STATUTORY INSTRUMENTS

1978 No. 1233

ROAD TRAFFIC

The Motor Vehicles (Construction and Use) (Amendment) Regulations 1978

Made - - - -	18*th August* 1978
Laid before Parliament	21*st August* 1978
Coming into Operation	29*th September* 1978

The Secretary of State for Transport, in exercise of his powers under section 40(1) and (3) of the Road Traffic Act 1972**(a)** 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 29th September 1978, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) Regulations 1978.

2. The Motor Vehicles (Construction and Use) Regulations 1978**(b)**, shall be amended in accordance with the provisions of these Regulations.

3. In Regulation 5 (Application and exemptions—Type approval), in the Table, the following item shall be added:—

"13	77/541/EEC	28th June 1977	O.J.L 220, 29.8.1977, p. 95.	Safety belts and restraint systems of motor vehicles	1st February 1979		17(6)(c) and 17A(7)(c)(ii)".

4. In Regulation 17 (Seat belts and anchorage points),—

(*a*) in paragraph (2), at the end of sub-paragraph (*i*) the word "or" shall be deleted, at the end of sub-paragraph (*j*) the full stop shall be replaced by "; or", and the following sub-paragraph shall be added—

"(*k*) a vehicle manufactured on or after 1st October 1979 and first used on or after 1st April 1980.";

(*b*) for paragraph (4) there shall be substituted the following paragraphs:—

"(4) Save as provided in paragraph (4A) of this Regulation, every vehicle to which this Regulation applies shall be provided with—

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

(a) 1972 c. 20.

(b) S.I. 1978/1017.

(*b*) a body-restraining seat belt for the specified passenger's seat (if any).

(4A) The requirements specified in paragraph (4) of this Regulation 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) 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.";

(*c*) in paragraph (5), for the words "Every seat belt provided in pursuance of this Regulation" there shall be substituted the words "Every seat belt, other than a disabled person's seat belt, provided in pursuance of this Regulation";

(*d*) in paragraph (6), for the words "Subject to paragraph (7) of this Regulation, where a seat belt, other than a restraining device for a young person or a seat belt comprising a lap belt and shoulder straps is provided in pursuance of this Regulation" there shall be substituted the following:—

"Subject to paragraph (7) of this Regulation, 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";

(*e*) in paragraph (8), for sub-paragraph (*e*) there shall be substituted the following sub-paragraphs—

"(*e*) Each seat belt, not being a restraining device for a young person or a disabled person's seat belt, provided for any person in any vehicle to which this Regulation applies, whether or not the vehicle is required by this Regulation to be equipped with such seat belt, shall 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;

(*f*) Each seat belt, being a restraining device for a young person, fitted to any vehicle to which this Regulation applies shall be legibly and permanently marked with a British Standards mark."; and

(*f*) in paragraph (9), after the definition of "body restraining seat belt", there shall be inserted the following new definitions:—

" "British Standards mark" means a mark consisting of—

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

(i) BS 3254: 1960, or

(ii) BS AU160a in the case of a restraining device for an adult or BS AU157a in the case of a restraining device for a young person, and

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

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

"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;

"restraining device for a young person" shall not be deemed to include a disabled person's seat belt;".

5. After Regulation 17 there shall be inserted the following new Regulation:—

"17A—(1) Except as provided by paragraph (2) below, this Regulation applies to every motor car, and every three-wheeled motor cycle the unladen weight of which exceeds 255 kilograms, being a motor car or three-wheeled motor cycle manufactured on or after 1st October 1979, and first used on or after 1st April 1980.

(2) This Regulation does not apply to:—

(*a*) a goods vehicle (other than a dual-purpose vehicle) being a motor car with a maximum gross weight in Great Britain, determined in accordance with the provisions of Schedule 2, which exceeds 3500 kilograms;

(*b*) a passenger vehicle or a 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;

(*d*) a works truck;

(*e*) an electrically propelled goods vehicle;

(*f*) a pedestrian controlled vehicle; or

(*g*) 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

(a) The relevant amending instrument is S.I. 1978/1111.

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.

(3)(*a*) Every vehicle to which this Regulation applies, being—

(i) a vehicle constructed or adapted to have more than 8 passenger seats,

(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 and 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 and first used before 1st April 1982

shall be equipped with anchorage points—

(1) 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), and

(2) which, at the date of the manufacture of the vehicle—

(i) in the case of a vehicle manufactured before 1st October 1981 and first used before 1st April 1982 either—

(*a*) comply with the Council Directive requirements or with the ECE Regulation requirements, or

(*b*) are fitted to a vehicle which is legibly and permanently marked—

(I) in the case of a vehicle which does not have integral seat belt anchorages, with the specification number of a British Standard for seat belt anchorage points, namely either BS AU 48: 1965 or BS AU 48a, or

(II) in the case of a vehicle with integral seat belt anchorages, 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; and

(ii) in the case of a vehicle manufactured on or after 1st October 1981 and first used on or after 1st April 1982, comply with either the Council Directive requirements or the ECE Regulation requirements.

(*b*) In any case where a vehicle is required to be marked in accordance with the provisions of sub-paragraph (*a*)(2)(i)(*b*)(II) 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.

(*c*) Every other vehicle to which this Regulation applies shall be equipped with anchorage points—

(i) 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

(ii) which, at the date of the manufacture of the vehicle, comply with either the Council Directive requirements or the ECE Regulation requirements.

(4) Save as provided in paragraph (5) of this Regulation, every 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—

(*a*) restrain the upper and lower parts of the torso,

(*b*) include a lap belt,

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

(*d*) are designed for use by an adult.

(5) The requirements specified in paragraph (4) of this Regulation 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.

(6) 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 paragraph (3) of this Regulation.

(7) Subject to paragraph (8) of this Regulation, where a seat belt, other than a disabled person's seat belt, is provided in pursuance of this Regulation there shall also be provided an efficient device for stowing such seat belt, and that device shall—

(*a*) retain the seat belt in its stowed position,

(*b*) not require the use of any manual device for adjusting the seat belt to fit the wearer, and

(*c*) be located—

(i) at a height from the floor of the vehicle sufficient to ensure that, so far as is practicable, no part of the seat belt which would, when in use, come into contact with the clothing of a person wearing the belt in normal circumstances lies on the floor of the vehicle when the belt is in the stowed position, and

(ii) so that its centre is not more than 75 millimetres behind and in the same horizontal plane as a point (which shall be determined without regard to any soft trimming or sealing material around the door aperture) which is positioned on the rear side of the door aperture provided for access to the front seat.

(8) The requirements specified in paragraph (7) of this Regulation 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 (*b*) in the definition of "specified passenger's seat" in paragraph (9) of Regulation 17, 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.

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

(*a*) in the case of a seat belt provided for an adult, comply with the requirements with respect to the installation of seat belts specified in paragraphs 3.2.2 to 3.3.4 of Annex I to Council Directive 77/541/EEC of 28th June 1977**(a)** in relation to the vehicles to which that Directive applies, and be marked, in compliance with the requirements specified in paragraph 1.2 of Annex III to the said Directive, with 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; and

(*b*) in the case of a seat belt provided for a young person, be legibly and permanently marked with the specification number of a British Standard for Seat Belt Assemblies for Motor Vehicles, that number being either BS 3254: 1960 or BS AU 157a, and with the registered certification trade mark of the British Standards Institution.

(10) In this Regulation—

(*a*) the expressions "disabled person's seat belt", "seat belt" and "specified passenger's seat" have the same meanings as are respectively assigned to them in Regulation 17(9);

(*b*) 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;

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

(*d*) "the ECE Regulation reqirements" means the requirements specified in the Regulation numbered 14 of 30th January 1970 (as amended on 16th March 1971 and issued with revised text on 19th August 1976**(d)**) 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**(e)** as amended**(f)**, to which the United Kingdom is a party;

(*e*) "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;

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

(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.
(d) Copies of this Regulation may be obtained from Her Majesty's Stationery Office.
(e) Cmnd 2535. **(f)** Cmnd 3562.

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

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

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

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

(*b*) for paragraph (3) there shall be substituted the following paragraph:—

"(3) The buckle or other fastening of the seat belt shall—

(*a*) be so maintained that the belt can be readily fastened or unfastened,

(*b*) be kept free from any temporary or permanent obstruction, and

(*c*) except in the case of a disabled person's seat belt, be readily accessible to a person sitting in the seat for which the seat belt is provided.";

(*c*) after paragraph (4) there shall be inserted the following new paragraphs:—

"(4A) The ends of every seat belt, other than a disabled person's seat belt, shall be securely fastened to the anchorage points provided for them.

(4B) The ends of every disabled person's seat belt shall, when the seat belt is being used for the purpose for which it was designed and constructed, be securely fastened either to some part of the structure of the vehicle or to the seat which is being occupied by the person wearing the belt so that the body of the person wearing the belt would be restrained in the event of an accident to the vehicle.";

(*d*) in paragraph (5) for the words "The ends of the seat belt shall be securely fastened to the anchorage points provided for them, and those points shall be used" there shall be substituted the words "The anchorage points provided for seat belts shall be used"; and

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

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

Peter R. Baldwin,
Permanent Secretary, for
Secretary of State for Transport.

18th August 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations amend the Motor Vehicles (Construction and Use) Regulations 1978 by introducing new provisions as to seat belt anchorage points and seat belts.

2. As a result of these provisions all vehicles to which the new Regulation numbered 17A applies must be fitted on or after certain dates with—

(1) seat belt anchorage points which comply with the requirements specified in either Council Directive 76/115/EEC or Regulation 14 annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof to which the United Kingdom is a party, and are designed to hold securely in position seat belts for the driver's seat and certain other seats, and

(2) 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, for the driver's seat and the specified passenger's seat.

The new Regulation requires that such seat belts shall be properly secured to such anchorage points, and that an efficient device for stowing such belts shall be provided. Exemptions are, however, provided in respect of disabled person's seat belts.

3. The vehicles to which the new Regulation applies are, in general, vehicles manufactured on or after 1st October 1979 and first used on or after 1st April 1980 being either motor cars (excluding goods vehicles with a maximum gross weight in Great Britain which exceeds 3500 kilograms, passenger or dual purpose vehicles constructed or adapted to carry more than 12 passengers, and certain other vehicles) or three-wheeled motor-cycles with an unladen weight which exceeds 255 kilograms.

4. This new Regulation requires that each seat belt provided for any person in any vehicle to which the Regulation applies, whether or not the belt is required to be provided, shall—

(1) in the case of a seat belt provided for an adult, comply with certain requirements (including the requirements as to marking) specified in Council Directive 77/541/EEC, and

(2) in the case of a seat belt provided for a young person, be marked with the relevant British Standard specification number and the registered certification trade mark of the British Standards Institution.

5. Minor amendments are made—

(*a*) to the existing requirements as to seat belts and their anchorage points in vehicles to which the new Regulation does not apply,

(*b*) as to disabled persons' seat belts,

(*c*) so as to avoid the application as respects vehicles type approved in accordance with the provisions of Council Directive 77/541 EEC dated 28th June 1977 of requirements specified in the Construction and Use Regulations which are not also specified in that Directive, and

(*d*) so as to allow for transitional acceptance of the existing requirements in certain circumstances.

SI 1978/1233
ISBN 0-11-084233-2

