

Island of  Guernsey

**Ordinance of the States**

**XXVII  
2004**

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Made .....

30th June, 2004

Coming into operation .....

2nd August, 2004

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**The Seat Belts (Amendment)  
Ordinance, 2004**

## **The Seat Belts (Amendment) Ordinance, 2004**

**THE STATES**, in pursuance of their Resolution of the 25<sup>th</sup> November, 1998<sup>a</sup>, hereby order:-

### **Amendments to Ordinance of 1988.**

1. The Seat Belts Ordinance, 1988<sup>b</sup>, is amended as follows -

(a) immediately after section 9 insert the following section -

#### **"Children and young people to wear rear seat belts.**

**9A.** (1) Subject to subsection (4), where -

- (a) a child or young person aged between 6 and 14 years is in any rear seat of a motor car; and
- (b) a seat belt is fitted in respect of that seat and available for use,

a person must not without reasonable excuse drive the car on a road unless the child or young person wears that seat belt.

(2) Subject to subsections (4) and (5), where -

- (a) a child under the age of 6 years is in

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<sup>a</sup> Article IV of Billet d'État No. XXIII of 1998.

<sup>b</sup> Recueil d'Ordonnances Tome XXIV, p. 330.

any rear seat of a motor car; and

- (b) a child restraint conforming to the requirements set out in Schedule 4 is fitted in respect of that seat and available for use,

a person must not without reasonable excuse drive the car on a road unless the child wears that child restraint.

(3) Subject to subsections (4) and (5), where -

- (a) a child or young person who is under the age of 12 years and less than 150 centimetres in height is in the rear of a motor car;
- (b) no seat belt or child restraint, as the case may be, is fitted in the rear of the car; and
- (c) a seat in the front of the car is provided with an appropriate seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the car on a road.

(4) The prohibitions in subsections (1), (2) and (3) do not apply in relation to -

- (a) a child or young person for whom there is a medical exemption certificate; or
- (b) a disabled child or young person who is wearing a disabled person's seat belt.

(5) The prohibitions in subsections (2) and (3) do not apply in relation to a child under the age of 1 year in a carry cot provided that the carry cot is restrained by straps.

(6) In subsection (3), "**appropriate seat belt**" means -

- (a) in relation to a child under the age of 6 years, a child restraint conforming to the requirements set out in Schedule 4; or
- (b) in relation to a child aged between 6 and 10 years, a seat belt conforming to the requirements of Schedule 1 and used in conjunction with such ancillary device (if any) 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; or

- (c) in relation to a young person aged between 10 and 12 years, a seat belt conforming to the requirements of Schedule 1.";
- (b) in section 10(1), for "or section 8" substitute ", section 8 or section 9A(1), (2) or (3)";
- (c) in section 14(1), insert -

""**motor car**" means a motor vehicle which -

- (a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,
- (b) has no more than eight seats in addition to the driver's seat,
- (c) has four or more wheels, and
- (d) has a maximum laden weight not exceeding 3,500 kilograms;"

**Citation and commencement.**

2. This Ordinance may be cited as the Seat Belts (Amendment) Ordinance, 2004 and shall come into force on 2<sup>nd</sup> August, 2004.