Annex I of Community Directive 97/27/EC^(a);
 - (ii) a Class II vehicle as defined by paragraph 2.1.2.1.3.1.2 of that Annex; or
 - (iii) a Class A vehicle as defined by paragraph 2.1.2.1.3.2.1 of that Annex.

(8) A vehicle which is not required by this regulation to comply with the technical and installation requirements of Community Directive 76/115, 81/575, 82/318, 90/629 or 96/38 or ECE Regulation 14, 14.01, 14.02, 14.03, 14.04 or 14.05 shall nevertheless be taken to comply with the provisions of this regulation if it does comply with those requirements.”

^(a) O.J. No. L 233 25.8.97, p. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Vehicles (Construction and Use) Regulations 1986 in relation to seat belts and their anchorage points in the light of Directives 96/36/EC, 96/38/EC and 2000/3/EC.

Article 3 and the Schedule substitute a new *regulation 46* which specifies what anchorage points are to be fitted to which vehicles and the technical requirements for anchorage points. *Regulation 4* amends *regulation 47* which makes corresponding provision for seat belts and *regulation 5* makes a consequential amendment to *regulation 48* (maintenance of seat belts and anchorages). *Regulation 6* amends *regulation 48A* so as to enable rearward-facing seats meeting specified requirements to count towards the minimum number of forward-facing seats with seat belts that must be provided on minibuses and coaches used to carry groups of children on organised trips. *Regulation 7* corrects a reference to a Community Directive in item 59 in Table I in Schedule 2. *Regulation 8* inserts some references to ECE Regulations 14.03, 14.04 and 14.05 in Table II in Schedule 2.

These Regulations have been notified to the European Commission pursuant to Directive 98/34/EC of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (O.J. 1998 No. L204, p.37).

A regulatory impact assessment has been prepared and copies are available from DETR, zone 2/06 Great Minster House, 76 Marsham Street, London SW1P 4DR (Website:<http://www.detr.gov.uk/>). Copies have also been placed in the Libraries of each House of Parliament.

Copies of the Regulations and Directives which are relevant to these Regulations can be obtained from the Stationery Office.

£2.00

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E 0625 03/01 ON (MFK)