STATUTORY INSTRUMENTS

# 1979 No. 1062

# ROAD TRAFFIC

## The Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1979

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| *Made* - - - - | 20*th August* 1979 |
| *Laid before Parliament* | 30*th August* 1979 |
| *Coming into Operation* | 20*th September* 1979 |

The Minister of Transport, in exercise of the powers conferred by section 40(1) and (3) of the Road Traffic Act 1972**(a)** and now vested in him **(b)** and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:—

**1.** These Regulations shall come into operation on 20th September 1979, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1979.

**2.** The Motor Vehicles (Construction and Use) Regulations 1978**(c)** shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

**3.** In Regulation 5 (Application and Exemptions—Type approval), in the Table—

(*a*) item 12 shall be deleted, and

(*b*) in item 13, in column 5, for "17(6)(*c*) and 17A(7)(*c*)(ii)" there shall be substituted "17(8)(*c*)".

**4.** For Regulations 17 and 17A there shall be substituted the following Regulation:—

"*Seat belts and anchorage points*

**17.**—(1) Except as provided by paragraph (2), this Regulation applies to—

(*a*) every motor car manufactured on or after 1st July 1964 and registered on or after 1st January 1965; and

(*b*) every three-wheeled motor cycle, the unladen weight of which exceeds 255 kilograms and which was manufactured on or after 1st March 1970 and first used on or after 1st September 1970.

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(a) 1972 c. 20. (b) S.I. 1979/571.
(c) S.I. 1978/1017 as amended by S.I. 1978/1233.

(2) This Regulation does not apply to—

(*a*) a goods vehicle (other than a dual-purpose vehicle), being a motor car which—

(i) was manufactured before 1st September 1966, or

(ii) was registered before 1st April 1967, or

(iii) is a vehicle manufactured on or after 1st October 1979 and first used on or after 1st April 1980 and has a maximum gross weight in Great Britain (determined in accordance with the provisions of Schedule 2) exceeding 3500 kilograms, or

(iv) is a vehicle manufactured before 1st October 1981 or first used before 1st April 1982, which is of a model first manufactured before 1st October 1979 and has an unladen weight exceeding 1525 kilograms;

(*b*) a passenger vehicle or dual-purpose vehicle being in either case a vehicle constructed or adapted to carry more than twelve passengers exclusive of the driver;

(*c*) a land tractor or an industrial tractor which is not in either case a motor tractor;

(*d*) a motor tractor;

(*e*) a works truck;

(*f*) an electrically-propelled goods vehicle;

(*g*) a pedestrian-controlled vehicle;

(*h*) a vehicle which has been used on roads outside Great Britain and has been imported into Great Britain, whilst it is being driven after its importation into Great Britain on the journey from the place where it has arrived in Great Britain to a place of residence of the owner or driver of the vehicle, and on the journey from any such place to a place where, by previous arrangement, the vehicle will be provided with such anchorage points and seat belts as will comply with the requirements of this Regulation; or

(*i*) a vehicle which is incapable by reason of its construction of exceeding a speed of 16 miles per hour on the level under its own power.

(3) (*a*) This paragraph applies to every vehicle to which this Regulation applies being—

(i) a vehicle constructed or adapted to have more than eight passenger seats exclusive of the driver's seat,

(ii) a motor ambulance,

(iii) a motor caravan,

(iv) a vehicle in respect of which, or of a model of which, there is in force on 1st October 1979 a type approval certificate or a Minister's approval certificate issued pursuant to the Type Approval (Great Britain) Regulations, and which is manufactured before 1st October 1981 or first used before 1st April 1982, or

(v) any other vehicle to which this Regulation applies, not being a vehicle to which the Type Approval (Great Britain) Regulations apply, and which is manufactured before 1st October 1981 or first used before 1st April 1982.

(*b*) Every vehicle to which this paragraph applies shall be equipped with anchorage points which are designed to hold securely in position on the vehicle seat belts for the driver's seat and the specified passenger's seat (if any).

(*c*) The anchorage points required under sub-paragraph (*b*) above shall either—

(i) at the date on which the vehicle is manufactured, comply—

(A) in the case of a vehicle to which either the Council Directive or the ECE Regulation applies, with the Council Directive requirements or with the ECE Regulation requirements, or

(B) in the case of a vehicle to which neither the Council Directive nor the ECE Regulation applies, with standards identical to the Council Directive requirements or the ECE Regulation requirements; or

(ii) be fitted to a vehicle which was manufactured before 1st October 1981 or first used before 1st April 1982 and which is legibly and permanently marked—

(A) if it does not have integral seat belt anchorages and is a motor car manufactured on or after 1st September 1966 and registered on or after 1st April 1967 or a three-wheeled motor cycle manufactured on or after 1st April 1972 and first used on or after 1st October 1972, with the specification number of a British Standard for seat belt anchorage points, namely either BS AU 48: 1965 or BS AU 48a; or

(B) if it has integral seat belt anchorages provided on or after 1st January 1969 and is a motor car manufactured on or after 1st September 1966 and registered on or after 1st April 1967 or if it has integral seat belt anchorages provided on or after 1st July 1971 and is a three-wheeled motor cycle manufactured on or after 1st January 1971 and first used on or after 1st July 1971, with the specification number of a British Standard for seats with Integral Seat Belt Anchorages, namely either BS AU 140: 1967 or BS AU 140a.

(*d*) In any case where a vehicle (other than a motor cycle which was first used before 1st October 1972) is required to be marked in accordance with the provisions of sub-paragraph (*c*)(ii)(B) above, the seat, being a seat with integral seat belt anchorages, shall be legibly and permanently marked with the specification number of a British Standard for seats with Integral Seat Belt Anchorages followed by the suffix "1", namely, either BS AU 140/1: 1967 or BS AU 140a/1.

(4) Every vehicle to which this Regulation applies, not being a vehicle specified in paragraph (3) above, shall be equipped with anchorage points—

(*a*) which are designed to hold securely in position on the vehicle seat belts for every forward-facing seat constructed or adapted to accommodate one adult, and

(*b*) which, at the date on which the vehicle is manufactured, comply—

(i) in the case of a vehicle to which either the Council Directive or the ECE Regulation applies, with the Council Directive requirements or with the ECE Regulation requirements, or

(ii) in the case of a vehicle to which neither the Council Directive nor the ECE Regulation applies, with standards identical to the Council Directive requirements or the ECE Regulation requirements.

(5) Save as provided in paragraph (6)—

(*a*) every vehicle to which this Regulation applies which is a vehicle manufactured before 1st October 1980 or first used before 1st April 1981 shall be provided with—

(i) a body-restraining seat belt, designed for use by an adult, for the driver's seat, and

(ii) a body-restraining seat belt for the specified passenger's seat (if any); and

(*b*) every other vehicle to which this Regulation applies shall be provided with seat belts for the driver's seat and for the specified passenger's seat (if any) which belts—

(i) restrain the upper and lower parts of the torso,

(ii) include a lap belt,

(iii) are anchored at no less than three points, and

(iv) are designed for use by an adult.

(6) The requirements specified in paragraph (5) shall not apply—

(*a*) to a vehicle—

(i) while it is being used under a trade licence within the meaning of the Vehicles (Excise) Act 1971, or

(ii) not being a vehicle to which the Type Approval (Great Britain) Regulations apply, while it is being driven from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles—

(*a*) to premises of a distributor of or dealer in vehicles or of the purchaser of the vehicle, or

(*b*) to premises of a person obtaining possession of the vehicle under a hiring agreement or hire-purchase agreement; or

(*b*) in relation to the driver's seat or the specified passenger's seat (if any) of a vehicle which has been specially designed and constructed, or specially adapted, for the use of a person suffering from some physical defect or disability, in a case where a disabled person's seat belt for an adult person is provided for use for that seat.

(7) Every seat belt, other than a disabled person's seat belt, provided in pursuance of this Regulation shall be properly secured to all the anchorage points provided for it in pursuance of paragraphs (3) or (4).

(8) Subject to paragraph (9), where a seat belt other than—

(i) a restraining device for a young person,

(ii) a seat belt comprising a lap belt and shoulder straps, or

(iii) a disabled person's seat belt

is provided in pursuance of this Regulation for a motor car or a motor cycle in either case manufactured on or after 1st October 1972 and first used on or after 1st April 1973, the following additional conditions shall apply as respects that seat belt—

(*a*) the belt shall be so arranged that a person can, when sitting in the seat for which the belt is provided and with the belt previously adjusted to fit him, remove the belt from the device required by sub-paragraph (*c*)

of this paragraph and by using one hand, or by taking the belt with one hand and transferring it from one hand to the other, put the belt on;

(*b*) the fastenings by means of which the belt is secured on the wearer shall be so designed that they can be engaged with a single movement of one hand in one direction and released with such a movement in one direction;

(*c*) an efficient device, unlikely to become dislodged in normal use, for retaining the belt in position when stowed away shall be provided, and the centre of the device shall be located not more than 75 millimetres behind a point which is in the same horizontal plane and is positioned on the rear side of the door aperture provided for access to the front seat:

For the purpose of determining the position of the said point the door and any rubber, felt or other soft trimming or sealing material around the door aperture shall be disregarded;

(*d*) the said device shall be at a sufficient height from the floor of the vehicle to ensure that, so far as is practicable, any part of the belt that would come in contact with the clothing of a person wearing the belt in normal circumstances does not lie on the floor when the belt is in the stowed position;

(*e*) it shall be possible to stow away the belt for retention on the device mentioned in sub-paragraph (*c*) of this paragraph without employing any manual device for adjusting the belt to fit the wearer; and

(*f*) the belt, after being put on by the wearer, shall either adjust automatically to fit him or be such that the said manual device shall be convenient to use and capable of being operated with one hand so as to tighten the belt.

(9) The requirements specified in paragraph (8) shall not apply to—

(*a*) a seat belt fitted to a seat which is treated as a specified passenger's seat by virtue of the provisions of sub-paragraph (ii) in the definition of "specified passenger's seat" in paragraph (12), or

(*b*) a seat belt fitted to the specified passenger's seat of a goods vehicle which has an unladen weight of more than 915 kilograms and has more than one forward-facing seat for a passenger alongside the driver's seat, any such seats for passengers being joined together in a single structure.

(10) Every seat belt, other than a disabled person's seat belt or restraining device for a young person, provided for any person in any vehicle to which this Regulation applies, whether or not such seat belt is required to be provided, shall—

(*a*) in the case of a vehicle manufactured before 1st October 1980 or first used before 1st April 1981 be legibly and permanently marked—

(i) in the case of a belt which was first fitted to the vehicle before 1st February 1979, with a British Standards mark; or

(ii) in the case of a belt which was first fitted to the vehicle on or after 1st February 1979, with either a British Standards mark or with a designated approval mark; or

(*b*) in the case of any other vehicle to which this Regulation applies—

(i) if it is a vehicle to which Council Directive 77/541/EEC of 28th June 1977**(a)** applies, comply with the requirements relating to the installation of seat belts specified in paragraphs 3.2.2 to 3.3.4 of Annex I to that Directive and be marked with a designated approval mark, or

(ii) if it is a vehicle to which that Directive does not apply, comply with standards identical to the requirements contained in paragraphs 3.2.2 to 3.3.4 of Annex I of that Directive and, whether or not the belt is part of a restraint system (as defined in paragraph 1.11 of Annex I to Council Directive 77/541/EEC of 28th June 1977), be marked with a designated approval mark which does not include the letter "Z" referred to in paragraph 11(2) of Schedule 5 to the Designation of Approval Marks Regulations as amended **(b)**:

Provided that the requirements specified in sub-paragraph (*b*) above shall not apply so as to require a vehicle to which paragraph (9) refers to comply with the requirement specified in the second paragraph (which relates to the locking or releasing of a seat belt by a single movement of either hand by the wearer) of paragraph 3.3.2 of the said Annex.

(11) Every seat belt, being a restraining device for a young person but not being a disabled person's seat belt, fitted to any vehicle to which this Regulation applies shall be legibly and permanently marked with a British Standards mark.

(12) (*a*) In this Regulation—

the expressions "motor ambulance" and "motor caravan" have the same meanings as are respectively assigned to them in Regulation 3(2) of the Type Approval (Great Britain) Regulations;

"body-restraining seat belt" means a seat belt designed to provide restraint for both the upper and lower parts of the trunk of the wearer in the event of an accident to the vehicle;

"British Standards mark" means a mark consisting of

(i) the specification number of a British Standard for Seat Belt Assemblies for Motor Vehicles, namely either—

(*a*) BS 3254: 1960 or

(*b*) BS AU 160a in the case of a restraining device for an adult or BS AU 157a in the case of a restraining device for a young person, and

(ii) the registered certification trade mark of the British Standards Institution;

"the Council Directive" means Council Directive 76/115/EEC of 18th December 1975**(c)**;

"the Council Directive requirements" means the design and construction requirements specified in Annex I, paragraphs 4 and 5.5, and in Annex III to the Council Directive;

"designated approval mark" means the marking designated as an approval mark by Regulation 5 of the Designation of Approval Marks Regulations as amended **(b)** and shown in column (2) at item 23 of Schedule 4 to those Regulations;

**(a)** O.J. L220, 29.8.77, p. 95.
**(b)** The relevant amending Instrument is S.I. 1978/1111.
**(c)** O.J. L24, 30.1.76, p. 6.

"disabled person's seat belt" means a seat belt which has been specially designed and constructed, and not merely adapted, for use by an adult or young person suffering from some physical defect or disability and which is used solely by such a person;

"the ECE Regulation" means the Regulation numbered 14 of 30th January 1970 (as amended on 16th March 1971 and issued with revised text on 19th August 1976(a)) annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958(b) as amended (c), to which the United Kingdom is a party;

"the ECE Regulation requirements" means the design, construction and equipment requirements in paragraphs 5, 6 and 7 of and in Annex 3 to the ECE Regulation;

"forward-facing seat" means a seat which is attached to a vehicle so that it faces towards the front of the vehicle in such a manner that a line passing through the centre of both the front and the back of the seat is at an angle of 30° or less to the longitudinal axis of the vehicle;

"lap belt" means a seat belt which passes across the front of the wearer's pelvic region;

"seat" includes any part designed for the accommodation of one adult of a continuous seat designed for the accommodation of more than one adult;

"seat belt" means a belt intended to be worn by a person in a vehicle and designed to prevent or lessen injury to its wearer in the event of an accident to the vehicle and includes, in the case of a restraining device for a young person, any special chair to which the belt is attached;

"seat with integral seat belt anchorages" means a seat which is fitted with all the anchorage points required for use in connection with the seat belt provided for that seat;

"specified passenger's seat" means—

(i) in the case of a vehicle which has one forward-facing front seat alongside the driver's seat, such seat, and in the case of a vehicle which has more than one such seat, the one furthest from the driver's seat; or

(ii) if the vehicle normally has no seat which is the specified passenger's seat under the last preceding sub-paragraph, the forward-facing front seat for a passenger which is foremost in the vehicle and furthest from the driver's seat, unless there is a fixed partition separating such seat from the space in front of it alongside the driver's seat;

"three-wheeled motor cycle" does not include a two-wheeled motor cycle with a side car attached to it.

(*b*) In this Regulation, unless the contrary intention appears, a reference to a paragraph followed by a number is a reference to the paragraph bearing that number in this Regulation.".

(a) Copies of this Regulation may be obtained from Her Majesty's Stationery Office.
(b) Cmnd. 2535. (c) Cmnd. 3562.

5. In Regulation 102A (Maintenance of seat belts and anchorage points)—

(*a*) in paragraph (1), for the words "in accordance with Regulation 17 or 17A" there shall be substituted the words "in accordance with Regulation 17"; and

(*b*) for paragraph (8) there shall be substituted the following new paragraph:—

"(8) Expressions which are used in this Regulation and are defined in Regulation 17 have the same meaning in this Regulation as they have in Regulation 17.".

*Peter Baldwin,*
Permanent Secretary, for
Minister of Transport.

20th August 1979.

## EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

1. These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1978 so as to consolidate with amendments of drafting and minor amendments of substance Regulations 17 and 17A which relate to seat belts and anchorage points.

2. The amendments of substance are as follows:—

(*a*) the differing requirements relating to anchorage points specified in the former Regulation 17A(3)(*a*)(2)(i) and (ii) are amended so as to avoid a lacuna and apply as to one set of requirements to vehicles manufactured before 1st October 1981 or first used before 1st April 1982 and as to the other set of requirements to vehicles manufactured on or after 1st October 1981 and first used on or after 1st April 1982;

(*b*) the application of standards identical to the Council Directive requirements or the ECE Regulation requirements (as defined in Regulation 17(12)(*a*)) to vehicles other than vehicles to which those requirements apply is facilitated;

(*c*) vehicles being (i) a goods vehicle (other than a dual-purpose vehicle) which is a motor car manufactured before 1st October 1981 or first used before 1st April 1982 which is of a model first manufactured before 1st October 1979 and has an unladen weight exceeding 1525 kilograms, (ii) an industrial tractor, (iii) a motor tractor (of any kind), or (iv) a vehicle incapable by reason of its construction of exceeding a speed of 16 miles per hour on the level under its own power, are exempted from the requirements as to the fitting of seat belts and seat belt anchorage points; and

(*d*) a postponement is made of the requirements that for vehicles other than those manufactured before 1st October 1980 or first used before 1st April 1981 (instead of for vehicles other than those manufactured before 1st October 1979 or first used before 1st April 1980)—

(i) seat belts which restrain the upper and lower parts of the torso, include a lap belt, are anchored at no less than three points and are designed for use by an adult shall be provided in certain vehicles for the driver's seat and the specified passenger's seat, and

(ii) every seat belt (other than a disabled person's seat belt or restraining device for a young person) provided for any person in certain vehicles shall comply with certain requirements relating to its installation specified in Council Directive 77/541/EEC, and be marked with a designated approval mark.

SI 1979/1062
ISBN 0-11-094062-8

