

The Seat Belts (Amendment) Ordinance, 2019

THE STATES POLICY & RESOURCES COMMITTEE, in pursuance of the Resolution of the States of 14th December, 2018^a, in exercise of the powers conferred on the States by section 7 of the Offences (Fixed Penalties) (Guernsey) Law, 2009^b and all other powers enabling them in that behalf, and in exercise of the powers conferred on that Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948^c, hereby orders:-

Amendment of Ordinance.

1. The Seat Belts Ordinance, 1988^d, is amended as follows.
2. In the Arrangement of Sections –
 - (a) the entries relating to sections 7 and 9A are deleted, and
 - (b) in the entry relating to section 9, for "sections 6 to 8" substitute "sections 6 and 8".
3. In section 1, delete " –" and paragraphs (a) and (b) and substitute "the

^a Article XVIII of Billet d'État No. XXVII of 2018.

^b Order in Council No. XV of 2010; amended by Ordinance No. XLV of 2012; No. XLIII of 2013; Nos. IX and XXV of 2016.

^c Ordres en Conseil Vol. XIII, p. 288; amended by Order in Council No. XVII of 2015; there are other amendments not relevant to this Ordinance.

^d Recueil d'Ordonnances Tome XXIV, p. 328; amended by Ordres en Conseil Vol. XXXII, p. 278; Ordinance No. XXVII of 2004; G.S.I. No. 40 of 1988; G.S.I. No. 7 of 1989.

driver's seat and all forward-facing passenger seats."

4. In section 6 –

(a) immediately after "forward-facing front" insert "or rear", and

(b) in paragraph (a), for "he" substitute "the adult".

5. Section 7 is repealed.

6. For section 8, substitute –

"Children to wear belts or restraints.

8. (1) Subject to any exceptions specified under section 9(2), a person must not without reasonable excuse drive a motor car on a road when a child under the age of 14 years is in the front or the rear of the vehicle unless the child is wearing a seat belt in conformity with the following provisions of this section.

(2) A child under the age of six years must wear a child restraint conforming to the requirements set out in Schedule 4.

(3) A child who has attained the age of six years but is under the age of 12 years must –

(a) if the child is under 135 centimetres in height, wear a seat belt conforming to the requirements set out in Schedule 1 and used in conjunction

with such ancillary device as may be necessary
in order that –

(i) the child does not suffer danger or
undue discomfort through wearing the
belt, and

(ii) the child's body would be restrained in
the event of an accident to the vehicle,

(b) if the child is 135 centimetres in height or more,
wear a seat belt conforming to the requirements
set out in Schedule 1.

(4) A child who has attained the age of 12 years must wear
a seat belt conforming to the requirements set out in Schedule 1.

(5) The prohibition in subsection (1) does not apply in
relation to a child travelling in a motor car –

(a) if there is a medical exemption certificate in
respect of the child, or

(b) in the case of a disabled child who is wearing a
disabled person's seat belt.

(6) The prohibition in subsection (1) does not apply in
relation to a child under the age of one year travelling in the rear of a motor
car in a carry cot provided that the carry cot is specially designed for use in a

vehicle so as to restrain–

(a) the carry cot, and

(b) the child's body within the carry cot,

in the event of an accident to the vehicle."

7. For section 9 substitute –

"Exceptions to sections 6 and 8.

9. (1) Section 6 does not apply in any case specified in Schedule 5.

(2) The Committee may by order amend Schedule 5 so as to specify any case in which section 8 does not apply."

8. Section 9A is repealed.

9. In section 10, for "section 6, section 7, section 8 or section 9A(1), (2) or (3)" substitute "section 6 or section 8".

10. In section 11(1), for "(and not merely adapted)," substitute "or adapted".

11. In section 14(1) -

(a) in the definition of "**Guernsey registered motor vehicle**", for "Home Affairs" substitute "the

Environment & Infrastructure",

- (b) immediately after the definition of "**Guernsey registered motor vehicle**", insert the following definition –

""**lap belt**" means a seat belt which passes across the front of the wearer's pelvic region and which is designed for use by an adult,"

- (c) for "**police surgeon**" substitute "**police medical examiner**",

- (d) immediately after the definition of "**registered owner**", insert the following definition –

""**rear**", in relation to a vehicle, means any part of that vehicle which is situated behind any front seat,".

12. In Schedule 1 –

- (a) in paragraphs 1 and 2, for "Every", in each case where it appears, substitute "Subject to paragraph 2A, every",
- (b) immediately after paragraph 2, insert the following additional paragraph –

"**2A.** A compulsory seat belt fitted in any passenger seat which is positioned immediately adjacent to and between –

- (a) the driver's seat and another passenger seat, or
- (b) two other passenger seats,

may be a lap belt installed in accordance with paragraph 3.1.2.1 of Annex I to Community Directive 77/541."

13. In paragraph 1 of Schedule 2, for sub-paragraphs (a) and (b) substitute –

- "(a) in respect of the requirement to fit seat belts in the driver's seat or any specified passenger's seat, a vehicle which was first registered in Guernsey before 1st January 1965, or which was manufactured before 1st January 1965,
- (b) in respect of the requirement to fit seat belts in the rear seats, or in a front seat other than the driver's seat or a specified passenger's seat, a vehicle which was first registered in Guernsey before 1st April 1987, or which was manufactured before 1st April 1987,".

14. In paragraph 2 of Schedule 3, immediately after "A seat belt other than" insert "a lap belt, ".

15. In Schedule 5 –

- (a) in paragraph 1, for "Sections 6, 7 and 8 do not apply"

substitute "Section 6 does not apply",

- (b) in paragraph 2, for the definition of "**full driving licence**" substitute –

""**full driving licence**" means a full licence for the purposes of section 2(1)(a) of the Driving Licences (Guernsey) Ordinance, 1995,"

- (c) in paragraph 2, for the definition of "**provisional driving licence**" substitute –

""**provisional driving licence**" means a provisional licence granted under section 1 of the Driving Licences (Guernsey) Ordinance, 1995,".

16. In Schedule 6 –

- (a) in paragraphs 3(2) and 7(2)(a), for "police surgeon" substitute "police medical examiner",
- (b) in paragraph 8, for the definition of "**police surgeon**" substitute –

""**police medical examiner**" means any recognised medical practitioner for the time being appointed by the Committee as such,".

Amendment of Fixed Penalties Law.

17. In the Schedule to the Offences (Fixed Penalties) (Guernsey) Law, 2009, in the entry relating to "Offences against sections 6,

8, 9 and 9A of the Seat Belts Ordinance, 1988" –

- (a) in the first column, for "6, 7, 8, 9 and 9A" substitute "6 and 8",
- (b) in the second column, for "adults, young people or children" substitute "adults or children".

Extent.

18. This Ordinance has effect in the island of Guernsey.

Citation.

19. This Ordinance may be cited as the Seat Belts (Amendment) Ordinance, 2019.

Commencement.

20. This Ordinance shall come into force on the date appointed by Regulations of the Committee for Home Affairs, and different dates may be appointed for different provisions and for different purposes.