

Regulations deemed to have been made under section 57 and 101.

**TRAFFIC (WEARING OF SAFETY BELTS)
REGULATIONS 2001**

Revoked by LN. 2008/004 as from 1.5.2008

(LN. 2001/114)

1.10.2001

Amending enactments	Relevant current provisions	Commencement date
None		

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
2. Interpretation.
3. Wearing of safety belts in front seats.
4. Wearing of safety belts in back seats.
5. Exceptions from the requirements of regulation 3 and 4.
6. Offences and penalties in respect of a contravention of regulation 3 and 4.

SCHEDULE

2005-26

Revoked
Subsidiary
2001/114

Traffic

TRAFFIC (WEARING OF SAFETY BELTS) REGULATIONS 2001

PART I

PRELIMINARY

Title and Commencement.

1. These Regulations may be cited as the Traffic (Wearing of Safety Belts) Regulations 2001 and shall come into operation on 1 October 2001.

Interpretation.

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

“approved child restraint” means a child restraint which is approved by the Minister in accordance with article 2 of the Directive by notice in the Gazette;

“approved safety belt” means a safety belt which is approved by the Minister in accordance with article 2 of the Directive by notice in the Gazette;

“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;

“child restraint” means a device designed for use by a child and which is fitted directly to suitable belt anchorages or is held in place by the restraining action of a safety belt and which is either equipped with an assembly of straps and a securing buckle or uses the straps and buckle assembly of the safety belt so as to have the effect of diminishing the risk of injury to its wearer in the event of a collision or of abrupt vehicle deceleration;

“Directive” means Council Directive 91/671/EEC on the approximation of the laws of the member States relating to compulsory use of safety belts in vehicles of 3.5 tonnes and less;

“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 the Schedule;

TRAFFIC (WEARING OF SAFETY BELTS) REGULATIONS 2001

“safety belt” means an assembly of straps with a securing buckle, adjusting devices and attachments which is capable of being anchored to a vehicle and 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;

“vehicle”, for the purposes of these regulations, means a vehicle falling within category B in section 31(1) of the Traffic Act and which has–

- (a) at least four wheels, and
- (b) a maximum design speed exceeding 25 kilometres per hour;

Wearing of safety belts in front seats.

3.(1) Subject to the provisions of regulation 5, the driver of a vehicle to which these regulations apply and a person occupying a forward-facing front seat of such a vehicle shall wear an approved safety belt or an approved child restraint.

(2) Subject to the provisions of regulation 5, the driver of a vehicle to which this article applies shall not permit a person who is under 17 years of age to occupy a forward-facing front seat, unless that person is–

- (a) 4 years of age or upwards and is wearing an approved safety belt, or
- (b) restrained by an approved child restraint.

Wearing of safety belts in back seats.

4.(1) Subject to the provisions of regulation 5, a person occupying a forward facing back seat of a vehicle shall wear an approved safety belt or an approved child restraint.

(2) Subject to the provisions of regulation 5, the driver of a vehicle shall not permit a person who is under 17 years of age to occupy a forward-facing back seat, unless that person is–

- (a) 4 years of age or upwards and is wearing an approved safety belt, or
- (b) restrained by an approved child restraint.

Exceptions from the requirements of regulation 3 and 4.

TRAFFIC (WEARING OF SAFETY BELTS) REGULATIONS 2001

5. The requirement of regulation 3 and 4 of these Regulations to wear a safety belt or to be restrained by a child restraint shall not apply to—

- (a) a person driving a vehicle where the driver's seat is not fitted with an approved safety belt;
- (b) a person riding in the front of a vehicle where there is no unoccupied approved safety belt;
- (c) a person riding in the rear of a vehicle where there is no unoccupied approved 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 riding in a vehicle while it is being used for any purposes connected to 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 riding 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 riding 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 Principal Act.

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TRAFFIC (WEARING OF SAFETY BELTS) REGULATIONS 2001
Offences and penalties in respect of a contravention of regulation 3 and 4.

6.(1) A person who, without reasonable excuse, drives or rides in a motor vehicle in contravention of regulation 3 or 4 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.

SCHEDULE

Regulation 2

MEANING OF “MEDICAL CERTIFICATE”

1. Subject to paragraph 2, “medical certificate”, in relation to a person driving or riding in a vehicle means—

- (a) 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, or
- (b) a certificate to such effect issued 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 riding 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.