

2006 No. 2213

ROAD TRAFFIC

The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations 2006

<i>Made</i> - - - -	<i>9th August 2006</i>
<i>Laid before Parliament</i>	<i>16th August 2006</i>
<i>Coming into force</i> - -	<i>18th September 2006</i>

These Regulations are made in exercise of the powers conferred by sections 15(1), (5), (5A) and (6) of the Road Traffic Act 1988(a).

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of the Road Traffic Act 1988.

Accordingly the Secretary of State for Transport makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations 2006 and shall come into force on 18 September 2006.

(2) These Regulations do not extend to Northern Ireland.

Amendment of the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993

2. The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993(b) are amended in accordance with regulations 3 to 8.

3.—(1) In paragraph (1) of regulation 2 (general interpretation) after the definition of “medical certificate” insert—

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

(a) the owner of the bus, or

(a) 1988 c.52; sections 15 and 195 were amended by the Road Traffic Act 1988 (Amendment) Regulations 1992 (S.I. 1992/3105). Section 15B was added by the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892).
(b) S.I. 1993/31.

- (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;”.
- (2) In paragraph (3) of that regulation substitute “135” for “150” in the definition of “small child”.
- (3) In sub-paragraph (d) of paragraph (4) of that regulation—
 - (a) for “in a relevant vehicle (“the vehicle in question”)” substitute “in a vehicle”, and
 - (b) for “in the vehicle in question in that State” substitute “in that vehicle in that State”.
- (4) In sub-paragraph (b) of paragraph (5) of that regulation—
 - (a) for “in a relevant vehicle (“the vehicle in question”)” substitute “in a vehicle”, and
 - (b) for “in the vehicle in question in that State” substitute “in that vehicle in that State”.
- (5) For paragraph (9) of that regulation substitute—
 - “(9) For the purposes of these Regulations, a seat belt is appropriate—
 - (a) in relation to a small child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 5;
 - (b) in relation to a large child, if it is a child restraint of a description prescribed for a child of his height and weight by regulation 5 or an adult belt; or
 - (c) in relation to a person aged 14 years or more, if it is an adult belt.”.
- (6) After paragraph (9) of that regulation insert—
 - “(9A) For the purposes of these Regulations, references to a bus being used to provide a service in a “built-up area” shall be construed in the same way as in section 15B(6) of the Act.”.
- 4.** Omit regulation 3 (interpretation of references to relevant vehicles).
- 5.** In regulation 5 (description of seat belts to be worn by children)—
 - (a) omit the words “and the vehicle is a relevant vehicle” in sub-paragraph (a) of paragraph (1), and
 - (b) omit sub-paragraph (b) of paragraph (1).
- 6.** In regulation 7 (exemptions) for paragraph (1) and (2) substitute—
 - “(1) The prohibition in section 15(1) of the Act shall not apply in relation to—
 - (a) a small child aged 3 years or more who is riding in a bus and is wearing an adult belt if an appropriate seat belt is not available for him in the front or rear of the vehicle;
 - (b) a child for whom there is a medical certificate; or
 - (c) a disabled child who is wearing a disabled person’s belt.
 - (2) The prohibition in section 15(1) of the Act shall not apply in relation to a child riding in a bus—
 - (a) which is being used to provide a local service (within the meaning of the Transport Act 1985(a)) 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.”.
- 7.** In paragraph 2(b) of Schedule 1 (meaning of “medical certificate”), omit the words “and the vehicle is not a relevant vehicle”.
- 8.**—(1) In paragraph 1 of Schedule 2 (interpretation of reference to availability of seat belts)—
 - (a) for “adult belt” in both places substitute “appropriate seat belt”, and

(a) 1985 c.67. A “local service” is defined in section 2 of that Act.

- (b) for “that person” in both places substitute “that child”.
- (2) In paragraph 2 of Schedule 2, omit sub-paragraph (f).
- (3) Omit paragraph 4 of Schedule 2.

Signed by authority of the Secretary of State for Transport

9th August 2006

S.J ladyman
Minister of State
Department for Transport

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 in the front of motor vehicles.

They amend the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 (the “Principal Regulations”). They implement for Great Britain requirements of Council Directive 2003/20/EC (OJ No L 115 9.5.2003, p63). Requirements of that Directive in relation to the wearing of seat belts by adults and children in the rear seats of motor vehicles for Great Britain are implemented in the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892) (the “Wearing of Seat Belts Amendment Regulations”).

The Regulations prescribe the types of seat belt or child restraints (the “appropriate seat belt”) to be worn in the front seats of motor vehicles by children under 14 of different ages and sizes. Different provision is made depending on whether a child is a “small child” or a “large child”. *Regulation 3(2)* amends the definition of a “small child” for the purposes of the Principal Regulations so that a “small child” is now a child aged under 12 years and less than 135 centimetres rather than 150 centimetres in height. A “large child”, for the purposes of the Principal Regulations, is a child under 14 years who is not a “small child”.

The Regulations (at regulation 6) also amend the exemptions (at regulation 7 of the Principal Regulations) in relation to the prohibition, in section 15(1) of the Road Traffic Act 1988 (the “Act”), against driving a motor vehicle with a child in the front of the vehicle unrestrained by the appropriate restraint. In particular, the exemption allowing small children aged 3 or over to wear adult belts in cases where no appropriate child restraint is available for them is removed, except in relation to buses. (A definition of a “bus” is provided by section 15(9) of the Road Traffic Act 1988 as amended by the Wearing of Seat Belts Amendment Regulations). Also removed are exemptions for children under 1 year travelling in a carry cot and for children riding unrestrained in the front seat of a motor car first used before 1st January 1965, where that car has no rear seat and no seat belt is provided which is appropriate for the child.

The existing exemption (at regulation 7(2) of the Principal Regulations) for a child riding in a vehicle which is being used to provide a local service is replaced (at regulation 6) with an exemption for a child riding in a bus—

- (a) which is providing a local service in a built up area; or
- (b) which is constructed or adapted for the carriage of standing passengers and on which standing is permitted.

The Regulations (at *regulations 3(3) and (4), 4 and 5*) also amend the description of the types of child restraint (or adult belt, in the case of large children) which may be worn in order to permit restraints or belts approved by other member States to be worn in all classes of motor vehicle. Previously restraints approved by other member States could only be worn in a “relevant vehicle”, that is to say, light goods vehicles, passenger cars and small buses (as these were defined by regulation 3 of the Principal Regulations).

The Regulations make various other minor and consequential amendments.

A separate regulatory impact assessment has not been prepared for this instrument. Reference should instead be made to the regulatory impact assessment prepared in relation to the Wearing of Seat Belts Amendment Regulations which provides an assessment of the impact of the changes made both by those Regulations and these Regulations. A copy of that regulatory impact assessment is available from Road User Safety Division 2, Department for Transport, Zone 2/11 Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the library of each House of Parliament. The regulatory impact assessment may also be accessed on the OPSI website at www.opsi.gov.uk.

A transposition note is available and can be obtained from the Department of Transport as above, as well as on the OPSI website, also as above.

A copy of Council Directive 2003/20/EC can be obtained from the Office of Public Sector Information.

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