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**MOTOR VEHICLES (SEAT BELTS AND RESTRAINT SYSTEMS) ORDINANCE 2007**

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An Ordinance to provide for the fitting and wearing of seatbelts and restraint systems in motor vehicles and for related matters.

**R. H. LACEY**  
**ADMINISTRATOR**

*7th August 2007.*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**1. Short title**

This Ordinance may be cited as the Motor Vehicles (seat belts and restraint systems) Ordinance 2007.

**2. Interpretation**

(1) In this Ordinance—

“child” means a person under the age of 12 and under 150cm in height;

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

“motor vehicle” means a motor vehicle of the type specified in Schedule 1 which is intended for use on a road or other public place and has a maximum design speed exceeding 25 kilometres per hour;

“person” means a person who is not a child;

“public road” has the meaning given to that term by section 2 of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(a);

“rear facing child restraint” means a child restraint system which faces the opposite direction to the normal direction of travel for the motor vehicle;

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

“safety system” includes a seat belt and restraint system;

“seat” (except in the expression “seat belt”) means a construction (including its upholstery) which forms part of the framework of a motor vehicle, whether or not by way of embodiment in the framework and which constitutes a place for a seated person, and

includes part of a unified wider construction corresponding to a place for a seated person;

“seat belt” has the meaning assigned to that term by Annex I of Council Directive 77/541/EEC of 28th June 1977 as amended by Council Directive 2005/40/EEC of 7th September 2005;

“small child” means a child under the age of 3 years.

- (2) The use of any safety system will only comply with this Ordinance where –
  - (a) it is of a type approved for use in the Republic under Republican Public Instrument EC Type Approval (safety belts and vehicle passenger restraint systems) Order 2006 (PI 81/2006, published in Gazette No. 4081 of 24th February 2006), as such public instrument may be amended from time to time, and
  - (b) in relation to a restraint system used by a child, where that restraint system is prescribed by Council Directive 2003/20/EC of 8th April 2003 as appropriate for a child of his weight and height.

### **3. Inspection of safety systems**

- (1) The Chief Officer may, at any time, require the owner of a motor vehicle or the owners of any class of motor vehicles to present their motor vehicles for inspection to ascertain whether the safety system fitted or used in that vehicle is securely fitted and in conformity with the required standard.
- (2) The power conferred on the Chief Officer by subsection (1) is a generally delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b).

### **4. Motor vehicles in categories M1, N1, N2 or N3 of Schedule 1 to be fitted with seat belts**

- (1) A motor vehicle in categories M1, N1, N2 or N3 of Schedule 1 may not be driven in the Areas unless –
  - (a) it is securely fitted with a seat belt for each seat in that vehicle; or
  - (b) the owner of that vehicle is the holder of a licence (“a vehicle exemption licence”) granted by the Registrar of Motor Vehicles of the Republic for the purpose of exempting that vehicle from the requirement in paragraph (a).
- (2) A person who is the holder of a vehicle exemption licence must produce it to a police officer when required to do so.
- (3) If it is not reasonably practicable for a person to whom subsection (2) applies to produce his vehicle exemption licence immediately on being asked to do so, he must produce it within such period as the police officer may reasonably direct.
- (4) A person who fails or refuses to produce his vehicle exemption licence on being required to do so in accordance with this section is deemed not to hold such vehicle exemption licence.

### **5. Duty to use safety system in motor vehicles in the category M1, N1, N2 or N3 of Schedule 1**

- (1) Subject to sections 8 and 9, a person driving a motor vehicle on a public road and any person who is carried on any seat in such a vehicle when it is in motion must use the seat belt fitted to the seat in which they are seated.
- (2) Subject to sections 8 and 9, a child who is carried on any seat of a motor vehicle (other than the driver’s seat) must, while the vehicle is in motion and where a seat belt is fitted to the seat in which he is being carried, be restrained by a restraint system fitted to that vehicle.
- (3) Where no seat belt is fitted to the seat of a motor vehicle in which a child is to be seated –
  - (a) if that child is a small child, he may not be carried in that vehicle;
  - (b) if that child is a large child he may be carried on a seat in the rear of that vehicle.
- (4) Where the criteria in subsection (5) apply a person must not drive the motor vehicle on a public road unless the air bag has been deactivated, even in cases where the airbag is automatically deactivated in a sufficient manner.

- (5) The criteria referred to in subsection (4) are that –
  - (a) a child is in the front of a motor vehicle,
  - (b) the child is in a rear facing restraint system, and
  - (c) the passenger seat where the child is placed is protected by a front air bag.
- (6) For the purposes of this section –
 

“motor vehicle” means a vehicle of the category M1, N1, N2 or N3 of Schedule 1.

**6. Duty to use safety system in motor vehicles in the category of M2 or M3 in Schedule 1**

Subject to sections 8 and 9, a person or large child who is carried in a motor vehicle of the category M2 or M3 in Schedule 1 must, while that vehicle is in motion, use any seat belt fitted to the seat in which he is seated.

**7. Requirement to notify passengers of certain vehicles to use safety system**

- (1) A relevant person must ensure that every passenger in a motor vehicle of the category M2 or M3 in Schedule 1 is notified that he is required to wear a seat belt at all times when he is carried on a seat fitted with a seat belt and that vehicle is in motion.
- (2) A passenger may be notified as required by subsection (1) by –
  - (a) an official announcement made by a relevant person;
  - (b) an audio-visual presentation; or
  - (c) a sign of the type in Schedule 2 displayed at each passenger seat equipped with a seat belt.
- (3) For the purposes of this section, a “relevant person” is the driver of the vehicle, a conductor or courier, or a person who is a group leader in relation to any group of persons who are passengers in the vehicle.

**8. Medical exemption certificate**

- (1) A person or child to whom a certificate has been granted by a medical practitioner to the effect that it is not advisable for him to wear or use a safety system either permanently or for a specific period of time, is exempted for that period of time from the obligations referred to in sections 5 and 6, if he holds a medical exemption certificate issued by the Chief Officer.
- (2) A medical exemption certificate issued by a competent authority of a member State of the European Union will be deemed to fulfil the requirements of subsection (1).
- (3) A medical exemption certificate issued by the Chief Officer in accordance with subsection (1) must bear the emblem illustrated in Schedule 3.
- (4) A person who is the holder of a medical exemption licence must produce it to a police officer when required to do so.
- (5) If it is not reasonably practicable for a person to whom subsection (4) applies to produce his medical exemption licence immediately on being asked to do so, he must produce it within such period as the police officer may reasonably direct.
- (6) A person who fails or refuses to produce his medical exemption licence on being required to do so in accordance with this section is deemed not to hold such medical exemption licence.

**9. Other exemptions**

- (1) The duties in sections 5 and 6 do not apply in respect of –
  - (a) a child who is carried in the rear of a taxi and wears a seat belt in circumstances where an appropriate restraint system is not available for him in the front or rear of the vehicle;
  - (b) a small child who is carried in the rear of a taxi in circumstances where an appropriate restraint system is not available for him in the front or rear of that vehicle;
  - (c) a passenger who is carried in a motor vehicle being used for the purposes of

the police, security or emergency services to enable the proper performance of their duty;

- (d) a child who is wearing a seatbelt and being carried in a motor vehicle of the category M1 or N1 of Schedule 1 where the use of restraint systems by the child occupants of two seats in the rear of the motor vehicle prevents the use of a restraint system for that child;
  - (e) a child who is wearing a seatbelt and being carried in the rear of a motor vehicle of the category M1 or N1 of Schedule 2 in the case of occasional transport over a short distance and no restraint system is available for him;
  - (f) a passenger who is being carried in a motor vehicle of the category M2 or M3 of Schedule 1 which is intended for local transport in urban areas and which is constructed or adapted for the carriage of standing passengers and on which the driver of that vehicle permits standing;
  - (g) a person or child to whom an exemption licence has been granted by the Chief Officer as a result of special physical or short term circumstances or where it is necessary to enable the proper performance of a professional activity.
- (2) The power conferred on the Chief Officer by subsection (1)(g) is a generally delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

#### **10. Offences and penalties**

- (1) The owner or any person in control of a motor vehicle who contravenes section 4(1) commits an offence and is liable to imprisonment for 3 months or to a fine of £500 (or to both).
- (2) A person who contravenes subsections (1) or (4) of section 5, section 6 or section 7(1) commits an offence and is liable to imprisonment for 3 months or to a fine of £500 (or to both).
- (3) Subject to subsection (4), any person who drives a motor vehicle on a road or other public place and who permits or suffers the non-compliance by a passenger of his with
  - (a) the provisions of subsections (2) or (3) of section 5, or
  - (b) of section 5(1) or section 6 by a person below the age of 16,commits an offence and is liable to imprisonment for 6 months or to a fine of £1000 (or to both).
- (4) A person is not guilty of an offence under subsection (3) if he has taken all reasonable measures both at the commencement of the journey and during it to advise that the use of the appropriate safety system is obligatory.

#### **11. Disqualification from holding or obtaining a driver's licence**

A Court may, in addition to any other penalty it can impose under section 10, order that a person convicted of an offence under that section is disqualified from holding or obtaining a driver's licence for a period not exceeding 3 months from the date of such conviction.

#### **12. Regulation and order making power**

- (1) The Administrator may make regulations to be published in the Gazette for the better carrying out of the provisions of this Ordinance.
- (2) The Chief Officer may by order to be published in the Gazette regulate any matter concerning the fitting and use of safety systems in motor vehicles.

#### **13. Repeals**

The Fitting and Wearing of Seatbelts Ordinance 1987(c) and the Fitting and Wearing of Seat Belts (Amendment) Ordinance 2002(d) are repealed.

#### **14. Commencement**

This Ordinance comes into force on 1st October 2007.

**SCHEDULE 1**

**Section 2**

**CATEGORIES OF MOTOR VEHICLES**

M1	A motor vehicle that – (a) has at least four wheels, (b) is constructed or adapted for the carriage of passengers, and (c) has no more than eight seats in addition to the driver’s seat.
M2	A motor vehicle that – (a) has at least four wheels, (b) is constructed or adapted for the carriage of passengers, (c) has more than eight seats in addition to the driver’s seat, and (d) has a maximum weight not exceeding 5 tonnes.
M3	A motor vehicle that – (a) has at least four wheels, (b) is constructed or adapted for the carriage of passengers, (c) has more than eight seats in addition to the driver’s seat, and (d) has a maximum weight that exceeds 5 tonnes.
N1	A motor vehicle that – (a) has at least four wheels, (b) is constructed or adapted for the carriage of goods, (c) has a maximum weight not exceeding 3.5 tonnes.
N2	A motor vehicle that – (a) has at least four wheels, (b) is constructed or adapted for the carriage of goods, (c) has a maximum weight that exceeds 3.5 tonnes but not exceeding 12 tonnes.
N3	A motor vehicle that – (a) has at least four wheels, (b) is constructed or adapted for the carriage of goods, (c) has a maximum weight that exceeds 12 tonnes.

**SCHEDULE 2**

**Section 7(2)**

**FORM OF SEAT BELT PICTURE**



**SCHEDULE 3**

**Section 8(3)**

**EMBLEM FOR MEDICAL EXEMPTION CERTIFICATE**



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Notes

- (a) Ordinance 5/06.
- (b) Ordinance 17/07.
- (c) Ordinance 11/87.
- (d) Ordinance 19/02.

## EXPLANATORY NOTE

**(This note does not form part of the Ordinance)**

### Introduction

1. These explanatory notes relate to the Motor Vehicles (Seat belts and Restraint Systems) Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

### Particular points

3. This Ordinance is intended broadly to replicate the effect of relevant parts of the Road Safety Law 1986 of the Republic as amended by the Road Safety (Amendment) Law 2007 of the Republic (Law 5(I)/07). The essential obligations imposed by the Ordinance are the same as apply in the Republic. However, in some instances these obligations are drafted differently to take account of the fact that the Sovereign Base Areas is not, in this respect, subject to the same European Union obligations as the Republic. In addition, certain underpinning legislation differs in the Areas from that of the Republic, so necessitating a slightly different approach such as the addition of other definitions like the categories of motor vehicles (set out in Schedule 2).

4. This Ordinance replaces the Fitting and Wearing of Seat Belts Ordinance 1987 and the amendments made to it in 2002.

5. The Ordinance prescribes the requirements for the use of seat belts and restraint systems in motor vehicles of the categories set out in Schedule 1. A seat belt or restraint system will only comply with the Ordinance where it is of a type which has been approved for use in the Republic and, in the case of a restraint system used by a child, is prescribed by Council Directive 2003/20/EC as appropriate for a child of his height and weight.

6. It is unlawful for certain motor vehicles to be driven in the Areas unless either a seat belt is fitted to each seat or the owner of the vehicle has been granted an exemption from this requirement (section 4).

7. For drivers and persons other than children the general rule is that they must wear a seat belt if one is fitted at the seat in which they are seated. New provisions are introduced in relation to children (defined as persons under the age of 12 and under 150cm in height). The general rule is that a child must be restrained by a restraint system whenever he travels in a vehicle in which a seat belt is fitted at the seat in which they are carried. Different provisions apply in respect of vehicles in categories M2 and M3 of Schedule 1 (vehicles such as buses and coaches). Additional restrictions are prescribed in respect of children under the age of three: the effect of section 5(3) is that children may not be carried in certain vehicles (such as a standard passenger car) if there is no seat belt available for him. No child may be carried in a rear facing restraint in the front of a vehicle (such as a standard passenger car) if that seat is protected by a front air bag unless it has been deactivated (section 5(4)).

8. There is an obligation on a 'relevant person' such as the driver of a bus to notify his passengers of their obligation to wear a seat belt if one is fitted to the seat on which they are seated (see section 7).

9. Sections 8 and 9 provide exemptions from the general obligations. These cover a range of scenarios from medical exemptions (section 8) to the more general such as travel in taxis, or over short distances for occasional journeys. The Chief Officer has power to grant an exemption licence in other circumstances such as where a person is using a vehicle adapted for the delivery of goods while engaged in making local rounds of deliveries or collections.

10. The powers conferred on the Chief Officer by sections 3(1), 8(1) and 9(1)(g) are all generally delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007. The designation allows those powers to be exercised by an officer of the Republic on whom a corresponding function is placed by or under the law or custom of the Republic. The exercise of the powers is subject to the limitations set out in the Delegation of Functions to the Republic Ordinance 2007.

11. Section 10 makes it an offence to fail to comply with the duties in sections 4 – 7. The driver of the vehicle also commits an offence if he permits or takes no action to prevent a child passenger of his from not complying with the duties in section 5(2) and (3). The offence is also committed where he permits or takes no action to prevent a passenger of his who is under the age of 16 from complying with the duties in section 5(1) and 6. These offences are not committed where the driver has taken all reasonable measures both at the commencement of the journey and during it to advise that the use of the safety system is obligatory. The Court is given power to disqualify an offender from driving for a period not exceeding 3 months (section 11).

12. Section 14 provides for the Ordinance to come into force on 1st October 2007.