



Jersey

**MOTOR VEHICLES (WEARING OF SEAT
BELTS BY CHILDREN) (JERSEY) ORDER
2020**

Official Consolidated Version

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MOTOR VEHICLES (WEARING OF SEAT BELTS BY CHILDREN) (JERSEY) ORDER 2020

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Jersey

MOTOR VEHICLES (WEARING OF SEAT BELTS BY CHILDREN) (JERSEY) ORDER 2020

THE MINISTER FOR INFRASTRUCTURE makes this Order under Articles 42, 77 and 84 of the [Road Traffic \(Jersey\) Law 1956](#) –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Order –

“adult belt” means a prescribed seat belt within the meaning of Article 2 of the [Motor Vehicles \(Wearing of Seat Belts by Adults\) \(Jersey\) Order 2009](#);

“appropriate seat belt” is construed in accordance with paragraph (2);

“bus” means a motor vehicle that –

- (a) has at least 4 wheels;
- (b) is constructed or adapted for the carriage of passengers; and
- (c) has more than 8 seats in addition to the driver’s seat;

“cab” has the same meaning as in the [Motor Traffic \(Jersey\) Law 1935](#);

“child” means a person under the age of 14 years;

“child restraint” means a child restraint within the meaning of Article 49(11) of the Construction and Use Order which is –

- (a) marked in accordance with Article 49(7) of the Construction and Use Order or marked in accordance with paragraphs 4, 5.4 and 5.6 of Regulation Number 129; or
- (b) fitted in a vehicle and consists of or is comprised in a restraint system, being a restraint system –
 - (i) which is of a type which has been approved by a member State of the European Union or by the United Kingdom for use by a child, and
 - (ii) in respect of which, by virtue of such approval, the requirements of the law of that State or the United Kingdom corresponding to this Order would be met were it to be worn by a child when travelling in that vehicle in that member State or in the United Kingdom;

“Construction and Use Order” means the [Motor Vehicles \(Construction and Use\) \(Jersey\) Order 1998](#);

“disabled person’s belt”, “lap belt”, “seat”, “seat belt” and “3-point belt” have the same meaning as in Article 49(11) of the Construction and Use Order;

“front”, in relation to a vehicle, means every part of the vehicle forward of the transverse vertical plane passing through the rearmost part of the driver’s seat except, where a vehicle has a deck which is above the level of the driver’s head when the driver is in the normal driving position, no part of the vehicle above the level of that deck (whether or not forward of the transverse vertical plane);

“front seat”, in relation to a vehicle, means a seat which is wholly or partially in the front of the vehicle;

“hire vehicle” has the same meaning as in the [Motor Traffic \(Jersey\) Law 1935](#);

“large child” means a child who is not a small child;

“Law” means the [Road Traffic \(Jersey\) Law 1956](#);

“light goods vehicle” means a goods vehicle which –

- (a) has 4 or more wheels; and
- (b) has a maximum laden weight not exceeding 3.5 tonnes;

“passenger car” means a motor vehicle which –

- (a) is constructed or adapted for the use for the carriage of passengers and is not a goods vehicle;
- (b) has no more than 8 seats in addition to the driver’s seat;
- (c) has 4 or more wheels; and
- (d) has a maximum laden weight not exceeding 3.5 tonnes;

“Regulation Number 129” means Regulation Number 129 as amended from time to time of the Economic Commission for Europe of the United Nations on uniform provisions concerning the approval of enhanced Child Restraint Systems used on board of motor vehicles;

“restraint system” means a system combining a seat fixed to the structure of the vehicle by appropriate means and a seat belt for which at least one anchorage point is located on the seat structure;

“small child” means a child who is –

- (a) under the age of 12 years; and
- (b) under 135 centimetres in height.

(2) For the purposes of this Order, a seat belt is appropriate –

- (a) in relation to a small child, if it is a child restraint of a description prescribed for a child of the child’s height and weight by Article 2(2); or
- (b) in relation to a large child, if it is –
 - (i) a child restraint of a description prescribed for a child of the child’s height and weight by Article 2(2), or
 - (ii) an adult belt.

2 Description of seat belts to be worn by children and requirement regarding airbags

- (1) For a child of any particular height and weight travelling in a motor vehicle, the description of seat belt prescribed for the purposes of Article 42(1) of the Law to be worn by the child is –

- (a) if the child is a small child, a child restraint of a description specified in paragraph (2)(a), (b) or (c); or
 - (b) if the child is a large child, a child restraint of a description specified in paragraph (2)(a) or (c) or an adult belt.
- (2) The descriptions of seat belt referred to in paragraph (1) are –
- (a) a child restraint with the marking required under Article 49(7) of the Construction and Use Order if the marking indicates that it is suitable for the child's weight and either indicates that it is suitable for the child's height or contains no indication as respects height;
 - (b) a child restraint which would meet the requirements of the law of any member State of the European Union or of the United Kingdom corresponding to this Order were it to be worn by that child when travelling in that vehicle in that member State or in the United Kingdom; and
 - (c) a child restraint with markings required under paragraphs 4, 5.4 and 5.6 of Regulation Number 129, if the markings indicate that it is suitable for the child's height, weight and age.
- (3) In relation to a small child sitting in the front of a motor vehicle other than a bus within the meaning of Article 41A of the Law, if the passenger seat in which the child is sitting is protected by an airbag and the child is wearing a rear-facing child restraint, the prescribed requirement relating to the use of that seat belt for the purposes of Article 42(1) of the Law is that the airbag must be –
- (a) deactivated; or
 - (b) designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to the child.

3 Provision of seat belts

- (1) A seat is to be regarded as provided with a seat belt which is a child restraint if the child restraint is –
- (a) fixed in such a position that it can be worn by an occupier of that seat; or
 - (b) elsewhere in or on the vehicle but –
 - (i) could readily be fixed in such a position without the aid of tools, and
 - (ii) is not being worn by a child for whom it is appropriate and who is occupying another seat.
- (2) A seat is to be regarded as provided with a seat belt which is an adult belt if the adult belt is fixed in such a position that it can be worn by the occupier of that seat unless that belt –
- (a) has an inertia reel mechanism which is locked as a result of the vehicle being, or having been, on a steep incline; or
 - (b) does not comply with the requirements of Article 50 of the Construction and Use Order.

4 Exemptions

- (1) The prohibition in Article 42(1) of the Law does not apply to a child riding in a vehicle that falls within a description specified in column 2 of the Table in

paragraph (2), if the conditions in column 3 in the same row as the item number specified in column 1 for that description of vehicle are met.

(2)

TABLE		
1	2	3
Item	Description of vehicle	Conditions
1.	passenger car or light goods vehicle	<ul style="list-style-type: none"> (a) the child is a small child aged 3 years or more; (b) the child is riding in the rear of the vehicle; (c) the use of child restraints by the child occupants of 2 seats in the rear of the vehicle prevents the use of an appropriate seat belt for the child; (d) no appropriate seat belt is available for the child in the front of the vehicle; and (e) the child is wearing an adult belt.
2.	passenger car or light goods vehicle	<ul style="list-style-type: none"> (a) the child is a small child aged 3 years or more; (b) the child is riding in the rear of the vehicle; (c) the child is travelling because of an unexpected necessity; (d) no appropriate seat belt is available for the child in the front or the rear of the vehicle; and (e) the child is wearing an adult belt.
3.	passenger car	<ul style="list-style-type: none"> (a) the child aged 3 years or more; (b) the rear of the vehicle is not fitted with seat belts and is not required by or under any enactment to be fitted with seatbelts; (c) the child is riding in the rear of the vehicle; and (d) no appropriate seat belt is available for the child in the front of the vehicle.
4.	cab or hire vehicle	<ul style="list-style-type: none"> (a) the child is under 3 years; (b) no appropriate seat belt is available for the child in the front or rear of the vehicle; and (c) the child is riding in the rear of the vehicle.
5.	cab or hire vehicle	<ul style="list-style-type: none"> (a) the child is a small child aged 3 years or more; (b) no appropriate seat belt is available for the child in the front or rear of the vehicle; (c) the child is riding in the rear of the vehicle; and (d) the child is wearing an adult belt.

6.	bus	(a) the child is aged under 3 years; (b) no appropriate seat belt is available for the child in the front or rear of the vehicle; and (c) the child is riding in the rear of the vehicle.
7.	bus	(a) the child is a small child aged 3 years or more; (b) no appropriate seat belt is available for the child in the front or rear of the vehicle; (c) the child is riding in the rear of the vehicle; and (d) the child is wearing an adult belt.
8.	bus	(a) the child is a small child aged 3 years or more; (b) the rear of the vehicle is not fitted with seat belts and seat belts are not required by or under any enactment to be fitted in the rear of the vehicle; (c) no appropriate seat belt or adult belt is available for the child in the front or rear of the vehicle; and (d) the child is riding in the rear of the vehicle.
9.	bus	(a) the child is a small child aged 3 years or more; (b) no appropriate seat belt is available for the child in the front or the rear of the vehicle; (c) the child is riding in the front of the vehicle; and (d) the child is wearing an adult belt.
10.	bus	There is in force a public service vehicle licence under the Motor Traffic (Jersey) Law 1935 in respect of the vehicle which permits the standing of passengers.
11.	any motor vehicle	(a) the child is a large child; (b) no appropriate seat belt is available for the child in the vehicle.
12.	any motor vehicle	there is in force a valid medical exemption certificate for the child.
13.	any motor vehicle	(a) the child is riding in the rear of the vehicle; and (b) the vehicle is being used for the purposes of the police, security or emergency services to enable the proper performance of their duties.
14.	any motor vehicle	(a) the child is disabled; and (b) the child is wearing a disabled belt.

15.	any motor vehicle	(a)	the child is disabled;
		(b)	a disabled person's belt is not available to the child;
		(c)	the child's disability makes it impracticable to wear a seat belt; and
		(d)	the child is riding in the rear of the vehicle.

- (3) The prohibition in Article 42(1) of the Law does not apply to the following vehicles –
- (a) 2-wheeled motor cycles with or without sidecars; and
 - (b) a motor vehicle with a design speed not exceeding 15 miles per hour.

5 Availability of seat belts for purposes of Article 4

- (1) For the purposes of Article 4, in relation to a child riding in a vehicle if any seat (other than the driver's seat) is provided with a seat belt which is appropriate for the child, that belt is to be regarded as an appropriate seat belt available for the child unless the requirements of paragraph (2) are satisfied in relation to that child, that seat and that belt.
- (2) The requirements of this paragraph are satisfied in relation to a particular child (the "child in question") and a particular seat ("the relevant seat") provided with a particular seat belt ("the relevant belt") if –
- (a) another person is wearing the relevant belt;
 - (b) another child is occupying the relevant seat and wearing a child restraint which is an appropriate seat belt for that other child and the presence of that other child makes it impracticable for the child in question to wear the relevant belt;
 - (c) another person, being a person in respect of whom there is in force a valid medical exemption certificate, is occupying the relevant seat;
 - (d) a disabled person (not being the child in question) is occupying the relevant seat and wearing a disabled person's belt and the presence of that other person makes it impracticable for the child in question to wear the relevant belt;
 - (e) by reason of the child in question's disability it would not be practicable for the child in question to wear the relevant belt;
 - (f) the child in question is prevented from occupying the relevant seat by the presence of a child restraint (not being an appropriate child restraint for the child in question) which could not readily be removed without the aid of tools; or
 - (g) the relevant seat is specially designed so that –
 - (i) its configuration can be adjusted in order to increase the space in the vehicle available for goods or personal effects,
 - (ii) when it is so adjusted the seat cannot be used as such, and
 - (iii) the configuration is adjusted as described in clause (i) and it would not be reasonably practicable for the goods and personal effects being carried in the vehicle to be so carried were the configuration not so adjusted.

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9 Citation and commencement

This Order may be cited as the Motor Vehicles (Wearing of Seat Belts by Children) (Jersey) Order 2020 and comes into force 7 days after the day it is made.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Motor Vehicles (Wearing of Seat Belts by Children) (Jersey) Order 2020	R&O.106/2020	17 August 2020	

°Projets available at statesassembly.gov.je

Table of Endnote References

¹ Article 6	<i>spent, omitted</i>
² Article 7	<i>spent, omitted</i>
³ Article 8	<i>spent, omitted</i>