

## **ADULTS AND THE WEARING OF SEAT BELTS**

The **Motor Vehicles (Wearing of Seat Belts) Regulations 1993** require that every person (other than a person under the age of 14 years) shall wear an adult belt when:

- (a) driving a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar), or
- (b) riding in a front or rear seat of a motor vehicle (other than a two-wheeled motor cycle with or without a sidecar),

except if they are:

- (a) a person holding a medical certificate;
- (b) the driver of or a passenger in a motor vehicle constructed or adapted for carrying goods, while on a journey which does not exceed 50 metres and which is undertaken for the purpose of delivering or collecting any thing;
- (c) a person driving a vehicle while performing a manoeuvre which includes reversing;
- (d) a qualified driver (within the meaning given by regulation 9 of the Motor Vehicles (Driving Licences) Regulations 1987) who is supervising the holder of a provisional licence (within the meaning of Part III of the Act) while that holder is performing a manoeuvre which includes reversing;
- (e) a person by whom, as provided in the Motor Vehicles (Driving Licences) Regulations 1987, a test of competence to drive is being conducted and his wearing a seat belt would endanger himself or any other person;
- (f) a person driving or riding in a vehicle while it is being used for fire brigade or police purposes or for carrying a person in lawful custody (a person who is being so carried being included in this exemption);
- (g) the driver of—
  - (i) a licensed taxi while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire, or
  - (ii) a private hire vehicle while it is being used to carry a passenger for hire;
- (h) a person riding in a vehicle, being used under a trade licence, for the purpose of investigating or remedying a mechanical fault in the vehicle;
- (j) a disabled person who is wearing a disabled person's belt; or
- (k) a person riding in a vehicle while it is taking part in a procession organised by or on behalf of the Crown.

or if they are:

- (a) a person driving a vehicle if the driver's seat is not provided with an adult belt;
- (b) a person riding in the front of a vehicle if no adult belt is available for him in the front of the vehicle;
- (c) a person riding in the rear of a vehicle if no adult belt is available for him in the rear of the vehicle.

## **CHILDREN AND THE WEARING OF SEATBELTS**

Section 15(1) of the Road Traffic Act 1988 provides that a person must not without reasonable excuse drive a vehicle on a road with a child under the age of fourteen in the front of the vehicle unless the child is wearing a seat belt in conformity with regulations [See *the seat belt requirements for children below*].

Section 15(3) of the Road Traffic Act 1988 provides that a person must not (without reasonable excuse) drive a vehicle on a road where—

- (a) a child under the age of three years is in the rear of a motor vehicle, or
  - (b) a child of or over that age but under the age of fourteen years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle,
- unless the child is wearing a seat belt in conformity with regulations [See *the seat belt requirements for children below*].

Section 15(3A) of the Road Traffic Act 1988 provides that a person must not without reasonable excuse drive a passenger car on a road, if—

- (a) a child who is under the age of 12 years and less than 135 centimetres in height is in the rear of a passenger car,
- (b) no seat belt is fitted in the rear of the passenger car, and
- (c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person

Section 15(3) and 15(3A) above do not apply to licensed taxis in which the rear seats are separated from the driver by a fixed partition. They also do not apply in relation to:

- (a) a child for whom there is a medical certificate;
- (b) a small child aged under 3 years who is riding in a licensed taxi (i.e. a vehicle licensed under section 37 of the Town Police Clauses Act 1847 as a Hackney Carriage) or licensed hire car (i.e. a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 as a Private Hire Vehicle), if no appropriate seat belt is available for him in the front or rear of the vehicle;
- (c) a small child aged 3 years or more who is riding in a licensed taxi (i.e. a vehicle licensed under section 37 of the Town Police Clauses Act 1847 as a Hackney Carriage), a licensed hire car (i.e. a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 as a Private Hire Vehicle), or a small bus and wearing an adult belt if an appropriate seat belt is not available for him in the front or rear of the vehicle;
- (d) a small child aged 3 years or more who is wearing an adult belt and riding in a passenger car or light goods vehicle where the use of child restraints by the child occupants of two seats in the rear of the vehicle prevents the use of an appropriate seat belt for that child and no appropriate seat belt is available for him in the front of the vehicle;
- (e) a small child who is riding in a vehicle being used for the purposes of the police, security or emergency services to enable the proper performance of their duty;
- (f) a small child aged 3 years or more who is wearing an adult belt and who, because of an unexpected necessity, is travelling a short distance in a passenger car or light goods vehicle in which no appropriate seat belt is available for him; or
- (g) a disabled child who is wearing a disabled person's belt or whose disability makes it impracticable to wear a seat belt where a disabled person's belt is unavailable to him.

### **Seat Belt Requirements for Children**

The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 provide that:

For a small Child aged under 12 years, and under 135 centimetres in height, the type of seat belt to be worn is

- (a) a child restraint with the marking required under regulation 47(7) of the Construction and Use Regulations if the marking indicates that it is suitable for his weight and either indicates that it is suitable for his height or contains no indication as respects height; or
- (b) a child restraint which would meet the requirements of the law of another member State corresponding to these Regulations were it to be worn by that child when travelling in that vehicle in that State.

For a large child over 12 years or over 135 centimetres in height, but under 14 years old, the type of seat belt to be worn is

- (a) a child restraint with the marking required under regulation 47(7) of the Construction and Use Regulations if the marking indicates that it is suitable for his weight and either indicates that it is suitable for his height or contains no indication as respects height.

### **Use of Front Air Bags When a Child is in a Rear-Facing Restraining Device**

Section 15(3) of the Road Traffic Act 1988 provides that a person must not (without reasonable excuse) drive a vehicle on a road unless the air bag is deactivated where

- (a) there is a child in the front of the vehicle,
- (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

## **SUMMARY**

1. No person aged 14 years and over shall ride in the front or rear of a motor vehicle without wearing an adult seat belt unless one of the exemptions applies (e.g. the person is driving a licensed Hackney Carriage whilst it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire or the person is driving a licensed Private Hire Vehicle whilst it is being used to carry a passenger for hire).
2. No person shall drive a passenger vehicle whilst a child under 14 years of age is in the front passenger seat of the vehicle, unless the child is wearing a seat belt conforming to the Regulations.
3. No person shall drive a passenger vehicle whilst
  - (a) a child under 3 is travelling in the rear of the vehicle, or
  - (b) a child between 3 and 14 years old is travelling in the rear of the vehicle and there are seat belts fitted in the rear of the vehicleunless the child is wearing a seat belt conforming to the Regulations or one of the exemption applies (e.g. (i) the vehicle is a licensed taxis in which the rear seats are separated from the driver by a fixed partition, or (ii) the child is aged under 3 years and riding in a Hackney Carriage / Private Hire if no appropriate seat belt is available for him in the front or rear of the vehicle, or (iii) the child aged 3 years or more but under 12 years of age or 135 centimetres in height who is riding in a licensed Hackney Carriage / Private Hire Vehicle and wearing an adult belt if an appropriate seat belt is not available for him in the front or rear of the vehicle)
4. No person shall drive a passenger vehicle if a child who is under 12 years and less than 135 centimetres in height is in the rear of the vehicle and there is no seat belt fitted in the rear of the vehicle and there is an unoccupied seat with a seat belt in the front of vehicle, unless one of the exemptions applies (e.g. (i) the vehicle is a licensed taxis in which the rear seats are separated from the driver by a fixed partition, or (ii) the child is aged under 3 years and riding in a Hackney Carriage / Private Hire if no appropriate seat belt is available for him in the front or rear of the vehicle, or (iii) a child aged 3 years or more but under 12 years of age or 135 centimetres in height who is riding in a licensed Hackney Carriage / Private Hire Vehicle and wearing an adult belt if an appropriate seat belt is not available for him in the front or rear of the vehicle).