
TRAFFIC (WEARING OF SAFETY BELTS) REGULATIONS 2008**Subsidiary
2008/004**

Subsidiary Legislation made under s. 57 and 101 of the Traffic Act 2005 as read with section 23 of the Interpretation and General Clauses Act.

**TRAFFIC (WEARING OF SAFETY BELTS)
REGULATIONS 2008****(LN. 2008/004)***Commencement* **1.5.2008**

Amending enactments	Relevant current provisions	Commencement date
LN. 2008/005 2014/148	<i>Corrigendum</i> rr. 2(1), 3(1), (3) & 4(3)(a)	19.9.2014

EU Legislation/International Agreements involved:

Directive 91/671/EEC

Directive 2003/20/EC

Directive 2014/37/EU

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In exercise of the powers conferred on it by sections 57 and 101 of the Traffic Act 2005 as read with section 23 of the Interpretation and General Clauses Act and in order to transpose into the law of Gibraltar Directive 2003/20/EC of the European Parliament and of the Council amending Council Directive 91/671/EEC on the approximation of the laws of the member States relating to the compulsory use of safety belts in vehicles the Government has made the following Regulations:

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**PART I
PRELIMINARY**

Title and Commencement.

1. These Regulations may be cited as the Traffic (Wearing of Safety Belts) Regulations 2008 and come into operation 3 months after the date of publication.

Interpretation.

2.(1) In these Regulations and unless the context otherwise requires—

“back seat” where a mechanically propelled vehicle has more than 2 rows of seats, means any seat which is not a front seat;

“belt anchorages” means the parts of the vehicle structure or seat structure, or any other part of the vehicle to which the safety belt assemblies are to be secured;

“Directive” means Council Directive 91/671/EEC of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles as the same may be amended from time to time;

“disabled person’s belt” means a safety belt which has been specially designed or adapted for use by a person with a physical handicap or disability and which is intended for use solely by such a person;

“medical certificate” has the meaning given in Schedule 1;

“rearward facing” means facing in the direction opposite to the normal direction of travel of the vehicle;

“safety belt” means—

- (a) an assembly of straps with a securing buckle, adjusting devices and attachments which is capable of being anchored to a vehicle; and

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- (b) is designed to diminish the risk of injury to its wearer, by restraining the wearer's movements in the event of a collision or of abrupt vehicle deceleration,

approved for the purposes of the Directive by the competent authority of a Member State.

(2) In these Regulations, "vehicle" means—

- (a) a vehicle designed and constructed for the carriage of passengers and comprising no more than 8 seats in addition to the driver's seat (in these Regulations referred to as "category M1 vehicles");
- (b) a vehicle designed and constructed for the carriage of passengers comprising more than 8 seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes (in these Regulations referred to as "category M2 vehicles");
- (c) a vehicle designed and constructed for the carriage of passengers, comprising more than 8 seats in addition to the driver's seat and having a maximum mass exceeding 5 tonnes (in these Regulations referred to as "category M3 vehicles");
- (d) a vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes (in these Regulations referred to as "category N1 vehicles");
- (e) a vehicle designed and constructed for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes (in these Regulations referred to as "category N2 vehicles");
- (f) a vehicle designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tonnes (in these Regulations referred to as "category N3 vehicles"),

intended for road use and having at least 4 wheels and a maximum design speed exceeding 25 kph.

(3) Terms used but not defined shall be interpreted in accordance with the Directive.

Definition of "child restraint".

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3.(1) Child restraint” means an arrangement of components which may comprise a combination of straps or flexible components with a securing buckle, adjusting devices, attachments and in some cases a supplementary chair or impact shield, capable of being anchored to a vehicle and designed to diminish the risk of injury to the wearer in the event of a collision or abrupt deceleration, by limiting the mobility of the wearer’s body, that is divided into the following categories–

- (a) group 0 for children with a mass of less than 10 kg;
- (b) group 0+ for children with a mass of less than 13 kg;
- (c) group I for children with a mass from 9–18 kg;
- (d) group II for children with a mass from 15–25 kg;
- (e) group III for children with a mass from 22–26 kg, and
and which is approved–
- (f) to the standards of UN-ECE Regulation 44/03 or Directive 77/541/EEC, or
- (g) to the standards of UN-ECE Regulation 129,

or any subsequent adaptation thereto.

(2) Child restraints are subdivided into 2 classes as follows–

- (a) an integral class comprising a combination of straps or flexible components with securing buckle, adjusting device, attachments and in some cases a supplementary chair or impact shield, capable of being anchored by means of its own integral strap or straps;
- (b) a non-integral class that may comprise a partial restraint which, when used in conjunction with an adult belt which passes around the body of the child or restrains the device in which the child is placed, forms a complete child-restraint system.

(3) A child restraint shall be installed in accordance with fitting information (e.g. instruction manual, leaflet or electronic publication) provided by the manufacturer of the child restraint system declaring in what manner and in which vehicle types the system may be safely used.

Wearing of safety belt in vehicles defined in regulation 2(2)(a), (d), (e) and (f).

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4.(1) This regulation applies to vehicles defined in regulation 2(2)(a), (d), (e) and (f).

(2) Subject to the provisions of this regulation, no person—

- (a) shall travel in a vehicle to which this regulation applies without wearing a safety belt;
- (b) shall drive a vehicle with a child without ensuring that the child is wearing a restraint,

as the case may be.

(3) Children less than 150 cm in height travelling in a vehicle fitted with safety systems to which this regulation applies—

- (a) subject to sub-regulation (b), shall be restrained by an integral or non-integral child-restraint system within the meaning of regulation 3(2)(a) and (b), which is suitable for the child's physical features in accordance with—
 - (i) the classification provided for in regulation 3(1)(a) to (e), for child restraint systems approved in accordance with regulation 3(1)(f) or (g), and
 - (ii) the size range and maximum occupant mass for which the child restraint system is intended, as indicated by the manufacturer, for child restraint systems approved in accordance with regulation 3(1)(g);
- (b) where the child is at least 135cm in height the child may be restrained by an integral or non-integral child-restraint system pursuant to sub-regulation (a) or by an adult safety belt; and
- (c) where (a) or (b) applies and the child is travelling in a licensed taxi—
 - (i) where the child is 3 years or less, there shall be no requirement for the child to be fitted with a seat belt or child restraint;
 - (ii) where the child is over 3 years but 135cms tall or less, the child shall use an adult seat belt where no child restraint is available; and
 - (ii) in either case, the child shall not travel in a front seat.

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(4) Subject to the provisions of this regulation, where a vehicle to which this regulation applies is not fitted with a safety belt or child restraint no person—

- (a) shall transport a child who is under three years of age in that vehicle; and
- (b) shall allow a child aged three and over and less than 150 cm in height to occupy a front seat.

(5) No child shall be transported in a vehicle to which this regulation applies using a rearward-facing child-restraint system in a passenger seat protected by a front air bag, unless the air bag is either manually deactivated or automatically deactivated to a sufficient degree.

(6) Nothing in sub-regulation (4)(b) shall prejudice the provisions of sub-regulation (3)(b).

(7) In this regulation, “front air bag” means an air bag fitted in respect of a front seat, not being an air bag fitted adjacent to the sides of the seat.

Wearing of safety belt in vehicles defined in regulation 2(2)(b) and (c).

5.(1) This regulation applies to vehicles defined in regulation 2(2)(b) and (c).

(2) Subject to the provisions of this regulation, no person shall travel in a vehicle to which this regulation applies without wearing a safety belt or, where he is responsible for a child aged 3 or over, ensuring that the child is wearing a restraint, as the case may be.

(3) Whenever passengers are seated in a vehicle to which this regulation applies which is in motion, they shall be informed of the requirement to wear safety belts in one or more of the following ways—

- (a) by the driver;
- (b) by the conductor, courier or official designated as group leader;
- (c) by audio-visual means, such as by video;
- (d) by signs or the pictogram set out in Schedule 2, prominently displayed at every seating position.

Exceptions from the requirements of regulation 4 and 5.

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6.(1) The requirements of regulation 4 and 5 to wear a safety belt or a child restraint shall not apply to—

- (a) a person driving a vehicle where the driver's seat is not fitted with a safety belt;
- (b) a person travelling in the front of a vehicle where there is no free safety belt;
- (c) a person travelling in the rear of a vehicle where there is no free safety belt;
- (d) the users of vehicles constructed or adapted for the delivery of goods or mail while engaged in making rounds of deliveries or collections;
- (e) the drivers of vehicles while performing a manoeuvre which includes reversing;
- (f) a person who is supervising the holder of a learner's licence who is performing a manoeuvre which includes reversing;
- (g) an examiner who is conducting a test of competence to drive, where wearing a safety belt would endanger himself or any other person;
- (h) a person holding a valid medical certificate to the effect that it is inadvisable on medical grounds for him to wear a safety belt;
- (i) a person driving or travelling in a vehicle while it is being used for any purposes connected with the police, customs, the prison service, the port authority, the fire brigade or the military;
- (j) the driver of a taxi while on duty;
- (k) a person driving or travelling in a vehicle used under a dealer's licence for the purpose of investigating or remedying a mechanical fault in the vehicle;
- (l) a disabled person who is wearing a disabled person's safety belt;
- (m) a person driving or travelling in a vehicle while it is taking part in a procession, rejoicing, parade, illumination, entertainment or similar happening, in respect of which special traffic arrangements have been made under the Act;

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- (n) persons travelling within vehicles defined in regulation 2(2)(b) and (c) when such vehicles are specifically designed for local transport in urban and built-up areas or in which standing is allowed.

(2) A child age 3 or over and less than 150cm in height travelling in a vehicle defined in regulation 2(2)(a) and (d) may be restrained by an adult safety belt where two occupied child restraints are fitted in the rear of the vehicle and a lack of space prevents the fitting of a third.

(3) A child age 3 or over travelling in a vehicle defined in regulation 2(2)(a) and (d) may be restrained by an adult safety belt in seats other than the front seats for occasional transport over a short distance when no child restraint or an insufficient number of child restraints are available in the vehicle.

(4) Until 8 May 2009, a greater number of persons than there are corresponding safety belts or restraint systems may be carried in a vehicle defined in regulation 2(2)(a) and (d).

Offences and penalties.

7.(1) A person who, without reasonable excuse, drives or travels in a motor vehicle contrary to these Regulations shall be guilty of an offence and liable on summary conviction to a fine at level 1 on the standard scale.

(2) If the holder of a medical certificate is informed by a police officer that he may be prosecuted for an offence under this regulation, he is not entitled to rely on the exception afforded to him by the medical certificate in proceedings for that offence unless—

- (a) it is produced to the police officer at the time he is so informed, or
- (b) it is produced within seven days after the date on which he is so informed at such police station as may be specified to him by the police officer.

Revocation.

8. The Traffic (Wearing of Safety Belts) Regulations 2001 and the Safety Belt and Child Restraint (Approval) Notice are revoked.

SCHEDULE 1

Regulation 2

MEANING OF “MEDICAL CERTIFICATE”

1. Subject to paragraph 2, “medical certificate”, in relation to a person driving or travelling in a vehicle means a valid certificate signed by a medical practitioner entitled to practice medicine in Gibraltar to the effect that it is inadvisable on medical grounds for him to wear a safety belt, in accordance with the provisions of Article 5 of the Directive.
2. A certificate shall not be regarded as a medical certificate in relation to a person driving or travelling in a vehicle for the purposes of these Regulations unless it specifies its period of validity and otherwise complies with the requirements of Article 5 of the Directive.
3. Paragraph 2 does not apply in relation to a certificate issued before the coming into force of these Regulations.

**COMMUNITY DESIGN FOR THE PICTOGRAM TO BE
PROMINENTLY DISPLAYED AT EVERY SEATING POSITION
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REGULATION 5 APPLIES**

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